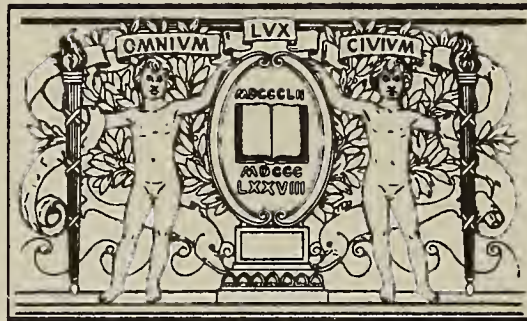


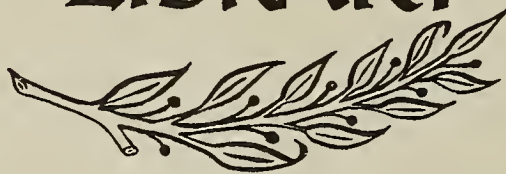
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# REPORTS OF PROCEEDINGS

OF THE

# CITY COUNCIL OF BOSTON,

FOR THE MUNICIPAL YEAR 1877,

Commencing Monday, January 1st, 1877, and ending Monday,  
January 7th, 1878.

BEING REPRINTS OF REPORTS AS PUBLISHED BY CONTRACT IN THE "BOSTON  
EVENING TRANSCRIPT."

[Ninth Annual Volume.]



BOSTON:

PRESS OF ROCKWELL & CHURCHILL, CITY PRINTERS.

(REPRINTS OF REPORTS FROM THE TRANSCRIPT PRESS.)

## INTRODUCTORY NOTE.

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The following Index has been prepared in accordance with a vote of the Committee on Printing.

In its compilation the following topics have been omitted, as not essential, or as better classified for reference in Department offices:—

Petitions received and referred. See City Clerk.

Orders of notice, and hearings, unless subjects of discussion. See City Clerk.

Police Officers and Special Police. See Police Department.

Truant Officers. See School Department.

Conventions with School Committee. See City Clerk.

Jurors. See City Clerk.

Constables' Bonds. See City Clerk.

Streets, damages, and betterments assessed and abated. See Street Commissioners and Supt. Streets.

Streets, temporary closing, removal of obstructions, paving in front of estates. See Supt. Streets.

Sewers, assessments made, abated, and postponed. See Sewer Department.

Buildings, permits authorized. See Inspector of Buildings.

Public Buildings, use of granted. See Supt. Public Buildings.

Extensions of time for building. See Supt. Public Lands.

Taxes, assessed and abated. See Assessors.

Claims, allowed, and leave to withdraw, unless subjects of discussion. See Clerk of Committees.

Leases. See Auditor of Accounts.

Licenses to Auctioneers, Undertakers, Victuallers, Pawnbrokers, Newsboys, Bootblacks, and for Steam Engines and Boilers, Hoisting Beams, Cellars below grade, Storage of Petroleum, Stables, Carriages, Wagons, Sprinkling Streets, Intelligence Offices, sale of Second-hand Articles, Billiard Halls, Projecting Signs and Lanterns, Exhibitions, etc. See City Clerk.

# INDEX.

## ORGANIZATION OF THE CITY GOVERNMENT.

JANUARY 1st, 1877.

Prayer by Rev. Dr. Lothrop, 1  
 Oath of office administered to Hon. Frederick O. Prince, Mayor-elect, by Hon. Horace Gray, Chief Justice of the Supreme Judicial Court, 1  
 Oaths of office administered by Mayor to members-elect of each branch of City Council, 1  
 Delivery of Mayor's Inaugural Address, 1  
 Samuel F. McCleary elected City Clerk, 4; Oath of office administered by Mayor, 4

## ORGANIZATION AND REGULAR MEETINGS OF BOARD OF ALDERMEN.

Board called to order by City Clerk, 1  
 John T. Clark elected chairman, 1  
 Address of chairman, 2  
 Notice to Common Council of organization, 2  
 Mondays, 4 P. M., assigned for regular meetings, 2

## ORGANIZATION AND REGULAR MEETINGS OF COMMON COUNCIL.

Called to order by senior member, Benjamin Pope, 1  
 Credentials of members received, and quorum reported, 1  
 Notice to Mayor and Aldermen, of quorum present, 1  
 Benjamin Pope elected President, 1  
 Address of President, 1  
 Washington P. Gregg elected Clerk, 4  
 Oath of office administered to Clerk by City Solicitor, 4  
 Notice to Board of Aldermen of organization, 4  
 Thursday evenings, half-past 7, assigned for regular meetings, 4

## ALPHABETICAL INDEX TO PROCEEDINGS OF BOARD OF ALDERMEN AND COMMON COUNCIL.

[*Preceding the figures indicating page, a signifies Aldermen, a Common Council.*]

**Advertising** —  
 Order requiring payment by petitioners, referred, a 20; report, order passed, a 23  
 Expediency of placing in charge of Supt. of Printing, referred, c 532, a 533

**Annexation** —  
 Somerville, resolve passed, inexpedient, a 20, c 23

**Appropriations** —  
 Auditor's Estimates, see heading Auditor of Accounts.  
 Oliver-street Improvement, transfers, c 36, 48, a 54  
 \$5,000 to Austin Farm, a 93, c 95, c 122  
 \$2,000 for furniture Grammar School, Florence District, c 95, a 100  
 \$4,500 additional for printing, c 124, a 130  
 \$6,000 for Commou, etc., c 139, a 148  
 \$500 for Board of Aldermen, c 139, a 148  
 \$39,231.74 Washington and Essex st. widening, c 141, a 148  
 \$28,000 for school expenses, c 141, a 148  
 \$3,500 for salaries, officers, School Committee, c 141, a 148  
 \$19,000 for Neponset bridge, c 141, a 148  
 \$8,000 for Mt. Washington bridge, c 141, a 149  
 \$5,000 for Back Bay improvement, c 160, a 171  
 \$20,000 for Northampton-street District, a 305, c 324  
 \$3,000 for repairing Quincy Hall, a 305  
 \$10,000 for Branch Library, W. Rox., c 355  
 \$2,000 for Vacation Schools — see Schools.  
 \$2,000 for Play-grounds, a 364, c 382  
 \$4,600 for Survey and Inspection of Buildings, a 491, c 494  
 \$2,100 for Sealers Weights and Measures, a 556  
 \$1,400 to Sealers Weights and Measures, a 596, c 603, 621  
 \$16.31 for Free Concerts, a 689, c 690, 70  
 \$434.76 to New Lunatic Hospital, c 676, a 681, c 690, a 697  
 \$15,000 to Common, etc., c 691, a 697  
 \$3,000 for Park Department, a 782, c 804  
 \$1,000 for Social Law Library, a 782, c 804  
 \$2,000 for Registration of Voters, c 743, a 744, c 770, 789, a 795

\$10,000 for Incidental Expenses, c 835, a 840  
 \$600 for Contingent Fund, Board of Aldermen, c 835, a 840  
 \$12,000 for Northampton-st. District, c 835, a 840  
 \$1,426 for Back Bay streets, c 849, a 853  
 \$1,500 for Registration of Voters, c 835, a 840

**Armories** — see Militia.

**Army and Navy Monument** —  
 Order offered, c 7; passed, committee appointed, c 15, a 17  
 Report, a 321; order passed, a 321, c 324, 431, 440, a 449  
 Tender of escort, referred, a 483  
 Celebration, orders passed, a 598, c 603  
 Extra pay for Police and Firemen, c 608, 621  
 Memorial — see Printing.  
 Vote of thanks, a 617, c 620  
 Pay for watching the Monument, a 633, c 634  
 Blackstone square accident, committee to investigate, a 610, c 620; report, a 645; report accepted, hearing, a 660, c 669; report on claims for personal injuries, c 743  
 \$8,100 extra to Martin Milmore, c 814, 835, a 840

**Assessors' Department** —  
 Commission on Valuation, c 40, 48; laid on table, a 54; rejected, a 306  
 Abolishing Second Assistant Assessors, a 69, c 72, 95, 98  
 Ordinance relating to duties of assistants referred, e 149; laid on table, c 158; indefinitely postponed, c 315  
 Resignation of Ira D. Davenport, a 224  
 Validity of election of Second Assistant Assessor's, referred c 254  
 \$200 for extra services, a 795, c 803  
 \$500 for extra services, a 795, c 803

**Auditor of Accounts** —  
 Monthly Exhibits, Jan., 9; Feb., 55; March, 135; April, 219; May, 320; June, 391; July, 490; Aug. 580; Sept. 596; Oct. 641; Nov. c 720; Dec., 778  
 Estimates for 1877-8 referred, c 136, a 148; report, e 219; orders passed, c 228, a 241, c 253, a 261, e 270  
 Authorized to make closing transfers of appropriations, c 141, a 149  
 Order to print annual report, a 305, c 308  
 Statement of leases of city property, a 320  
 Annual report, c 462  
 Public inspection of Bills, c 693, referred, c 701, a 704, 717; report, 814, 829; indefinitely postponed, a 840

**Badges** —  
 Order offered, c 15; passed, c 23; report of Committee, c 140

**Ballast Lighters** —  
 Quarterly report, a 9, 214, 490, 626

**Barnard, Ward 24** — remarks:  
 Joint Rules and Orders, 290  
 Official report, 360  
 Public Parks, 481  
 School Sessions, 638  
 Investigation on Commou, etc., 672  
 Appointment of Inspector of Buildings, 723  
 Commercial-st. widening, 752

**Barry, Ward 22** — remarks:  
 Election of Directors for Public Institutions, 15  
 Pensions for Police, 159  
 Salaries, 160  
 Mr. Keith's appointment to Board of Health, 256  
 License Commissioners, 238  
 Contracts only to tax-payers, 355  
 Stony Brook, 718  
 Small-pox Hospital, 777

**Beeching, Ward 1** — remarks:  
 Election of Ferry Directors, 15  
 Uniform for Fire Commissioners, 50  
 Candidates for city offices, 63  
 Salaries of city officers, 164, 190  
 Mystic Valley Sewer, 404, 427  
 Army and Navy Monument, 441  
 Salaries of employes of Water Board, 467  
 Free Ferries, 496, 520  
 Historical Sites, 792

**Blanchard, Ward 21** — remarks:  
 Salaries, 163

**Blodgett, Ward 8** — remarks:  
 Pay of street laborers, 59

- Stony Brook Improvement, 381  
 Visit to Sudbury River, 430  
 Army and Navy Monument, 441  
 Improved Sewerage, 530, 559  
 Sealers of Weights and Measures, 546
- Bonds of city officers —**  
 Of Supt. of Market approved, a 214  
 Of Sealer of Weights and Measures approved, a 226  
 Order passed for annual examination, a 395, c 403  
 Of City Treasurer approved, 782  
 Annual examination, a 843, c 846
- Boston and Albany R. R. —**  
 Temporary tracks in Commonwealth ave., a 172
- Boston and Lowell Railroad —**  
 Additional track on Mystic wharf authorized, a 717
- Boston and Maine R. R. —**  
 Appointment of extra police, a 72
- Boston, Winthrop & Point Shirley R. R.**  
 Assessment of damages, a 432, 533
- Breck, Alderman — remarks :**  
 Sealers of Weights and Measures, 300  
 Salary of Inspector at Abattoir, 319, 334  
 Supt. of permits for occupation of parts of streets, 437  
 Police Sergeant Clark, 493  
 Mystic Valley Sewer, 472  
 Western avenue, Brighton, 491  
 Police-boat "Protector", 629  
 Refreshments, etc., 685  
 Police Rules and Regulations, 706, 840  
 Congress-st. widening, 854
- Bridges —**  
 Reports of Superintendents, a 9, 17  
 Annual Report of Commissioner, a 30  
 Meridian-st., closed for repairs, a 56  
 Contract for lumber authorized, a 102  
 Charles-river, closed for repairs; \$700 authorized for repairs, a 226  
 Longwood-avenue, notice and request from Brookline, referred, a 277  
 Broadway, closed for examination, a 297; repairs, a 587  
 Congress-street, closed for examination, 297  
 Chelsea, releases of claims, a 364; referred, c 381, a 506; repairs authorized, a 413, c 479, 497  
 Cottage-street, agreement with N. Y. & N. E. R. Co. authorized, a 338, c 352, 383  
 Charles river, examination ordered, c 504, a 506; report, c 608; referred, a 611  
 Huntington avenue, widening, a 338  
 Longwood avenue, rebuilding, a 436  
 Warren, repairs authorized, a 297, 474, 510, 587  
 Berkeley and Ferdinand streets, over Boston & Albany Railroad, order passed to strengthen, a 536  
 Columbus avenue, rebuilding, a 536  
 Chelsea, closed for repairs, a 556  
 Chelsea, access granted, a 582; notice from Chelsea referred, a 602  
 Western avenue, rebuilding draw-pier, a 582  
 Mt. Washington avenue, rebuilding draw-pier, a 582; replank draw, repair sidewalk, a 598  
 Longwood avenue, closed for rebuilding, a 583  
 Neponset, rebuilding, a 598; closed for repairs, a 617  
 From Commercial point to Squantum, a 611, c 621, a 626, 698, 824, 828, 848  
 Huntington avenue, planking, fences, a 587, c 621  
 Albany street, closed for repairs, 646  
 Broadway, closed for repairs, 700
- Brintnall, Ward 5 — remarks :**  
 Candidates for city offices, 63  
 License Commissioners, 385  
 Army and Navy Monument, 445  
 Public Parks, 504  
 Sealers of Weights and Measures, 546  
 Surveyors of Highways, 816
- Brown, Ward 23 — remarks :**  
 Salaries of city officers, 140  
 Public Parks, 503  
 Refreshments, etc., 532  
 Police-boat "Protector", 626  
 Stony Brook, 718, 748  
 Curbstone Fruit-venders, 848
- Buildings — see also Public Buildings.**  
 Annual report of Inspector, a 30  
 Order relating to unoccupied buildings rejected, 306  
 Inspector requested to report on means of egress from school-houses, etc., c 315, 328, 359; indefinitely postponed, a 363  
 Semi-annual report of Inspector, a 490  
 Committee requested to consider sufficiency of appropriation, c 446, a 449; report, a 472, c 478, a 491, c 494  
 Hotel Fred, c 431, 447  
 Inspecting storage of gunpowder, c 431, 467  
 Occupation of streets for building, order referred, a 437; report, order referred, a 450, c 460; report, 490; order passed, a 512; referred, c 513; non-concurrence, a 535; adherence, c 546; concurrence and reference, a 554; report, c 563; ordinance passed, c 621, a 627  
 Building permits during recess, a 491, c 494  
 Expediency of ordinance for snow-guards referred, a 556, c 567  
 Charges against an Inspector, referred, a 612; report, a 658
- Petition of Charles-street Baptist Society for compensation for repairs, referred, a 616
- Burke, Ward 2 — remarks :**  
 Rates of toll on East Boston Ferries, 26  
 Uniform for Fire Commissioners, 49  
 Abolition of Assistant Assessors, 99  
 Salaries, 164, 191  
 Second Assistant Assessors, 254  
 East Boston Ferries, 271  
 Mystic Valley Sewer, 331  
 Management of Fire Boat, 387  
 Repairs on Adams School-house, 466  
 Free Ferries, 522  
 Refreshment bills, etc., 676  
 Appointment of Inspector of Buildings, 701, 721  
 Fire Commissioners, 734  
 Employés on Fire-boat, 778, 794  
 Payment for extra services in Assessors' Department, 803
- Burham, Alderman — remarks :**  
 Consolidation of City Registrar and Board of Health, 86  
 Salaries, 104  
 Confirming nominations of city officers, 197  
 Ninth-street improvement, and work for laborers, 202, 390, 448  
 Appropriation Bill, 242  
 South Boston R. R., 249  
 Middlesex R. R., 266  
 Registrar of Voters, 316, 351  
 License Commissioners, 350  
 Vacation Schools, 362  
 Public Parks, 365, 421, 476  
 Salary of Supt. of Dover-street Bridge, 391  
 Vacation for firemen, 391, 506, 551  
 Asphalt pavement, 397  
 Poland & Peabody's Omnibus Line, 398  
 Mystic Valley Sewer, 425  
 Salary Supt. Public Library, 468  
 Police Sergeant Clark, 493  
 Free Ferries, 489  
 Occupation of streets for building, 554  
 Purchase of estate of Mrs. Ellis, 556  
 Northampton St. Dist., 597  
 Improved Sewerage, 569, 640, 646, 799, 841  
 Inspection of Lime, 599  
 Constables, 609  
 Blackstone square accident, 610, 664  
 East Boston High School, 649  
 Refreshments, etc., 685  
 Investigation of Fire Commissioner, 681  
 Plan to relieve the blockade, 697  
 South Boston Railroad location, 698  
 Police Rules and Regulations, 706  
 Vegetable market, 713  
 Roxbury Canal, 759, 763, 783  
 Seventeenth location Middlesex Railroad, 745  
 Closing Proceedings, 856
- Cambridge Railroad —**  
 Petition for track in Merrimac street, a 644; hearing, 697, 703  
 Change of track on Washington street, Brighton, a 682  
 Location in Milk st., a 843, 856
- Cemeteries —**  
 Mount Hope, annual report, a 353  
 Cedar Grove, annual report, a 449  
 Boston Catholic Cemetery, land allotted, a 451  
 St. Joseph's Cemetery, permit to open burial lot, a 823, c 827
- City Architect —**  
 Authorized to employ assistants, c 275, a 277
- City Clerk —**  
 Quarterly report, a 64, 296, 585, 745
- City Council —**  
 Official report of proceedings authorized, c 359, a 363
- City Contracts —**  
 Contracts to citizens only, c 332, 355, a 363
- City Engineer —**  
 Authorized to purchase supplies, etc., c 26, 35, a 41  
 Annual report, c 50  
 Authorized to visit Europe, c 635, a 640
- City Hospital —**  
 Authorized to occupy stable, a 266, c 270  
 Annual report, c 543, a 555
- City Laborers —**  
 On Mystic Valley Sewer — see Water  
 Report from Street Commissioners on work for unemployed laborers, referred, a 11, c 13  
 Pay of street laborers, order rejected, c 59, 74  
 Expediency of providing work for poor citizens referred, c 60  
 Expediency of paying semi-monthly, order offered, c 194; referred, c 206, a 211; report inexpedient, c 295, a 296  
 Laborers in Paving Department, c 409, a 412  
 Discharge of laborers in Paving Department, a 611, 667, 699  
 Order to pay Nov. 28, 1877, a 762, c 770
- City Officers (elected or appointed) —**  
 City Clerk, c 4  
 Mayor's Clerk, a 8  
 Assistant City Clerk, a 9  
 Trustees Mt. Hope Cemetery, c 14, a 17, 179, c 183  
 Trustees City Hospital, c 15, a 17, 148, c 158, a 202  
 Directors Public Institutions, c 15, a 17, 179, c 183  
 Directors East Boston Ferries, c 23, a 29, c 217, a 223



- Trustees Public Library, e 23, a 29, c 35, a 215, e 217  
 Public Weighers, a 17, 146, 210, 237, 258, 277, 296, 361, 448, 819  
 Weighers of Coal, 41, 80, 100, 146, 223, 316, 411, 432, 468, 483, 505, 569, 781  
 City Messenger, a 56, e 58  
 Superintendent Public Buildings, e 96, a 215  
 Assessors, c 96, a 179, c 183, a 202, e 206, a 215, e 217, a 223, c 228  
 Superintendent of Streets, c 96, a 215  
 City Engineer, e 96, a 215  
 Superintendent Public Lands, e 96, a 215  
 Superintendent Sewers, c 96, a 215  
 City Solicitor, c 96, a 215  
 Clerk of Committees, e 97, a 202  
 Superintendent Public Grounds, e 97, a 215  
 Water Registrar, e 97, a 215  
 City Surveyor, e 97, a 215  
 Weighers and Inspectors of Lighters, e 123, a 130  
 Overseers of Poor, e 123, a 130  
 Measurers of Grain, a 196  
 Measurers of Wood and Bark, a 196, 237, 361  
 Undertakers, a 196, 237, 277, 361, 585, 640, 657  
 Inspectors of Petroleum and Coal Oils, a 196  
 Supt. of Wagons, a 196  
 Supt. of Hacks and Carriages, a 196  
 Supt. of Intelligence Offices, a 196, 593  
 Sealer of Weights and Measures, a 196  
 Supt. of Pawnbrokers, a 196  
 Supt. of Faneuil Hall Market, a 197  
 Inspector of Provisions, a 197  
 Supt. of Faneuil Hall, a 197  
 Assistant City Messengers, a 198, e 206  
 Supts. of Bridges, c 206, a 215, c 217, a 223, 252  
 Supt. of Hay Scales, a 210  
 Surveyors of Marble, a 210  
 City Registrar, a 215, e 217  
 Inspectors of Lime, a 214, c 217, 257, a 258  
 Culler of Hoops and Staves, a 214, c 217  
 Field Drivers and Pound Keepers, a 214, c 217, 332, a 337, 436, c 440, a 646, e 651  
 Fence Viewers, a 214, e 217, a 226, c 228, 332, a 337  
 Commissioner Cedar Grove Cemetery, a 215, c 217  
 City Architect, a 215, e 217  
 Harbor Master, a 215, e 217  
 First Assistant Assessors, a 215, e 217, a 223, e 228  
 Weigher and Inspector of Bundle Hay, a 196, 223, 237, 258  
 Commissioner on Cambridge Bridges, a 223  
 Commissioner on Sinking Funds, a 224, e 228, a 238, e 253, a 258, c 270, 407, a 412  
 Prison Point Bridge Commissioner, a 223, c 228  
 Measurers of Upper Leather, a 237, 258, 744  
 Member of Water Board, a 237, c 253  
 Park Commissioner, a 237, e 253  
 Member Board of Health, a 237, c 253, 255, a 258, e 271, 293, 310  
 Second Assistant Assessors, a 238, c 254, a 258, c 270, a 278, c 236  
 Assistant Clerk of Committees, e 274, a 277  
 License Commissioners, a 277, e 286  
 Inspector of Milk, a 316  
 Fire Commissioners, a 316, 351, 352  
 Registrar of Voters, a 316, 351  
 Assistants to Bridge Supts., a 323  
 Superintendent of Lamps, a 334, 380, 398  
 Auditor of Accounts, c 386, a 391  
 Deputy Sealers of Weights and Measures, 392  
 City Collector, 445  
 City Treasurer, 445  
 Inspectors of Elections, a 624, 640, 657, 695, 744, 759, 763  
 Inspector of Buildings, a 695, c 701, 720, 724  
 Inspector and Weigher of Hay, 781
- City Registrar —  
 Annual report, a 55, 641  
 Consolidation with Board of Health, a 71, 86
- City Scales —  
 Quarterly report North Scales, a 9, 225, 580, 658
- City Solicitor — see Law Department.
- City Surveyor —  
 Annual report, a 18  
 Authorized to purchase supplies, etc., a 19, c 35
- Claims —  
 Payments of executions or judgments of courts authorized, a 47, e 48  
 Sundry bills presented for authority to pay, a 47, e 48, a 102, e 139, 208, 221, a 223, e 635  
 Abatement of claim against Hiram Johnson, referred, a 52, e 53; report, order passed, c 142, a 149  
 Of Louise Woodworth Foss, c 124, a 130  
 Robert Stoddard Wyde, stolen bonds, referred, c 160; report, order passed, a 198, c 206  
 Defective tax-titles, ordinance passed, c 530, a 533  
 \$1,000 to Erving F. Graves, a 580, c 603  
 \$1,500 to Annie E. Porter, e 691, 701, a 704  
 John Raddin, a 825, e 827, a 840  
 \$1,000 to Patrick Morau, e 834, a 840
- Clark, Alderman —  
 Elected chairman, 2; address, 2  
 Remarks on: Retrenchment in expenditures, 11, 102  
 Union Freight Railroad, 46  
 Management of Sinking Funds, 80, 106, 146, 157, 176  
 Exhibition on the Common, 111
- Tracks on Columbus ave., 156, 173  
 Protection of burial-grounds, 157  
 List of jurors, 157  
 System of taxation, 175  
 Elections, 179  
 Care of truants, 210  
 Play-ground on Common, 211  
 Furnishing play-grounds, 214  
 First Assistant Assessors, 224  
 Fruit-stands in streets, 239, 265  
 Fourth of July, 240  
 Appropriation Bill, 242  
 Boats on Public Garden pond, 248  
 East Boston Ferries, 259, 658  
 Charles-river Park, 268  
 Joint rules and orders, 279  
 Vacation schools, 281, 362, 390  
 Salary of Inspector of Provisions, 285, 320, 334  
 Sealers of Weights and Measures, 298, 426, 436, 457, 510  
 Vacant stores and tenements, 307  
 Registrar of Voters, 316, 351  
 Petition for new Gas Co., 318  
 Refreshment bills, 319  
 Army and Navy Monument, 322  
 English High and Latin Schools, 322  
 Board of Health, 323  
 Public Parks, 349, 371, 417, 439, 474, 534, 821  
 Play-grounds, 350  
 License Commissioners, 350, 617, 643  
 Wales-street drainage, 379  
 Police for bath-houses, 380  
 Building of Ninth street, 390  
 Work of Mystic Valley Sewer, 424, 457  
 Asphalt pavement, 395, 456  
 Poland & Peabody's Omnibus Line, 400  
 Public School Musical Exhibitions, 402  
 Superintendent of permits for occupation of parts of streets, 438, 554  
 Ninth street, 448  
 Salary of Superintendent Public Library, 470  
 Free Ferries, 489  
 Police Sergeant Clark, 492  
 Commercial-street widening, 507, 629, 829  
 Vacation for firemen, 507, 552  
 Free access to horse-railroad cars, 511  
 Salary of City Engineer, 533  
 Proposed visit of governors, 536  
 Horse-car blockades, 539, 584, 644  
 Purchase of estate of Mrs. Ellis, 556  
 Improved Sewerage, 577, 647  
 Limit of City indebtedness, 590  
 Constables, 609, 626  
 Rejection of policeman, 614  
 Printing Army and Navy Memorial, 616  
 Blackstone square accident, 667  
 Laborers on public grounds, 658  
 Investigation of Department of Common, etc., 658, 687  
 Refreshments, etc., 686  
 Vegetable Market, 716  
 Metropolitan Railroad, 728, 746, 837  
 Small-pox Hospital, 731  
 Industrial School, 782  
 Roxbury Canal, 787  
 Metropolitan Railroad location in Washington st., 822  
 Claim of John Raddin, 825  
 Management of horse-railroads, 845  
 Police rules and regulations, 840  
 Congress-st. widening, 853  
 Response to resolution of thanks, 862
- Clarke, Ward 22 — remarks:  
 Retrenchment in expenditures, 13  
 Election of city officers, 15  
 Badges, 23  
 Personal explanation, 25  
 Documents for Social Law Library, 36  
 Salaries and duties of city officers, 33, 161, 186, 828  
 Regulation of quacks, 39  
 Petition of James Deshon, 48  
 Uniform for Fire Commissioners, 49  
 Uniform system of valuation, 48  
 Work for poor citizens, 62  
 Boards and commissions, 63, 74  
 Sinking Funds, 183  
 Bills for furnishing supplies, 118  
 Mechanics' Fair and the Common, 125  
 Pensions for Police, 145, 159  
 Care of Public Grounds, 159  
 New building at Deer Island, 270  
 Fourth of July, 273  
 License Commissioners, 287, 352, 651  
 Mystic Valley Sewer, 308, 330, 428  
 Ventilation of Council Chamber, 312  
 Duties of Board of Health, 324  
 Cottage-street bridge, 352  
 Contracts only to citizens, 356  
 Stony-brook Improvement, 381  
 Salary of Superintendent of Dover-street bridge, 382, 403  
 Releases on Winship place, 382

- Vacation for firemen, 386  
 Drainage of Muddy brook, 387  
 Fire corner Shawmut avenue and Pleasant street, 408  
 Visit to Sudbury river, 357, 409, 430  
 Buildings to be inspected, 431  
 Salaries of employes of Water Board, 467  
 Storage of gunpowder, 467  
 Sale of Atherton School building, 513  
 Frec Ferries, 523  
 Improved Sewerage, 530, 561  
 Sealers of Weights and Measures, 545  
 Occupancy of streets for building, 547  
 Extra pay for Sept. 17, 621  
 Wines, etc. at city entertainments, 639  
 Duties of City Officers, 656  
 Hiring rooms in Pemberton square, 669, 690  
 Appointment of Inspector of Buildings, 722  
 Stone-cutting business at the Islands, 748  
 Commercial-st. widening, 752, 793  
 Small-pox Hospital, 777  
 Payment for extra services in Assessors' Department, 803  
 Annual Dinner of Council, 815  
 Reduction of rent to T. W. Carter, 803  
 Squantum bridge, 828, 843
- Coe, Ward 23—remarks:  
 Sinking Funds, 122  
 Salaries of city officers, 183  
 Appropriation Bill, 230  
 Second Assistant Assessors, 270  
 Police for License Commissioners, 354  
 Stony-brook Improvement, 381  
 Army and Navy Monument, 441  
 Repairs on Adams School-house, 466  
 Salaries of employes of Water Board, 467  
 Public parks, 478, 524  
 Vacations for firemen, 541  
 Additional appropriation for Common, 634  
 Refreshments, etc., 673  
 Stony-brook, 718  
 Appointment of Inspector of Buildings, 724  
 Small-pox Hospital, 777  
 Condition of School-houses, 779
- Collector's Department—  
 Report on estates sold for assessments, c. 59  
 Extra clerk-hire authorized, 280  
 \$3,800 for clerk-hire, 310  
 Annual report referred, c 357, a 363; report of Committee on Examination, c 445, a 449  
 \$400 for extra services, c 835, a 840  
 \$300 for extra services, c 835, a 840
- Committees—  
 Order for appointment of Joint Special Committees to nominate candidates for city offices, c 4, c 6, a 8  
 Committee on Finance elected, c 5; organized, c 14  
 Committee on Accounts elected, c 5, a 8; organized, c 14  
 Joint Standing Committees, c 6, a 8  
 Standing Committees of Board of Aldermen, a 8  
 Standing Committees of Common Council, c 7  
 Order rejected relating to candidates for city offices, c 63  
 Orders passed for nominations to be made, a 134  
 Special Committees appointed—  
 State Aid, a 2, c 5  
 Rules and orders Board of Aldermen, 3  
 Joint rules and orders, a 3  
 Disposal of topics in Mayor's Address, c 4, a 8  
 Nominating committees appointed, c 4, c 6, a 8  
 Rules and orders of Common Council, c 6  
 Retrenchment in expenditures, a 10, c 13  
 Army and Navy Monument, c 15, a 17  
 Badges, c 25  
 Historic points, a 46, c 48  
 Public Parks, c 26, a 47  
 Improved sewerage, c 26, a 47  
 Franklin Fund, a 33, 41  
 Auditor's Estimates, c 136, a 148  
 Seventeenth of June, c 206, a 211  
 East Boston Ferry Investigation, c 271  
 Fourth of July, c 274, a 277  
 Stony-brook Improvement, a 365, c 381, a 395  
 Bonds of city officers, a 395, c 403  
 Inspection of Prisons, a 412  
 Evening concerts, c 460, a 472  
 Industrial Schools, a 484, c 494  
 Proposed visit of Governors of States, a 505, c 513  
 Superintendent of Pawnbrokerage Investigation, 506  
 Excursion of Council, c 530  
 Inspection of Lime, 598  
 Blackstone-square accident, a 609, c 620; report, 743  
 Investigation of Department of Common and Squares, c 656, a 658  
 State Election Returns, 709  
 Stony-brook Improvement, a 732  
 Small-pox Hospital, 748, 778, 781  
 Municipal Election Returns, 784
- Nominations by special Committees—  
 Trustees Mt. Hope, c 14, a 17, 175  
 Trustees City Hospital, c 15, a 17, c 142, a 148  
 Directors for Public Institutions, c 15, a 17, 175, 183
- Directors East Boston Ferries, c 15, a 30  
 Trustees Public Library, c 15, a 29, c 207  
 Assessors, a 46  
 City Solicitor, c 51, a 54  
 Superintendent of Sewers, c 51, a 54  
 Clerk of Committees, c 51, a 54  
 City Engineer, c 51, a 54  
 Superintendent of Common, etc., c 51, a 54  
 Superintendent of Public Lands, c 51, a 54  
 Water Registrar, c 51, a 54  
 City Surveyor, c 51, a 54  
 Superintendent of Streets, c 51, a 54  
 City Messenger, a 56, c 58  
 Superintendent of Public Buildings, a 56, c 58  
 Inspectors of Lighters, a 94, c 95  
 Overseers of Poor, c 97, a 100  
 Superintendents of Bridges, c 194, a 197, 252  
 First Assistant Assessors, a 198, c 206, a 224  
 City Architect, c 207  
 Harbor Master, c 207  
 Directors E. B. Ferries, c 207  
 Commissioner Cedar Grove Cemetery, c 207  
 City Registrar, c 207  
 Fence Viewers, a 214, c 217  
 Culler of Hoops and Staves, a 214, c 217  
 Inspector of Lime, a 214, c 217  
 Field Drivers and Pound Keepers, a 214, c 217  
 Sinking Fund Commissioner, c 222  
 Second Assistant Assessors, a 226, c 228  
 Auditor of Accounts, c 386  
 Deputy Sealers Weights and Measures, a 392  
 City Treasurer, 445  
 City Collector, 445
- Common Council—  
 Admission to ante-room, 6  
 Strangers excluded from floor and ante-room, c 208  
 Order to supply members with Cushing's large Manual, an English Grammar, and a dictionary, c 332, 356  
 Excursion, order rejected, c 482; reconsideration, c 504; committee appointed, c 530  
 Annual Dinner, c 815, 833
- Common and Public Grounds—  
 \$1,200 for labor, c 36, a 41  
 \$6,000 additional appropriation, c 97, a 100, c 139  
 Land on Dartmouth and Boylston streets, committee authorized to confer, a 47, c 48  
 Mass. Charitable Mechanic Association, petition referred, a 41; petitions in aid and remonstrances, a 57; report, recommended, a 57, c 58; report, order passed, a 111; substitute order passed, c 125; non-concurrence, a 130; indefinite postponement, c. 137  
 Order passed relating to care by City Council, a 134, c 139; reconsideration refused, c 159  
 \$5,500 for labor, c 139, a 148  
 Expediency of providing play-ground referred, c 208; a 214  
 Play-ground, order passed, c 208; indefinitely postponed, a 211; order passed, c 314, 326, a 350, 364, c 382  
 \$2,000 for squares on Commonwealth ave., a 227, c 228, 255  
 Huntington avenue square, report a 240, c 253  
 Boats on Public-Garden pond, a 248, c 253  
 Supt. authorized to purchase supplies and employ men, c 275, a 277  
 \$34.25 for sewer, a 279  
 Expediency of railing round Fort Hill square referred, c 315, a 318  
 Order passed for protection of plants, a 351  
 Fence on Commonwealth avenue authorized, c 386, a 389  
 \$628.76 for Commonwealth-avenue square, a 413, c 440  
 Stealing flowers from Public Garden, a 474, c 478, 497, a 660, 682, c 690  
 Expediency of fountain in Madison square, a 490  
 Evening concerts, c 446, 460, a 472, 639  
 Orchard park, order rejected, c 550  
 Additional appropriation, a 632, c 634, 654, 669, a 687, c 691, a 697  
 Proposed removal of Supt., laid on table, c 655; indefinitely postponed, c 835  
 Investigating Committee appointed, c 656, a 658; report, c 770, 805, a 820  
 Employment of laborers, c 656, a 658  
 Expediency of placing public grounds in care of Park Commissioner, c 678, 692  
 \$352.50 for Phonographic Report of Hearings, c 770
- Contingent Expenses (see also "Auditor of Accounts")—  
 Of Board of Aldermen: approval of bills authorized, a 102  
 Of Common Council: discussion, 98; order passed, 142  
 Refreshments and carriage-hire, c 532, 544, 550, 743, 773, 766, 788, 835, a 842, c 846, 849, a 853  
 Wines at city entertainments, c 639, 653, a 658, c 673, a 682  
 Public Inspection of Refreshment Bills, c 676, a 682
- Constables—see County of Suffolk.
- County of Suffolk—  
 Repairs and furniture for county buildings authorized, a 19, 29  
 Jail expenses: for Jan., 45; Feb., 101; March, 198; May, 363; June, 450; July, 535; Aug. 585; Sept. 612; Oct. 693; Nov. 761; Dec. 820  
 Investigation of constables, c 98, a 100; report, a 612, c 620  
 Inspection of Prisons, a 412, 586, 855

- Registry of Deeds, index of estates sold for non-payment of taxes authorized, a 491  
 Appointments of Constables, a 593, 609, 612, 624, 703, 763, 795, 819, 837  
 Old Records of Courts, communication referred, a 626
- Crocker, Ward 9—remarks:  
 Badges, 24  
 Rates of toll on East Boston Ferries, 26  
 Management of sinking funds and city debt, 26, 119, 140, 143, 181, 208, 218  
 Documents for Social Law Library, 36  
 Work for poor citizens, 62  
 Boards and commissions, 74  
 Abolition of Second Assistant Assessors, 95  
 Common Council refreshment bills, 98  
 Bills for furnishing supplies, 118  
 Claim of Louise Woodworth Foss, 124  
 Mechanics' Fair and the Common, 125, 138  
 Appropriation for Public Grounds, 139  
 Salaries of city officers, 140, 164, 188, 823  
 Contingent Fund, 142  
 Play-ground on Common, 209  
 Appropriation Bill, 228  
 Certificates of firemen, 253  
 Mr. Keith's appointment to Board of Health, 255, 273, 293, 311  
 License Commissioners, 286, 353, 385, 652  
 Joint Rules and Orders, 292  
 Mystic Valley Sewer, 310, 329, 407  
 Ventilation of Council Chamber, 313  
 Police for License Commissioners, 354  
 Contracts only to citizens, 355  
 Civilities to distinguished strangers, 357  
 Official report, 359  
 Releases on Winship place, 383  
 Fence on Commonwealth avenue, 386  
 Salary Superintendent Dover-street bridge, 403  
 Laborers in Paving Department, 410  
 Duties of Retrenchment Committee, 410, 429  
 Army and Navy Monument, 443  
 Salaries of employes of Water Board, 467  
 Storage of gunpowder, 467  
 Public Parks, 481, 815, 817  
 Vacation for firemen, 495, 541  
 Free Ferries, 495  
 Improved Sewerage, 530  
 Refreshments, etc., 513  
 Proposed visit of Governors, 540  
 Scales of Weights and Measures, 545, 567  
 Northampton-st. District, 603  
 Inspection of Lime, 605  
 Extra Pay for September 17, 608, 621  
 Messenger for Treasury Department, 620  
 Police Boat "Protector," 622, 636  
 Additional Appropriation for Common, 634, 654, 672, 691  
 Removal of Superintendent Common, 656  
 Refreshments, etc., 673, 676, 774, 835  
 Investigation of Fire Commissioners, 677  
 Opportunity for city employes to vote, 692  
 Inspection of bills in Auditor's office, 693  
 Appointment of Inspector of Buildings, 721, 738  
 Payment of Carriage bills, 770  
 Small-pox Hospital, 777  
 Commercial-st. widening, 804, 830  
 Common Investigation, 805  
 Annual Dinner of Council, 815, 833  
 Reduction of rent to T. W. Carter, 803
- Danforth, Ward 10—remarks:  
 Salaries and duties of city officers, 37, 161, 192  
 Salary of Superintendent of Dover-street bridge, 381  
 Army and Navy Monument, 431, 441  
 Scales of Weights and Measures, 494, 513, 545, 567  
 Free Ferries, 521  
 Improved Sewerage, 565  
 Messenger for Treasury Department, 620  
 License Commissioners, 651, 676  
 Vegetable Market, 719  
 Commercial-st. widening, 752, 804  
 Annual Dinner of Council, 815
- Day, Ward 4—remarks:  
 Salaries and duties of city officers, 39, 40, 140  
 Abolition of Assistant Assessors, 73, 95  
 Old South preservation, c 194  
 Appropriation Bill, 229  
 Mr. Keith's appointment to Board of Health, 256  
 Acceptance of Mercantile Library, 275  
 Joint Rules and Orders, 292  
 Mystic Valley Sewer, 309, 330  
 Horatio Harris estate for park, 326  
 Contracts only to tax-payers, 333, 355  
 Official report, 359  
 Improved Sewerage, 530, 566  
 Refreshments, etc., 532  
 Inspection of Lime, 607  
 Laborers on Public Grounds, 656  
 Personal explanation, 679  
 Commercial-st widening, 804
- Dee, Ward 5—remarks:  
 Salaries and duties of city officers, 37
- Dogs—  
 Expediency of muzzling, referred, a 94, c 95; report, orders referred, a 323, c 324; report, a 392; order passed, a 434, 659  
 Order passed to kill unlicensed dogs, a 682  
 Damage for fowls killed, a 726, 842
- Duggan, Ward 12—remarks:  
 Vacation of Firemen, 494
- Dunbar, Alderman—remarks:  
 Salary of Inspector of Provisions, 285  
 License Commissioners, 643.  
 Claim of John Raddin, 825
- Elections—  
 Petitions for recounts of votes for councilmen, referred, c 4, 5  
 Report on recount of Ward 20, Joseph Morrill, jr., elected and qualified, c 5  
 Reports on recounts of Wards 16, 6, 4, 19, 15, '3, c 5; Ward 8, c 14  
 Petitions for recounts for ward officers, referred, a 12; report, a 19  
 Warrants issued for State Election, a 660  
 Opportunity for city employes to vote, c 692, a 697, 784  
 Report of Returns, State, a 726, 745  
 Warrants for Municipal Election, 747  
 Report of Returns, Municipal, 797, 823
- Fagan, Ward 19—remarks:  
 Salaries of city officers, 140 (see errata, page 222)  
 Mystic Valley Sewer, 330  
 Contracts only to citizens, 356  
 Appointment of Inspector of Buildings, 723
- Felt, Ward 18—remarks:  
 Common Council refreshment bills, 98  
 Contingent Fund, 142  
 Mystic Valley Sewer, 309  
 Ventilation of Council Chamber, 313  
 Horatio Harris estate for park, 325  
 Contracts only to tax-payers, 333  
 Cottage-street bridge, 352  
 Additional Appropriation for Common, 634  
 Release of land to heirs of John English, 701  
 South Boston Flats, 719  
 Historic sites, 789  
 Stony brook, 793
- Ferries—  
 Expediency of changing rates of toll, referred, c 26, a 29  
 Investigation of management, c 255, a 258, c 271, a 277, c 445, a 449  
 Petitions for free ferries referred, a 237, 317, c 328; report, a 473; order passed, a 484, c 495, 514, 532  
 Annual report, a 337, 395  
 Notice from Mayor of legal proceedings, a 657  
 Records of the Ferries, c 742  
 Mandamus from Supreme Court, 820, c 827
- Fire Department—  
 Report of fires and alarms for Dec., 1876, a 9; Jan., a 64; Feb., c 142; March, a 225; April, c 311; May, c 407; June, 490; July, 530; Aug. 596; Sept. 641; Oct. c 720; Nov. 782  
 Petition for new fire-alarm box in Ward 24, referred to the Commissioners, c 36, a 41  
 Uniforms for Fire Commissioners, order rejected, c 36; reconsidered, referred, c 48, a 54  
 Vacations for firemen, referred, c 63, a 64; resolve passed, c 386  
 Report on rebuilding Jenney & Co.'s petroleum works, a 135  
 Expediency of giving fines to Firemen's Charitable Fund, referred, c 194, a 197; report, a 509, c 513  
 Exhibition by Fire Extinguishing Liquid Co., c 207, a 216  
 Pay of crew of fire-boat, c 236, a 238, c 386, a 389, c 778, 794  
 Certificate of seven years' service, ordinance passed, a 240; referred, c 253, a 258; ordinance passed, c 328, a 337  
 Expediency of changing Board of Fire Commissioners referred, a 267, c 270  
 Explosive compounds, order to report ordinances, c 358, 383, a 389; report, ordinance and order passed, a 843, c 846  
 Management of fire-boat, referred, c 387, a 389  
 Vacation for firemen and fire-alarm employes, c 385, a 391, 491 c 494, a 506, c 513, a 535, c 540, a 551  
 Order to investigate cause of fire corner Shawmut avenue and Pleasant street, c 407; indefinitely postponed, c 482  
 Board of Commissioners allowed to fix salary of clerks, a 412  
 Exhibition of Boston Self-Regulating Fire Escape and Hose, a 412  
 Annual report, 460  
 Ordinance to amend, referred, c 408, a 412; report, 814; referred to next city government, c 833, a 840  
 Arrangement of Telegraph Wires, order passed, c 623, a 627; report, c 814, a 820  
 Investigation of Fire Commissioners, order passed, c 677, a 681, c 690; report, a 725, c 734  
 \$300 to Charles Brooks, c 779, 789, a 795
- Fitzgerald, Alderman—remarks:  
 On election of chairman, 2  
 Retrenchment in expenditures, 10, 42, 102, 197  
 Cost of publishing orders of notice, 20  
 Repairs of police stations, 46  
 Union Freight Railroad, 46  
 Abatement of a claim against a bankrupt, 52

- Equitable valuation of property, 54, 305  
 Election of Assessors, 56, 179  
 Exhibition on Common, 57, 111, 131  
 N. W. Day's omnibus route, 80  
 Management of sinking funds, 80, 109, 130, 146, 157, 176  
 Charles-river embankment, 117  
 Tracks on Columbus ave., 151, 173  
 Protection of burial-grounds, 157  
 System of taxation, 175  
 Confirming nominations of city officers, 197  
 Care of truants, 199, 210  
 Ninth-street improvement, and work for laborers, 205  
 Play-ground on Common, 211  
 Fruit-stands in streets, 239, 263  
 Fourth of July, 240  
 Appropriation Bill, 242, 261  
 Boats on Public-Garden pond, 248  
 South Boston R.R., 249  
 East Boston Ferries, 260, 657  
 Middlesex R.R., 266  
 New piggery at Deer Island, a 266  
 Charles-river park, 267  
 Vacation Schools, 280, 361, 389  
 Sealers of Weights and Measures, 297, 426, 436, 457, 510  
 Vacant stores and tenements, 306  
 Registrar of Voters, 316, 351  
 Petition for new Gas Co., 317, 800  
 Refreshment bills, 319  
 Army and Navy Monument, 322, 592  
 English High and Latin Schools, 322  
 Salary of Inspector at Abattoir, 335  
 Public Parks, 344, 369, 414, 438, 475, 533  
 License Commissioners 350, 618, 641  
 Wales-street drainage, 379  
 Work on Mystic Valley Sewer, 392, 425, 458, 472  
 Asphalt pavement, 320, 397, 453  
 Poland & Peabody's Omnibus Line, 398  
 Public School Musical Exhibitions, 401  
 Allston School, 433  
 Salary of Superintendent Public Library, 470  
 Free Ferries, 487  
 Police Sergeant Clark, 492  
 Commercial-street widening, 507, 631, 839  
 Free access to horse-railroad cars, 511  
 Salary of City Engineer, 533  
 Proposed visit of Governors, 537  
 Horse-car blockades, 538, 591, 618, 645  
 Limit of City Indebtedness, 588  
 Inspection of Lime, 598, 601  
 Constables, 593, 609, 613, 624, 629  
 Blackstone-square accident, 609, 646, 662  
 Rejection of policeman, 613  
 Paving Richmond street, 615  
 East Boston High School, 627, 647  
 Printing Army and Navy Memorial, 616, 632  
 Removal of horses from South Russell street, 647  
 Discharge of Laborers in Paving Department, 667  
 Wines, etc., at city entertainments, 658  
 Ward-room in Ward 24, 659, 700  
 Public Park Loan, 660  
 Refreshments and bills, 683  
 South Boston Railroad location, 698  
 Police Rules and Regulations, 704, 840  
 Vegetable Market, 715  
 Brimmer School, 744  
 Metropolitan Railroad, 747  
 Roxbury Canal, 760, 764, 785  
 Small-pox Hospital, 781  
 Condition of School-houses, 782  
 Industrial School, 782, 797  
 Metropolitan Railroad Location in Washington-st., 822  
 Management of horse railroads, 845  
 Congress-st. widening, 854  
 Closing Proceedings, 856, 861  
 Flint, Ward 8 — For Flint, read Flynn, Ward 13  
 Flynn, Ward 13 — remarks:  
   Declining renomination on Committee on Accounts, 4  
   Admission to ante-room, 6  
   Retrenchment in expenditures, 13, 141, 161, 189  
   Charges against Globe Theatre, 22  
   Badges, 24  
   Special Committee on Parks, 26  
   Pay of street laborers, 59, 194, [206, see Flint]  
   Estates sold for assessments, 60  
   Work for poor citizens, 61  
   Boards and commissions, 76  
   Common Council refreshment bills, 98  
   Sinking Funds, 119, 182  
   Mechanics' Fair and the Common, 125, 138  
   Contingent Fund, 142  
   Appropriation Bill, 254  
   Fourth of July, 255  
   Mr. Keith's appointment to Board of Health, 255, 271, 293, 310  
   Fourth of July, 273  
   License Commissioners, 287, 315, 328, 354, 384, 652, 676  
   Board of Health, 295  
   Mystic Valley Sewer, 309  
   Horatio Harris estate for park, 315, 325  
   Contracts only to citizens, 355  
   Civilities to distinguished strangers, 358, 459  
   Salary of Superintendent of Dover-street bridge, 381  
   Ninth street, 386, 479  
   Army and Navy Monument, 431, 440  
   Public Parks, 478, 481, 502, 524  
   Registrar of Voters, 467  
   Commercial street, 497, 752, 773, 792, 829  
   Free Ferries, 523  
   Improved Sewerage, 530, 564  
   Refreshments, etc., 531, 773, 835  
   Messenger for Treasury Department, 620  
   Extra pay for September 17, 621  
   Police Boat "Protector", 622  
   Wines, etc., at city entertainments, 653  
   Removal of Superintendent Common, 655  
   Investigation of Department of Common, etc., 656  
   Inspection of refreshment bills, 676  
   Investigation of Fire Commissioner, 677  
   Care of Public Grounds, 692, 794  
   Election of Inspector of Buildings, 701, 720, 738  
   Stony Brook, 718, 748  
   Vegetable Market, 719  
   Stone-cutting business at the Islands, 748  
   Roxbury Canal, 789, 848  
   Curbstone Fruit-venders, 829  
 Forest Hills Cemetery —  
   Occupation of lands authorized, a 241  
 Fourth of July —  
   Order for committee, laid on table, c 143; referred to Re-  
   trenchment Committee, c 222; indefinitely postponed, a  
   240; new order passed, a 240; substitute assigned, c 254;  
   passed, committee appointed, c 273, a 277  
   Sale of fireworks, petition referred, a 450; report, a 474  
   Thanks to orator, c 480, a 490  
   Sailing regatta, petition referred, a 505  
 Fraser, Ward 6 — remarks:  
   Contract for water-pipes, 72  
   Appropriation Bill, 235  
   Mystic Valley Sewer, 309, 404, 427, 460  
   Visit to Sudbury river, 430, 440  
   Repairs on Adams School-house, 466  
   Salaries of employes of Water Board, 467  
   Widening Commercial street, 482, 513  
   School Sessions, 638  
   Opportunity for city employes to vote, 692  
   Historic sites, 790  
   Commercial-st. widening, 793, 804  
   Extra Services in the Assessors' Department, 803  
   Stony Brook, 805  
 Funds — see also Sinking Funds —  
   Franklin Fund — examination of accounts, a 33; report, a 47  
   — Loan to A. G. Rockwood, a 41, 56  
   — Loan to George H. Dyer, a 278  
   Dorchester Trust Funds, annual report, a 412  
 G. A. R. —  
   \$200 to each post for Decoration Day, c 217, a 223  
   Invitation for Decoration Day accepted, offer of escort referred,  
   a 267, c 270, a 320, c 324, a 363  
 Gas —  
   Proposition from Globe Gaslight Co., referred, a 70  
   Petition for new Gas Co., referred, a 317; report, a 767, 800  
 Gibson, Alderman — remarks:  
   Abatement of claim against a bankrupt, a 52  
   Equitable valuation of property, 54, 306  
   Election of Assessors, 56  
   Appointment of special police at Boston and Maine R. R., 72  
   Salaries, 104  
   Exhibition on Common, 112  
   Ninth-street improvement, and work for laborers, 205  
   Fruit-stands in streets, 240  
   Appropriation Bill, 247  
   East Boston Ferries, 258  
   Vacation Schools, 281  
   Salary of Inspector of Provisions, 285  
   Sealers of Weights and Measures, 298, 457, 511  
   Army and Navy Monument, 322  
   Public Parks, 350, 378, 422, 476, 821  
   Play-grounds, 350  
   License Commissioners, 350  
   Registrar of Voters, 351  
   Wales-street drainage, 379  
   Personal explanation, 389  
   Asphalt pavement, 396, 455  
   Poland and Peabody's Omnibus Line, 401  
   Salary of Superintendent Public Library, 471  
   Free Ferries, 489  
   Police Sergeant Clark, 492  
   Mystic Valley Sewer, 472  
   Vacation for firemen, 507, 552  
   Commercial-street widening, 631  
   Blackstone-square accident, 610, 664  
   Rejection of policeman, 614  
   East Boston High School, 627, 647  
   License Commissioners, 643  
   Refreshments, etc., 687  
   Metropolitan railroad, 729

- Highland railway, 732  
Roxbury Canal, 787  
Claim of John Raddin, 825
- Ham, Ward 14 — remarks :**  
Visit to the parks, 315  
Horatio Harris estate for park, 326  
Play-grounds, 327  
Mystic Valley Sewer, 330  
Stony-brook Improvement, 331  
Salary of Superintendent of Dover-street bridge, 382  
Ninth street, 386  
Public Parks, 501  
Improved Sewerage, 567  
Appointment of Inspector of Buildings, 720  
Historical sites, 789
- Hacks —**  
Rate of fare for Old South Ball, a 214
- Harbor —**  
Investing Harbor Master with police powers and duties, a 69, 80  
Dredging on Charles river, referred, c 315, a 318; report, a 660, c 669  
Expediency of furnishing steam facilities to Harbor Master, referred, c 834, a 840
- Health —**  
Nuisance in Charlestown, committee to give hearing, e 480, a 490  
Nuisance at the Highlands, petition referred, a 505
- Health, Board of —**  
Order of inquiry relating to scarlet fever, c 5, a 8; report from Board of Health, referred, c 14, a 17  
Nuisance near junction Commonwealth avenue and Parker street, referred, a 171, c 181  
Cemeteries, conveyance of lots, report, e 208; ordinance passed, c 217, a 223  
Stony Brook nuisance, requested to examine cellars, e 221, a 223; report, c 255, a 258  
Inspection of oysters, c 255, a 258  
Expediency of reconstituting, rejected, e 275, 294  
Lying-in-hospitals, permits refused, a 320, 611  
Hospitals authorized, a 660  
Order requiring members to devote whole time to duties, a 323, c 324  
Orders relating to information from City Registrar referred, a 363  
Urinals, request referred, a 508  
Annual report, c 543, a 555  
Expediency of employing physicians to visit poor referred, a 588, e 603; report, c 833; a 840  
Expediency of transferring care of ashes to Fire Department, referred, c 638, a 640; report, c 814, a 820  
Report on Prison Point Flats, resolve passed, c 635, a 640; a 788, c 789; report of Board, a 796  
Small-pox Hospital, request for additional appropriation, a 725, e 734; order passed, a 746; referred to special investigating committee, c 748, 775, a 781; report, orders passed, e 834, a 840
- Health Department —**  
Superintendent authorized to purchase horses, supplies, etc., c 26, 35, a 41  
Cost of removing night-soil, referred, e 51, a 54; report, a 71, c 72  
Contract for house offal in West Roxbury authorized, a 278, c 310  
Contract for offal in East Boston authorized, c 816, a 820
- Hibbard, Ward 17 — remarks:**  
Election of Ferry Directors, 15  
Salaries, 169, 192  
Appropriation Bill, 235  
Second Assistant Assessors, 270  
Ventilation of Council Chamber, 313  
Mystic Valley Sewer, 329  
Contracts only to citizens, 356  
Visit to Sudbury river, 430  
Army and Navy Monument, 445  
Refreshments, etc., 532  
Sealers of Weights and Measures, 546  
Inspection of Lime, 605
- Highland R. R. Co. —**  
Tracks on Columbus ave., hearing, a 52, 65; reports, a 134; substitute order referred, a 149; order passed, a 172; location accepted, a 197  
Authorized to increase number of cars, a 363  
Temporary track on Chandler street, a 412  
Hearing on tracks in Dartmouth and Boylston streets, a 483; leave to withdraw, a 511  
Hearing on running to northern depots, a 551, 594; leave to withdraw, a 615; indefinitely postponed, 856  
Petition for tracks in Eliot street, a 644; hearing, 696; report, 708; order passed, 732  
Location accepted, 760  
Location on Northampton street, 854
- Hiscock, Ward 21 — remarks:**  
Salaries and duties of city officers, 38, 193
- Historic Sites —**  
Offer of escort referred, a 174  
Tablet on Christ Church, a 762, 763; recommitment, c 789, a 795; orders passed, c 834, a 840, c 849, a 853
- Howes, Ward 18 — remarks:**  
Personal explanation, c 21
- Badges, 24  
Special Committee on Parks, 26  
Salaries and duties of city officers, 39, 40, 141, 164, 183, 823  
Uniform for Fire Commissioners, 49  
Pay of street laborers, 59  
Labor for poor citizens, 61  
Boards and commissions, 75  
Additional appropriation for Public Grounds, e 97  
Meehanics' Fair and the Common, 125, 133  
Management of Public Grounds, 139  
Appropriation for Public Grounds, 139  
Contingent Fund, 142  
Pensions for Police, 145, 158  
Pay of laborers, 206  
Play-ground on Common, 209, 314  
System of valuation, 207  
Appropriation Bill, 229  
Second Assistant Assessors, 254  
Mr. Keith's appointment to the Board of Health, 256, 272, 294  
Fourth of July, 273  
Acceptance of Mercantile Library, 274  
License Commissioners, 288, 653  
Joint Rules and Orders, 289  
Duties of Board of Health, 324  
Play-grounds, 327  
Contracts only to tax-payers, 332, 355  
Official report, 359  
Releases on Winship place, 382  
Fence on Commonwealth avenue, 386  
Management of fire boat, 387  
Drainage of Muddy brook, 387  
Fire corner Shawmut ave. and Pleasant street, 408  
Mystic Valley Sewer, 429  
Visit to Sudbury river, 430  
Army and Navy Monument, 444  
Inspection of Buildings, 447  
Public Parks, 498, 528  
Sealers of Weights and Measures, 513  
Free Ferries, 520  
Refreshments and carriage-hire, 531  
Proposed visit of Governors, 540  
Vacations for firemen, 542  
Occupancy of streets for building, 547  
Improved Sewerage, 564  
Additional Appropriation for Common, 634, 654, 691  
Police Boat "Protector", 636  
Care of hot ashes, 638  
Wines, etc., at city entertainments, 653  
Removal of Superintendent Common, 655  
Investigation of Department of Common, etc., 656, 669, 805  
Laborers on Public Grounds, 656  
Investigation of Fire Commissioners, 678, 734  
Inspection of refreshment bills, 676  
Care of Public Grounds, 693  
Appointment of Inspector of Buildings, 701, 720, 737  
Records of the Ferries, 742  
Commercial-street widening, 755, 830  
Employés on Fire Boat, 778  
Historic sites, 791  
Claim of John Raddin, 827  
Roxbury Canal, 832
- Improved Sewerage —**  
Joint Special Committee to resume charge, a 20, c 6, a 47, c 285  
Reference of Mayor's Address, c 26  
Report, and referred, e 497, a 506  
Report, c 530; specially assigned, c 544; orders passed, c 559, a 569  
City Engineer authorized to employ assistance, and incur expenses, a 617, c 621  
Committee authorized to accept collateral, a 646, e 651  
City Engineer's visit to Europe, c 635, a 640  
Shelter for steam-pump on Berkeley street, a 799, e 803  
Property at Old Harbor Point, order passed, c 849, a 853  
Boston Society of Architects, communication referred, c 833, a 840
- Industrial Schools —**  
Petition referred, a 484, c 494; report referred, a 767, c 770; report, a 782; order rejected, a 797
- Inspector of Buildings — see Buildings.**
- Inspector of Lime —**  
Petition from Dealers in Lime, referred, a 598; report, orders passed, a 601; substitute passed, c 603; non-concurrence, a 611; laid on table, c 621; indefinitely postponed, c 835
- Invitations accepted — see also G. A. R.**  
Faneuil Hall Temperance Reform Club, a 88  
Carney Hospital Fair, a 612, e 620
- Jackson, Ward 16 — remarks:**  
Regulation of quacks, 39  
Work for poor citizens, 63  
Salaries of city officers, 141, 163, 190  
Salary of Superintendent of Dover-street bridge, 403  
Mystic Valley Sewer, 406  
Civilities to distinguished strangers, 459  
Sealers of Weights and Measures, 513  
Wines, etc., at city entertainments, 639

## Jury List —

- Revised list and communication from Registrars of Voters, a 157
- List adopted, a 176

## Kelley, Ward 3 — remarks :

- Salaries, 160, 192
- Joint Rules and Orders, 291
- Mr. Keith's appointment to Board of Health, 294
- Mystic Valley Sewer, 309, 329, 405
- Ventilation of Council Chamber, 313
- Visit to Sudbury river, 357, 409
- Inspection of Buildings, 446
- Repairs on Adams School-house, 466
- Refreshments, etc., 532
- Vacations for firemen, 541
- Occupancy of streets for building, 548
- Inspection of Lime, 605
- Investigation of Department of Common, etc., 656
- Armory in Charlestown, 719
- Appointment of Inspector of Buildings, 722
- Commercial-st. widening, 793
- Surveyors of Highways, 816
- License Commissioners, 836

## Lamp Department —

- Annual report of Superintendent, a 9
- Supt. authorized to purchase supplies, etc., and employ men, a 33
- Expediency of removing lamp-posts at Granary Burial-ground, referred, a 323
- Committee authorized to visit other cities, a 660
- Nomination of Superintendent rejected, a 856

## Law Department —

- Annual report of City Solicitor, a 55
- Opinion requested on limit of city indebtedness, a 588
- Semi-annual report of City Solicitor, a 841

## Legislative matters —

- Expediency of regulation of quacks referred, c 39, a 41 ; report, order passed, c 58, a 64
- Order relating to boards and commissions, c 63, 74, a 88
- Changing Aldermanic to Joint Committees, c 98, a 100
- Protection of burial-grounds, order of inquiry passed, a 157 ; indefinitely postponed, c 158
- Order passed to oppose changing system of taxation, a 175 ; rejected, c 183 ; reconsideration refused, c 206
- Old South, c 194, 236
- Charles-river Park, a 267, c 271, a 277
- Surveyors of Highways, order referred, c 816 ; indefinitely postponed, a 820
- Management of horse railroads, a 845

## License Commissioners —

- Annual report, a 64
- Nominations requested, c 276, a 277
- Appointed, a 277, c 286, 310
- Apartment indefinitely postponed, c 315
- Request for police referred, a 317 ; orders passed, a 350, c 354, 383
- Organization, a 320
- Additional clerk, c 328, a 350, c 352, a 363
- Disposition of License Fees, c 357, 385
- Salaries — see Salaries.

## Licenses —

- Fruit pedlars, petition, a 196 ; hearing on remonstrance, a 238 ; discussion, order indefinitely postponed, a 261 ; new order referred, a 265
- Report on Jourdain's Museum of Anatomy, a 795
- Venders of old lead pipe, order referred, c 816, a 820
- Fruit, Mayor requested to petition, a 824, c 829, 846

## Lime — see Inspection of Lime.

## Loans —

- \$1,500,000 in anticipation of taxes, c 466, a 472
- \$450,000 for Back Bay Park — see Public Parks.
- \$3,713,000 for Improved Sewerage, c 559
- \$1,000,000 for widening Commercial street, a 629
- \$133,000 for Stony Brook improvement, a 732

## Markets —

- Quarterly report of Superintendent, a 55, 214
- Faneuil Hall, new leases authorized, a 175 ; new order referred, a 202 ; report, order passed, a 214
- Superintendent authorized to employ deputy, a 223
- Vegetable Market, report on purchase, a 581 ; laid on table, a 583 ; assigned, a 700 ; referred, a 709 ; laid on table, c 719 ; referred to next City Government, c 833
- Report on dressed poultry, referred, a 647 ; ordinance passed, c 651, a 658

## Mass. Charitable Mechanic Association — see Common.

## Mayor —

- Copy of Inaugural Address requested, c 4, a 8
- Disposition of topics in address, referred, c 4, a 8 ; report, and reference of topics, c 25, a 29
- Appointment of railroad police at Boston & Maine R. R., c 72
- Authorized to extend civilities to distinguished strangers, c 357, a 363, c 459
- Proposed visit of Governors of States, a 505, 536 ; c 540, 550
- Legal proceedings against Free Ferris, a 657
- Purchase by Park Commissioners, c 817
- Valedictory, 857

## McDonald, Ward 12 — remarks :

- Election of Ferry Directors, 15
- Pay of street laborers, 59, 74
- Buildings to be inspected, 431
- Storage of gunpowder, 467
- Appointment of Inspector of Buildings, 720

## McGaragle, Ward 8 — remarks :

- Badges, 15, 23
- Special Committee on Parks, 26
- Salaries and duties of city officers, 37, 160, 186
- Regulation of quacks, 39
- Uniform for Fire Commissioners, 48
- Pay of street laborers, 59
- Estates sold for assessments, 60
- Work for poor citizens, 61
- Abolition of Assistant Assessors, 98
- Sinking Funds, 119, 182
- Mechanics' Fair and the Common, 125
- Pensions for Police, 145, 158
- Play-ground on Common, 209, 314
- Appropriation Bill, 232, 254
- Mr. Keith's appointment to Board of Health, 256, 272, 294
- New Building at Deer Island, 270
- Acceptance of Mercantile Library, 274
- License Commissioners, 288, 352, 384, 652
- Joint Rules and Orders, 290
- Duties of Board of Health, 324
- Horatio Harris Estate for Park, 326
- Mystic Valley Sewer, 330, 405
- Police for License Commissioners, 354
- Contracts only to tax-payers, 355
- Cushing's Manual for members, 356
- Fire corner Shawmut ave. and Pleasant st., 408
- Visit to Sudbury river, 409
- Laborers in Paving Dept., 410
- Buildings to be inspected, 431, 446
- Repairs on Adams School-house, 467
- Commercial street, 497
- Occupancy of streets for building, 513, 546
- Public Parks, 524, 813
- Tax titles, 531
- Refreshments, etc., 531, 774
- Vacation for Firemen, 541
- Salary of clerk of Ferries, 550
- Improved Sewerage, 561, 635
- Sealers of Weights and Measures, 567
- Inspection of Lime, 607
- Police Boat "Protector", 622
- Wines, etc., at city entertainments, 639, 653, 673
- Duties of city officers, 656
- Investigation of Fire Commissioners, 678
- Opportunity for city employes to vote, 692
- Care of Public Grounds, 693
- Appointment of Inspector of Buildings, 722
- Stone-cutting business at the Islands, 748
- Small Pox Hospital, 776
- Employes on Fire Boat, 778
- Payment for extra services in Assessors' Department, 803
- Reduction of rent to T. W. Carter, 803
- Claim of John Raddin, 827
- Curbstone fruit-venders, 829

## Metropolitan R. R. Co. —

- Part of location granted June 29, 1874, revoked, a 19
- Hearing on tracks in Columbus ave. and Northampton st., a 52 ; report, a 135 ; substitute order referred, a 149 ; report, order passed, a 172, a 321
- Hearing on tracks in Lexington, Prescott and Liverpool streets, a 88
- Location in Leox street, hearing, a 146
- Location in Atlantic avenue and across Dover street, hearing, a 171
- Location in Lexington street, a 265
- Forty-sixth location accepted, a 278
- Forty-seventh location accepted, a 337
- Leave to lay tracks on Atlantic ave., a 333
- Forty-eighth location accepted, a 363
- Hearing on tracks in Dartmouth and Marlborough streets, a 468 ; leave to withdraw, a 511
- Additional track on Marlborough street authorized, a 511
- 49th location accepted, a 583
- Petition for track in Washington and Milk streets, a 643 ; hearing, 695, reports, 707 ; order passed, a 728
- Location in Battery street, hearing, 759 ; order passed, 783
- Locations accepted, 760, 820
- Hearing on change in Washington st., 819 ; order passed, 821 ; location accepted, 821, 839
- Hearing on location over the Milldam, 837 ; order referred to next board, 856

## Middlesex R. R. Co. —

- Location in Haymarket square granted, a 89
- Hearing on location in Lincoln st., a 101
- Hearing on connecting with S. B. R. R. track, a 170 ; order passed, a 266
- Locations accepted, a 172, 320, 449
- Location in Haymarket Square, hearing, a 411 ; leave to withdraw, 511
- Location at Old Colony Depot, hearing, a 411 ; order passed, 728
- Location in Beverley street, hearing, a 412 ; granted, a 433

- Fifteenth location accepted, a 449  
 Turnout track on Alford street, a 511  
 Sixteenth location accepted, a 555  
 Communication accepting seventeenth location laid out table, 745; location revoked, 843  
 Hearing on location in South and Kneeland streets, a 819; leave to withdraw, 843  
 Authorized to run additional cars, 856
- Militia —  
 \$200 for fitting up armory Co. A, 1st Bat. Inf., a 20  
 \$250 for repairing and fitting up armory of Co. D, Fourth Bat. Inf., a 33  
 \$500 for furnishing and fitting up armory of Co. C, Fourth Bat. Inf., a 71  
 Rent of Ninth Reg. Inf. transferred to Ninth Bat. Inf., and approval of head-quarters, a 71  
 \$200 for furnishing and repairing head-quarters of First Bat. Cav., a 71  
 Mayor requested to petition for further allowance for rent of armories, a 94, c 95  
 Second Brigade M.V.M., \$250, furnishing and fitting up head-quarters, a 176  
 Fifth Regiment Infantry, \$200, fitting up head-quarters, a 176  
 " " " " \$200, " " " " a 176  
 First Brigade M.V.M., \$450 for rent of head-quarters, a 176  
 " " " " \$250 for fitting up head-quarters, 176  
 Co. C, Ninth Bat. of Inf., \$700 for rent, a 215  
 " " " " \$350 for fitting up armory, a 215  
 Co. A, " " " " \$150, furnishing armory, a 227  
 \$600 for rent of Institute of Technology, a 241  
 \$250 for Armory of Fourth Bat. Inf., a 338  
 Co. D., Fifth Reg. Inf., armory established, a 450  
 \$400 for Armory Co. D, First Bat. Cav., a 659  
 \$1000 for Armory Co. D, Fifth Reg., a 699  
 Co. D, Fifth Reg., order to fit up old Winthrop School building for armory referred, c 719, 743  
 Unattached Company Inf., \$600 for rent, 784  
 Co. D., Fifth Reg. Inf., \$500 and \$300 for rent, 855
- Milk —  
 Annual report of Inspector, a 225
- Minors —  
 Board of Aldermen authorized to make rules or grant licenses, a 12, c 13  
 Rules adopted, a 18
- Morrill, Ward 21 — remarks:  
 Payment for extra services in Assessors' Department, 808  
 Commercial-st. widening, 804  
 Public Parks, 817
- Mowry, Ward 11 — remarks:  
 Badges, 23  
 Petition of James Deshon, 48  
 Uniform system of valuation, 48  
 Abolition of Assistant Assessors, 73  
 Sinking Funds, 120  
 Exhibition on Common, 138  
 Salaries, 165  
 System of valuation, 207  
 Appropriation Bill, 234  
 Mr. Keith's appointment to Board of Health, 256  
 Acceptance of Mercantile Library, 274  
 Joint Rules and Orders, 290  
 Personal explanation, 308  
 Ventilation of Council Chamber, 312  
 Clerk for License Commissioners, 352  
 Salary of Supt. Dover-st. Bridge, 382, 404  
 Releases on Winship Place, 382  
 Salary of Clerks in Fire Commissioners' office, 409  
 Mystic Valley Sewer, 429  
 Vacation for firemen, 495, 541  
 Free Ferries, 496, 516  
 Sale of Atherton school-building, 513  
 Occupancy of streets for building, 513, 548  
 Improved Sewerage, 561  
 Sealers of Weights and Measures, 567  
 Additional appropriation for Common, 634, 672  
 License Commissioners, 651, 676  
 Investigation of Fire Commissioners, 677  
 Hiring rooms in Pemberton square, 669  
 Opportunity for city employes to vote, 692  
 Inspection of bills in Auditor's office, 693  
 Election of Inspector of Buildings, 701, 721, 742  
 Stone-cutting business at the Islands, 748  
 Commercial-st. Widening, 752, 793  
 Small-pox Hospital, 777  
 Historical Sites, 789  
 Stony Brook, 794  
 Payment for extra services in Assessors' Department, 804  
 Public Parks, 817  
 Surveyors of Highways, 816  
 Claim of John Raddin, 827  
 Roxbury Canal, 832, 849
- Northampton-street District — see Unfinished Business.
- O'Brien, Alderman — remarks:  
 On election of chairman, 1  
 Retrenchment in expenditures, 10, 41, 105  
 Loiterers in City Hall, 46, 54
- Union Freight Railroad, 46  
 Equitable valuation of property, 55, 305  
 Exhibition on Common, 57, 111  
 Appointment of special police at Boston & Maine R. R., 72  
 Management of sinking funds, 84  
 Consolidation of City Registrar and Board of Health, 87  
 Charles-river embankment, 117  
 Tracks on Columbus ave., 151, 173  
 Protection of burial-grounds, 157  
 List of Jurors, 157, 176  
 Investigation of Assistants in Paving Department, 175  
 System of taxation, 175  
 Election of Assessors, 179  
 Confirming nominations of City Officers, 197  
 Ninth-street improvement and work for laborers, 204, 449  
 Play ground on Common, 212  
 Fourth of July, 240  
 Appropriation Bill, 245  
 South Boston R. R., 249  
 East Boston Ferries, 259, 657  
 Fruit-stands in streets, 261  
 Charles-river Park, 268  
 Vacation Schools, 282, 362  
 Salary of Inspector of Provisions, 285, 335  
 Sealers of Weights and Measures, 300, 511, 579, 584  
 Vacant stores and tenements, 307  
 Registrar of Voters, 316, 351  
 Petition for New Gas Co., 318  
 Army and Navy Monument, 322  
 Public Parks, 339, 369, 415, 439, 475, 534, 821  
 Northampton-street District, 361, 596  
 Wales-street drainage, 379  
 Poland & Peabody's Omnibus Line, 401  
 Mystic Valley Sewer, 424, 435, 457, 472  
 Asphalt pavement, 320, 456  
 Salary of Supt. of Public Library, 469  
 Free Ferries, 484  
 Vacation of Firemen, 506, 552  
 Commercial-street widening, 507, 557, 629  
 Free access to horse railroad cars, 511  
 Salary of City Engineer, 533  
 Proposed visit of Governors, 537  
 Horse-car blockades, 538, 591, 618  
 Occupation of streets for building, 554  
 Improved Sewerage, 571  
 Printing at Deer Island, 586  
 Employing of physicians to visit poor, 588  
 Limit of city indebtedness, 589  
 Inspection of Lime, 598, 601, 611  
 Blackstone-square accident, 610  
 Constables, 612, 624  
 Rejection of policeman, 613  
 License Commissioners, 618  
 East Boston High School, 623, 648  
 Police boat "Protector", 629  
 Printing Army and Navy Memorial, 632  
 Public park loan, 660  
 Refreshments, etc., 683  
 Expenditures for Common and Public Grounds, 689  
 Police rules and regulations, 706  
 Vegetable Market, 716  
 Metropolitan Railroad, 729  
 Stony Brook Improvement, 733  
 Highland-Street Railway, 732  
 Roxbury Canal, 760, 763, 787  
 Forfeiture of land on Washington sq., 761, 769  
 Small-pox Hospital, 781  
 Claim of John Raddin, 825  
 Management of horse-railroads, 845  
 Congress-st. widening, 854
- O'Donnell, Ward 7 — remarks:  
 Pay of laborers, 194, 206  
 Visit to Sudbury river, 409  
 Opportunity for city employes to vote, 692  
 Appointment of Inspector of Buildings, 720
- Omnibuses, etc. —  
 Poland and Peabody's omnibus line from South Boston to northern depots, hearing and recommitment, a 43, 278; leave to withdraw, a 398  
 From Cragie's bridge to India wharf, allowed, a 56  
 From Boston & Maine R. R. to Rowe's and India wharves, allowed, a 56  
 From Bowdoin sq. to Rowe's and India wharves, allowed, a 56, 536  
 N. W. Day's omnibus route, a 80, 196, 224, 278  
 Fletcher's passenger wagon, Fitchburg R. R. to Rowe's wharf, a 214  
 Ryan & Son's passenger wagon, Bowdoin sq. to Rowe's wharf, a 241  
 Roswell E. Bailey, passenger wagon from Maverick sq. to Chelsea, a 267  
 Samuel J. Ellis, passenger wagon from Maverick sq. to Malden, a 278  
 Wm. Burnett, passenger wagon from Winthrop to South Ferry, a 535, 612  
 Wm. Fletcher, passenger wagon from Charlestown to Tabernacle, a 632
- Overseers of Poor —  
 Quarterly reports, a 55, 296, 580, 704

- Report of examination of property, c 160, a 171  
 Report on resolve requesting reduction in salaries, c 222 ; order passed, a 238  
 Annual Report, a 450
- Passenger Wagons — see Omnibuses, etc.  
 Paving Department —  
 Investigation of assistants, a 174  
 Pawnbrokerage —  
 Request of Supt. for investigation, committee appointed, a 506 ; report, 580  
 Annual report of Supt., a 824
- Pearl, Ward 1 — Remarks :  
 Appropriation Bill, 234  
 Management of the Ferries, 255  
 Salary of clerk of Ferries, 550  
 Release of land to heirs of John English, 702
- Perham, Ward 23 — remarks :  
 Stony Brook Improvement, 381  
 Public Parks, 524  
 Play-grounds on new Parks, 531  
 Stony Brook, 805
- Pierce, Ward 24 — remarks :  
 Documents for Social Law Library, 35  
 Boards and commissions, 76  
 Sinking Funds, 122  
 Mechanics' Fair and the Common, 125  
 Appropriation Bill, 254  
 Second Assistant Assessors, 270  
 Visit to the parks, 315  
 Horatio Harris estate for park, 315, 325  
 Unshing's manual for members, 356  
 Contracts only to citizens, 356  
 Civilities to distinguished strangers, 358  
 Official report, 359  
 Buildings to be inspected, 431  
 Army and Navy Monument, 441  
 Public Parks, 528  
 Improved Sewerage, 565  
 Messenger for Treasury Department, 620  
 Additional appropriation for Common, 654  
 Care of Public Grounds, 678, 692  
 Curbstone fruit-venders, 829  
 Commercial-st. widening, 830
- Police —  
 Quarterly reports of Chief, a 9, 536, 641  
 Annual report of Chief, a 17  
 Order relating to loiterers in City Hall, a 45 ; indefinitely postponed, a 54  
 Keeping horses, purchasing furniture and supplies, making repairs, authorized, a 54  
 Police Relief Association, by-laws referred, a 70 ; approved, a 101  
 Police sergeants, maximum number, a 70  
 Annual report of Police Charitable Fund, a 320  
 Police for bath-houses, a 380  
 Police Sergeant Clark, reconsideration lost, a 492  
 Police boat "Protector", investigation, c 622 ; resolve rejected, c 636  
 Police rules and regulations, a 699, 704, 795, 840  
 Vagrants, Committee to confer with Overseers of Poor, a 700
- Pope, Benjamin, Ward 15 —  
 Elected President, 3 ; address, 3  
 Response to Resolution of Thanks, 850
- Pope, Ward 14 — remarks :  
 Salaries and duties of city officers, 38, 193  
 Mechanics' Fair and the Common, 126, 138  
 Civilities to distinguished strangers, 357, 459  
 Fire corner Shawmut avenue and Pleasant street, 407  
 Laborers in Paving Department, 410  
 Duties of Retrenchment Committee, 410  
 Vacation for firemen, 495  
 Police boat "Protector," 622  
 Additional appropriation for Common, etc., 654  
 Investigation of Department of Common, etc., 656  
 Laborers on public grounds, 656  
 Refreshments, etc., 673  
 Payment for extra services in Assessors' Department, 803  
 Common Investigation, 813
- Pratt, Ward 21 — remarks :  
 Treatment of scarlet fever, 5  
 Retrenchment in expenditures, 13  
 Badges, 23  
 Documents for Social Law Library, 35  
 Salaries and duties of city officers, 37, 160, 187  
 Regulation of quacks, 39  
 Work for poor citizens, 61  
 Abolition of Assistant Assessors, 99  
 Sinking Funds, 118, 182  
 Personal explanation, 123  
 Mechanics' Fair and the Common, 127  
 Play-ground on Common, 209  
 Appropriation Bill, 232  
 Dorchester school-house windows, 255  
 Joint Rules and Orders, 291  
 Acceptance of Mercantile Library, 292  
 Mr. Keih's appointment to Board of Health, 293  
 Horatio Harris estate for park, 325
- Mystic Valley Sewer, 329, 406, 429  
 Contracts only to tax-payers, 332  
 Salary of clerks in Fire Commissioners office, 409  
 Visit to Sudbury river, 409  
 Duties of Retrenchment Committee, 410  
 Personal explanations, 430  
 Army and Navy Monument, 442  
 Public Parks, 482, 502, 527  
 Free Ferries, 514  
 Improved Sewerage, 530  
 Refreshments, etc., 532, 773  
 Proposed visit of Governors, 540  
 Vacations for firemen, 542  
 Sealers of Weights and Measures, 567  
 Inspection of Lime, 604  
 School Sessions, 637  
 Wines, etc., at city entertainments, 639, 653, 674, 676  
 Additional Appropriation for Common, 654, 672, 691  
 Laborers on public grounds, 656  
 License Commissioners, 676  
 Investigation of Fire Commissioners, 677  
 Opportunity for city employes to vote, 692  
 Inspection of bills in Auditor's office, 693  
 Stony Brook, 718, 793  
 Appointment of Inspector of Buildings, 720  
 Stone-cutting business at the Islands, 748  
 Commercial-st. widening, 773  
 Small-pox Hospital, 775  
 Historical sites, 790  
 Payment for extra services in Assessors' Department, 803  
 Annual Dinner of Council, 815  
 Roxbury Canal, 833
- Printing and Binding —  
 Annual reports authorized in print, a 2, c 4  
 100 additional copies of Proceedings of City Council authorized, a 2, c 5  
 Municipal Register authorized, c 4, a 8  
 Mayor's Inaugural Address, c 4, a 8  
 Documents for Social Law Library, c 28, 35, a 41, c 97, a 100  
 500 extra of Retrenchment and Salary report, authorized, a 92, c 95  
 \$4,500 additional appropriation, a 94, c 95, 124, a 130  
 Printing at the Public Institutions, communication from directors referred, c 479, a 490 ; remonstrance from Boston printers referred, a 586  
 Superintendent of Printing, report of vacancy, referred, a 596, c 603  
 Army and Navy Monument Memorial, referred, a 616, c 620 ; report, order passed, a 632, c 634  
 Charlestown Book of Possessions, referred, a 745 ; report, order passed, a 766, c 789  
 Binding documents and proceedings of City Council authorized, c 850, a 853
- Public Baths —  
 Repairs and assistance authorized, a 19, c 35  
 Annual report, a 823, c 827
- Public Buildings — (see also Schools) —  
 Sale of Cooper-street armory estate, a 34, 41, c 48  
 Furniture, repairs, etc., authorized, a 19, 29, c 48  
 Egress from school-houses, order referred, c 36, a 41  
 Annual report of Superintendent, a 55  
 Expediency of lighting county buildings by Walworth plan, referred, a 267  
 Quincy Hall, report on refitting and leasing, referred, a 278, c 286 ; order passed, a 305, c 308  
 City Hall — expediency of second elevator, referred, c 26, a 29  
 — order passed to supply furniture, etc., a 29, c 48  
 — expediency of better ventilation in Council chamber, referred, c 51, a 54, c 312, 325, a 350, 438, 472, c 478, a 491, c 494  
 — use of elevator, order indefinitely postponed, c 143  
 — expediency of lighting by Walworth plan, referred, a 267, c 270  
 — Reference Library, report on assigning a room, a 279, c 286  
 Old Atherton School-house, sale authorized, a 509, c 513  
 Curtis Hall, steam-heating authorized, c 549, a 551  
 Lecture-room for College of Pharmacy, a 659  
 Hire of offices in Pemberton square, a 659, c 669, 690, a 824, c 827  
 Highland Municipal Court Building, claim of W. R. Huston, a 796, c 803, c 829, a 840  
 Police Station in Charlestown, referred, a 821, c 827  
 Improved Sewerage, lease of rooms, a 824, c 846
- Public Institutions —  
 Request for transfer of \$500 for home for female paupers at Austin Farm, referred, a 17, c 23 ; report, referred to Finance Com., a 71, c 72 ; orders passed, a 93  
 Marcella-street Home, communication referred, c 123, a 130 ; report, 199 ; order passed, a 210, c 217  
 Expediency of industrial schools, referred, a 202, c 206  
 New piggery at Deer Island, a 266, c 270  
 Annual report, a 363  
 Printing at Public Institutions — see Printing.  
 Report on Treatment of Drunkenness, referred, a 680, c 690  
 Stone-cutting at Deer Island, referred, a 698, c 701 ; report, c 743 ; order passed, c 748, a 760
- Public Lands —  
 Annual report of Superintendent, c 36  
 Confirmatory deed to Henrietta L. T. Wolcott, a 56, c 53



- Land sold to Joseph F. Paul, on Bristol and Albany streets, forfeited, a 94, c 95  
 Reduction of rent to Thos. W. Carter, authorized, a 101, c 139, a 796, c 803, 829, a 840, c 846, a 853  
 \$150 allowed to Ella Wyman, a 101  
 Confirmatory deed to St. John's Universalist Parish, authorized, a 101  
 \$102 paid to Mary A. Rosemeyer, Northampton-street District, a 102  
 Deed to Bank of Commonwealth authorized, c 221, a 223  
 Northampton-st. District, \$20,000 additional appropriation, a 279, c 286  
 25 Oliver street, forfeited, a 305, c 308  
 Receivers of Mechanics' Mutual Fire Insurance Co. authorized to repay assessment on policies, a 305, c 324, a 450, c 479  
 Committee to take possession of estates, c 315, a 318  
 Report on petition of Joseph Hunneman and others, a 328, 361, c 381  
 Order passed for releases on Winship place, a 379, c 382  
 Release to Hunneman, a 413, c 440, a 596  
 Several bonds cancelled, a 436, c 440, a 536, c 540, a 596, c 603, a 767, 796, c 803  
 Two lots on West Castle street forfeited, a 536, c 540  
 Renewal of conditions in deed to Abner Kinguan, a 617  
 Forfeiture of estate on East Fourth street, a 699  
 Forfeiture of estate on M street, a 699, c 701  
 Lot on Washington sq. forfeited, a 761, 769, c 770  
 Release of 111 Warrenton st., a 795, c 803  
 Extra appropriation referred, c 814, a 820; report, c 835
- Public Library —**  
 Expediency of Branch in West Roxbury, referred, c 40, a 41 report, a 296, c 308; order passed, a 322, c 355  
 South Boston Branch, report on additional accommodations, referred, a 149, c 158; report, inexpedient, c 549, a 551  
 Offer of Mercantile Library, c 274; order passed, c 292, a 296  
 Petition of trustees for authority to make a contract with superintendent, a 468; salary increased, a 468, c 478  
 Bequest from Charlotte Harris, referred, c 530, a 533; report, orders passed, c 549, a 551  
 Annual report, a 555  
 Request to use unexpended money for salaries, referred, a 730; report, a 784, c 789  
 Dedication of Jamaica Plain Branch, printing proceedings, referred, c 779, a 781; order passed, a 843, c 846
- Public Parks —**  
 Annual report of Park Commissioners, c 16  
 Charles-river embankment, a 117  
 Order passed to petition for amendment of act, a 267, c 271, a 277  
 Report of joint special committee, a 301; consideration, a 339, 365, 413, 438; order passed, a 474 c 478; committee instructed to procure estimates, c 480, a 490; report, order rejected, reconsideration, c 498; order passed, c 523, a 533  
 Visit by Common Council, c 315  
 Horatio Harris estate, c 315, 325  
 Petitions presented, a 438  
 Setting apart play-grounds, referred, c 531, a 533  
 Order passed to petition for authority for loan, a 660, c 675  
 Mt. Bellevue, West Roxbury, offer from W. E. Blakemore, referred, c 742, a 744; orders passed, c 815, a 820  
 Additional appropriation, request referred, a 761, c 770; order passed, a 782, c 804  
 Park Commissioners authorized to purchase, c 805, 817, a 821  
 Sixth report of Commissioners, a 841, c 846  
 Filling up Back Bay Park, order passed, a 843, c 846
- Record Commissioners —**  
 Authorizing second report referred, a 227, c 228; order passed, a 279, c 286  
 Third report received, a 704  
 Printing Charlestown Book of Possessions, referred, a 766; report, order passed, a 766, c 789
- Reed, Ward 17 — remarks:**  
 Salaries and duties of city officers, 37, 140, 165, 191  
 Boards and commissions, 76  
 Sinking Funds, 121  
 Salary of Supt. of Dover-st. Bridge, 381, 404  
 Free Ferries, 496, 516
- Refreshments, etc. — see Contingent Expenses.**
- Registrars of Voters —**  
 Request for information whether new member has entered on duties of office, c 467, a 471  
 Authorized to employ assistance, a 766, c 789, a 795  
 Extra sessions for registration of voters, c 743, a 744; amended order, c 770
- Rewards —**  
 Mary Ella Harrington, a 285; paid, a 583  
 \$500 for detection of robbers of Asa A. Breed, a 640
- Richardson, Ward 10 — remarks:**  
 Badges, 24  
 Salaries, names and residences of city officers, 40, 167, 188  
 Estates sold for assessments, 60  
 Work for poor citizens, 61  
 Abolition of Assistant Assessors, 98  
 Appropriation Bill, 228  
 Mr. Keith's appointment to Board of Health, 272  
 License Commissioners, 288, 652, 676  
 Play-grounds, 326  
 Mystic Valley Sewer, 329
- Fence on Commonwealth ave., 387  
 Army and Navy Monument, 440  
 Public Parks, 430, 504, 527  
 Occupancy of streets for building, 513, 546  
 Free Ferries, 521  
 Improved Sewerage, 530  
 Tax titles, 531  
 Vacations for firemen, 542  
 Inspection of Lime, 606  
 Extra pay for September 17, 608  
 Messenger for Treasury Department, 620  
 Care of hot ashes, 638  
 Investigation of Department of Common, etc., 656  
 Duties of city officers, 656  
 Loans for Public Parks, 675  
 Investigation of Fire Commissioners, 678  
 Hiring rooms in Pemberton square, 690  
 Opportunity for city employes to vote, 692  
 Appointment of Inspector of Buildings, 733  
 Commercial-st. widening, 750, 792, 804, 829  
 Employes on Fire-boat, 778, 794  
 Roxbury Canal, 789, 831, 849  
 Historic sites, 789  
 Surveyors of highways, 816  
 Squantum bridge, 828, 848
- Richardson, Ward 11 — remarks:**  
 Mystic Valley Sewer, 309  
 Public Parks, 479  
 Stony Brook, 718  
 Small-pox Hospital, 776  
 Payment for extra services in Assessors' Department, 804
- Robinson, Alderman — remarks:**  
 On election of chairman, 5  
 Retrenchment in expenditures, 10  
 Cost of publishing orders of notice, 20  
 Loiterers in City Hall, 46, 54  
 Exhibition on Common, 57, 112, 130  
 Tracks on Columbus ave., 155, 172  
 Protection of burial-grounds, 157  
 Care of tenants, 202, 210  
 Ninth-street improvement and work for laborers, 204  
 Play-ground on Common, 211  
 Fruit-stands in streets, 239, 262  
 Appropriation Bill, 243  
 Boats on Public Garden pond, 248  
 South Boston R. R., 251  
 Charles-river Park, 269  
 Equitable valuation of property, 306  
 Vacant stores and tenements, 307  
 Petition for new Gas Co., 318, 800  
 Public Parks, 348, 374, 414  
 Wales-street drainage, 379  
 Police for Bath Houses, 380  
 Asphalt pavement, 395, 437, 451  
 Supt. of permits for occupation of parts of streets, 438  
 Salary of Supt. of Public Library, 470  
 Free Ferries, 488  
 Police Sergeant Clark, 492  
 Proposed visit of Governors, 537  
 Horse-car blockades, 539, 584, 590, 619, 644  
 Improved Sewerage, 574  
 Limit of City Indebtedness, 590  
 Inspection of Lime, 599  
 Constables, 609  
 Blackstone-square accident, 610, 646  
 Rejection of policeman, 613  
 Paving Richmond street, 615  
 Police Boat "Protector," 629  
 East Boston High School, 648  
 Removal of tow-horses from South Russell street, 647  
 Discharge of laborers in Paving Department, 667  
 Wins, etc., at city entertainments, 658  
 Ward-room in Ward 24, 659, 700  
 Investigation of Common, etc., 689  
 Refreshments and bills, 684  
 South Boston Railroad location, 698  
 Police rules and regulations, 704, 840  
 Metropolitan Railroad, 728, 837  
 Roxbury Canal, 765, 786  
 Industrial Schools, 799  
 Metropolitan Railroad location in Washington street, 821  
 Congress-st. Widening, 854
- Roxbury Canal —**  
 Dredging authorized, a 708; report referred, a 726, c 728; report, a 746, 759, 763; orders for loan, and to take land, passed, a 788, c 789; referred to next City Government, c 831, 848, a 853
- Ruffin, Ward 9 — remarks:**  
 Badges, 24  
 Salaries, 40  
 Pay of street laborers, 59  
 Work for poor citizens, 62  
 Boards and commissions, 74  
 Common Council refreshment bills, 98  
 Claim of Louise Woodworth Foss, 124  
 Mechanics' Fair and the Common, 127  
 System of valuation, 206  
 License Commissioners, 276, 653

- Mr. Keith's appointment to Board of Health, 293  
 Horatio Harris Estate for Park, 325  
 Play-grounds, 328  
 License Commissioners, 384  
 Mystic Valley Sewer, 405  
 Army and Navy Monument, 442  
 Public Parks, 503  
 Police Boat "Protector," 636  
 Duties of city officers, 656  
 Additional Appropriation for Common, 691  
 Care of Public Grounds, 692, 794  
 Inspection of bills in Auditor's office, 693  
 Appointment of Inspector of Buildings, 722  
 Investigation of Common, etc., 810  
 Claims of John Raddin, 827
- Rules and Orders —  
 Of Aldermen — of 1876, adopted, 3; committee, 3; report, 8  
 Of Council — of 1876, adopted, 4; committee, 6; report, 14  
 Joint — of 1876, adopted, a 3, c 4; committee, a 3, c 4; report, amendment adopted, a 8, c 13  
 Pocket edition authorized, c 4, a 8  
 Order of inquiry referred, c 257, a 258; report, amendments adopted, a 279, c 289; recommittal, c 292; indefinite postponement, a 318
- Salaries —  
 Order relating to retrenchment passed, a 10, c 13  
 Proposed department for purchase of supplies, referred, c 28, a 29  
 Order to report names, residences, and salaries of city officers and employes passed, c 37; reconsidered, amended and passed, c 40; laid on table, a 41  
 Order to report duties of salaried officers passed, c 40; laid on table, a 43  
 Report of Joint Special Committee on Retrenchment, a 89; ordinances passed, a 102, c 140, 160, 183, a 197  
 Report of Joint Standing Committee on Salaries, a 91  
 Pensions for the Police, c 145; indefinite postponement, c 158  
 Salaries for court officers, a 157  
 Inspector of Provisions, c 207, a 211, c 257, a 267, 285, c 286, 311, a 320, 324, 334  
 Supt. of North Beacon-st. and Western-ave. bridge, a 258, c 270  
 \$500 to Assistant of City Architect, a 364, c 407  
 Supt. of Dover-street Bridge, \$2,500, a 379, c 381, a 391, c 403  
 Clerks in Fire Commissioners' office, c 408  
 Duties of Retrenchment Committee, c 440, 429, a 432  
 Equalizing pay of Water Inspectors, c 447, a 449  
 Water Board authorized to fix pay of employes, c 467, a 471  
 Of Supt. of Public Library, see Public Library.  
 Order passed relating to salaries of employes of Public Institutions, a 477, c 478  
 Sealers of Weights and Measures, a 436, 457, 492, c 491, a 510, c 514, a 535, c 545, 550, a 556, c 567, a 579, 584, c 621  
 City Engineer, referred, c 532; indefinitely postponed, a 533  
 Clerk of Ferries, c 549, a 551  
 License Commissioners, request referred, a 617; report, order passed, a 641; rejected, c 651, 656, 675, 836, 846  
 Treasurer's Messenger, a 646, c 675  
 Salaries for members of City Government, c 702, 743, 775; referred to next City Government, c 834, a 840  
 Salaried officials to devote their time to city, report, a 825; referred to next City Council, c 828, a 840
- Sampson, Ward 17 — remarks:  
 Appointment of Nominating Committees, 4  
 Retrenchment in expeditures, 14  
 Badges, 24  
 Management of sinking funds and city debt, 27, 119, 140, 144, 181, 217  
 Salaries and duties of city officers, 38, 140  
 Pay of street laborers, 59  
 Bills for furnishing supplies, 118  
 Mechanics' Fair and the Common, 123  
 The Appropriation Bill, 228, 253  
 Mr. Keith's appointment to Board of Health, 257, 271, 310  
 New building at Deer Island, 270  
 Second Assistant Assessors, 270  
 Public Parks, 271, 478, 482, 805, 813  
 English High and Latin School-house, 324  
 Play-grounds, 328  
 Clerk for License Commissioners, 353  
 Civilities to distinguished strangers, 358  
 Salary of Supt. of Dover-street Bridge, 403  
 Fire corner Shawmut ave. and Pleasant street, 408  
 Laborers in Paving Department, 409  
 Inspection of buildings, 447  
 Sealers of Weights and Measures, 513, 545  
 Improved Sewerage, 530, 544, 559, 635  
 Vacations for firemen, 542  
 Northampton-street District, 603  
 Inspection of Lime, 604  
 Additional Appropriation for Common, 655, 672  
 Refreshments, etc., 673  
 Loans for Public Parks, 675  
 License Commissioners, 676  
 Hiring rooms in Pemberton square, 690  
 Care of public grounds, 693  
 Inspection of bills in Auditor's office, 693
- Release of land to heirs of John English, 702  
 Vegetable Market, 719  
 Stone-cutting business at the Islands, 748  
 Small-pox Hospital, 775  
 Commercial-st widening, 804  
 Claim of John Raddin, 827  
 Claim of Martiu Milmore, 835
- Schools — see also Industrial Schools.  
 Requests from School Committee, referred, relating to Primary schools on Washington street and Codman park, and to Allston School, a 17, c 23  
 Furniture for new school-house, West Roxbury, authorized, c 95, a 100  
 \$23,000 additional appropriation, c 97, a 100, c 124, a 130, c 141  
 Paving Bennett School yard, referred, c 123, a 130, 321  
 Vacation Schools, referred, c 123, a 130; report, discussion, and recommittal, a 280, c 286, a 321, c 324, a 328, 361, c 332, a 339, 438, c 440, 460  
 Gordon-st. School-yard enlargement, referred, c 123, a 130  
 Egleston square accommodations, referred, c 123  
 Allston School location and building, referred, c 123, a 130  
 Dorchester School-house windows, referred, c 123, a 130, c 265  
 Gaston District, report on site, c 124, a 130  
 Andrew District, request referred, c 207, a 211  
 Adams School, request referred, c 236, a 238; report, repairs authorized, c 466, a 472  
 Remonstrance of School Committee against reduction of appropriation, c 233, a 238  
 English High and Latin Schools, report, a 280; referred, a 305, c 308; order passed, a 322, c 355  
 Allston District, request for additional accommodations, referred, c 311, a 318, c 430, a 432, c 440, 531, 544, a 554, c 567  
 Primary School-house on Weston street, c 383, a 389  
 Temporary building at Egleston square, c 383, a 389  
 East Boston Brauch High School, request from School Committee, referred, c 385, a 389  
 Tickets for School Festival, c 388  
 Public School Musical Exhibitions, a 401, 477  
 Brimmer School-house, order referred, c 467, a 472; report, order passed, c 549, a 551  
 School furniture for St. John, N.B., a 491, c 494; thanks of St. John, a 580  
 Everett school, Dorchester, furniture authorized, a 581, c 603  
 Brighton school-houses, requests referred, c 622, a 627; report, c 779  
 School Sessions, discussion, c 637  
 Old Lyman school-house, E. B., for High School, c 621, a 627, 647, 658, c 669, a 682, c 690, 850  
 Requests referred for fire escapes from Latin and English High School; to enlarge yard of Andrew School; to present plan of buildings for Allston School, c 690, a 697  
 New High and Latin school-house, purchase of wall, a 699, c 701, 719, a 725  
 Release of betterment title on site in Brighton, to heirs of English, c 701, 719, a 725  
 Brimmer School-building, request for information indefinitely postponed, c 690; request referred, c 742; indefinitely postponed, a 744  
 Condition of School-houses, Inspector of Buildings to report, c. 779; laid on table, a 782; indefinitely postponed, a 856
- Seventeenth of June —  
 Order offered, c 194; passed, committee appointed, c 206, a 211
- Sewers — (see also Improved Sewerage.)  
 Mystic Valley — see Water.  
 Annual report of Superintendent, c 36  
 Stony Brook — see Stony Brook Improvement.  
 Back Bay Nuisance — Board of Health to report, c 315, a 318; report of committee, a 322  
 Muddy Brook drainage, referred, c 387  
 Wales-street drainage, report, a 379  
 \$2,000 to Charles B. Gardner, assignee, a 450  
 Orders of notice of intention to take land, a 472, 587  
 Sewer in Maudlin street, referred, a 535  
 Resolves and orders to take land, a 536, 555, 587, 597, 612  
 Roxbury Canal, — see heading Roxbury Canal.  
 Order to construct in Chambers street, 267  
 " " " " Whitney street, 267  
 " " " " Centre street, 267  
 " " " " Sargent street, 301  
 " " " " Dorchester st., 301  
 " " " " Starr st., 301  
 " " " " Newbern st., 301  
 " " " " Meauder st., 321  
 " " " " Norwich st., 321  
 " " " " Boylston st., 365  
 " " " " Gibson st., 365  
 " " " " Dorchester ave., 365  
 " " " " Mather st., 365  
 " " " " Fairfield st., 395  
 " " " " North Market st., 450  
 " " " " Wyman st., 450  
 " " " " Lamartine st., 450  
 " " " " Moon st., 450  
 " " " " Savin Hill ave., 450  
 " " " " Sagamore st., 450  
 " " " " Wesley st., 490  
 " " " " Washington st., 490

- Order to construct in Burr st., 510  
 " " " " Avon place, Roxbury, 510  
 " " " " India st., 510  
 " " " " Garden st., 510  
 " " " " Walnut st., 536  
 " " " " Adams st., 555  
 " " " " Curtis st., 555  
 " " " " Forbes place and Bowe st., 555  
 " " " " Taylor street, 581  
 " " " " Cedar avenue, West Roxbury: 583  
 " " " " John A. Andrew street, 583  
 " " " " Mandlin street, 587  
 " " " " Maple street, 587  
 " " " " Jenkins street, 597  
 " " " " Canal street, 597  
 " " " " Haymarket square, 597  
 " " " " St. James avenue, 602  
 " " " " Rockland street, 612  
 " " " " Jenkins street, 612  
 " " " " Tuckerman street, 612  
 " " " " Dorchester street, 612  
 " " " " Blue Hill avenue to Warren street, 612  
 " " " " Warren street, 612  
 " " " " Crawford street, 612  
 " " " " Thomas street, 646  
 " " " " Washington street, 660  
 " " " " Ferry street, 660  
 " " " " Dudley street, 660  
 " " " " Thornton street, 660  
 " " " " Thomas street, 682  
 " " " " A street, 682  
 " " " " Northampton street, 698  
 " " " " Summit street, 698  
 " " " " Cunard street, 726
- Shepard, Ward 4 — remarks :  
 Release of land to heirs of John English, 702
- Sibley, Ward 5 — remarks :  
 Retrenchment in expenditures, 13  
 Badges, 24  
 Abolition of Assistant Assessors; 73  
 Boards and commissions, 77  
 Mechanics' Fair and the Common, 126  
 Salaries of city officers, 188  
 Play-ground on Common, 209  
 Appropriation Bill, 231  
 East Boston Ferries, 271  
 Fourth of July, 273  
 License Commissioners, 287, 652, 676  
 Joint Rules and Orders, 289  
 Mystic Valley Sewer, 309, 428  
 Ventilation of Council Chamber, 313  
 Police for License Commissioners, 355  
 Army and Navy Monument, 441  
 Public Parks, 478, 481  
 Free Ferries, 496  
 Vacations for firemen, 541  
 Sealers of Weights and Measures, 545  
 Improved Sewerage, 566  
 Inspection of Lime, 604  
 Police boat " Protector ", 636  
 Care of hot ashes, 639  
 Investigation of Fire Commissioners, 677  
 Employees on Fire-boat, 794  
 Roxbury Canal, 832, 849
- Sinking Funds —  
 Order on management referred, c 26, a 29; report, c 124; orders rejected, c 143  
 Unexpended balances of appropriations, a 70, 80; ordinance passed, a 110; discussed, referred to Finance Committee, c 118, a 130; report, ordinance passed, c 139; amended, a 176; non-concurrence, c 181; concurrence, a 197  
 Order for equalizing taxation, a 157, 171, c 181  
 Order to report amendments of ordinances to conform to statutes, a 179, c 181, a 197; report, a 825, c 827  
 Appropriation required, communication referred, a 198, c 206  
 Auditor requested to furnish estimates, c 208; reconsideration, order rejected, c 217; order passed, c 236, a 238, c 255, a 258  
 Ordinance authorizing reductions passed, c 217, a 223  
 Annual report, 363, 395
- Slade, Alderman — remarks :  
 On election of chairman, 2  
 Exhibition on Common, 133  
 Tracks on Columbus ave., 155, 174  
 Play-ground on Common, 213  
 Appropriation Bill, 247  
 South Boston R. R., 251  
 Fruit-stands in streets, 264  
 Vacation Schools, 281  
 Salary of Inspector of Provisions, 285, 319, 337  
 Sealers of Weights and Measures, 297, 426, 436, 457, 511, 579, 584  
 Refreshment Bills, 319  
 Public Parks, 374, 413  
 Wales-street drainage, 379  
 Police for Bath Houses, 380  
 Asphalt pavement, 397, 454  
 Mystic Valley Sewer, 425  
 Salary of Supt. of Public Library, 471  
 Horse-car blockades, 539, 591
- Limit of city indebtedness, 589  
 Inspection of Lime, 599  
 Printing Army and Navy Memorial, 632  
 License Commissioners, 642  
 Dressed Poultry, 647  
 East Boston High School, 649  
 Blackstone square accident, 666  
 Refreshments, etc., 685  
 Expenditures for Common, etc., 689  
 Vegetable Market, 709  
 Metropolitan Railroad, 728, 837  
 Roxbury Canal, 788  
 Industrial School, 797  
 Claim of John Raddin, 825  
 Management of horse railroads, 845
- Smardon, Ward 10 — remarks :  
 Joint Rules and Orders, 290  
 Investigation of Department of Common, etc., 656, 672
- Soup for the Poor —  
 Report from Chief of Police, 225  
 Order appropriating \$4,800 referred, c 779, a 781
- South Boston Flats —  
 Request to construct B or C steet, a 709, c 719
- South Boston R. R. Co. —  
 Hearing on running cars from southern to northern depots, a 88; report, a 149, 171  
 Hearing on uniting Federal and Kneeland street tracks, a 170; order passed, a 266  
 Thirteenth location, to northern depots, granted, a 249  
 Location accepted, a 278  
 Location at Old Colony Station, a 412, 698, 708  
 Hearing on petition to lay down tracks in Canal street, a 432; leave to withdraw, a 536  
 15th location accepted, a 782  
 Petition for new connections referred, a 781  
 Curved tracks on Sixth-st., report, 783  
 Location accepted, a 839; order rescinded, a 843
- Souther, Ward 14 — remarks :  
 Salaries, 168
- Spenceley, Ward 19 — remarks :  
 Admission to ante-room, 6  
 Retrenchment in expenditures, 13  
 Badges, 25  
 Regulation of quacks, 39  
 Uniform for Fire Commissioners, 49  
 Salaries and duties of city officers, 37, 164, 187  
 Labor for poor citizens, 60  
 Sinking Funds, 120, 145, 182, 218  
 Mechanics' Fair and the Common, 125, 138  
 Management of public grounds, 139, 159  
 Pensions for police, 145, 158  
 Play-ground on Common, 208, 314  
 System of valuation, 207  
 Appropriation Bill, 229, 253  
 Certificates of Firemen, 253  
 Mr. Keith's appointment to Board of Health, 256, 273, 294  
 Acceptance of Mercantile Library, 274  
 License Commissioners, 288, 353, 383, 653  
 Joint Rules and Orders, 290  
 Board of Health, 294, 324  
 Ventilation of Council Chamber, 312  
 Horatio Harris Estate for Park, 326  
 Means of egress from Public Buildings, 328  
 Mystic Valley Sewer, 331, 406, 429  
 Contracts only to citizens, 355  
 Official report, 359  
 Salary of Supt. of Dover-street Bridge, 381, 403  
 Vacation for firemen, 386, 494, 540  
 Management of Fire Boat, 387  
 Fire corner Shawmut ave. and Pleasant street, 408  
 Duties of Fire Commissioners, 408  
 Salary of clerks in Fire Commissioners' office, 409  
 Laborers in Paving Department, 410  
 Duties of Retrenchment Committee, 410, 429  
 Visit to Sudbury River, 357, 430  
 Personal explanations, 430  
 Buildings to be inspected, 431  
 Army and Navy Monument, 443  
 Civilities to distinguished strangers, 459  
 Repairs on Adams School-house, 466  
 Storage of gunpowder, 468  
 Public Parks, 479, 481, 504, 529  
 Sale of Atherton School building, 513  
 Occupancy of streets for building, 513, 547  
 Improved Sewerage, 530, 564  
 Refreshments, etc., 531  
 Sealers of Weights and Measures, 546  
 Inspection of Lime, 605  
 Extra pay for Sept. 17, 608, 621  
 Messenger for Treasury Department, 620  
 Police boat " Protector ", 622  
 School sessions, 637  
 Care of hot ashes, 638  
 Wines, etc., at city entertainments, 639  
 Additional appropriation for Common, 655  
 Investigation of Department of Common, etc., 656  
 Duties of city officers, 656  
 Hiring rooms in Pemberton square, 669, 690

- Investigation of Fire Commissioners, 677, 734  
 Inspection of Refreshment bills, 676, 743  
 Brimmer school building, 690  
 Sterling-street extension, 691  
 Care of public grounds, 693  
 Election of Inspector of Buildings, 701, 738  
 Salaries for members of City Government, 702  
 Commercial-st. widening, 756, 804  
 Payment of carriage-bills, 770  
 Employés ou Fire-boat, 778, 794  
 Historic sites, 791  
 Payment for extra services in Assessors' Department, 803  
 Reduction of rent to T. W. Carter, 803  
 Ordinance in relation to Fire Department, 833
- State Aid —  
 Committee, a 2, c 5  
 Quarterly report of Paymaster, a 9, 225, 472, 626
- Stone, Ward 3 — remarks:  
 Pay of street laborers, 59, 206  
 Estates sold for assessments, 60  
 Work for poor citizens, 61  
 Sinking Funds, 119  
 Bills for furnishing supplies, 118  
 Claim of Louise Woodworth Foss, 124  
 Mechanics' Fair and the Common, 126  
 Management of Public Grounds, 139  
 Salaries of city officers, 140, 169  
 Use of City Hall Elevator, 143  
 Second Assistant Assessors, 158  
 Appropriation Bill, 229  
 License Commissioners, 287  
 Mystic Valley Sewer, 309  
 Visit to the Parks, 315  
 Public Parks, 502, 813, 817  
 Messenger for Treasury Department, 620  
 Police boat "Protector", 622, 636  
 Armory in Charlestown, 719  
 Small-pox Hospital, 776
- Stony Brook Improvement —  
 Report of Street Commissioners, a 92; referred, a 365, c 381  
 Release of land, a 587  
 Report referred, a 707, c 718, 724  
 Report orders passed, a 732, c 734, 748; laid on table, c 773;  
 order rejected, c 793; reconsideration, orders passed, c 805,  
 816
- Streets —  
 Annual report of Commissioners, c 15  
 Superintendent authorized to remove structures on sidewalks,  
 grant permits to open streets, number streets, purchase  
 horses and supplies, furnish and set edgestones, pave side-  
 walks, erect fences, lay crosswalks, and pave gutters, a 19, 29  
 Committee authorized to refer claims to arbitration, a 33  
 Oliver-street improvement, rescinding order of Sept. 30, 1867,  
 c 36, 48, a 54  
 Betterments assumed, Swett street, a 71, 88  
 Committee authorized to arrange for conveyance of cross-dam  
 to city, a 94, c 95  
 Beach-street widening, conveyance to Moses Williams, c 98, a 100  
 \$5,000 additional appropriation, c 142, a 149  
 Expediency of watering main avenues referred, a 198  
 Ninth-street improvement, and work for laborers, referred, a  
 202, c 206, 336, a 390, c 403, a 436, 448, c 479  
 Annual report of Supt., a 225  
 Order of notice to quit on River street, a 267  
 Closing up and building over fifty feet of street, between  
 Columbus ave. and Dartmouth st., c 329, 357, a 363  
 Asphalt pavement, petition referred, a 320; discussion, recom-  
 mital, a 395; report, a 437; order passed, a 451  
 Unsafe building on Mill street, referred, c 431, a 432  
 Consultation relative to B street, a 509, c 513  
 Horse-car blockades, order of inquiry passed, a 538  
 Relocation of Western ave., Brighton, a 491, 535, 641, 646  
 Release to Liberty Square Warehouse Co., c 549, a 551  
 Release of land adjoining Rockland street, c 549, a 551  
 Purchase of estate of Mrs. Ellis authorized, a 556, c 567  
 Butchers' Slaughtering and Melting Association, railroad,  
 a 614, 641  
 Sale of building corner Boylston street and Chester park, a 633,  
 c 634  
 Relocating of streets, order to petition, c 656, a 658  
 Commercial street widening — Com. from Commissioners, a 93;  
 reference, a 149, c 158; request to report, c 446, a 449, c 482;  
 report, reference, c 497, a 507, c 513, a 557, c 563, a 579; re-  
 port inexpedient, a 618; order passed, a 629, c 635, 653,  
 656; rejected, c 792; reconsideration, c 794, 804  
 Sterling-street extension, request for estimate, c 691, a 697; re-  
 port referred, a 761, c 770; order passed, c 829, a 839  
 Plan to relieve the blockade, a 697  
 Permission to erect bridge over Milk-st., from Old South  
 Church, a 726  
 Congress-st. Improvement, order passed, c 849, a 853  
 \$2,250 to James Dennie, a 842  
 — A st., grade established, 767; grading, 783  
 — Alden st., paving, a 320  
 — Adams st., grade, macadamize, a 320  
 — Adams street, order to "quit", 581  
 — Albany street, repair bridge, 596  
 — Beacon street, sprinkling, a 240  
 — Blue Hill ave., sprinkling, 279  
 — Brighton ave., sprinkling, a 240  
 — Brookline ave., " a 240  
 — Boylston st., W. Roxbury, edgestones, crossing, a 320  
 — Boylston avenue, grade, macadamize, etc., a 320  
 — Boston st., sprinkling, a 321  
 — Bishop st., edgestones, gutters, macadamize, 321  
 — Broadway, repave, 364  
 — Beech st., paving, 490  
 — Brookline and Longwood avenues, sprinkling, a 474  
 — Canal st., Charlestown, grade established, a 71  
 — Cambridge st., paving, a 320  
 — Commonwealth ave., edgestones, gutters, crosswalks, macadam-  
 izing, a 338  
 — Cottage st., sprinkling, 321  
 — Charlestown st., paving tracks of Middlesex R. R., a 392; re-  
 paving, 392  
 — Charles st., paving, 474  
 — Centre st., Roxbury, sprinkling, 536  
 — Cambridge st., Charlestown, Middlesex R. R. Co. to pave tracks,  
 364  
 — Columbus avenue, stone blocks adjacent to railroad, edgestones,  
 sidewalks, 587; delay of paving referred, c 701  
 — Cross street, paving, 616  
 — Call st., Jamaica Plain, named, 767  
 — Chestnut ave., named, 821  
 — Dorchester avenue, grade established, a 71  
 — Dearborn st., sprinkling, a 338  
 — Dartmouth place, edgestones, sidewalks, gutters, 587  
 — Dix street, open and grade, 659  
 — Downer st., grading, 761  
 — Eliot square, Roxbury, sprinkling, 536  
 — Enstis st., " " 338  
 — Easteru ave., grade established, a 267  
 — Everett st., Jamaica Plain, named, 767  
 — Fourth st., repave, 364  
 — Franklin ave., closed for repairs, 392  
 — Fort Hill square, pave sidewalk, 412  
 — Guild st., edgestones, paved gutters, 436  
 — Gouch st., name changed to Norman st., 795  
 — Indson street, grade established, a 71  
 — Highland st., sprinkling, a 321  
 — Humphrey st., sprinkling, 321  
 — Holbrook st., grade and gravel, 510  
 — Harrisou ave., sprinkling, 436  
 — Huntingtou ave., grading, macadamizing, fences, plank walks,  
 536  
 — Isabella street, grading and paving, a 240  
 — India st., paving, 392  
 — Kilby st., crosswalk, a 392  
 — Lincoln st., Charlestown, grade established, a 71  
 — Lamartine st., edgestones, gutters, 364; revised grade, 761  
 — Longwood avenue bridge, closed for repairs, 583  
 — Liverpool street, edgestones and roadway, 580  
 — Mercer street, paved sidewalks, 279  
 — Mt. Everett st., grading, a 320  
 — Marginal st., crosswalk, 510; paving, 615  
 — Miller st., Charlestown, edgestones, gutters, sidewalks, 510  
 — Mill street, raise and grade, culvert, retaining walls, 583; grade  
 established, 761  
 — Meridian street, repave, 587  
 — Marginal street, paving, 616  
 — Myrtle street, edgestones, gutters, roadway, 682  
 — Northampton st., paving, a 320  
 — Norman st., named, 795  
 — Old Harbor street, edgestones and gutters, a 279  
 — P st., edgestones, gutters, 821  
 — Park st., W. Rox., grade, gravel, a 364  
 — Roxbury st., sprinkling, 320  
 — River st., Dorchester, grading, macadamizing, a 450  
 — Richmond street, paving, 615  
 — Sixth st., edgestones, gutters, 321  
 — Spring Garden st., grade, gravel, a 363  
 — Sherman st., edgestones, gutters, sidewalks, a 363  
 — South and Centre sts., W. Roxbury, edgestones, macadamize,  
 364  
 — Sargent st., grade, macadamize, 412  
 — Swett st., grading, 436  
 — Summer street, Dorchester District, edgestones and sidewalks,  
 580  
 — Sparhawk street, edgestones, gutters, 587  
 — Shelby st., order to quit, 825  
 — Trinity place, edgestones, gutters, sidewalks, 364  
 — Tremont st., repave, 364; paving, 392  
 — Walnut ave., water, a 320  
 — Warren st., sprinkling, 321  
 — West Chester Park, grading, macadamizing, fences, plank walks  
 338  
 — Washington st., sprinkling, 338; plank walk, 364  
 — Warren st., paving, 412  
 — Wales st., edgestones, gutters, macadamizing, 364  
 — Washington street (Brighton), macadamize, 587  
 — Wyman st., revised grade, 761  
 Suffolk-street District — see Claims.  
 Summer Vacation —  
 Order laid on table, c 482; passed, c 550, a 587, 59

- Taxes — (see heading, Auditor of Accounts.)  
 Petition from James Deshon referred, c 48
- Thompson, Alderman — remarks:  
 Retrenchment in expenditures, 11, 41, 102  
 Cost of publishing orders of notice, 20  
 Election of Trustees of Public Library, 29  
 Union Freight Railroad, 46  
 Equitable valuation of property, 54, 306  
 Exhibition on Common, 57, 111  
 Appointment of special police at Boston and Maine R. R., 72  
 Management of sinking funds, 85  
 Exhibition on Common, 134  
 Tracks on Columbus ave., 150, 173  
 List of Jurors, 157  
 System of taxation, 175  
 Care of truants, 200, 210  
 Ninth-street improvement, and work for laborers, 202  
 South Boston Railroad, 216, 249  
 Appropriation for Schools, 238  
 Appropriation Bill, 241, 261  
 East Boston Ferries, 258, 657  
 Middlesex R.R., 266  
 New piggery at Deer Island, 266  
 Charles-river Park, 267  
 Joint rules and orders, 279  
 Vacation Schools, 280, 361, 389  
 Salary of Inspector of Provisions, 285  
 Sealers of Weights and Measures, 301, 426, 457  
 Vacant stores and tenements, 307  
 Registrar of Voters, 316  
 Petition for new Gas Co., 318, 800  
 Refreshment Bills, 318  
 Salary of Inspector at Abattoir, 319, 335  
 Army and Navy Monument, 321, 592  
 Public Parks, 348, 378, 418, 476, 821  
 Play-grounds, 350  
 License Commissioners, 350, 642  
 Northampton-street District, 361, 597  
 Salary of Supt. Dover-street Bridge, 391  
 Asphalt Pavement, 320, 396, 437, 451  
 Public school musical Exhibitions, 401  
 Mystic Valley Sewer, 424, 434, 458, 472  
 Allston School, 433  
 Salary of Supt. Pub. Library, 469  
 Widening Commercial street, 508  
 Free access to horse railroad cars, 511  
 Proposed visit of Governors, 536  
 Horse-car blockades, 539, 591, 618  
 Occupation of streets for building, 554  
 Purchase of estate of Mrs. Ellis, 556  
 Inspection of Lime, 598  
 Constables, 609, 626  
 Blackstone-square accident, 609, 667  
 Rejection of policeman, 613  
 Paving Richmond street, 615  
 East Boston High School, 627, 649  
 Printing Army and Navy Memorial, 616  
 Refreshments, etc., 687  
 South Boston Railroad location, 698  
 Vegetable Market, 716  
 Metropolitan Railroad, 730, 837  
 Brimmer School, 744  
 Roxbury Canal, 759, 765, 788  
 Forfeiture of land on Washington sq., 761, 769  
 Small Pox Hospital, 781  
 Industrial School, 783, 799  
 Nuisance in Charlestown, 788, 796  
 Improved Sewerage, 799  
 Claim of John Raddin, 826  
 Management of horse-railroads, 845  
 Congress-st. widening, 853  
 Middlesex Railroad, extra cars, 856
- Thompson, Ward 9 — remarks:  
 Election of Ferry Directors, 15  
 Badges, 23  
 Salaries and duties of city officers, 37, 164, 190  
 Petition of James Deshon, 43  
 Uniform for Fire Commissioners, 49  
 Contract for water-pipes, 72  
 Boards and Commissions, 76  
 Abolition of Assistant Assessors, 98  
 Sinking Funds, 119, 144, 181  
 Mechanics' Fair and the Common, 126  
 Contingent Fund, 142  
 Play-ground on Common, 209, 315  
 Certificates of Firemen, 253  
 Mr. Keith's appointment to Board of Health, 255, 272, 293, 310  
 Public Parks, 271, 478, 480, 498, 502, 527, 805, 813, 815, 817  
 Acceptance of Mercantile Library, 274  
 License Commissioners, 288, 328, 352, 383, 652, 836  
 Joint Rules and Orders, 290  
 Ventilation of Council Chamber, 313  
 Visit to the Parks, 315  
 Play-grounds, 327  
 Mystic Valley Sewer, 330, 407  
 Police for License Commissioners, 354  
 Contracts only to tax-payers, 332, 355  
 Cushing's Manual for members, 356
- Civilities to distinguished strangers, 357  
 Official report, 359  
 Salary of Supt. of Dover-street Bridge, 381, 403  
 Management of Fire-boat, 387  
 Laborers in Paving Department, 410  
 Duties of Retrenchment Committee, 410  
 Occupancy of streets for building, 513  
 Free Ferries, 518  
 Personal explanation, 523  
 Refreshments, etc., 531  
 Northampton-street District, 603  
 Inspection of Lime, 604  
 Extra pay for September 17, 608  
 Messenger for Treasury Department, 620  
 Police boat "Protector", 622, 636  
 Additional appropriation for Common, 634, 654, 672  
 Removal of Superintendent Common, 655  
 Duties of city officers, 656  
 Laborers on public grounds, 656  
 Refreshments, etc., 674, 774  
 Loans for public park, 675  
 Investigation of Fire Commissioners, 677  
 Release of land to heirs of John English, 702  
 Stony Brook, 718  
 South Boston Flats, 719  
 Armory in Charlestown, 719  
 Appointment of Inspector of Buildings, 720, 737, 740  
 Commercial-st. widening, 753, 792, 804, 829  
 Small Pox Hospital, 776  
 Roxbury Canal, 789, 849  
 Historic Sites, 790  
 Management of Common, etc., 794  
 Investigation of Common, etc., 808  
 Pay of employés of Fire Boat, 794
- Thorndike, Ward 2 — remarks:  
 Improved Sewerage, 560
- Treasury Department —  
 Extra clerk-hire authorized, a 280  
 \$100 for clerk hire, c 310  
 Annual report of treasurer, referred, c 357, a 363; report of committee on examination, c 445, a 449  
 Special Messenger authorized, a 617, c 620, 635, a 640, c 675  
 Taxes and betterments on site of Post Office extension, c 742, a 744
- Trees —  
 Removals authorized, a 338, 436, 700, 797, 825
- Truant and Vagrant Home — see Public Institutions.
- Union Freight Railroad —  
 Order restricting trains referred, a 46  
 Track from Commercial street to Union Wharf, a 783, 820
- Unfinished business —  
 Standing Committees directed to resume, c 4, a 8, 12  
 Suffolk, Church and Northampton-street districts referred to Committee on Public Lands, a 10, c 13  
 Referred to next City Government: —  
 Brighton High School building, c 779, a 781  
 Joint Committee business, c 850, a 853  
 Requiring salaried officers to devote whole time to city, c 828, a 840  
 Bridge to Squantum, c 828, 848  
 Roxbury Canal, c 831, 848, a 853  
 Ordinance relating to Fire Department, c 833, a 840  
 Mercantile Wharf, c 833  
 Salaries of members of City Government, c 834, a 840  
 Standing Committees Board of Aldermen, 856
- Union R.R. Co. —  
 Hearing on running to Temple place, a 195  
 Petition for track in Merrimac street, a 644  
 Removal of tow-horses from South Russell street, a 647
- Viles, Alderman — remarks:  
 N. W. Day's omnibus route, 80  
 Management of sinking funds, 85  
 Tracks on Columbus ave., 157  
 Jury List, 176  
 Care of truants, 201  
 Appropriation Bill, 248  
 Fruit-stands in streets, 263  
 Salary of Inspector of Provisions, 285, 337  
 Sealers of Weights and Measures, 300, 426, 457, 510  
 Registrar of Voters, 316, 351  
 Wales-street drainage, 379  
 Police for bath-houses, 380  
 Asphalt pavement, 395  
 Poland and Peabody's omnibus line, 401  
 Free Ferries, 487  
 Police Sergeant Clark, 493  
 Public Parks, 475  
 Commercial-street widening, 508, 558, 631  
 Improved Sewerage, 578  
 Printing at Deer Island, 586  
 Constables, 609, 626  
 Rejection of policeman, 613  
 Paving Richmond street, 615  
 Removal of horses from South Russell street, 647  
 East Boston High School, 649  
 Refreshments, etc., 682

Stone-cutting at Deer Island, 698  
 Vegetable market, 717  
 Metropolitan Railroad, 730, 837  
 Roxbury Canal, 727, 759, 764, 784  
 Public Lands, 762  
 Forfeiture of land on Washington sq., 762  
 Small Pox Hospital, 781  
 Nuisance in Charlestown, 788, 796  
 Metropolitan Horse Railroad location in Washington st., 823  
 Claim of John Raddin, 825

Vose, Ward 24 — remarks:  
 Salaries and duties of city officers, 38, 167  
 Visit to the Parks, 315  
 Salary of Clerks in Fire Commissioners' Office, 409  
 Visit to Sudbury river, 409, 430  
 Personal explanations, 430  
 Sale of Atherton School building, 513

Wards —  
 Ward-room for Ward 24, c 357, 383, a 389, 659, 700, 732, 734  
 Ward 2, resignation of Inspector, a 391  
 Ward 22, ward-room accommodations, referred, c 410

Washington's Birthday —  
 Order passed to commemorate, c 37, 48, a 54

Water —  
 Contract for pipe authorized, a 56, 71, c 72  
 Water Board authorized to designate number of employes and fix salaries, c 236, a 238  
 Report on high service in theatres, c 274, a 277  
 Mystic Valley Sewer, order for construction, passed, a 297, c 308, 324; employing citizens as laborers, referred, c 329 a 337; resolve and order passed, a 392, c 404; non-concurrence, a 424; adherence, c 427, a 434; reconsideration, a 457, c 460; communication from City Council of Somerville laid on table, a 472; order passed, c 480, a 490; report on legality, c 504; report from Water Board, orders passed to take land, c 550; reconsideration refused, c 550, a 551; communication from Woburn referred to Water Board, a 585; deduction of wages referred, c 623, a 627  
 Visit to Sudbury river, order rejected, c 357, 409; orders passed, c 430, 440, a 456, 477, c 480, a 490  
 Boston Water Board, first annual report, a 509  
 \$20,000 for pumping engine, a 598, c 603, a 611, c 622, a 627  
 \$27,000 for second line force main-pipe, Mystic, a 598, c 603, 622, a 627

Webster, Ward 3 — remarks:  
 Retrenchment in expenditures, 14  
 Badges, 15, 25  
 Salaries and duties of city officers, 37, 40, 164, 185  
 Abolition of Assistant Assessors, 73  
 Mechanics' Fair and the Common, 126  
 Coutingout Fund, 142  
 Use of City Hall Elevator, 143  
 Pensions for police, 158  
 System of valuation, 207  
 Sinking Funds, 219  
 Appropriation Bill, 232  
 Mr. Keith's appointment to the Board of Health, 256, 272, 294  
 Public Parks, 271  
 Fourth of July, 273  
 Acceptance of Mercantile Library, 274, 292  
 Joint Rules and Orders, 289  
 Board of Health, 295  
 Mystic Valley Sewer, 309, 330, 404, 427  
 Ventilation of Council Chamber, 313  
 Visit to the parks, 315  
 License Commissioners, 315, 328, 651  
 Contracts only to tax-payers, 333  
 Cushing's Manual for members, 356  
 Civilities to distinguished strangers, 357  
 Official report, 360  
 Salary Superintendent of Dover-street bridge, 403  
 Salary of clerks in Fire Commissioners' office, 408  
 Duties of Retrenchment Committee, 410, 429  
 Personal explanation, 430  
 Inspection of Buildings, 446  
 Salaries of employes of Water Board, 467  
 Public Parks, 481  
 Free Ferries, 514  
 Sealers of Weights and Measures, 513, 546  
 Improved Sewerage, 530, 564  
 Refreshments, etc., 532  
 Salary of clerk of ferries, 550  
 Inspection of Lime, 603  
 Police boat "Protector", 637  
 School sessions, 637  
 Investigation of Department of Common, etc., c 656, 673, 813  
 Refreshment bills, etc., 676, 743  
 Investigation of Fire Commissioners, 678  
 Appointment of Inspector of Buildings, 721, 734  
 Surveyors of Highways, 816  
 Public Parks, 818  
 Curbstone fruit-venders, 828, 846

Weights and Measures — see also Salaries.  
 Annual report, a 30  
 Report and orders referred, a 301, c 308; report, a 364  
 Discussion on petition for appointment of Daniel C. Hunt, a 426; indefinitely postponed, a 436

Wilbur, Ward 20 — remarks:  
 Uniform system of valuation, 48  
 Labor for poor citizens, 61  
 Abolition of Assistant Assessors, 72, 95  
 Boards and commissions, 75  
 Sinking Funds, 119  
 Bills for furnishing supplies, 118  
 Mechanics' Fair and the Common, 125, 133  
 Use of City Hall Elevator, 143  
 Salaries, 163, 189  
 Second Assistant Assessors, 158, 254  
 System of valuation, 207  
 Appropriation Bill, 230, 254  
 Dorchester School-house windows, 255  
 Mr. Keith's appointment to Board of Health, 272, 294  
 License Commissioners, 287, 353  
 Ventilation of Council Chamber, 312, 440  
 Vacation Schools, 324  
 Horatio Harris estate for park, 325  
 Mystic Valley Sewer, 329, 404  
 Contracts only to tax-payers, 332, 355  
 Civilities to distinguished strangers, 358  
 Official report, 360  
 Cause of fire corner Shawmut avenue and Pleasant street, 407  
 Salary of clerks in Fire Commissioners' office, 409  
 Visit to Sudbury river, 430, 440  
 Army and Navy Monument, 441  
 Public Parks, 478, 481  
 Inspection of Buildings, 447  
 Free Ferries, 496  
 Sale of Atherton School building, 513  
 Improved Sewerage, 530  
 Vacations for firemen, 541  
 Occupancy of streets for building, 547  
 Investigation of Fire Commissioners, 677  
 Hiring rooms in Pemberton square, 669  
 Appointment of Inspector of Buildings, 720  
 Stone cutting business at the Islands, 748  
 Small Pox Hospital, 776

Wilder, Alderman — remarks:  
 Abatement of claim against a bankrupt, 52  
 Election of Assessors, 56, 179  
 Appointments of special police at Boston and Maine R. R., 72  
 Consolidation of City Registrar and Board of Health, 86  
 Exhibition on Common, 112, 131  
 Tracks on Columbus ave., 155, 172  
 Confirming nominations of city officers, 197  
 Play-ground on Common, 212  
 Fruit-stands in streets, 239, 264  
 East Boston Ferries, 260  
 Salary of Inspector of Provisions, 285, 319, 335  
 Sealers of Weights and Measures, 297, 426, 437, 457, 510  
 Equitable valuation of property, 305  
 Vacant stores and tenements, 307  
 Walce-street drainage, 379  
 Public Parks, 349, 367, 416  
 Poland & Peabody's Omnibus Line, 398  
 Mystic Valley Sewer, 424  
 Asphalt pavement, 456  
 Vacation of firemen, 507  
 Proposed visit of Governors, 537  
 Horse-cars blockades, 538  
 Occupation of streets for building, 554  
 Improved Sewerage, 575  
 Inspection of Lime, 598  
 Blackstone-square accident, 609, 666  
 Refreshments, etc., 684  
 South Boston Railroad location, 698  
 Ward room in Ward 24, 700  
 Vegetable Market, 717  
 Metropolitan Railroad, 731, 837  
 Roxbury Canal, 784  
 Nuisance in Charlestown, 788  
 Congress-st. widening, 854

Wolcott, Ward 11 — remarks:  
 Salaries, 165, 193, 828  
 Preservation of Old South, 194  
 Vacation Schools, 382, 460  
 Repairs on Adams School-house, 466  
 Free Ferries, 515  
 Condition of School-houses, 780  
 Historical sites, 789  
 Annual dinner of Council, 815  
 Roxbury Canal, 831

## FINAL PROCEEDINGS.

## COMMON COUNCIL.

Thanks to the President, 850  
 Response of the President, 850  
 Copy of the President's address requested, 852  
 Adjournment *sine die*, 852

## BOARD OF ALDERMEN.

Thanks to the Mayor, 856  
 Valedictory address of the Mayor, 857  
 Thanks to the Chairman, 861  
 The Chairman's address, 862  
 Order for printing final proceedings, 863  
 Adjournment *sine die*, 863

## CITY OF BOSTON.

### Organization of the Government, JANUARY 1, 1877.

The members elect of the Board of Aldermen met in their chamber and were called to order at 10.15 o'clock by the City Clerk.

The Mayor elect, his Honor Frederic O. Prince, entered the chamber and took the chair. He was accompanied by Chief Justice Gray and Rev. S. K. Lothrop, D. D., who took seats on his right and left.

A message was received from the Common Council that a quorum of that body was present and ready to be qualified. The Mayor and Alderman elect and the City Clerk proceeded to the Council chamber in charge of the City Messenger.

The members elect of the Common Council were called to order at ten minutes past ten o'clock A. M., by Mr. Benjamin Pope of Ward 15, the senior member.

On motion of Mr. Wilbur of Ward 20, Messrs. Smardou of Ward 10, Wilbur of Ward 20, Spenceley of Ward 19, Felt of Ward 18 and Fraser of Ward 6 were appointed a committee to collect credentials, which duty they performed, and reported that sixty-eight members elect, constituting a quorum, were present.

On motion of Mr. Howes of Ward 18, it was ordered, that a committee be appointed to inform the Mayor and Aldermen elect that a quorum of the Common Council were present and ready to be qualified. Mr. Howes was appointed said committee, and in a few minutes he returned and reported that he had performed the duty and that the Mayor and Aldermen elect would forthwith attend for the purpose of qualifying the members.

The Mayor and Aldermen elect entered the Council Chamber and took seats.

Prayer was offered by Rev. S. K. Lothrop, D. D. Chief Justice Gray administered the usual oaths of office to his Honor Mayor Prince. The names of the Aldermen and Common Councilmen elect were called by the Clerk, and the usual oaths of office were respectively administered to them by his Honor the Mayor.

The Mayor then delivered his inaugural address, at the conclusion of which the Mayor and Aldermen retired from the Council Chamber.

#### Board of Aldermen.

The Aldermen returned to their chamber and were called to order by the Mayor, who took the chair.

Alderman Viles moved that the Board proceed to the election of chairman.

Alderman Robinson—Mr. Mayor and Gentlemen of the Board: I am extremely sorry that the first remarks I am called upon to make in the Board, upon a question of conscience, should be somewhat of an unpleasant character. It is well known—because the newspapers have published it—that there was a caucus of all the members of the present Board held in the adjoining room on Saturday. At that caucus one member of the old Board made a motion, which was seconded by another member of the old Board, that a third member of the old Board should be nominated for the position of Chairman of this Board. Although there was some little feeling shown in the matter then, there was no time to enter into an extended discussion; but it placed not only the gentleman nominated, but us all, in a very embarrassing position. Nothing had been said to us in regard to who should be nominated; the thing was brought up suddenly; it was within a few minutes of the hour for the final meeting of the old Board, and there was no time to talk about it. Everybody seemed abashed, and there were some, besides myself, who thought that something ought to have been said before the nomination was made. The time was short, and it was necessary to finish up the business in time for the meeting of the old Board; so the thing was rushed through and passed, which amounted to the same thing as a unanimous informal vote—if such a thing could be. It was not my intention to have anything of a partisan character here; but having received a nomination from the successful party,

without any efforts on my part, I feel under obligations to express my obligations to them, especially in a matter which does not affect the interests of the city. By voting for a member of that party for Chairman, it was the only way that I had of expressing my obligations to that party for my nomination. The action taken on Saturday is just the same as if the Democratic House of Representatives of the United States, when they met in caucus a year ago last December, had, in consequence of the ability of Mr. James G. Blaine as a good presiding officer, voted for him to be speaker. Nothing that I say is of a personal character in regard to Mr. Clark, in any way, shape or manner, for he is a strong personal friend of mine. I have only acted in this way from conscientious feelings toward the party which put me in nomination.

Alderman O'Brien—I regret, Mr. Mayor, that the Alderman from the Dorchester District, [Alderman Robinson] has felt it necessary to open this discussion. I supposed that the matter was settled at the informal meeting of the new Board on Saturday last, as there was the time and place for this discussion, especially as at that meeting it was voted to make the nomination unanimous. Since I have been a member of the Board, some two years, an informal meeting has always been called a few days before the beginning of a new year, to nominate a chairman and a Committee on Accounts. The election of a Committee on Accounts is necessary at an early day, in fact one of our first acts, in order to transact the business of the city. There was, then, nothing unusual in our meeting on Saturday, and I have never known an instance where there was any understanding what should be done at that meeting, so far as the chairmanship of the Board was concerned, or as to who should fill positions on the Committee on Accounts. I never said one word about the matter previous to that meeting to the gentleman nominated [Alderman Clark], and have had no understanding with any one in relation to the chairmanship, although at all times free to express my honest convictions. At that meeting I called attention to the fact that for two years I had been impressed with the prompt, faithful, able and impartial manner the Chairman had discharged his duties. I could not do less under the circumstances, for in boards largely Republican he has been impartial beyond all question, and moved that for such distinguished services that Alderman Clark be nominated by acclamation as our next Chairman. I considered this a graceful compliment from a Board constituted as ours will be the coming year, so largely Democratic, and that it would do much to silence forever the partisan cry that was raised previous to the election. The informal ballot on Saturday resulted in eight votes for Alderman Clark and four votes for all others, and then the nomination was made unanimous. I regret that there is any misunderstanding about it. There has been considerable outside pressure to change the current since Saturday, and for my part I consider it a duty never to give way to such a pressure, when I feel that I am right. In voting for Alderman Clark on Saturday I feel that I was right. It was honoring faithful and impartial services, and I am ready to ratify the act today. Before the election the "Prince ticket" was denounced as extremely partisan by nearly the entire press of the city. The election of that ticket, it was said, would bring about such an administration in this city as Tweed's in New York, and misrule such as has made Philadelphia almost bankrupt. I wish emphatically to contradict such comparisons, and in starting on our new departure by the reelection of Alderman Clark to show that we are not such a partisan administration as was represented, to show that nine Democratic members are not so exclusively partisan and can do a graceful act.

The position has no political significance. It is an honor in being elected to preside over the Board, but it is an office of essentially hard work, and I know of no member of the present Board who could so ably and so promptly discharge the duties as the Alderman who has so faithfully filled the position the past three years. It has also been currently reported that if Mayor Prince accepts a foreign mission, or if he should happen to die during the year, that our Chairman takes his place. There is no foundation whatever for this report. The city charter, section 50, expressly provides that "in case of the de-

cease, inability, absence or resignation of the Mayor, and whenever there is a vacancy in the office from any cause, and the same being declared, and a vote passed by the Aldermen and Common Council respectively declaring such cause, and the expediency of electing a Mayor for the time being to supply the vacancy thus occasioned, the Board of Aldermen shall issue their warrants in due form for the election of Mayor," etc. It will be seen that the election of Mayor, in case of vacancy, is under the control of the City Council, and that the election of Chairman of the Board has nothing to do with it. I hope the Board will ratify the action of the informal meeting, and elect Alderman Clark to fill the position he has so ably filled during the past three years.

Alderman Fitzgerald—Mr. Mayor, I was present last Saturday at an informal gathering of the members of the Board of Aldermen, and I gave a very full expression of my feelings with regard to the person who should be the presiding officer of this Board. In municipal matters I am no partisan and do not propose to be. I have made more enemies among my Democratic friends during the two years I have served as a member of the City Government, than I have in any other political party, and I presume I shall make more during my term of office here. I said last Saturday that I was under the impression and believed that the presiding officer of this Board, considering the circumstances under which you, sir, were elected, should be fully in accord with you politically. I said that the Mayor of Boston this year was elected on a purely partisan ticket. He is recognized as a Democratic Mayor. The Mayors who have preceded him, whether they have been Democrats or Republicans, have acknowledged that they were elected by citizens and were not party men. But you, sir, are a purely party Mayor. I think it is but proper and just that the person who represents you, as the presiding officer of this Board, should be of the same political stripe as you. I take this view, not because the Democrats have a majority of the Board of Aldermen, but because the Mayor is essentially a Democrat, and his representative should also be of that stripe. The gentleman [Alderman O'Brien] said it was charged that our Government, under Democratic rule, would be like that of New York under Tweed, or that of Philadelphia at the present time; and that while it would show to the people a disposition to be liberal, it would also be an act of magnanimity on our part to elect a Republican as presiding officer. Now I fail to see that such action will disprove any charge of that kind. For myself I should take no notice of it; no matter which man is elected, whether he be a Democrat or Republican, it will make very little difference so far as making this a pure or a corrupt government; therefore his argument simply amounts to nothing. I am sorry that this matter comes up in this shape, but as it comes up for argument before the Board I feel that it is a duty I owe to myself and to this Board to give an expression of my opinion on this question. I entertain the highest respect and regard for Alderman Clark and under any other circumstances, even if a majority of this Board were Democrats, I should vote for him. But, sir, considering the circumstances under which you have been elected, I cannot vote for any person who has not the same political ideas and is not fully in accord with yourself politically.

Alderman Robinson—The gentleman [Alderman O'Brien] seems to convey the idea that something of a personal character was intended by my remarks. There is nothing personal in it; but I will repeat again, that I feel that in this thing it is the only chance I have to express my obligations to the party which nominated me for the position. I felt obliged to do so, and it had no connection of a personal character whatever; and in the remarks I made I intended no reference to the ability of Mr. Clark. After saying what we have I believe we should let the whole thing rest.

Alderman O'Brien: Mr. Mayor—There is nothing unusual in the election of a chairman of different political sentiments from the majority of the Board. When Mayor Pierce, a Republican, was elected, Alderman Cutter, one of the most decided Democrats of the Board, was elected to fill the position of Chairman, and he was acting Mayor for a short time, after Mayor Pierce resigned to go to Congress. This was done by a Republican Board of Aldermen,

and Alderman Clark was the chief mover in the matter. Since I have been a member of the Board the Democrats have voted as willingly for our Chairman as the Republicans, and if it is wrong now it was also wrong then. For three years the Republicans have elected a Democratic Mayor, and extreme partisanship has seldom been heard in City Councils. Other precedents might be named where party lines have been ignored, and I cannot see the great wrong that is done by reflecting our worthy Chairman. On the contrary, I contend that it is a graceful act that will tend to place the new administration in the right position.

Alderman Slade—I was surprised at the action of the caucus. The nomination of Chairman was made and advocated by Democrats and on the informal ballots all the votes but three—one of which I cast—were for Mr. Clark. As the nomination was made in a caucus of the full Board I feel bound to abide by it.

A ballot was ordered and resulted as follows:

Whole number of votes.....	8
Necessary for a choice.....	5
John T. Clark had.....	8
Blanks.....	2

Alderman Clark took the chair and said—

Gentlemen of the Board of Aldermen—I thank you for the honor you have done me in electing me to preside over your deliberations for the coming year. I accept the office, and will endeavor to discharge the duties acceptably and impartially, confidently relying upon sympathy and coöperation. Gentlemen, we are called upon to discharge duties of great responsibility. The welfare of the community is in a measure intrusted to us. Let us ever keep in view the fact that we are here as representatives of a city noted for its wise and beneficent legislation, and that it is our duty to guard the reputation which has come down to us through the historic years which have marked the progress of Boston. Let us emulate our predecessors in whatever is wise, whatever is good, whatever is for the welfare of the community, that we may leave for ourselves a record which will compare favorably with theirs, and, that we may perpetuate a government which has been and will continue to be a model for other municipalities.

Again thanking you, gentlemen, and wishing you a happy New Year, I await your pleasure.

Alderman Robinson presented the petition of George E. Bullard, Augustus Parker, Coolidge Barnard, James H. Means, William Pope and 49 others, that Geneva avenue be extended westward to Marston avenue at Grove Hall, and eastward to the junction of Dorchester avenue and Park street, Dorchester; and that Geneva avenue and Olney street be put in suitable order for public travel, especially at the railroad bridge. Referred to Street Commissioners.

On motion of Alderman Viles, a message was sent to the Common Council informing them of the organization of the Board, and a message was received that the Council had organized and was ready to proceed to business.

On motion of Alderman Thompson, a message was sent to the Common Council proposing a joint convention for the choice of a City Clerk. Subsequently a message was received that the Council had concurred; and the Mayor and Aldermen proceeded to the Council chamber.

On returning from the joint convention Alderman Clark took the chair.

Alderman O'Brien offered an order, That the several heads of departments and boards of direction of the various institutions be authorized to submit their annual reports in print, under the direction of the Superintendent of Printing. Read twice and passed. Sent down.

Alderman O'Brien offered an order, That one hundred additional copies of proceedings of the City Council for 1877 be printed. Read twice and passed. Sent down.

On motion of Alderman Slade it was ordered, That until otherwise ordered, Monday, at four o'clock P. M., be assigned as the day and hour for holding the regular meetings of the Board.

Alderman O'Brien offered an order, That a joint special committee, to consist of three members of the Board of Aldermen, with such as the Common Council may join, be appointed to determine and pay the allowances of State aid to the families of disabled soldiers and the families of the slain, pursuant to the existing acts of the Legislature; and that said committee have power to employ a paymaster and such clerical assistance as may be required for that purpose, and that the expense be



charged to the appropriation for Soldiers' Relief. Read twice and passed, and Aldermen O'Brien, Slade and Wilder were appointed on said committee. Sent down.

Alderman Thompson offered an order that the joint rules and orders of the City Council of the year 1876 be adopted as the joint rules and orders of the present City Council until otherwise ordered, and that Aldermen ———, with such as the Common Council may join, be a committee to examine and report if any alterations are needed therein. Read twice and passed, and Aldermen Thompson and Burnham were appointed on said committee. Sent down.

On motion of Alderman Viles, it was ordered that the rules and orders of the Board of Aldermen for 1876 be adopted as the rules and orders of the Board until otherwise ordered; and Aldermen Viles and Fitzgerald were appointed a committee to report if any changes are needed therein.

On motion of Alderman O'Brien, the Board adjourned.

**Common Council.**

After the Mayor and Aldermen retired from the Council Chamber Mr. Beeching of Ward 1 was called to the chair. On motion of Mr. Sampson of Ward 17, an election for President was ordered. Messrs. Sampson of Ward 17, Shepard of Ward 4 and Thorndike of Ward 2 were appointed a committee to collect and count votes. They reported as follows:

Whole number of votes.....	69
Necessary for choice.....	35
Benjamin Pope of Ward 15 had.....	68
J. J. Flynn.....	1

And Mr. Pope was declared elected.

Messrs. Sampson of Ward 17 and Flynn of Ward 13 were appointed a committee to conduct the President elect to the chair, which they did. The President was introduced to the Council by Mr. Beeching. He took the chair and said—

Gentlemen of the Common Council—Permit me to return to you my sincere thanks for the distinguished honor which you have now conferred upon me in elevating me to this position of trust and responsibility. When I consider the very acceptable service which has been rendered by the able, faithful and competent gentlemen who have occupied this chair, and of whom you have made me the successor; that you have selected me, when there are those among you whose experience, whose ability could afford you promise of better results than I can give; and when I consider the spontaneous manner in which your choice has been made so unanimous, and this without any solicitation or expectation on my part, I feel that you have given expression to a generous confidence that claims the exercise of the best powers that I possess and that I can bring to the discharge of the duties of this important office. In accepting this position I cannot disguise the fact that I entertain such a distrust of my own ability that I must invoke all the indulgence for any errors of judgment that I must inevitably commit, and all the aid and cooperation that I can claim from the friendship of which you have given me such unmistakable evidence. We are this day engaged in inaugurating a new City Government. We are entering upon the discharge of important and honorable public duties with which we have been intrusted by our fellow citizens.

The city of Boston, notwithstanding the calamity of the great fire, and the period of severe business depression through which we are now passing, maintains, and is likely to maintain, its position among the great cities of the world. Within a few years it has made a large increase in population and in territory, calling for additional provisions for the safety, the comfort and convenience of its inhabitants, and imposing greater duties and heavier responsibilities upon those who are chosen to manage its affairs.

It is to be presumed that none of us have sought position here for the purpose of promoting personal or political interests, of advocating sectional projects in which the whole city does not share the benefit, or that we have any aim in view, which is not consistent with the public good. Some of us have had one or two years, a few a longer experience in this branch of the City Government, while nearly two-thirds of us come here for the first time. The short time of service which this indicates, is thought by many reflecting minds to be

a defect in our municipal system. It is enough to signify to us, that in order to become so familiar with the affairs of the city in all their magnitude, as to be able wisely and intelligently to pass judgment upon the different measures which will come before us for our decision, we must devote all the time, thought and attention which we can spare from our private business. Among the most important matters which are likely to be brought before us in the early portion of this year, are the projects of public parks and an improved system of sewerage, reported by the commissioners appointed to investigate those subjects, and which, if carried out, will involve the expenditure of several millions of dollars. These are great questions, and realized as such, most vividly, by the members of the last City Government, and although earnestly considered by them, some of the most conscientious and judicious minds among them could not be said to have obtained such a definite knowledge of these projects as to enable them to come to a decision. It was therefore wisely determined to defer action until further information could be procured. The report of the committee to consult with the Park Commissioners was brought in during the closing hours of the last City Government, and was referred to us for our consideration. The investigations and surveys for the proposed improved system of sewerage is in an advanced stage and may soon be expected to be reported upon. I have taken the liberty of mentioning these subjects at this time, partly for the purpose of illustrating the fact that the Common Council, which many have the disposition to disparage, really has great and important interests in its charge, and partly to call your especial attention to them, because it will be impossible for any member to give an intelligent and unprejudiced vote upon them, unless by previous preparation he has fully qualified himself so to do by examining the reports and debates which have already been published upon parks and improved sewerage.

One of the most desirable objects to be accomplished, and upon which the tax payers display the greatest anxiety, is a judicious economy in the use of the public money. It can hardly be considered economy, however, to neglect or to postpone projects of absolute necessity, merely because of the stagnation of business. It would rather seem, that such a period when money, material and labor are cheap, when so many of our fellow citizens stand in need of a market for these commodities, especially those who have nothing but their labor to dispose of, is the very time to enter upon necessary public works of permanent utility.

Among the projected enterprises which those best acquainted with the necessity existing for them have refrained from pressing upon the attention of the City Council in deference to the great sensitiveness of the public mind in regard to the expenditure of money, are the extension of the Public Library Building on Boylston street, and also proper accommodations for the English High and Public Latin schools. These are mentioned because they happen to have come somewhat within the sphere of my own observation, and have served to convince me that there is a medium between parsimonious economy and extravagance which it is wise for us to follow.

We are expected by our fellow citizens in the discharge of our duties as public servants to exercise the same wisdom, the same vigilance, the same regard to economy with which we would manage our own private affairs. They hold us, in common with the Board of Aldermen, responsible for the measures which are passed by the City Government; but it will be remembered that there are several important departments in which this Common Council, through its committees, has no control whatever in regard to the details of expenditure, although those details amount to an enormous sum in the aggregate. Among the more important of these may be mentioned the public schools, bridges, paving and county matters.

The general appropriation bill comes before you early in the year, being reported to the Council by the Joint Standing Committee on Finance, and is based upon estimates furnished by the different departments.

It should come before us at as early a period as possible, in order that ample time may be afforded to each member of the Council to obtain such information as he may require to be able to vote intelligently upon its merits. There is no expenditure of money, however large or small, embraced

in this bill, that is not a legitimate subject of inquiry by each member of this Common Council. The heads of departments and the committees of the Council will always be ready to give any explanations that will be called for upon the matters which they have in charge, so that members can hold every item of proposed expenditure within their control until the appropriation bill is passed. When reported, it will be found desirable to consider it without unnecessary delay, rather than to postpone it from time to time, till we arrive so near the close of the financial year, that imperative necessity will compel us to dispose of it without the careful deliberation which its importance demands.

Gentlemen who enter for the first time upon the duties which devolve upon them here will recognize the propriety of calling their attention to this subject, because upon the care with which they scrutinize this bill depends in a large degree the reputation which they may hope to gain as wise economists.

In conclusion, gentlemen, let me express the hope that our deliberations through the year which has so auspiciously begun may always lead us to the wisest conclusions; that they may be so harmonious, that notwithstanding the differences of opinion which will very properly arise on the questions which will come before us, that the close of the year will find us undisturbed by any unpleasant recollections, and that it will be remembered in after life for the lasting friendships which we have formed. Let us remember that so far as we propose to become faithful servants and representatives of the people we will find here ample scope for all the work we may feel disposed to do in their behalf, and just so far we will gain the self-satisfaction consequent upon duty well performed and the gratitude of our constituents, which is all the honor and recompense that we can hope for.

On motion of Mr. Clarke of Ward 22, an election for clerk of the Common Council was ordered. Committee—Messrs. Clarke of Ward 22, Fraser of Ward 6 and Barnard of Ward 24. They reported—

Whole number of votes.....	71
Necessary for a choice.....	36
Washington P. Gregg had.....	71

Mr. Gregg was declared unanimously elected. The oath of office was administered to him by John P. Healy, City Solicitor, and he assumed his position.

On motion of Mr. Richardson of Ward 11 an order was passed, and that gentleman was appointed a committee, to inform the Board of Aldermen that the Council was organized and ready to proceed to business. He performed that duty and reported accordingly.

Mr. Stone of Ward 3 offered an order, That until otherwise ordered the rules and orders of the Common Council of 1876 be adopted as the rules and orders of this Council. Read twice and passed.

Messages were received from the Board of Aldermen that they had organized, and proposing a joint convention for the election of a City Clerk. The Council concurred in the request.

Mr. Duggan of Ward 12 offered an order, That the Municipal Register be printed under the direction of the Joint Committee on Rules and Orders, who may employ such assistance as may be deemed advisable; and that they also prepare a pocket edition of the rules and a list of members and committees. Read twice and passed. Sent up.

Mr. Stone of Ward 3 offered an order for the appointment of a Standing Committee of the Council on Elections. Read twice and passed, and Messrs. Felt of Ward 18, Stone of Ward 3, Sampson of Ward 17, Souther of Ward 14, and McGarrigle of Ward 8, were appointed said committee.

Mr. Smardon of Ward 10 offered an order, That Thursday next at 8 P. M. be assigned as the time for the election, on the part of the Council, of a Standing Committee on Finance. Read twice and passed, and Messrs. Flynn of Ward 13, Howes of Ward 18 and Pierce of Ward 24 were appointed a committee to make nominations.

#### JOINT CONVENTION.

The Mayor and Aldermen entered the Council Chamber and a joint convention was held. An election for City Clerk was ordered; Committee—Alderman Fitzgerald and Councilmen Richard

Pope of Ward 14 and Wilbur of Ward 20. They reported—

Whole number of votes.....	81
Necessary for a choice.....	41
Sammel F. McCleary had.....	79
George A. Shaw.....	1
John T. Priest.....	1

Mr. McCleary was declared elected, and the oath of office was administered to him by the Mayor. The convention then dissolved.

#### COMMON COUNCIL RESUMED.

On motion of Mr. Spenceley of Ward 19, an order was passed that when the Council adjourn it be to Thursday next at 7½ P. M., and that that be the day and hour for the regular meetings of the Council, until otherwise ordered. Passed.

Mr. Crocker of Ward 9 offered an order for the joint standing committee, when appointed, to resume the unfinished business appropriate to them referred from the last City Council. Read twice and passed. Sent up.

Mr. Ham of Ward 14 offered an order, That the joint rules and orders of the City Council of 1876 be adopted as the joint rules and orders for the government of the present City Council until otherwise ordered. Read twice and passed. Sent up.

Mr. Sampson of Ward 17 offered an order for the appointment of joint special committees to nominate suitable persons as candidates for the various city offices elected by the City Council.

Mr. Sampson—That is rather an unusual order, and it is perhaps as well that I should explain why it has been introduced. It is for the purpose of facilitating business, as all gentlemen who have served here before will appreciate, and to give the President of the Council time to deliberate in making up the nominating, as well as the joint standing committees. I hope it will meet the approval of the Council.

The order was read twice and passed. Sent up.

Mr. Fraser of Ward 6 offered an order, That the heads of departments and boards of direction be requested to submit their annual reports in print, under the direction of the Superintendent of Printing. Read twice and passed. Sent up.

Mr. Flynn of Ward 13 offered an order for the appointment of a joint special committee to report what disposition should be made of the topics in the Mayor's address. Read twice and passed, and Messrs. Flynn of Ward 13, Pierce of Ward 18, and Fernald of Ward 15 were appointed on said committee. Sent up.

Mr. Richardson of Ward 11 offered an order, That his Honor the Mayor be requested to furnish a copy of his address, and that the same be printed. Read twice and passed. Sent up.

An order came from the other branch for the adoption of the joint rules and orders of 1876 until otherwise ordered, and appointing a joint committee (with Aldermen Thompson and Burnham) to report what alterations are needed. Amended, on motion of Mr. Howes of Ward 18, by striking out the part adopting the rules of 1876, and passed. Messrs. Sibley of Ward 5, Pratt of Ward 21, and Upham of Ward 20 were appointed on said committee. Sent up.

Petitions for recounts of votes for Common Councilmen were received as follows: Of George F. Doyle *et al.*, Ward 3; Samuel G. Stone *et al.*, Ward 4; C. Blanchard *et al.*, Ward 6; Peter Allen *et al.* and Charles L. Storrs *et al.*, Ward 15; George E. Filkins *et al.*, Ward 16; James Teevan *et al.*, Ward 19; Fred H. Bisch *et al.* and John E. Ward *et al.*, Ward 20. Mr. Kelley of Ward 3 presented a petition from George Flanigan for recount in Ward 4. Severally referred to Committee on Elections.

Mr. Sibley of Ward 5 offered an order that Thursday next at 8.15 P. M. be assigned as the time for the election on the part of the Council of a Standing Committee on Accounts. Read twice and passed, and Messrs. Sibley of Ward 5, Sampson of Ward 17 and Pope of Ward 14 were appointed a committee to nominate candidates. Mr. Flynn of Ward 13 stated that he had served on the Committee on Accounts several years, and as a renomination was customary in such cases, he requested the committee not to nominate him.

On motion of Mr. Spenceley of Ward 19, the Council proceeded to draw for seats, after which a recess of ten minutes was taken.

Adjourned, on motion of Mr. Howes of Ward 18, and stood adjourned to Thursday evening next, at 7½ P. M.



CITY OF BOSTON.

Proceedings of the Common Council,
JANUARY 4, 1877.

Regular meeting at 7 1/2 o'clock P. M., Benjamin Pope, President, in the chair.

PAPERS FROM THE BOARD OF ALDERMEN.

Order for a joint special committee to pay the allowances of State aid. Ordered to a second reading. Near the close of the session the rule was suspended, on motion of Mr. Spenceley of Ward 19, and the order was read a second time and passed in concurrence.

Order for the Superintendent of Printing to contract for 100 additional copies of the reports of Proceedings of the City Council from Jan. 1 to July 1, 1877, at an expense not exceeding \$200. Read twice and passed in concurrence.

WARD TWENTY CONTESTED CASE.

On motion of Mr. Felt of Ward 18, the rule was suspended, and he submitted a report from the Committee on Elections on the petitions of John E. Ward et al. and Jacob Schmitter et al., for a recount of the votes for Common Councilmen in Ward 20. The recount gives the following result:

Table listing names and vote counts for Ward 20 contested case, including Nathan S. Wilbur, Jacob Schmitter, N. S. Wilber, Herbert C. Davis, James H. Upham, Edward Ryan, etc.

And — Morrill, Jr., H. P. Bailey, S. W. Adams, Fred H. Nazro, William Gray, Jr., and George F. Moore had one each.

It appears therefore that Nathan S. Wilbur, James H. Upham and Joseph Morrill, Jr., were elected, and that Herbert C. Davis, who received a certificate of election and now occupies a seat in this Board, was not elected.

Whereas, It appears from a recount of the original ballots cast at the last municipal election in Ward 20 that Joseph Morrill, Jr., was elected a member of the Common Council in place of Herbert C. Davis, who received a certificate of election,

Resolved, That Joseph Morrill, Jr., is entitled to the seat in this Board now occupied by Herbert C. Davis.

The preamble and resolve was read twice and passed.

On motion, Mr. Felt was appointed a committee to conduct Mr. Morrill to the City Clerk to be qualified, which he did, and Mr. Morrill took his seat.

PETITION PRESENTED.

Mr. Pope of Ward 14 presented the petition of James Kelley et al., for a recount of the votes for Common Council in Ward 7 at the last municipal election. Referred to Committee on Elections.

RECOUNTS OF VOTES FOR COMMON COUNCIL.

Mr. Felt of Ward 18 submitted reports from the Committee on Elections on petitions for recounts of votes for Common Council, with the results of the several recounts as given below. From them it appears that the sitting members from the several wards named are entitled to their seats.

Ward 16. Petition of George E. Filkins et al.

Table listing names and vote counts for Ward 16 petition, including John Cross, Francis A. Davis, J. Cross, F. A. Davis, etc.

Ward 6. Petition of C. Blanchard et al.

Table listing names and vote counts for Ward 6 petition, including John A. Kidney, Michael Burke, John Kidney, Michael Barr, etc.

And James Quigley, Anthony C. Daley and Thomas Gray had one each.

Ward 4. Petitions of George Flanigan and Samuel G. Stone et al. for recount of votes for said Flanigan and Peter S. Roberts, the sitting member.

Peter S. Roberts, 489, George Flanigan, 444.

Ward 19. Petition of James Teevan et al.

Table listing names and vote counts for Ward 19 petition, including James H. Nugent, James Teevan, James Nugent, George Bellew, etc.

Ward 15. Petition of Peter Allen et al., and Charles L. Storrs et al.

Table listing names and vote counts for Ward 15 petition, including Oliver G. Fernald, Edward L. Barnes, Oliver G. Fernald, George H. Noyes, etc.

And Hugh O'Brien, James A. Lappen and Thomas Brown had one each.

Ward 3. Petition of George F. Doyle et al.

Table listing names and vote counts for Ward 3 petition, including Pinneas J. Stone, Jr., Frederick B. Bogan, George B. Webster, James J. O'Keefe, etc.

Thomas Willia, Francis B. Austin, Eben O. Hawes, Isaac Hobart and I. Roberts had one each.

COMMITTEE ON FINANCE.

Mr. Flynn of Ward 13 submitted a report from the special committee appointed to nominate candidates for a Committee on Finance recommending the election of Eugene H. Sampson, Phinehas J. Stone, Jr., J. Homer Pierce, Webster F. Warren, Henry F. Coe, Moses W. Richardson and Joaquin K. Souther.

Table listing names and vote counts for Committee on Finance, including Whole number of votes, Necessary for a choice, Eugene H. Sampson, etc.

And the nominees of the committee were declared elected. Notice sent up.

COMMITTEE ON ACCOUNTS.

Mr. Sibley of Ward 5 submitted a report from the joint special committee to nominate a Committee on Accounts, recommending the election of J. Augustus Felt, Osborne Howes, Jr., Roger Wolcott, Lowell B. Hiscock and Coolidge Barnard.

Table listing names and vote counts for Committee on Accounts, including Whole number of votes, Necessary for a choice, J. Augustus Felt, etc.

And the nominees of the committee were declared elected. Notice sent up.

TREATMENT OF SCARLET FEVER.

Mr. Pratt of Ward 21 offered an order, That the Board of Health be requested to consider and report to the City Council whether in their opinion any further legislation is necessary to prevent the spread of scarlet fever by contagion.

Mr. Pratt—I do not know that any further legislation would be required to enable the Board of Health to take any action they might find necessary; but I do think that a report from the Board of Health to this Council on the subject would be an interesting document.

ent, and it is said to be an epidemic disease just now, which is a sufficient reason for calling the attention of the public to the subject. I am aware that the medical authorities are somewhat divided upon the question as to whether scarlet fever is a contagious disease or not; but I think that the weight of authority is admitted to be upon the affirmative side. I think that for social and practical purposes it is regarded by the best physicians, and ought to be regarded by all citizens, as a contagious disease, and if anything can be done to isolate cases of scarlet fever it ought to be done. I do not suppose that such action would be contemplated as is taken in respect to smallpox—I mean such extreme action with respect to isolation; but I think it would be well for the Board of Health to require physicians practising in the city of Boston to report to them all cases of scarlet fever, as they do smallpox cases, and it would be a comfort to many parents and citizens if they could feel assured that somebody was looking after the matter so as to procure as much isolation as possible, by advice, or otherwise, to those having charge of patients sick with scarlet fever, so that they should not be allowed to go to the public schools and expose themselves in public; and perhaps that some care should be taken at the houses where they are confined, and in the neighborhoods where they live, keep them withdrawn from the sight of other persons. It is with the view of bringing this matter to the attention of the Board of Health, and through them to the City Council, that I have offered the order, and I hope it will pass.

The order was read a second time and passed. Sent up.

COMMON COUNCIL RULES AND ORDERS.

Mr. Sibley of Ward 5 offered an order for the appointment of a committee to prepare rules and orders for the government of the Common Council during the current year. Read twice and passed, and Messrs. Sibley of Ward 5, Pratt of Ward 21, and Upham of Ward 20 were appointed said committee.

ADMISSION TO THE ANTE-ROOM.

Mr. Spenceley of Ward 19 offered an order, That the City Messenger be instructed to admit no person upon the floor of the Council Chamber or into the ante-room of the same who is not a member of the City Government, or persons properly introduced, while the Council is in session, always excepting those persons who are permitted by the President of the Council.

Mr. Spenceley—I have been asked to offer this order tonight, and I think it is a proper subject for action at this time, as gentlemen must know that they may be annoyed a great deal, especially during the next two or three months, by persons talking, laughing and smoking in the ante-rooms. Last year I was frequently annoyed by such proceedings in the ante-room. But I do not like the order as it now reads, and I offer the following as a substitute:

Ordered, That the City Messenger be instructed to admit no person upon the floor of the Council Chamber, or into the ante-room of the same, who is not a member of the City Government, after the seats provided for visitors in the Council Chamber are occupied, while the Council is in session, always excepting those persons who are permitted by the President of the Council.

Mr. Flynn of Ward 13—I like the original order better than I do the substitute. I believe that if any member has a friend desirous of seeing him here he ought to be admitted into the ante-room, as there is no harm in it. There is a large ante-room for strangers, visitors and members to sit in. Last year it was occupied by the Sewer Department, but it has been vacated, and I think it will do no harm for members to introduce friends there. I hope the original order will pass.

Mr. Spenceley—I think the gentleman is mistaken in regard to the Sewer Department occupying that room during the first part of the session last year; they had it during the latter part of the session. I recollect being greatly annoyed last year by men in there. If they would go into the large room and do their talking there, I would not complain; but they gather around the door and talk, laugh and smoke, and a gentleman who is interested in the proceedings cannot hear them if he sits near the door. I objected to it last year and I object to it now. It seems to me that if members have friends coming here, they can go outside to transact business with them just as

well as to have them go into the ante-room and among those inside.

The substitute was rejected and the original order read a second time and passed.

COMMITTEES APPOINTED.

Mr. Spenceley of Ward 19 offered an order for a joint special committee to nominate candidates for Inspectors of Ballast, etc. Read twice and passed.

The President announced the following committees:

*Joint Special Committees on the part of the Council to nominate City Officers.*

Overseers of the Poor—Messrs. Blanchard of Ward 21, McCluskey of Ward 13, Brintnall of Ward 5.

Superintendents of Bridges—Messrs. Ham of Ward 14, Fernald of Ward 15, Beeching of Ward 1.

Clerk of Committees—Messrs. Stone of Ward 3, Kidney of Ward 6, Jackson of Ward 16.

Harbor Master—Messrs. Beeching of Ward 1, Kelly of Ward 3, Fraser of Ward 6.

Superintendent of Streets—Messrs. Flynn of Ward 13, Pearl of Ward 1, Perham of Ward 23.

Superintendent of Common and Public Squares—Messrs. Pope of Ward 14, Dee of Ward 5, Wilbur of Ward 20.

Superintendent of Public Buildings—Messrs. Shepard of Ward 4, Blanchard of Ward 21, Brown of Ward 23.

Superintendent of Public Lands—Messrs. Clarke of Ward 22, Cox of Ward 15, Kelly of Ward 6.

City Architect—Messrs. Pierce of Ward 18, Fagan of Ward 19, McGarragle of Ward 8.

Superintendent of Sewers—Messrs. Sampson of Ward 17, Blodgett of Ward 8, Day of Ward 4.

City Messenger—Messrs. Howes of Ward 18, Ruffin of Ward 9, Shepard of Ward 4.

City Engineer—Messrs. Hiscock of Ward 21, Doherty of Ward 2, Cannon of Ward 7.

City Surveyor—Messrs. Thorndike of Ward 2, Roach of Ward 7, Loughlin of Ward 13.

City Registrar—Messrs. Ham of Ward 14, Clarke of Ward 22, Upham of Ward 20.

City Solicitor—Messrs. Crocker of Ward 9, Ruffin of Ward 9, Mowry of Ward 11.

Water Registrar—Messrs. Richardson of Ward 10, Burke of Ward 2, Barry of Ward 22.

Commissioner of Cedar Grove Cemetery—Messrs. Pierce of Ward 24, Morrill of Ward 20, Cross of Ward 16.

Directors of Public Institutions—Messrs. Smardon of Ward 10, Spenceley of Ward 19, Souther of Ward 14.

Directors of East Boston Ferries—Messrs. Webster of Ward 1, Roberts of Ward 4, McDonald of Ward 12.

Trustees of the City Hospital—Messrs. Howes of Ward 18, Reed of Ward 17, Duggan of Ward 12.

Trustees of the Public Library—Messrs. Sibley of Ward 5, Barnard of Ward 24, Hibbard of Ward 17.

Trustees of Mt. Hope Cemetery—Messrs. Flynn of Ward 13, Pope of Ward 14, O'Donnell of Ward 7.

Commissioners on Sinking Funds—Messrs. Sampson of Ward 17, Danforth of Ward 10, Vose of Ward 24.

Auditor of Accounts—Messrs. Felt of Ward 18, Coe of Ward 23, Pratt of Ward 21.

City Treasurer—Messrs. Stone of Ward 3, Richardson of Ward 11, Thompson of Ward 9.

City Collector—Wolcott of Ward 11, Warren of Ward 25, Webster of Ward 3.

Weights and Inspectors of Lighters and Other Vessels—Beeching of Ward 1, Nugent of Ward 19, O'Connor of Ward 8.

*Joint Standing Committees on the part of the Council.*

On Assessors' Department—Messrs. Pope of Ward 14, Blanchard of Ward 21, Fraser of Ward 6, Richardson of Ward 11, Thorndike of Ward 2.

On Claims—Messrs. Sampson of Ward 17, Howes of Ward 18, Ruffin of Ward 9, Richardson of Ward 10, Pierce of Ward 18.

On Common and Public Grounds—Messrs. Howes of Ward 18, Smardon of Ward 10, Hiscock of Ward 21, Pope of Ward 14, Dee of Ward 5.

On City Engineer's Department—Messrs. Thorndike of Ward 2, Kidney of Ward 6, Brintnall of Ward 5.

On City Registrar's Department—Messrs. Smardon of Ward 10, Upham of Ward 20, Nugent of Ward 19.

On East Boston Ferries—Messrs. Burke of Ward 2, Reed of Ward 17, Roberts of Ward 4, Roach of Ward 7, O'Connor of Ward 8.

On Fire Department—Messrs. Spenceley of Ward 19, Burke of Ward 2, Cannon of Ward 7.

On Fuel—Messrs. Brown of Ward 23, Vose of Ward 24, Doherty of Ward 2.

On Harbor—Messrs. Beeching of Ward 1, Barnard of Ward 24, Cox of Ward 15.

On Health Department—Messrs. Sibley of Ward 5, Flynn of Ward 13, Cox of Ward 15.

On City Hospital—Messrs. Morrill of Ward 20, Reed of Ward 17, McDonald of Ward 12.

On Legislative Matters—Messrs. Ruffin of Ward 9, Mowry of Ward 11, Pratt of Ward 21.

On Mt. Hope and Cedar Grove Cemeteries—Messrs. Hiscock of Ward 21, Hibbard of Ward 17, Vose of Ward 24.

On Ordinances—Messrs. Crocker of Ward 9, Thompson of Ward 9, Richardson of Ward 10, Wolcott of Ward 11, Mowry of Ward 11.

On Overseers of the Poor—Messrs. Blanchard of Ward 21, Flynn of Ward 16, Duggan of Ward 12.

On Printing—Messrs. Pierce of Ward 24, Smardon of Ward 10, McCluskey of Ward 13.

On Public Baths—Messrs. Blodgett of Ward 8, Pearl of Ward 1, Fernald of Ward 15, Loughlin of Ward 13, O'Donnell of Ward 7.

On Public Buildings—Messrs. Shepard of Ward 4, Wilbur of Ward 20, Spenceley of Ward 19, Pierce of Ward 18, Kelley of Ward 3.

On Public Institutions—Messrs. Webster of Ward 1, Wilbur of Ward 20, Duggan of Ward 12, Brown of Ward 23, Loughlin of Ward 13.

On Public Instruction—Messrs. Pearl of Ward 1, Coe of Ward 23, Shepard of Ward 5, Wolcott of Ward 11.

On Public Lands—Messrs. Clarke of Ward 22, Crocker of Ward 9, Hibbard of Ward 17.

On Public Library—Messrs. Morrill of Ward 20,

Webster of Ward 3, Pratt of Ward 21, Warren of Ward 25, Cross of Ward 16.

On Salaries—Messrs. Danforth of Ward 10, Souther of Ward 14, Clarke of Ward 22.

On Laying Out and Widening Streets—Messrs. Flynn of Ward 13, Felt of Ward 18, Ham of Ward 14, Perham of Ward 23, Day of Ward 4.

On City Surveyor's Department—Messrs. Jackson of Ward 19, Barry of Ward 22, Day of Ward 4.

On Department for Survey and Inspection of Buildings—Messrs. Kelley of Ward 3, Fagan of Ward 19, McGarragle of Ward 8.

On Treasury Department—Messrs. Stone of Ward 3, Richardson of Ward 11, Danforth of Ward 10.

On Water—Messrs. Fraser of Ward 6, Beeching of Ward 1, Jackson of Ward 16.

On State Aid—Messrs. Webster of Ward 1, Roberts of Ward 4, Roach of Ward 7, Mullane of Ward 12, McCluskey of Ward 13.

*Standing Committees of the Common Council.*

On Police—Messrs. Cannon of Ward 7, Doherty of Ward 2, Kelley of Ward 6, Cross of Ward 16, Mullane of Ward 12.

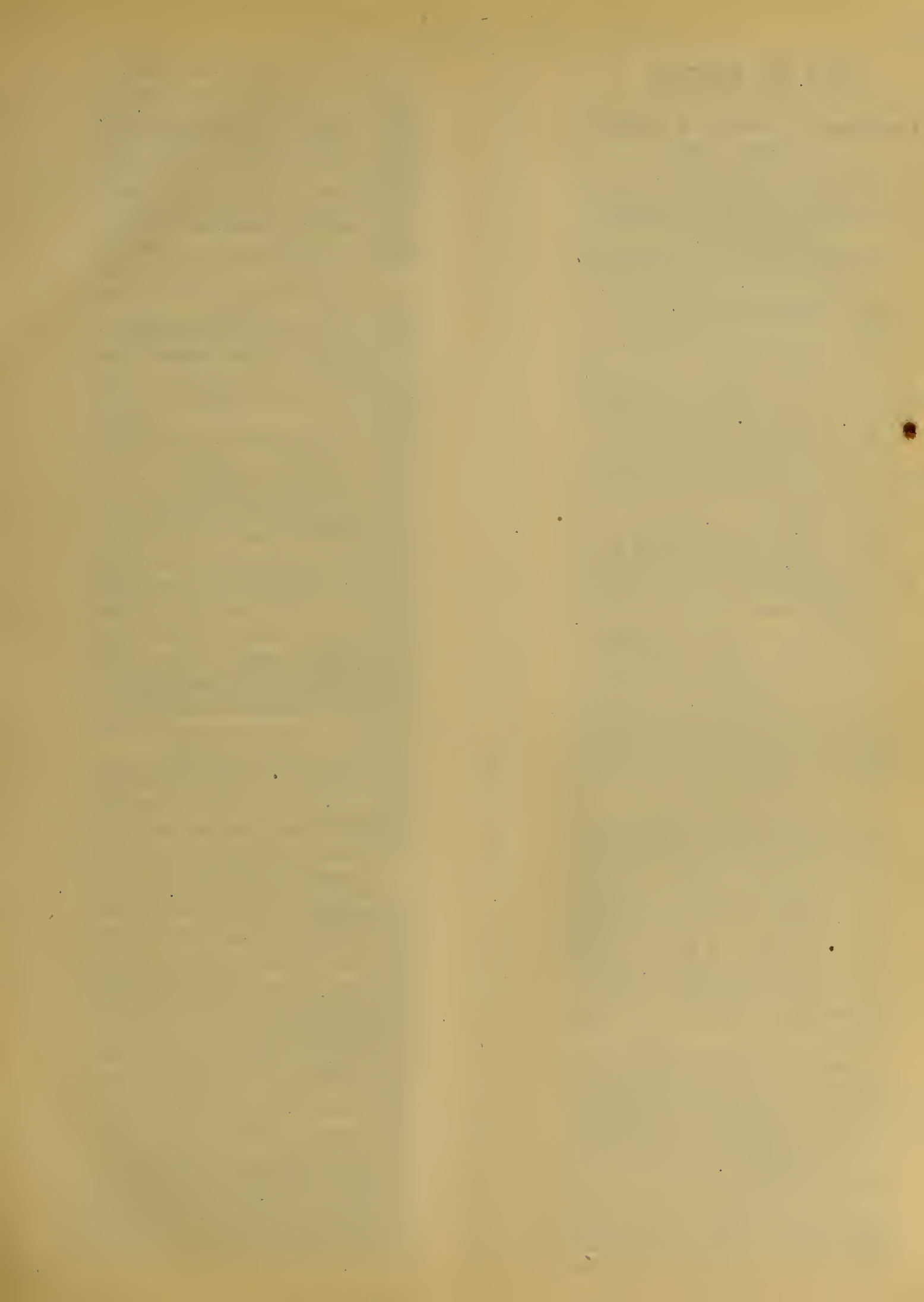
On Paving—Messrs. Fernald of Ward 15, Barry of Ward 22, Kelley of Ward 6, Brintnall of Ward 5, McDonald of Ward 12.

On the Judiciary—Messrs. Crocker of Ward 9, Thompson of Ward 9, Richardson of Ward 10, Wolcott of Ward 11, Mowry of Ward 11.

#### SOLDIERS' MONUMENT.

Mr. Flynn of Ward 13 offered an order, That a joint special committee to consist of three members of the Common Council with such as the Board of Aldermen may join, be appointed to take charge of the erection of the Army and Navy Monument on Boston Common, as provided in the contract with Martin Milmore. Laid on the table on motion of Mr. Flynn.

Adjourned on motion of Mr. Beeching of Ward 1.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JANUARY 8, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor in the chair.

The usual oaths of office were administered to Nehemiah Gibson, Alderman elect, by the Mayor.

## JURORS DRAWN.

Six additional traverse jurors were drawn for the January term of the Superior Criminal Court.

## EXECUTIVE APPOINTMENTS.

Mayor's Clerk—George F. Babbitt. Sent down.  
Constable—Henry F. Spach. Confirmed.  
Railroad Police—James R. Hathaway, Eastern Railroad.

## PAPERS FROM THE COMMON COUNCIL.

Order to adopt Joint Rules and Orders of City Council of 1876 until otherwise ordered; order to amend order of this Board providing for similar action to the above; order requesting copy of Mayor's Address for publication; order for publication of the Municipal Register and lists of committees. Severally passed in concurrence.

Order providing that special committees be appointed, to consist each of three members of the Common Council, with such as the Board may join, to nominate the several superintendents and boards of direction as therein set forth. Passed in concurrence.

Order for the several joint committees to resume unfinished business. Passed in concurrence.

Order for a committee (Messrs. Flynn, Pierce and Fernald to be joined) to consider the topics in Mayor's address. Passed in concurrence, and the Mayor appointed Aldermen Thompson and Slade on the committee.

Certificate of election of Committee on Finance. Placed on file.

Order for Board of Health to inquire if any additional legislation is necessary to prevent the spread of scarlet fever. Passed in concurrence.

## ELECTION OF COMMITTEE ON ACCOUNTS.

A certificate was received of the election of a Committee on Accounts on the part of the other branch.

On motion of Alderman Thompson, the Board proceeded to an election for Committee on Accounts on the part of the Board. Committee, Aldermen Viles and Gibson. John T. Clark, Hugh O'Brien and Nehemiah Gibson were unanimously elected.

## JOINT RULES AND ORDERS.

Alderman Thompson, from the joint special committee appointed to prepare rules and orders for the government of the City Council during the present municipal year, submitted a report recommending the reduction of the Committee on Water from eight to five members, to conform to the ordinance establishing the Boston Water Board, and the passage of an order, That the rules and orders of the City Council of 1876, as printed in the Municipal Register of that year, be adopted as the rules and orders of this City Council, with the following amendment: In section one strike out the words "A Committee on Water, to consist of three Aldermen and five members of the Common Council," and insert in place thereof the words, "A Committee on Water, to consist of two Aldermen and three members of the Common Council." Order read twice and passed. Sent down.

## RULES AND ORDERS OF THE BOARD.

Alderman Viles, from the special committee appointed to prepare rules and orders for the government of the City Council during the present municipal year, reported that no changes are necessary and they recommend the passage of an order, That the rules and orders of the Board of Aldermen of 1876 be adopted as the rules and orders of this Board. Order read twice and passed.

## APPOINTMENT OF COMMITTEES.

The Mayor announced the following-named committees:

*Standing Committees of the Board.*

Armories—Alderman O'Brien, Burnham and Wilder.  
Bridges—Aldermen Thompson, Burnham and Wilder.

County Accounts—Aldermen Wilder, Fitzgerald and Gibson.

Faneuil Hall—Aldermen Fitzgerald, Slade and Robinson.

Streets—Aldermen Clark, Thompson and Breck.

Markets—Aldermen Slade, Breck and Viles.

Lamps—Aldermen Thompson, Robinson and Dunbar.

Licenses—Aldermen Fitzgerald, Dunbar and Robinson.

Police—Aldermen Robinson, Breck and Burnham.

Sewers—Aldermen Viles, Gibson and O'Brien.

Paving—Aldermen Robinson, Slade and Fitzgerald.

Steam Engines—Aldermen Gibson, Viles and O'Brien.

*Joint Standing Committees.*

Assessors' Department—Aldermen Wilder, Breck and Dunbar.

Bathing—Aldermen Viles, Gibson and Slade.

Claims—Aldermen O'Brien, Thompson and Fitzgerald.

Common and Public Grounds—Aldermen Clark, Slade and Robinson.

East Boston Ferries—Aldermen Gibson, Viles and Breck.

Engineer's Department—Aldermen Gibson and Wilder.

Finance—The Mayor and Chairman of the Board.

Fire Department—Aldermen Burnham and Breck.

Fuel—Aldermen Slade and Dunbar.

Harbor—Aldermen Gibson and Robinson.

Health—Aldermen Viles and Burnham.

City Hospital—Aldermen O'Brien and Wilder.

Public Institutions—Aldermen Thompson, Fitzgerald and Robinson.

Legislative Matters—Aldermen Thompson and Fitzgerald.

Mt. Hope and Cedar Grove Cemeteries—Aldermen Dunbar and Robinson.

Ordinances—Aldermen Breck, O'Brien and Burnham.

Overseers of the Poor—Aldermen Gibson and Wilder.

Public Buildings—Aldermen Fitzgerald, Slade and Robinson.

Public Instruction—Aldermen Thompson, Fitzgerald and Slade.

Public Lands—Aldermen O'Brien and Gibson.

Printing—Aldermen O'Brien and Dunbar.

Public Library—Aldermen Burnham, Thompson and Viles.

City Registrar's Department—Aldermen Breck and Burnham.

Salaries—Aldermen Dunbar and Slade.

Streets—Aldermen Clark, Thompson and Breck.

Surveyors' Department—Alderman Wilder and O'Brien.

Survey and Inspection of Buildings—Aldermen Wilder and Gibson.

Treasury Department—Aldermen Gibson and Dunbar.

Water—Aldermen Clark and Thompson.

*Nominating Committees Joined.*

Overseers of Poor—Aldermen Gibson and Wilder.

Superintendents of Bridges—Aldermen Thompson and Burnham.

Clerk of Committees—Aldermen Breck and Dunbar.

Harbor Master—Aldermen Fitzgerald and Robinson.

Superintendent of Streets—Aldermen Slade and Breck.

Superintendent of Common, etc.—Aldermen O'Brien and Thompson.

Superintendent of Public Buildings—Aldermen Thompson and Burnham.

Superintendent of Public Lands—Aldermen Clark and Gibson.

City Architect—Aldermen Fitzgerald and Dunbar.

Superintendent of Sewers—Aldermen Slade and Robinson.

City Messenger—Aldermen Thompson and Robinson.

City Engineer—Aldermen Gibson and Burnham.

City Surveyor—Aldermen Viles and O'Brien.

City Registrar—Aldermen Fitzgerald and Wilder.

City Solicitor—Aldermen Clark and Fitzgerald.

Water Registrar—Aldermen Gibson and Breck.

Commissioner on Cedar Grove Cemetery—Aldermen Robinson and Wilder.

Directors for Public Institutions—Aldermen O'Brien and Robinson.



Directors of East Boston Ferries—Aldermen Gibson and Viles.

Trustees of City Hospital—Aldermen Viles and Slade.

Trustees of Public Library—Aldermen Thompson and Burnham.

Trustees of Mt. Hope Cemetery—Aldermen Thompson and Breck.

Commissioner of Sinking Funds—Aldermen Clark and Gibson.

Auditor of Accounts—Aldermen Gihson and Slade.

City Treasurer—Aldermen Burnham and Dunbar.

City Collector—Aldermen Wilder and Viles.

Weighers and Inspectors of Lighters—Aldermen Dunbar and Gibson.

COMMUNICATIONS AND REPORTS FROM CITY OFFICERS.

*Fire Commissioners.* Report of fires and alarms for December—Alarms, 55; fires, 33; confined to one building, 30; estimated loss on buildings, \$39,613, on contents, \$51,948.50—\$91,561.50; full insurance on buildings, \$233,690, on contents, \$143,300—\$376,990. Sent down.

*City Clerk.* Communication nominating John T. Priest as Assistant City Clerk. Nomination approved.

*Auditor of Accounts.* Monthly exhibit for Jan. 1. (City Doc. 4) Total appropriations, \$17,525.66; expended, \$10,156,848.29; balance unexpended, \$7,168,436.39.

*Chief of Police.* Quarterly report for Dec. 31—Arrests, 7481; males 6105, females 1376; Americans 2999, foreigners 4482. Placed on file.

*Paymaster of State Aid.* Payments for October, November and December, \$19,744; balance on hand, \$590; applicants 3911. Sent down.

*Superintendent of North Scales.* Receipts for quarter ending Dec. 31 last, \$591.67; forty per cent. of which, less expenses, \$36.93, has been paid to the Collector. Sent down.

*Inspectors of Lighters.* Report for quarter ending Dec. 31 last. Receipts, \$409.15; expenses, \$16.40. Sent down.

*Superintendents of Bridges.* Reports giving the number of vessels which passed through the draws, as follows: Broadway bridge, 5038; Chelsea-street bridge, 2; Congress-street bridge, 14,112; Dover-street bridge, 2346; Federal-street bridge, 6305; Malden bridge, 874; Meridian-street bridge, 1572; Mt. Washington-avenue bridge, 10,115. Severally sent down.

LAMP DEPARTMENT.

Alderman Thompson presented the annual report of the Superintendent of Lamps (City Doc. 3). Accepted and sent down.

The past year has been one of great activity; the number of lamps having been increased by 1265—a number never exceeded during any single year except in 1874, when the increase was 1766; but the larger portion of the increase was then caused by the annexation of Charlestown, West Roxbury and Brighton, from which several sections the number of lamps received was 995, while the additional lamps located were 771.

In addition to the large number of new lamps located during the past year, all the old fluid lamps have been discontinued, new iron posts and brackets located, with new lanterns, in which have been placed the most approved kerosene burner; thereby increasing the light on streets and places where they are located almost to the brilliancy of gas lighting. The number so changed during the year is 611, all of which have been so located as to be in proper position for the location of gas lamps when the mains of the several gas corporations shall be laid down in the streets and places where they are placed.

During the year a large number of old wooden posts and small lamp supplies have been discontinued and iron posts and new and large gas supplies put in, adding much to the general good condition of the department.

There has been a considerable increase of the lamps in the city proper, largely due to the locating of lamps in the alleys and passageways at the northerly section of the city, thereby affording great additional police protection to persons and property in that locality. There is a continuous call for this kind of improvement, as there are many places and alleys, the residences of the poorer class, still unlighted. Many streets in the suburban sections of the city still remain unlighted and will probably call for the attention of the department the coming year.

The lighting of the Common and public squares has received the attention of the department during the past year, and lamps have been placed upon Independence square and Thomas park, at South Boston; Washington square and Orchard park, in Roxbury, and a portion of the parade ground on the Common, giving at once safety to the people necessarily passing, while adding greatly to the pleasure of the persons who frequent those resorts in large numbers during the evenings in the summer season for recreation. It has also been decided to place lights on Winthrop and Sullivan squares, in Charlestown.

Price Paid for Gas for Public Lamps, per 1000 feet—City Proper, \$2; South Boston, \$2.50; East Boston, \$2.50; Roxbury, \$2.45; Dorchester, \$3; Brookline, \$2.90; Brighton, \$2.90; West Roxbury, \$2.90; Charlestown, \$2.40.

During the year the price of gas consumed by the public lamps has, at the suggestion of the committee, been reduced per 1000 feet, as follows: City proper, from \$2.08½ to \$2; Roxbury, \$2.50 to \$2.45; West Roxbury, \$3 to \$2.90; Brookline, \$3 to \$2.90; Brighton, \$3 to \$2.90; Charlestown, \$2.50 to \$2.40.

And the result has been during the present financial year to this time a saving of over \$4000 to the City Treasury.

The number of men employed is 119, and there are no supernumerary men. The men (100 in number) who light and clean the gas lamps are paid at the following rates: City proper, 39 men; South Boston, 7 men; East Boston, 5 men; Charlestown, 6 men; 1½c per lamp per night; while in Roxbury, 19 men; Dorchester, 13 men; Brookline, 1 man; Brighton, 4 men; West Roxbury, 6 men; are paid at the rate of \$1.67 per day. The lamps are lighted by the use of the torch. The men who light the oil and fluid lamps are nineteen in number, as follows: City proper, 1 man; South Boston, 4 men; East Boston, 2 men; Roxbury, 1 man; Dorchester, 4 men; West Roxbury, 5 men; Brighton, 2 men. The men employed to light the oil lamps are paid at the rate of three cents per lamp per night.

The number of lanterns which have been reported by the Police as broken was..... 181  
By the lamplighters..... 7263

Total..... 7444  
against a total of 8268, in 1875.

All repairs of the lanterns are done by the department at the workshop on Albany street. At this shop there are five men permanently employed, and two who work at piece-work on the painting of lanterns. In addition to the lanterns repaired as above, there have been 1511 lanterns and 3681 iron posts repainted during the year. The men employed at piece-work have also painted 1577 new gas lanterns during the year.

The following tables will show the number of gas lamps in use in the various sections of the city, on the 15th of December, 1876, as compared with the two previous years:

	1874.	1875.	1876.	Increase.
City proper.....	3814	3980	4043	63
East Boston.....	470	491	561	70
South Boston.....	763	813	878	65
Roxbury.....	1332	1441	1538	97
Dorchester.....	810	881	921	40
Brookline.....	62	69	69	0
West Roxbury....	338	431	456	25
Charlestown.....	562	675	743	68
Brighton.....	269	259	316	57
Totals.....	8420	9040	9525	485

The balance of appropriation on hand from 1875, on the 1st of January, 1876, was..... \$165,580.82  
There was expended during the remainder of the financial year..... 150,537.35

The balance unexpended and transferred to other appropriations was..... \$15,043.47  
The appropriation for the financial year ending on the 30th of April next was.... 493,738.00  
Amount expended to date..... 347,476.44

Balance unexpended..... \$146,261.56  
An amount sufficient to meet all anticipated expenditures of the department for the remainder of the financial year. The committee of the department, consisting of Aldermen Stebbins, Buraige and Thompson, have been untiring in their exertions to render perfect the lighting of the city. They have devoted many days to visiting locations for which new lamps were asked, and in inspecting the public property. They have generally supervised the purchase of all materials used in the department, which have been procured in large quantities, with the advantages of the lar-

gest discounts for cash. The expenditure of the department during the present financial year only exceeds that of last year at corresponding date by \$1557.26, notwithstanding the great increase in the number of the public lamps; and it is confidently expected that the close of the financial year, April 30, 1877, will show a less expenditure than the financial year 1875-6.

#### NORTHAMPTON-STREET DISTRICT, ETC.

Alderman O'Brien offered an order, That all unsettled claims or other unfinished business relating to the Suffolk, Church and Northampton-street districts be referred to the Committee on Public Lands, who shall be invested with the same powers in relation thereto that the said committee now have in other matters. Read twice and passed. Sent down.

#### RETRENCHMENT IN EXPENDITURES, ETC.

Alderman Fitzgerald offered the following:

Ordered, That a joint special committee of three on the part of this Board, with as many as the Council may please to join, be appointed to investigate the various departments of the City Government with a view to reporting what reduction in salaries and clerical hire may be made in each department, without detriment to the public service, and also whether any department can be abolished or consolidated with any other department.

Alderman O'Brien—I was not aware that any order of this kind was to be introduced today, and I have prepared one myself, which I think covers a little more ground. I will offer it as a substitute, and ask that both orders go over until next Monday.

Ordered, That a special committee of five on the part of the Board of Aldermen, with such as the Council may join, be appointed to consider and report on the alarming increase of municipal expenditures and municipal debt; and,

First—To devise some means to reduce taxation, and to ascertain if the expenditures of the different departments of the City Government cannot be reduced from ten to twenty-five per cent., without detriment to the public service; and if it is not the duty of the City Council, when incomes have become so much reduced, labor so poorly rewarded, and property of all kinds so much depreciated in value, to *instruct* all heads of departments to make this reduction.

Second—To request the new School Board to cooperate with the City Council in this movement to reduce expenses and taxation, or show cause why such a reduction cannot be made, as the belief has become very general that we are expending too much money on our schools without a corresponding benefit.

Third—To ascertain if by some different arrangement of the sinking funds the overburdened taxpayers cannot be relieved, and if the credit of the city would suffer if the interest on our actual debt only was raised by taxation every year instead of the interest on our gross debt, a tax deemed oppressive by many citizens.

Fourth—To consider the expediency of instructing our representatives in the Legislature to put a stop, if possible, to the lavish expenditures of money for prisons and insane asylums now believed to have exceeded all reasonable limits in the erection of very expensive buildings, and to watch more closely the expenditure of money by the State, as the city has to pay forty per cent. of the State tax.

These orders appear to be rather important, and I should hope that action on them will not be pressed this afternoon.

Alderman Fitzgerald—I see no difference between the order offered by the Alderman and myself, save and except that it looks a little too much like dictating to the Legislature. They would be very apt to say it is none of your business, and we know our duty. I think that my simple order asking for a special committee to investigate the various departments of the Government, and report to this Board what changes can be made in clerical hire and salaries, and whether any one department can be consolidated with another, will cover all that is absolutely necessary without going out of our way to instruct the Representatives in the Legislature to do that which they ought to know how to do themselves without any advice from us. I think the spirit of the substitute is all right; but my objection to it is, it looks more like an address than an order. Our orders substantially agree with each other, and I should hope, in order that we may get at the bottom facts in the matter, my order

may pass as soon as possible. I shall not withdraw my order for that offered by the gentleman.

Alderman O'Brien—Last year the question of salaries was fully discussed by the Board, and salaries are but a mere drop in the bucket. This Board considered this matter of salaries, and the result, if I might say so, was a mere farce. If we are to reduce expenses of the City Government, I am satisfied that we must instruct the heads of departments to reduce expenditures. It is all well enough for a committee of the City Government to call in the heads of departments and ask them how little money they can possibly get along with; but you will find that you will not reduce the expenses of the City Government in this way one iota. I believe that we must instruct our heads of departments to reduce expenditures. I consider the State tax a very serious matter. I have no hesitation in saying that thousands and thousands of dollars have been squandered in prisons and insane asylums; and I think it is the duty of this Board, as representatives of the citizens who have to suffer to the extent of forty per cent., to instruct our Representatives from Boston to see that these expenses are reduced. I believe that it is perfectly legitimate to do so. If we do not take such a measure as that, all other measures of economy will fail. There is another thing, and that is the large increase in our school expenditures. I believe in our public schools, and I wish to give them all the money that is necessary to carry on the system; but I believe that unless we call in the assistance of the School Board to unite in this movement, the present very large expenditure will go on. I have no objection to the gentleman's order; but I believe we ought to be very emphatic about this business. We have been discussing the question of economy for two years, and yet it has never amounted to anything. I believe we ought to confine our expenses to what is actually necessary. But I do not desire to spring a trap on the Board. This is a question that I have no doubt all the Aldermen would like to say something about, and I think that both orders should lie over till the next meeting.

Alderman Robinson—It seems to me, with all due respect to Alderman O'Brien, that the surest way of arriving at the whole thing is by the first order, leaving it to a committee to investigate these charges, so that we shall know what we are acting upon and discussing. I believe fully with Alderman O'Brien that this is too important a matter to be acted upon tonight; but so far as instructing the Legislature, and things of that kind, I do not know how we can instruct them unless we know what we are instructing them about. It is all very well to say that you will call upon the heads of departments and ask them how they can reduce the expenses of their departments; but that is a very hard position to put a head of a department in. He has been here for years and followed the precedents, and has persons in his service whom he believes earn their money. But that is not the question. The mere calling upon the heads of departments, without the committee, would not do. I agree with Alderman O'Brien, but still I think the first order the better.

Alderman Fitzgerald—I have no objection to the passage of the substitute save and except that portion in which we instruct the members of the Legislature, or in which we tell them in so many words that they have been extravagant. I much prefer showing them our action first. If this Board acts economically itself, if it calls on the heads of departments first, and not only says they must be economical, but instead of \$16,000 to run your department with we will give you \$10,000, and you must trim your cloth accordingly, then the heads of departments must be economical. The true way to practise economy is to oblige them to be economical. We have it in our power to do that, without making an address to them. I agree with Alderman O'Brien, that the expenses of all our departments are too large. I believe that the salaries of the heads of departments are too large when you consider the state of affairs and the small amounts paid to those who are beneath them. But it is not necessary to go through any preambles and resolves to do it. It can be done very quietly by reducing the amounts in the appropriation and salary bills, and they cannot help themselves; and that is the end of it. If we begin in that way we can go to the Legislature with a good grace and

say, go you and do likewise; but it will come with a bad grace from us, when every department here is run extravagantly, to go to the Legislature and say you have been building extravagant prisons and insane asylums, while at the same time we have been building extravagant schoolhouses. I fancy the Legislature would say, "Mind your own affairs; we know our business."

Alderman O'Brien—I wish to call the attention of the Board to the fact that this is not instructing the Legislature. It is merely asking for a committee to consider the expediency of instructing our representatives in the Legislature from Boston, who certainly ought to look out for the interests of Boston in the expenditure of money. It is not instructing the entire Legislature, but merely calling the attention of the members from Boston to the fact that we believe the expenditures are too great, and that Boston has to pay forty per cent. of the State taxes. A few years ago the constables of the Municipal Court thought they ought to have more pay; and instead of coming here and asking the advice or consent of the City Government, they went up to the Legislature as a delegation, and got their pay raised. Last year I offered an order here to cut down the expenses of Sealers of Weights and Measures. But what did they do? They went to the Legislature and got a law passed that kept up the expenses of that department. I believe it is the duty of the City Council of Boston to instruct their representatives in the Legislature to look more closely after the interests of Boston, which pays forty per cent. of the State taxes.

Alderman Clark—I hope that the orders will lie over. It seems to me that they are not sufficiently understood for this Board to vote upon them intelligently this afternoon. I for one cannot do so. I do not propose to discuss the question at the present time of the reduction of salaries and expenditures in any of the departments. That question is not before the Board. It is simply a question which of those orders shall be referred to a special committee. I hope they will both lie over until the next meeting of the Board.

Alderman Thompson—I hope the matter will be acted upon this afternoon. I think the sooner we commence this work of reform the better it will be for all parties interested. Now both orders tend to the same point, and that is a reduction of the expenses of the city. I like the order offered by Alderman Fitzgerald better than the other. One reason is it proposes a committee of three, whereas Alderman O'Brien proposes a committee of five on the part of this Board. I think a committee of three is better than a committee of five. You get a large committee, and it is very difficult to agree upon anything. Therefore, I prefer the original order, so far as it relates to this Board. Then, in regard to the reduction of school expenses, the salaries of teachers are fixed up to the 1st of September, and we cannot reach them by reduction until the matter comes before the Committee on Public Instruction, who, as the Alderman has suggested, can appropriate so much for salaries and the School Committee will have to meet it by a corresponding reduction on their part. In regard to the other matters, it seems to me that if Alderman Fitzgerald's order is adopted, the committee can recommend to this Board such action as they may deem necessary to carry out what Alderman O'Brien desires. I think that delay is not required. We can act upon it as well this afternoon as hereafter. Therefore I hope we shall act this afternoon upon one of the two orders proposed.

The motion to substitute was lost. The order offered by Alderman Fitzgerald was read a second time.

Alderman O'Brien—I think the committee will find it a difficult matter to proceed with so small a number. On an order of that kind requiring so much labor with a committee of three on the part of the Board, when they are divided up into sub-committees, they will find that they have altogether too much work on their hands. It has been customary on questions of that kind to have five members of the committee on the part of this Board, and a still larger committee on the part of the Council. When you divide this committee up into sub-committees they will find a great deal of work for them to perform. The larger the committee in this case the better I believe they will be. If they are going to inquire into every department, they will want a sub-committee on almost every department. I move an amendment by making the number five on the part of the Board. I think that will be small

enough if they intend to perform all the duties required of them.

Alderman Robinson—I would suggest to the Alderman who has just spoken whether the end could not be reached as well by giving this committee authority to appoint sub-committees. It seems to me that the thing would be reached much better and the result arrived at sooner.

Alderman Thompson—It has been my experience that when a matter has been referred to a parish nothing has been accomplished. Now, Alderman O'Brien referred to the action of the committee last year. The same subject was referred to the committee consisting of three on the part of this Board and five on the part of the Council; and certainly we had an intelligent report from them. I think that every member of this Board fully understood the condition of the different departments, and from that report how to act. I don't object to an enlargement of the committees, if a larger number would not be an obstacle to success; but I think that three members will answer for our purpose. Therefore I hope the amendment will not prevail.

Alderman O'Brien—The question last year was merely that of salaries; but now questions of still greater magnitude will be presented to this committee. They will have to make extended inquiries into every department. If they intend to confine themselves merely to salaries, a committee of three on the part of this Board, and five from the Common Council is large enough. But salaries are a mere drop in the bucket. They don't amount to anything. After all their labors last year, the committee merely struck at the policemen, firemen and laboring men. All the high salaried officers in City Hall were scarcely touched; and even if they had been touched, the reduction would not have amounted to anything. I say that salaries are a mere drop in the bucket. If this committee intend to reduce the expenses of the city of Boston, they must strike higher than salaries: they must make the heads of departments economize in matters of more importance than salaries. If the reduction is confined to salaries it will be hardly worth talking about.

Alderman Fitzgerald—I object to the number five, because that will give eight on the part of the Common Council. It is my experience that if committees are large they become unwieldy, and the work cannot be done so well. If a committee is composed of eight it will do the work far better than one of thirteen, which will be the case if five are appointed here. It will be much better for the whole committee to do the work than if they are divided up into sub-committees. I made the committee from this branch three, because the work will be done better and more expeditiously, and each member will have a better knowledge of the committee's work.

The amendment was lost—5 for, 7 against; and the original order offered by Alderman Fitzgerald was passed. Aldermen Fitzgerald, O'Brien and Slade were appointed on said committee. Sent down.

WORK FOR UNEMPLOYED LABORERS.

The following was received:

The Street Commissioners respectfully report upon the order of December 15th, of the City Council of 1876, that they have but one improvement under consideration that might furnish work for unemployed laborers during the present season—that is the completion of Ninth street between Old Harbor and H streets, a distance of some fifteen to sixteen hundred feet, and involving filling to the extent of some 6200 squares. To this time, in contemplating the matter, the commissioners have, despite their favorable view of it, felt unwilling to involve the city in the payment of any considerable sum for the fee of the land required to place the street upon, and in conversation with the owners have not as yet found them willing to contribute it. The earth for construction is to be found in the immediate neighborhood and would probably be for its removal.

NEWTON TALBOT,  
Chairman.

Referred to Joint Committee on Streets. Sent down.

PETITIONS REFERRED.

To the Committee on Health on the part of the Board. Abraham B. Shedd, for leave to occupy a new wooden stable for four horses on Main street, rear 306.

To the Committee on Public Lands. Ella Wyman, to be compensated for loss of right in pas-

sageway on Indiana place, wrongfully conveyed to another party.

Maria Davis and E. S. Johnson for abatement of assessment for raising grade of Northampton-street District.

*To the Committee on Armories.* Company A, First Battalion Infantry, for an allowance for furniture of armory.

*To the Committee on Paving.* Morse & Remick, to be paid for damages caused by change of grade on Swett street.

*To the Joint Committee on Fire Department.* Freeman & Vinton, that receptacles for coal or wood ashes be required to be made of metal or brick.

*To the Committee on Police.* H. D. Rice, for leave to erect a sentry box on Tremont street, near Park-street Church.

#### STREET AND LAND DAMAGES.

Alderman Clark offered orders to pay for land taken and damages occasioned in laying out and widening streets, as follows:

Boylston National Bank, \$3671.50, laying out of Swett street.

Eliza A. Upham, \$800, laying out of Mt. Everett street.

Daniel Davies and J. D. and G. T. W. Braman, \$9460.44, widening of Beacon street.

Severally read once.

#### UNFINISHED BUSINESS TO BE RESUMED.

Alderman Thompson offered an order, That the several standing committees of this Board resume the unfinished business of the last year which is appropriate to said committees. Read twice and passed.

#### AUTHORITY TO LICENSE MINORS.

Alderman Fitzgerald offered an order, That the Board of Aldermen be and they are hereby authorized, in accordance with section 14, chapter 50, of the General Statutes, to make rules and regulations to restrain sales by minors; or to grant licenses for minors to make such sales, on such terms and conditions as they shall prescribe. Read twice and passed. Sent down.

#### RECOUNTS OF VOTES FOR WARD OFFICERS.

Alderman Viles offered an order, That the petitions for the recount of ballots cast for ward officers in Wards 6 and 15, which petitions were referred to this Board of Aldermen, be referred to Aldermen \_\_\_\_\_ with directions to recount said ballots and report to this Board. Read twice and passed, and Aldermen O'Brien, Burnham and Viles were appointed said committee.

Adjourned, on motion of Alderman Clark.





## CITY OF BOSTON.

Proceedings of the Common Council,  
JANUARY 11, 1877.

Regular meeting at half-past seven o'clock, Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Notice of the qualification of Nehemiah Gibson as an Alderman; Mayor's message appointing George F. Babbitt as Mayor's clerk; annual reports of Superintendents of Lamps, North Scales and Bridges; Auditor's monthly exhibit, Jan. 4 (City Doc. No. 4); quarterly reports of Weighers of Lighters and Paymaster of State Aid; report of fires and alarras for December. Severally placed on file.

Reference to Committee on Streets of a report from Street Commissioners that they, have but one street improvement (Ninth street between Old Harbor and H streets) which might furnish work to unemployed persons. Concurred.

Order of reference to Committee on Public Lands of all unsettled claims or other unfinished business relating to Church, Suffolk, or Northampton-street districts, as therein set forth. Read twice and passed in concurrence.

Order for Board of Aldermen to make rules and regulations to restrain sales by minors, or to grant licenses to make sales. Read twice and passed in concurrence.

Report and order to adopt the Joint Rules of 1876, with an amendment to section one, to make the Committee on Water consist of two Aldermen and three members of the Common Council. Order read twice and passed in concurrence.

## INVESTIGATION OF THE DEPARTMENTS.

An order came down for a joint special committee to investigate and report what reduction can be made in salaries and clerk hire, and whether any departments can be abolished or consolidated.

Mr. Pratt of Ward 21 moved that the order be referred to the Joint Committee on Salaries.

Declared lost. Mr. Pierce of Ward 18 doubted the vote. At the request of Mr. Clarke of Ward 22, the President read the order for information.

Mr. Clarke—A portion of that order has been under consideration today by the Standing Committee on Salaries, who met very promptly and commenced considering the matter of a reduction of salaries and employes in the different departments. They have commenced that duty, and it seems to me that to employ another committee to do the same work and go over the same ground that they do, before they make their report, is rather a farce upon the Committee on Salaries, and taking work out of their hands that belongs to them and giving it to a special committee. I have no feeling in the matter, but I hardly know what the Salary Committee will have to do if this matter is referred to a special committee. I supposed that the President appointed men on the Salary Committee to do that work, and I don't see how it can be any better done by referring it to a special committee. If this matter is referred to the Committee on Salaries they can entertain the whole subject, and make a report wholly or in part, and go into an investigation of the whole subject within a reasonable time. Therefore I hope it will be referred to the Salary Committee.

Mr. Flynn of Ward 13—This is a general order giving the special committee authority to look into the working of the different departments throughout the City Government. The Committee on Salaries only have power to report to the City Council the salaries of the heads of departments. This order also looks to abolishing some of the departments. There can be no harm in appointing the special committee, who can report to the City Council, and if the City Council is not satisfied with the report they need not accept it.

Mr. Spenceley of Ward 19—While I do not oppose the order, my experience of the past year shows me that these special committees do not amount to a great deal. We had one appointed last year and have had no report since. I think the City Government is very much like a train of steam cars. It starts off, making a great deal of noise, but after the train goes you don't hear it. My impression is that this committee will be about the same. I would like to see any joint commit-

tee that can give the time necessary to look into so large a matter as this of all the departments in the City Government and seeing whether less clerks are needed in one place than are employed, and whether departments can be consolidated. It will take a year's time. I do not rise to oppose the order, for if anything can be done let it be done; yet I do not see how it can be. That there is great chance for work in this sphere there is no doubt; but the suggestion I would offer is that the committee in every department should take the matter into their own hands—the Committee on Public Lands to see if anything can be done in that department, and the Committee on Public Buildings the same. It seems to me we could get at the bottom of this matter in that way better than in any other. At the last session a bill was brought in for a reduction of salaries, but some gentlemen who stood by the bill at first, opposed it finally because some of their friends in the departments were going to be cut down. That is going to be the case now, I suppose; we all have our friends, I suppose; and perhaps I should not want to be cutting down some and letting others go because I know more about some than I do about others. So I think there will be great difficulty in getting at anything in this matter. I think the best way to get at it is to let each committee take its own department and go through it. In that way we can accomplish something, but in this way we shall do nothing.

Mr. Sibley of Ward 5—This matter of salaries seems to be something that a great deal is said about. I don't profess to be competent to judge about what is right, and I presume that many others are in the same position. But this order has come to us, and what are we going to do with it? The question of salaries is to be looked after. My friend [Mr. Spenceley] says there is great difficulty. We are here to grasp difficulties. We never can know what a committee will do, and never shall, until it is appointed. I want to know. Let them go to each department and report on it. The head of a department carries out the work of his branch of the City Government, and this committee proposes to go through them all. I hope we shall put men on the committee who will investigate this matter, and report how many men are employed in each department, and how many hours they work. I am in favor of the committee being appointed. Let them do this work, and let the Salary Committee do their work. What we want is good work from all the committees.

Mr. Pratt of Ward 21—It is rather early in the year to begin relieving joint standing committees of their duties. I have two or three reasons for making this motion, which I thought might be worth presenting, without wishing to urge them very strongly. In the first place the order appears to be intended to forestall the action of the Joint Standing Committee on Salaries, who were appointed for the purpose of looking after salaries. If that committee desire any assistance in their labors they might report back this order with a recommendation that it be passed. It seems to me that in courtesy to that committee it should be referred to them to indicate whether they wish any assistance in the matter, and if so, how. The order comes down after considerable debate in the Board of Aldermen, and the direction which that debate took in the other branch is sufficient, at least, to excite some thought upon the subject, and to induce any one, in voting upon the order, to consider it rather carefully; and I thought it should lie over for a week for consideration, or be referred to the Salary Committee, as my motion contemplated, for their consideration and recommendation as to its passage or not.

Mr. Flynn of Ward 13—There are departments on which there are no standing committees of the City Council or the Board of Aldermen. I will cite one—the License Commissioners. They have no committee, even of the Board of Aldermen, on that department; and today it is a fact that they are keeping some ten or twelve men at a salary of \$1100, with nothing to do; all that work can be done by the police. This is a sweeping order, giving the committee authority to look into the different departments. There can be no harm in having them appointed, and in having them report to the City Council.

Mr. Clarke—It seems to me that if this is referred to the Committee on Salaries it gives them the very power the order proposes to give the special committee in this whole matter. I will state for the benefit of the Council that when the

Salary Committee met today they had under consideration the reports on salaries of last year, and the report of the special committee; and this involves a large part of the work which gentlemen propose to give to this special committee. We all know that after the Salary Committee made their report last year, a special committee was appointed, and after the vacation there were many inquiries as to what they were about. It seemed to be a political matter rather than an investigation. They made no report until the last day of the year, and that report was referred to this Council. That is the result of the special committee of last year. Are we going to make this appointment with a great array and noise about what we are going to do, and are we going to have it reported on the last day of the year and have it referred to the next City Council? It seems to me that is what this special committee will result in.

The motion to refer was lost.

Mr. Pratt of Ward 21—I move to amend the order by striking out the words "what reduction in salaries and clerical hire in each department may be made without detriment to the public service; and also."

Mr. Flynn of Ward 13—I hope that amendment will not prevail. If that is stricken out the order amounts to nothing. The order is to ascertain what salaries can be reduced, and to report back to the City Council.

Mr. Spenceley of Ward 19—I hope the amendment will not prevail. It seems to me that if any good can be obtained from this, that kills the whole thing. What we want to know is whether this clerical line can be reduced, and these departments abolished or consolidated. The Committee on Salaries, as I understand, will have nothing to do with this. It seems to me they can do the whole of it better than a part. The only question in my mind is whether any committee can give the time to do this. I believe it ought to be done, but I don't see how any joint committee can go into it thoroughly. You must take the heads of departments; you cannot go into their offices and get a practical knowledge whether they need one man or a dozen. It may be that certain departments can be abolished, and I should be glad to see the one abolished that the gentleman [Mr. Flynn] has referred to, for I think it has been a nuisance to the city of Boston. Therefore we may gain something by appointing the committee as proposed, and let them do the best they can.

Mr. Sampson of Ward 17—I am in favor of appointing this joint special committee, but it seems to me we can amend the order so as to meet the wishes of the Council and still leave the question of salaries to be looked into by the standing committee. I move to amend by striking out the words "salaries and."

Mr. Pratt—I withdraw my amendment.

Mr. Webster of Ward 3—It seems to me we might as well meet this question squarely on its merits. If we want a joint special committee to investigate this matter we might as well give them power to do it thoroughly; and if we don't want the committee we might as well vote against it. We might as well pass the original order as it came from the other branch, or drop the matter altogether. It seems to me it is hardly worth while for the Committee on Salaries, to report what salaries should be paid, if the joint special committee abolish a great many of the offices. It seems to me the two committees might get at loggerheads, and matters would get mixed up, unless the special committee has power to look at salaries also.

Mr. Sampson of Ward 17—I am in favor of the order as it came from the Board of Aldermen, except the part relating to salaries. It seems to me it is not necessary to appoint a joint special committee to do the work just assigned to a joint standing committee who have entered upon their work. It seems to me that in investigating the different departments this joint special committee will do a good work. And the information they will obtain will be very valuable to us. I hope the committee will be appointed and it will not trespass upon the regular committee. If any department is abolished, as the gentleman says, the salary will not be required, and the money will not be spent.

Mr. Clarke of Ward 22—I would like to ask the gentleman on my left, [Mr. Spenceley of Ward 19,] what he expects the Salary Committee are to do. If the two committees are to work for the same thing, what is the need of the Salary Committee

doing anything? It is well known that the Salary Committee are expected to make a report in time for the Auditor and the committees to make up their estimates; but it seems to me that at the next meeting of the Salary Committee they will find that they have nothing to do, if there is a new committee appointed to do their work. If the Council choose to take that course, I am satisfied. It is a very disagreeable position for any gentleman to be on the Salary Committee. Certainly he does not make any friends by having such an appointment.

Mr. Spenceley—If I may be allowed to answer the question, I think it will be the duty of the Salary Committee to bring in an order here on which the City Council will spend fifteen or twenty hours in debating, and then have it passed by.

The amendment of Mr. Sampson was lost. The order was read a second time and passed in concurrence. The President joined Messrs. Blanchard of Ward 21, Reed of Ward 17, Webster of Ward 3, Fagan of Ward 19 and Vose of Ward 24 to the committee.

#### SPREAD OF SCARLET FEVER.

A report was received from the Board of Health on the order in relation to preventing the spread of scarlet fever by contagion, that said Board has for a long time past been considering what, if anything, could be done to prevent the scarlet fever. In its opinion the powers already given Boards of Health in this particular are ample and sufficient, and no further legislation is necessary except in this connection it seems proper to suggest that the word "physician," as it occurs in the fourth and forty-eighth sections of chapter 21, of the General Statutes, should be clearly defined; and they respectfully ask that legislation to this end be secured as soon as practicable.

Referred to Joint Committee on Health. Sent up.

#### RECOUNT IN WARD 8.

Mr. Felt of Ward 18 submitted a report from the Committee on Elections on petition of James Kelley that they have recounted all the votes cast for Common Council in Ward 8, with the following result:

Edward O'Donnell.....	707	James Wight.....	242
Richard Roach.....	687	O. S. Currier.....	131
Peter Cannon.....	644	John Q. A. Gilgrain....	3
George E. Bell.....	561	Daniel Ruby.....	3
Neil Henry.....	465	John Smith.....	3
James Doherty.....	445		

E. Roach, James Wright, Lucius Slade, F. O. Hare, E. Kelley, Eugene Nagles, John W. Nagles, Frank H. Shepherd, Albert O. Crame, Robert M. Waitt and Peter Carman, one each. From which it appears that the members now occupying seats at this Board are entitled to the same. Accepted.

#### RULES AND ORDERS OF THE COMMON COUNCIL.

Mr. Sibley of Ward 5 submitted a report from the special committee appointed to prepare rules and orders of the Common Council, recommending the passage of an order, That the rules and orders of the Common Council of 1876, as printed in the municipal register for that year, be adopted as the rules and orders for the government of this Board. Read twice and passed.

#### COMMITTEES ORGANIZED.

Mr. Stone of Ward 3 reported that the Finance Committee had organized by the choice of Eugene H. Sampson as chairman on the part of this branch, and Alfred T. Turner secretary.

Mr. Wolcott of Ward 11 reported that the Committee on Accounts had organized by the choice of J. Augustus Felt as chairman on the part of this branch.

#### NOMINATIONS AND ELECTIONS.

*Trustees of Mt. Hope Cemetery.* Mr. Flynn of Ward 13 submitted a report nominating Alderman Richard W. Robinson, and Councilmen Robert Vose, Jr., and Joaquin K. Souther. On motion of Mr. Flynn, the rule was suspended and a ballot ordered. Committee—Messrs. Fraser of Ward 6, Webster of Ward 3 and Smardon of Ward 10.

Whole number of votes.....	65
Necessary for a choice.....	33
Alderman Richard W. Robinson.....	65
Councilman Robert Vose, Jr.....	63
“ Joaquin K. Souther.....	61
“ C. J. Spenceley.....	1
“ Richard Pope.....	1

And four ballots for ineligible persons.

Messrs. Robinson, Vose and Souther were declared elected on the part of the Council. Sent up.



*Trustees of the City Hospital.* Mr. Sibley of Ward 5 submitted a report nominating Alderman Hugh O'Brien and Councilman John Kelley of Ward 3 and James H. Upham.

Mr. Vose of Ward 24 moved that the rule be suspended and that the Council proceed to an election.

Mr. Clarke of Ward 22—I think it has been the custom for years past to have these nominations lie over for a week, and I don't see any reason why that custom or rule should be changed at the present time. Unless something extraordinary requires us to make these elections immediately, we ought not, so early in the season, commence suspending the rules; particularly this year, when a large number of members are new members, who have hardly got acquainted with the different candidates. Some members have suggested to me that they would like to have this matter go over, so that they may make some investigation, and see whether these nominations are agreeable to them. We well know that these appointments are to last for the whole year, and that some of them are very important indeed for the interest of the city. I will state in regard to one report which will come in here tonight, and I presume that the usual motion to suspend the rule will be made, and that is the nomination for Trustees of the Public Library, which is a very important election, I accidentally came into possession of a copy of the Boston Transcript of this evening and found quite a long article written by Mr. Cheney of the Globe Theatre, which I do not propose to read. The letter that accompanies it is short, if the Council will permit, I will read it.

The President—Does it refer to the question of suspending the rules?

Mr. Clarke—Yes, sir. It refers to suspending the rule upon a nomination to be made this evening.

Mr. Thompson of Ward 9—I rise to a point of order. The communication which the gentleman proposes to read does not touch the matter under debate; and I will also suggest that the member referred to [Mr. Howes] is not present, and if the gentleman wishes to read that communication he should postpone it until that gentleman is present.

Mr. Clarke—He is one of the candidates nominated. If the nomination is laid over I will not read it, but if the suspension of the rule is forced I wish to read it. I don't desire to read it at present.

The rule was suspended and a ballot ordered. Committee—Messrs. Spenceley of Ward 19, Reed of Ward 17, McClusky of Ward 13.

Whole number of votes.....	68
Necessary for a choice.....	35
Alderman Hugh O'Brien.....	68
Councilman John Kelley of Ward 6.....	41
“ James H. Upham.....	53
“ Joseph Morrill, Jr.....	26
“ Charles H. Reed.....	5
“ William Blanchard.....	1

And two ballots for ineligible persons.

Messrs. O'Brien, Kelley of Ward 3 and Upham were declared elected on the part of the Council.

*Directors for Public Institutions.* Report submitted by Mr. Smardon of Ward 10 nominating Alderman Clinton Viles and Councilmen Eugene H. Sampson and James J. Flynn. Report accepted and Mr. Smardon moved a suspension of the rule, that an election might take place tonight.

Mr. Barry of Ward 22—I am willing to go as far as any one present to do anything to expedite the progress of business; but I think we are going a little too far in suspending the rule in this case. This is the first of the year. I am a stranger to most of the candidates nominated here tonight. The best way for us is to take these ballots home and find out something about these gentlemen, and when we come here next Thursday we will have found out all about the gentlemen who are seeking for those nominations. Then we will be competent to do what we were sent here for—select the right men for the right places. I hope there will be no suspension of the rule.

The rule was suspended and an election ordered. Committee—Messrs. Felt of Ward 18, Barry of Ward 22, Nugent of Ward 19.

Whole number of votes.....	69
Necessary for a choice.....	35
Alderman Clinton Viles had.....	69
Councilman Eugene H. Sampson.....	44
“ Nathan S. Wilbur.....	29
“ James J. Flynn.....	47
“ Richard Pope.....	9
“ Moses W. Richardson.....	2

And D. A. Flynn and Otis H. Pierce one each.

Messrs. Viles, Sampson and Flynn of Ward 13, were declared elected on the part of the Common Council. Sent up.

*Directors of East Boston Ferries.* Mr. Webster of Ward 1 submitted a report nominating Alderman Charles H. B. Breck and Councilmen Edward Pearl and John A. Duggan as Directors of East Boston Ferries.

Mr. McDonald of Ward 12 moved a suspension of the rule, in order to proceed to an election.

Mr. Hibbard of Ward 17—It seems to me we have gone far enough in this matter. These men are both strangers to me, and I should like to have this matter lie over a week that I may learn something about them.

Mr. Thompson of Ward 9—I want to express the same feeling. I feel that we ought not to vote simply on the recommendation of the committee without personally knowing something about the candidates. I do not even know these gentlemen by sight and should like to inquire something about them.

Mr. Beeching of Ward 1—The section I represent is largely interested in the ferries, and I think I speak the wish of my colleagues when I ask that this matter lie over one week.

Mr. McDonald—I hope, sir, that as we have gone so far, we shall finish up our work tonight. Let us show that we are a progressive body. Let us put our work ahead and not let this matter drag along. I think we should finish our work here tonight.

The motion to suspend the rule was lost, and the election went over under the rule.

*Trustees of Public Library.* Mr. Sibley of Ward 5 submitted a report nominating Alderman John T. Clark and Councilmen Osborue Howes, Jr., and Richard Pope for Trustees of the Public Library. Report accepted, and the election went over, under the rule.

BADGES.

Mr. McGaragle of Ward 8 offered an order, That his Honor the Mayor be requested to appoint the members of the Common Council special police officers without pay, and that Messrs. ——— be a committee to procure badges for the same; the expense to be charged to the Contingent Fund of the Common Council.

The order was passed to a second reading.

Mr. McGaragle—That is a very important matter. I move to suspend the rule, that it may take its second reading at this time.

Mr. Webster of Ward 3—I think the new members here would like a little information as to the duties of special police, what kind of badges we are to have, and what they will cost. I wish to vote intelligently, and I would like to know how to vote on this matter.

Mr. McGaragle—In offering the order I am about as unfortunate as the gentleman himself. I can't tell him what the duties will be; but I can tell him that the cost of the badges has been, in years past, from five to eighteen dollars. I put no price in the order, leaving that to the discretion of the Council. Last year, I understand, the badges cost about five dollars, and that they were very handsome. I think that will cover the cost this year.

The motion to suspend the rule was lost—36 for, 24 against—two-thirds being necessary.

SOLDIER'S MONUMENT.

On motion of Mr. Flynn of Ward 15, the order for a joint special committee to have charge of the erection of the Soldiers' Monument on Boston Common, was taken from the table and passed. Messrs. Hiscock of Ward 21, Flynn of Ward 13 and Nugent of Ward 19 were appointed on said committee. Sent up.

PROCEEDINGS OF THE STREET COMMISSION.

The report of the proceedings of the Street Commission for 1876 (City Doc. 5) was received. Sent up. Following is an abstract of the report:

The widening of South street, at the corner of Summer street, \$42,054; extension of Fairfield street from Commonwealth avenue to Boylston street, \$30,300; widening Portland street, \$15,000; widening Beacon street, at junction with Brighton avenue, \$9461.40; widening State street, \$8000; laying out Rockland avenue, at Roxbury, \$1750; widening School street at West Roxbury, \$1237.25; widening Elm street, at the corner of Washington street, \$1,198.50; widening Fort avenue at Roxbury, \$1100; laying out Mt. Everett street at Dorchester, \$800; and slight widenings of Washington street at Roxbury, Centre street at West Roxbury, East Fourth and Emerson streets at South Bos-

ton, and Walkhill street at West Roxbury; estimated to cost together \$1022. The total estimated expense of their operations during the year the commissioners find to be \$111,923.15. Certain improvements were effected where the land required was in possession of the city, or was obtained by offsetting it with previous claims the city had upon the owners, and to which in consequence no estimates were put.

There has been but one discontinuance, a small portion from Valentine street at Roxbury.

The following betterments were assessed within the year:

For the extension of Auburn to Leverett street, in 1874.....	\$2,560.00
For the widening of Pleasant street at Charlestown, in 1874.....	3,028.00
For the laying out and widening of Charles street, at Dorchester, in 1874.....	2,378.84
For the widening of Beach street, in 1874.	28,150.00
For the widening and extension of Swett street to South Boston, in 1874.....	115,552.00
For the widening of Shawmut avenue, from Lenox to Roxbury street, in 1874..	9,223.00
	<u>\$160,891.84</u>

Nine cases of appeals from the assessors' taxation of real estate have been heard and decided by the board during the year.

## PUBLIC PARKS.

The second annual report of the Park Commissioners (City Doc. 10) was received. Sent up.

The report summarizes the action of the commissioners and the City Council on the subject of parks during the past year. The expenditures were as follows:

Expenditures from Jan 1, 1876, to April 30, 1876, as per second report.....	\$3,421.57
Expenditures from April 30, 1876, to Jan. 1, 1877 .....	2,507.84

Total expenditures for the year..... \$5,929.41

The appropriations for the financial year 1876-7, ending on the 30th day of April next, was.....	\$5,000.00
Amount expended to Jan. 1, 1877, being nine months of the financial year. ....	2,507.84

Unexpended balance Jan. 1, 1877... .. \$2,492.16

Part of the above amount was expended as follows: George F. Clarke, clerk, \$1350; draughtsmen, \$361.37; printing, \$325.35; clerk hire in bonding lands, \$308; district telegraph messengers, distributing plans, \$45.77.

Adjourned, on motion of Mr. Clarke of Ward 22.

CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JANUARY 16, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

EXECUTIVE APPOINTMENT.

Public Weigher—Harvey Wheeler. Confirmed.

PETITIONS REFERRED.

To the Committee on Markets. Daniel Cummings & Co. et al., occupants of stores on North and South Market streets, and E. Holden & Son, et al., occupants of Faneuil Hall Market, in favor of the reappointment of Charles B. Rice as superintendent of said market.

To the Committee on Police (Presented by Alderman Burnham and referred with full power). Benjamin James et al., that "coasting" may be allowed on Sixth street, between G and I streets, and that it may not be prevented by police officers of the city of Boston.

To the Committee on Licenses. John Glancy, for license as an auctioneer; N. W. Day, for leave to extend his omnibus line so as to reach State street; Robinson & Emerton, for leave to run two passenger wagons from Boston & Maine depot through Sudbury, Court and State and Broad streets to Rowe's wharf.

To the Committee on Paving. Henry Gasset et al., for a continuation of a plank walk on Centre street, near Washington street, Ward 24. John English, to be paid for grade damages at 87 Porter street.

To the Joint Committee on Claims. Ann Morris, for damages by reason of injury sustained on defective sidewalk on Court street, Charlestown; James B. Dow, to be compensated for damages to his property by entry of sewage into Roxbury Canal.

To the Committee on Armories. Dexter H. Follitt, for an allowance for furniture for headquarters of First Battalion of Cavalry.

To the Committee on Public Lands. Thomas W. Carter, for reduction of rent of wharf on Albany street; heirs of Charles Davis, deceased, for abatement of assessment of Northampton-street district.

To the Committee on Sewers. David Scott et al., for a sewer in Eagle street, east of Putnam street.

To the Committee on Health on the part of the Board. Petitions for leave to occupy stables as follows: Thomas Curley, new wooden, one horse, Greenwich street, Ward 24; George T. McLauthlin, new wooden, two cows, Park street, Ward 22.

HORSE-RAILROAD PETITIONS.

Petitions were received from the Metropolitan Railroad for a revocation of that part of the thirty-sixth location, granted June 25, 1874, extending from the intersection of the Merrimac-street switch with the tracks of said road in New Washington street and across Haymarket square to the tracks of the Middlesex Railroad Company near the Boston & Maine Railroad depot, being that portion of said location which the Middlesex Railroad Company constructed tracks upon; and for leave to construct a single track in Lexington and Prescott streets, with suitable curves and turnouts, to connect with the tracks already laid in Meridian and Chelsea streets; also for leave to construct a single track in Liverpool street, to connect with suitable curves, the track already laid in Meridian and Sumner streets. Severally referred to the Committee on Paving.

A petition was received from the South Boston Railroad Company for leave to run their cars to Causeway street. Referred to Committee on Paving.

UNFINISHED BUSINESS.

Order to pay Eliza A. Upham \$800, for land taken on Mt. Everett street; order to pay Daniel Davies et al. \$9461.40, for land taken on Beacon street; order to pay the Boylston National Bank \$3671.50, for land taken on Swett street. Severally passed.

PAPERS FROM THE COMMON COUNCIL.

Report of the Public Park Commissioners (City Doc. No. 10), and report of the Board of Street Commissioners (City Doc. No. 5). Placed on file.

Order for appointment of a committee (Messrs. Hiscock, Flynn of Ward 13 and Nugent to be

joined) to take charge of the subject of the army and navy monument. Passed in concurrence, and Aldermen Thompson and Wilder were appointed on said committee.

A report of the Board of Health suggesting certain amendments in the 4th and 48th sections of chapter 21 of the General Statutes, by which the term "physician" should be more clearly defined, came up referred to the Committee on Health. Concurred.

ELECTIONS.

Directors for Public Institutions. A report came up nominating, with certificate of election of Alderman Clinton Viles and Councilmen Eugene H. Sampson and James J. Flynn, as Directors for Public Institutions. The report was accepted and an election ordered. Committee—Aldermen Robinson and Dunbar.

Whole number of votes.....	11
Necessary to a choice.....	6
Alderman Clinton Viles.....	10
Councilman Eugene H. Sampson.....	11
" James J. Flynn.....	9
" Nathan S. Wilbur.....	2

And Messrs. Viles, Sampson and Flynn were declared elected in concurrence.

Trustees of Mt. Hope Cemetery. A report came up nominating, with certificate of election of Alderman Richard W. Robinson and Councilmen Vose and Souther as Trustees of Mt. Hope Cemetery. The report was accepted and an election ordered. Committee—Aldermen Robinson and Dunbar.

Whole number of votes.....	11
Necessary for a choice.....	6
Alderman Richard W. Robinson.....	10
Councilman Robert Vose, Jr.....	11
" Joaquin K. Souther.....	11

And Messrs. Robinson, Vose and Souther were declared elected in concurrence.

Trustees of the City Hospital. A report came up nominating, and certificate of election of Alderman O'Brien and Councilmen Kelley of Ward 3 and Upham as Trustees of City Hospital. The report was accepted and an election ordered. Committee—Aldermen Robinson and Dunbar.

Whole number of votes.....	12
Necessary for a choice.....	7
Alderman Hugh O'Brien.....	11
Councilman John Kelley of Ward 3.....	10
" James H. Upham.....	11
" Joseph Morrill, Jr.....	3

And Messrs. O'Brien, Kelley of Ward 3 and Upham were declared elected in concurrence.

COMMUNICATIONS AND REPORTS FROM CITY OFFICERS.

Notice of Vacancy in School Committee. Notice was received from the School Committee of a vacancy in that body caused by the resignation of John E. Fitzgerald, and proposing a convention in the committee's chamber on Monday, Jan. 23, 1877, at 7½ o'clock P. M. Concurred.

Superintendent of Sewers. Schedules of cost of constructing sewers in Dorchester Brook valley, \$5749.67, and Sargent street, \$45,255. Referred to Committee on Sewers.

School Committee. Requests for better accommodations for primary schools on Washington street and Codman park; and for a new site and building for the Allston School. Referred to Joint Committee on Public Instruction. Sent down.

Annual Reports of Superintendents of Bridges. Warren Bridge, 5170 vessels; Charles River Bridge, 7282 vessels; Chelsea Bridge, 1235 vessels. Severally sent down.

Directors for Public Institutions. Communication requesting a transfer of \$500 from the appropriation for House of Correction to fit up and maintain the home for female paupers at the Austin Farm; also for introducing water, erecting fire-alarm telegraph, etc. Referred to Joint Committee on Public Institutions. Sent down.

BOND APPROVED.

The bond of Henry F. Spach, constable, being presented duly certified, was approved by the Board.

ANNUAL REPORT OF CHIEF OF POLICE.

Alderman Robinson presented the annual report of the Chief of Police (City Doc. 7). Accepted. Sent down.

Maximum for Jan. 1, 1876.....	700
Vacancies .....	10

In the service.....	690
Appointments during the year.....	36

Died during the year.....	9
Resigned.....	10
Discharged.....	7
	26
In the service Dec. 31, 1876.....	700
Vacancies.....	—
Maximum force.....	700

Saddle horses in use..... 32

Expenditures during 1876, \$838,140.18, of which \$776,784.66 was for pay of officers, \$12,589.57 for fuel and gas, \$3544.99 for police steamer; care 33 horses, \$11,462.39; pursuit and detection of criminals, \$2044.48.

The appropriation made by the City Council for the financial year from May 1, 1876, to April 30, 1877, was..... \$850,000.00

The amount expended for 9 months, to Dec. 31, 1876, was..... 629,445.41

Leaving a balance in the treasury of..... \$220,554.59

which will undoubtedly be ample for the expenses of the department for the remainder of the financial year.

There has been earned and collected by the department during the year the sum of \$25,699.94.

The work done during the year is as follows:

Arrests.....	30,041	Foreigners.....	18,273
Males.....	24,222	Non-residents.....	6,118
Females.....	5,819	Minors.....	5,417
Americans.....	11,768	Commitments.....	21,317

Principal Items of Crime—Assault and battery, 2253; felonious assault, 234; common drunkards, 294; disorderly, 6503; drunkenness, 8564; simple larceny, 1715; larceny felonious, 535; nightwalking, 322; suspicious persons, 1345; violation of license law, 2176; violation of Sunday law, 291; witness, 299.

Nativity of Prisoners—United States, 11,690; British Provinces, 1047; Canada, 103; Ireland, 14,578; England, 1068; France, 117; Germany, 739; Italy 94; Portugal, 14; Sweden, 129; Scotland, 312.

Lodgers—Number, 63,726; males, 57,430; females, 6296; Americans, 22,044; foreigners, 41,682; non-residents, 51,829; minors, 5228. Nativity of Lodgers—United States, 22,099; British Provinces, 3022; Canada, 456; Ireland, 29,589; England, 4916; France, 424; Germany, 718; Italy, 92; Portugal, 27; Sweden, 228; Scotland, 828.

Miscellaneous Business. Accidents reported, 1025; boats challenged, 145; buildings found open and secured, 2955; cases investigated, 9925; dangerous buildings reported, 46; dangerous chimneys reported, 33; dead bodies found, 120; defective cesspools reported, 107; defective drains and vaults reported, 737; defective fire alarms and clocks reported, 116; defective gas pipes reported, 95; defective hydrants reported, 27; defective lamps reported, 3949; defective streets and sidewalks reported, 7277; defective water pipes reported, 340; disturbances suppressed, 15,745; extra duties done by officers, 5331; fire alarms given, 290; fires extinguished without alarm, 277; intoxicated persons assisted home, 681; lost children restored, 1480; rescued from drowning, 24; sick and injured persons assisted, 556; stray teams put up, 288; street obstructions removed, 6682; vessels boarded, 180; water running to waste reported, 277.

Amount of property taken from prisoners and lodgers and restored to them, \$59,980.88; amount of property reported stolen in the city, \$57,063.00; amount of property recovered, which was stolen in and out of the city, \$57,994.80; amount of fines imposed by the courts, \$153,801.00; amount of imprisonment by the same, 2697 years eleven months; number of days' attendance in court by officers, 21,482; amount of witness fees earned by them, \$25,355.62; amount collected for dog licenses issued, \$15,818.00.

Liquor Prosecutions during the Year 1876.

Warrants obtained for keeping and selling without license.....	2,199
Warrants of search executed and seizures made.....	1,355
Warrants of search executed and no liquors found.....	474
Total number of prosecutions.....	4,028

Total number of gallons seized.....	32,654
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Lots of seized liquors forfeited.....	1,222
Lots of seized liquors returned to owners.....	29
Lots of seized liquors not disposed of....	104
	1,355
Gallons of seized liquors forfeited.....	26,888
Gallons of seized liquors returned to owners.....	1,088
Gallons of seized liquors not disposed of.....	4,678
	32,654

Places where liquors were sold prior to Jan. 1, 1876.....	2,411
Places now licensed, which were opened prior to Jan. 1, 1876.....	924
Places now licensed, opened since Jan. 1, 1876.....	179
Places supposed to be selling without license.....	868
	1,971

Number of places reduced during year.....	440
Number of new places opened and licensed during year.....	179
Total number of places selling reduced during year.....	440

Number of places where selling has been abandoned..... 619

Arrests for Drunkenness—The following table shows the number of commitments for drunkenness in each month for the last three years:

Month.	1874.	1875.	1876.
January.....	865	838	714
February.....	847	717	558
March.....	894	839	731
April.....	865	774	747
May.....	876	997	684
June.....	957	851	746
July.....	923	821	638
August.....	1,192	1,043	724
September.....	1,027	813	753
October.....	1,156	905	882
November.....	1,220	851	712
December.....	1,058	876	675

From a careful analysis of the records of the central office relative to offences against property, it appears that the amount of property involved, compared with the number of offences committed during the last few years, has been much smaller than in former years; while the number of arrests made, compared with the number of offences committed, is much larger. This has been so especially during the past year, the proportion of arrests made being more than four-fifths of the offences reported, although, as in all years, it has sometimes happened that more than one person has been arrested for participating in the same offence. During the year opportunities for committing offences against property have been more than usually inviting. The very large number of houses left vacant during the summer, with the frequent recurrence of day and evening processions, and the excitement attending the fall elections, have presented unusual facilities for the work of the thief; yet the number of house robberies and street larcenies in the city has been much smaller than usual. During the two great street parades of the 10th and 11th of October, but two street larcenies were reported for both days, and on the occasion of the great torchlight procession, on the night of the 26th of October, when both sides of the streets, over a route of six miles, were lined with a dense crowd of people; while thousands of dwellings were left for the time unprotected, offering an opportunity for disturbance and plunder without a parallel in this city, not a single offence against person or property was reported to have been committed. During the year no capital offence has been committed in which implicated parties have not been arrested and held before the courts; no bank has been broken and robbed; no general disturbance has occurred, and although a large number of arrests has been made for offences committed against property, yet a less amount of property has been reported stolen in the city than for the last sixteen years.

ANNUAL REPORT OF CITY SURVEYOR.

Alderman Wilder presented the annual report of the City Surveyor (City Doc. 9). Accepted. Sent down.

The amount expended during the year has been—

Expenses of city proper, South and East Boston and Charlestown.....	\$23,318.17
Expenses of the Roxbury branch office.....	5,838.13
Expenses of the Dorchester branch office....	6,698.81
Expenses of the West Roxbury branch office.....	7,123.03
Expenses of the Brighton branch office....	2,193.42

Total expenditure from appropriation for Surveying for 1876.....\$45,171.56

The report includes a schedule of plans made during the year and the plans on file in the office.

LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:  
Order establishing rules and regulations for

licensing minors for the current year (the same as last year). Read twice and passed.

Wagon Licenses Granted—French & Co., Old Colony freight station; J. A. Caldwell, 199 Devonshire street; S. B. Stackpole, 175 South Market street.

Pawnbroker's License Refused—William Jackson, 268 Friend street.

Dealers in Second-hand Articles Licensed—Elias Levi, 121 East Dover street; William Jackson, 268 Friend street.

Amusement Licenses Granted—D. S. Thomas, to exhibit a feat of pedestrianism at Music Hall, Jan. 19-20; Massachusetts Poultry Association, for annual exhibition.

Junk Collector License—John Shepard, 478 Parker street.

Auctioneer's License Renewed—John R. Wolston, Chelsea street, Charlestown.

Severally accepted.

CARE OF PUBLIC AND COUNTY BUILDINGS.

Alderman Fitzgerald offered the following:

Ordered, That the Superintendent of Public Buildings, under the direction of the Joint Standing Committee on Public Buildings, be authorized to supply the necessary furniture for, and cause such repairs to be made and cleaning as may be needed upon, the City Hall; also such repairs on the police stations and engine houses, together with other public buildings as are not made by the respective departments using the same; the expense to be charged to the appropriation for Public Buildings.

Ordered, That the Superintendent of Public Buildings, under the direction of the Joint Standing Committee on Public Buildings be authorized to supply the necessary furniture for, and cause to be made such repairs and cleansing as may be needed in the several high, grammar and primary schoolhouses; the expense therefor to be charged to the appropriation for Schoolhouses, Public Buildings.

Ordered, That the Committee on County Buildings be authorized to provide the necessary furniture for the Court House and Probate Building; also for the Municipal Court rooms, Highlands, Dorchester, West Roxbury, Brighton, Charlestown, East and South Boston; the expense therefor to be charged to the appropriation for the County of Suffolk.

Ordered, That the Committee on County Buildings be and they are hereby authorized to cause such repairs and alterations to be made as may be needed on the court house, county jail and probate building; also, on the Municipal Court rooms in the Highlands, Dorchester, West Roxbury, Brighton, Charlestown, East and South Boston; provided said repairs and alterations shall not exceed the sum of \$5000 on any one building during the municipal year; the expense thereof to be charged to the appropriation for the County of Suffolk.

Severally read once.

SURVEYOR'S DEPARTMENT.

Alderman Wilder offered an order, That the City Surveyor be authorized, with the approval of the Joint Standing Committee on the Surveyor's Department, to make such purchases of supplies, instruments, drawing materials, and to incur such other expenses, as may be necessary for that department during the present municipal year. Read twice and passed. Sent down.

PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports and orders of notice for a hearing, on Monday, Feb. 5, at four o'clock P. M., on petitions of Highland Railway Company, for location of tracks on Columbus avenue and Northampton street, etc.; and on petition of Metropolitan Railroad Company, for location in Columbus avenue, etc.

On motion of Alderman Thompson, the orders relating to the Highland Railroad Company's petitions were amended so that the hearings would be on Feb. 12, and as amended were passed, the hearings being arranged as follows: For Metropolitan Railroad Company, on Feb. 5, and Highland Railroad Company, on Feb. 12, at 4 P. M.

Ordered, That the Superintendent of Streets be authorized, under the direction of the Committee on Paving, to erect fences in front of vacant lots on public streets where the public safety requires the same.

Ordered, That the Superintendent of Streets be authorized to grant permits to open the streets, in

accordance with the tenth and eleventh sections of the revised ordinances of 1876 relating to streets.

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

Ordered, That the Superintendent of Streets be authorized, under the direction of the Committee on Paving, to furnish and set edgestones and pave sidewalks on any portions of public streets where the abutters agree in writing to pay one-half the cost thereof.

Ordered, That the Superintendent of Streets be authorized to lay cross-walks and pave gutters on the public streets of the city when deemed expedient by the Committee on Paving.

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

Ordered, That the Superintendent of Streets be and he hereby is, empowered and directed to remove, without delay, any and all structures or things which may hereafter be built into or upon the sidewalks of public ways in this city so as to hinder, incommode or endanger persons travelling thereon, or which obstruct or encumber the way. Severally read once.

Report and order, That that part of the thirty-sixth location granted to the Metropolitan Railroad Company June 29, 1874, which authorized said company to lay a track across Haymarket square to the tracks of the Middlesex Railroad Company on said square, near the Boston & Maine Railroad station, be and the same is hereby revoked. Order read twice and passed.

PUBLIC BATHS.

Alderman Viles offered an order, That the Joint Standing Committee on Bathing be authorized to repair and maintain the several bathing houses in the department under their charge, and employ such assistants in the care of said houses as they may deem expedient; the expense to be charged to the appropriation for Public Baths. Read twice and passed. Sent down.

WARD OFFICERS IN WARDS SIX AND FIFTEEN.

Alderman Viles submitted the following:

The committee appointed to recount the ballots cast for ward officers in Wards 6 and 15 have attended to that duty and report that the following-named persons, having a plurality of votes, have been duly elected in Ward 6 to their respective offices: Warden—James T. Gallagher; Clerk—John F. Mullin; Inspectors—Eugene Reardon, George H. Kyle, Michael J. Cox—being the same persons that the ward officers of said ward declared to have been chosen. Your committee recommend that their certificates of election be transmitted to them accordingly. In Ward No. 15 the following-named persons having a plurality of votes appear to have been chosen to their respective offices, viz., Warden—William J. Splaine; Clerk—Charles J. Vaughn; Inspectors—Charles A. Green, Charles B. Bedlington, Henry P. Muldoon—being the same persons who were declared by the ward officers of said ward to have been chosen, with the exception of Charles A. Green, in whose place Patrick H. Dolan was stated to have been chosen. The attention of the committee having been called to the fact that Charles P. Bedlington, who was chosen an inspector of elections, was not a resident of said ward at the time of the election, inquiries were made into the matter, and the above allegation proved to be correct. Your committee recommend that the City Clerk withhold the certificate of Mr. Bedlington, and that the vacancy thus created in the Board of Inspectors be filled pro tempore at the next election in said ward. Your committee recommend that the other ward officers chosen in said ward be notified of their election. A table showing the number of ballots cast for each officer is appended to this report.

CLINTON VILES.  
CHOATE BURNHAM.

Committee.

Ward No. 6.

Warden—James T. Gallagher, 937; Charles G. Goussebaire, 541; John G. Albee, 148; Daniel F. Kelley, 11; Michael Burke, 1.

*Clerk*—John F. Mullen, 945; Edward A. Downey, 439; John Hayes, 132; J. Hayes, 27; Walter Madogan, 10; Charles G. Goussebaire, 1; William Taylor, 1.

*Inspectors*—Eugene Reardon, 999; George H. Kyle, 971; Michael J. Cox, 964; David Flaherty, 448; Jeremiah Gallagher, 438; Daniel W. Donahoe, 401; Daniel Donahoe, 42; John Taylor, 153; Thomas Gray, 151; Frederic Moro, 115; Fred. M. Moro, 59; F. Moro, 1; Charles M. Butler, 23; Jeremiah A. Gallagher, 39; John Allen, 13; Isaac F. Smith, 13; Charles G. Goussebaire, 1; George Kyle, 1; Martin Ryne, 1.

*Ward No. 15.*

*Warden*—William J. Splaine 492, W. E. Bartlett 458, Robert J. Splain 101, Warren T. Porter 19, Charles J. Vaughn 1.

*Clerk*—Charles J. Vaughn 577, John J. Murphy 479, Daniel Lewis 18, W. E. Bartlett 1, Charles A. Green 1.

*Inspectors*—Charles A. Green 563, Charles B. Bedlington 561, Henry P. Muldoon 495, Michael J. Hallinan 494, Patrick H. Dolan 492, Joseph Osgood 461, Michael Hallahan 98, Tobias Dinsmore 19, John Hallett 18, Joseph Chadbourne 18, W. E. Bartlett 1.

Accepted.

ARMORIES.

Alderman O'Brien submitted a report from the Committee on Armories, on petition of Company A, First Battalion of Infantry, recommending the passage of an order, That the Committee on Armories be authorized to expend a sum not exceeding \$200, in fitting up the armory of Company A, First Battalion of Infantry, M. V. M., at Elson Hall, West Roxbury; said sum to be charged to the appropriation for Armories. Order read twice and passed.

ANNEXATION OF SOMERVILLE.

Alderman Clark offered the following:

Resolved, That the City Council of Boston for the year 1877 hereby expressly confirms and renews the opinion of the City Council of 1876, that it is inexpedient for this city to favor the proposed annexation of the city of Somerville to Boston; and the Committee on Legislative Matters are requested to earnestly oppose said measure before any committee having the subject in charge.

Alderman Clark—My object in introducing the resolution is this: Last year the City Council were unanimously in favor of opposing the annexation of Somerville to this city at the present time. I understand that a committee has been appointed by the city of Somerville to urge before the Legislature the annexation of that city to Boston, and I take an early opportunity to offer this resolution in order to show to the Legislature the sentiment of the City Council of Boston on the subject. The Committee on Legislative Matters have on hand a large amount of business for the present session. It will be said, of course, by those who urge the annexation of Somerville that the sentiment of the City Council of 1876 may not be the sentiment of the City Council of 1877; and the resolution, Mr. Mayor, is merely to show to the Legislature and the community the sentiment of the City Council at the present time.

The resolve was read twice and passed unanimously. Sent down.

IMPROVED SEWERAGE.

Alderman Clark offered an order, That a joint special committee, consisting of three members of the Board of Aldermen, with such as the Common Council may join, be appointed to resume the charge of all matters relating to an improved system of sewerage, with authority to employ such

assistants as may be needed to enable the City Engineer to perform the preliminary work now in progress; the expense to be charged to the special appropriation for that purpose. Read once.

COST OF PUBLISHING ORDERS OF NOTICE.

Alderman Fitzgerald offered an order, That hereafter, when any petition is presented to this Board upon which an order of notice may be issued requiring public notice in one or more newspapers, the cost of the same shall be paid by the petitioner or petitioners.

Alderman Fitzgerald—I offer this order because it seems to me that it is taking an unfair advantage of the city of Boston for private individuals or corporations to come here asking for special privileges, and to require not only those special privileges, but also that the city of Boston shall pay for publishing the notices that they are asking for those special privileges. In the Probate Court the parties who present a petition pay for the notices, and there is no reason why railroad corporations should not do the same. I understand that last year the cost of publishing orders of notice was very nearly a thousand dollars. There is no reason why the cost of publishing these notices should not be paid by these corporations. This matter was fully discussed in the Committee on Paving the other evening, and there was but one opinion in regard to it. It is a reasonable order, and the railroad corporations cannot object to it.

Alderman Thompson—I don't know that I object to the order; in fact I approve of it, and it is reasonable enough, perhaps; but I am under the impression that the act of the Legislature requires the city to publish those notices. If that is the case, I don't see how an order of that kind can have any particular effect.

Alderman Fitzgerald—The act says that the order shall be published by the city; but the cost must be paid by somebody, and we can require it to be paid by the petitioner.

Alderman Thompson—It occurred to me, Mr. Mayor, that there might be some formality of the law which would not be complied with should the order be passed. It seems to me that it would be better to refer the order to some committee to ascertain that fact.

Alderman Fitzgerald—I am not particular about the passage of the order now, but I want to call the attention of the Board to it. It was expressly understood that the orders of notice passed this afternoon should be paid for by the corporations, —the Metropolitan and Highland railroads. I have no objection to referring the order, and I don't care to what committee.

Alderman Thompson—My object was merely to get a legal opinion on the subject.

Alderman Fitzgerald—I move that it be referred to the Committee on Ordinances, as that is the only legal committee of this Board.

Alderman Robinson—The sentiments expressed by Alderman Fitzgerald were the opinion of the Committee on Paving, but I think it should be referred.

Alderman Fitzgerald—I have no objection to its being referred to them, with instructions to report whether the order can be legally passed by the Board. About its legality I have no doubt at all.

The order was referred to the Committee on Ordinances on the part of the Board of Aldermen.

PETITION FOR OMNIBUS LINE.

Alderman Fitzgerald presented the petition of Poland & Peabody for leave to run an omnibus line to carry passengers between South Boston and the northern depots. Referred to the Committee on Licenses.

Adjourned, on motion of Alderman Clark.

## CITY OF BOSTON.

Proceedings of the Common Council,  
JANUARY 18, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## A PERSONAL EXPLANATION.

Mr. Howes of Ward 18—Mr. President, it is a painful duty to have to rise to a personal explanation; it is something I have never been called upon to do since I have been connected with the City Government, and in order to place the question before the Council, I will request the Chair to read this statement:

Mr. Howes sent a slip of paper to the President, who read as follows: "To the Editor of the Transcript—I have always endeavored to avoid anything which might have even the appearance of rushing into print, but I deem it due to myself and to the public to submit a few facts and queries. My theatre was built and completed, if not under the entire supervision of the Chief Inspector of Public Buildings, at least subject to his almost daily scrutiny, and was duly licensed, after passing through most careful and competent inspection. Two days after the recent terrible Brooklyn calamity, in itself sufficient to spread panic throughout the land, a prominent member of the City Council, at a meeting of that body, denounced my building as 'notoriously unsafe,' falsifying the rate of insurance and censuring the Chief Inspector for having permitted it to be licensed, thus adding to the public fear as far as the Globe Theatre was concerned, and placing both Mr. Shaw and myself in a cruelly false position. My inspections were the result, and notwithstanding the Globe possesses a greater number of exits than any other building devoted to amusement in this city, and unusual facilities for egress in the event of fire or panic, Mr. Shaw felt it incumbent upon him to demand such alterations as to necessitate closing the theatre in order to conform to his requirements. I considered that I could do nothing better than comply. And now that the work is commenced and being prosecuted with all possible skill and vigor, I would like to ask through your columns why the Councilman referred to endeavored to induce a lack of confidence in my theatre, involving me in a deal of unnecessary trouble and expense, besides stating that the rate of insurance on the Globe was 'one per cent. higher than the Boston Theatre,' when he, in his official capacity as Secretary of the Board of Underwriters, knew better? Do you think the following letter, addressed to a prominent citizen and now in my possession, which I herewith submit, will explain the motive?"

"Dear Mr. —: How many free passes and other considerations is Mr. Cheney going to give me for defending the reputation of his theatre—past, present and to come?"

Yours,

O. HOWES, JR.

By giving this space in the Transcript you will greatly oblige,

Yours truly,

ARTHUR CHENEY.

Boston, Jan. 10, 1877."

Mr. Howes—Six weeks ago tonight an order was introduced into this Council requesting that an inquiry be made into the safety of the various places of public resort in this city. You will remember that it was a day or two after the Brooklyn Theatre fire, and public interest was considerably aroused on the subject. A debate ensued on the question as to whether the Inspector of Buildings or a committee of the City Government should make the inquiry; and in supporting this latter motion—which was afterwards carried—I made reference, in common with others, to what I considered instances of neglect on the Inspector's part in relation to the Globe Theatre. My remarks were incorrectly reported in one of the papers, and they excited considerable feeling on the part of the management of the Globe Theatre; and when my attention was called to this, and the possible effect it might have upon theatre-goers, I wrote a note making the necessary correction, and stating that improvements in it had been made since it was first constructed, and in other ways did all that I could to allay undue public apprehension. But I was told that this did not satisfy Mr. Cheney, as representing

the Globe Theatre; and from time to time I was told that he intended to sue me for libel, and that he threatened to knock me down if he saw me. Indeed, the name of a prominent criminal lawyer was given as one whom he proposed to have as counsel. While he was making these threats, I was somewhat surprised to read in one of the papers Saturday evening, Dec. 9, a letter from Mr. Cheney, the latter part addressed personally to me, and asking questions which if I answered without comment would undoubtedly help his theatre; but if answered with comments would probably injure it in public estimation; and I did not suppose he wished me to do the latter. Four days later an anonymous letter appeared in the Advertiser, asking me to state what the improvements and safeguards in the Globe Theatre were that were mentioned in my note of correction. I inferred, as this was sent to me, that it came from Mr. Cheney or his friends; and that he was thus publicly, and through the newspapers, asking my support of his theatre, while he was privately threatening me with a libel suit and a personal assault. This struck me as being insulting and absurd. I cut this last note out, and pasting it on a slip of waste paper, like this, I sent it to Mr. Hovey, a man with whom for the past four years I have had, from the nature of our business, daily, and I might almost say hourly association. I have here, through Mr. Cheney's kindness, a fac-simile of the note. If I had framed my words to directly express my exact meaning, they would have been something to this effect: "What right has Mr. Cheney to attempt to force me into the defence of his theatre?" Unfortunately I tried to give additional point to them by making them ironical; but it seems that the effort proved very much of a failure. It may be, as various newspapers have been so good as to suggest, highly unwise to be satirical on paper; and for such an exhibition of folly I humbly beg their pardon; but I was not so stupidly idiotic as to intentionally throw myself into the power of a man who had just warned me that he would ruin me if he could. I should like to state, in reference to this matter of a libel suit, that it was not a new idea. It was constantly on my mind. The day after writing this, which was on Thursday, the day of the meeting of the Common Council, I had a talk on this subject with Mr. Bacon, the reporter of the Advertiser (who is not here tonight), and stated to him at that time that Mr. Cheney intended to institute a libel suit against me, and it was a question in my mind whether I could get the City Solicitor to defend me on the ground that what I said was in an official capacity. The note was sent by Mr. Hovey, who was a member of the Executive Committee of the Board of Underwriters, of which I am Secretary—and also a Director of the Protective Department, of which I am Secretary—and a man with whom, from the nature of his business and my position, I had been brought for four years past into the most familiar business relations. On another point let me say, that for the past three years I have, in connection with my other duties, been an editorial writer on a Boston daily paper, in which I am a stockholder, and, during that time, have not only been to the various places of amusement in this city, the Globe included, for the purpose of writing criticisms on the performances, but I have had, from the free tickets ordinarily sent to newspaper offices, all and more than all that I could find time to use. Mr. Cheney also accuses me of falsifying the rates of insurance as regards his theatre in stating, in reply to a question, that it rated about one per cent. higher than the Boston Theatre. To this I can only say that if I were asked the same question again I do not know how I could answer it differently. Underwriters' rates just now are mere matters of competition; any one can make them, and a given risk may be taken by one man at eight per cent. per annum, and by another man at two per cent. for the same time. The only rate on the Globe Theatre that has been made authoritatively, and after a careful survey and classification, was made by the Board of Underwriters about two years ago. This fixed the rate at seven per cent. That of the Boston Theatre was six. No other definite basis of comparison has since been made; and to take as a guide rates that may be one per cent. today and five per cent. tomorrow would be simply nonsensical. Mr. President, for the past two years I have been a member of this Council, and there are quite a number here who have been associated with me during that time; and I can say it without fear of contradiction that never during that time, by

word or vote, have I been influenced by personal considerations. I have in all things, sir, endeavored to fulfil my duty to the public entirely; and if by any utterance or speech of mine or others the Inspector of Buildings has found it incumbent upon him to close the Globe Theatre, that responsibility, sir, is not mine. Those who suffer from words spoken here should look to the statutes of the State and the ordinances of the city for redress, and not to those who are sent here by their constituents to carry out the laws.

Later in the session, pending the election of Trustees of the Public Library, the subject was again brought up by Mr. Flynn of Ward 13, who said—

“I had the misfortune not to be present when the gentleman from Ward 18 arose to make a personal explanation. I, of course, am to blame for that, not being here at half-past seven; but inasmuch as the gentleman received unanimous consent to make that explanation, and inasmuch as quite a number of gentlemen now present did not hear it, I should like him to reiterate it at present, if he will.”

Mr. Howes—The gentleman spoke something about that to me, but I supposed he was speaking in jest. The copy from which I read that address has been taken by one of the reporters. I remember very well the whole sum and substance of it. I gave it to the reporter as a matter of accommodation. Two or three were desirous of getting it, and some compromise was made by one taking it right away and agreeing to bring it back again.

Mr. Flynn of Ward 13—I only rose for the purpose of having the address which the gentleman prepared read to the Council again, as some of those present are desirous of hearing what he did say, and I particularly, for the reason that on the 7th of December, when the gentleman made an attack on the Globe Theatre, I told him that he ought not to have made such invidious distinctions in regard to the theatres. Knowing that he had carefully prepared an address to this Council, I wanted to know what he exactly did say, in order that I might refute some of those charges which he has probably made against a citizen of Boston and a heavy taxpayer—one who, from various circumstances, is unable to reply to him in any charges which he may make here against him, and that is Mr. Arthur Cheney. I want Mr. Cheney to have the same privileges and right that he has, notwithstanding that he is a member of this Council, and to reply, if not by myself, by others. It was brought about by the gentleman himself on the night of the 7th of December, in making an invidious distinction, in charging upon one gentleman, or upon his theatre, that it was notoriously unsafe, and that at that time he was paying one per cent. more insurance on his building than others were. All I want is an opportunity to reply to the gentleman if I think he has reflected unfairly upon that gentleman, or upon his theatre. As I said before, it is my fault that I was not present at that time to listen to his address and to his remarks, which, as I said before, were very carefully prepared and presented to the Council.

Mr. Howes—I am exceedingly sorry that the gentleman was not present, and I am rather sorry now to be placed in the position that I am. I tried to get one of the messengers to go to the Herald office to get the copy, but he thinks it impossible to get it. I do not know that I have made any charges against Mr. Cheney that need defence; certainly I have made no charges that could be defended by any statement of his friends that are here. The only point that the gentleman seems to make on this issue is that I made an attack upon Mr. Cheney's theatre on the 7th of December. As I said before (and I will repeat, for the gentleman's edification, what I said a few minutes ago), six weeks ago I stated that the rates of insurance upon the Globe Theatre were about one per cent. higher than they were upon the Boston Theatre. I think those were my exact words. I stated in the written address that there are now no such thing as insurance rates in the city of Boston. The matter of insurance is a matter of competition. As far as our board rates are concerned, on which Mr. Cheney bases his contradiction, Mr. Cheney might have his theatre, if he wished, rated at one-quarter of one per cent., just as well as at four per cent. The rates of insurance made two years ago in this city, made from careful surveys by experienced men, placed the Globe Theatre at seven per cent. and the Boston Theatre at six per cent. Since that time there have been no rates of insurance put

upon those theatres by survey; the only rates put upon them is what any man will take it for. Mr. Cheney, or his agents, might get an agent to take it for one rate; and they might go along the street a little farther and find another agent who would take it for another rate; while another one might not take it, as a member of the Council has told me himself, that he would hardly take it at all. So much for the rates of insurance. The only rates made put the difference at that point. On the other charge—the charge of a want of security in the theatre—I have nothing to say. The Inspector of Buildings has examined that theatre, and it is closed. I don't know of any other theatre in the city that is.

Mr. Flynn of Ward 13—So far as any other member of this Council, in the same business, telling him that he would not take it, that may be very readily accounted for. Perhaps that member could not get the insurance from Mr. Cheney—I don't care who the member or who the person is who told him. But it does seem to me that this controversy, which has been brought about by the gentleman from Ward 18, in his speech here in the Council on the 7th of December, characterizing that theatre as an unsafe theatre, and compelling that man to close his place of business, is unfair and unjust when he is unable to reply to it. I am not an advocate of Mr. Cheney or anybody, but I am an advocate of people generally who are attacked by members of this Council in their official position, and I am here to defend those who are unable to reply to them. I say that this gentleman did make an unwarrantable attack upon that gentleman at that time, compelling him to close his theatre. An order from the Inspector of Buildings closed both the Museum and the Howard Athenæum. This man, who is a public-spirited citizen, did close his theatre, while the others—the Howard Athenæum and the Museum—have gone on from that day to this making repairs. I only rise in justice to Mr. Cheney to say that the gentleman at that time was out of order, and ought not to have attacked him, and made an invidious distinction as between the Globe and the Boston theatres.

Mr. Howes—I have but one word to say in reply. In reply to my characterization of the Globe Theatre, the gentleman who has just sat down also characterized two other theatres, and I don't know that I said anything worse about the Globe than he did about the other two. I read from the remarks made by that gentleman in the Common Council [Dec 7]:

“At that time the Inspector inspected the Globe Theatre, as he did all the other theatres. I hardly think it is fair to criticise one theatre and let the others go, for I believe that the Boston Museum and the Howard Athenæum are the worst in the city today. If a panic should occur at the Museum half the people would never get out; and the Howard Athenæum is a still worse place.”

I don't know that I ever said that half the people could not get out of the Globe Theatre in case of a panic. I don't see how any one who believes the statement of the gentleman would dare go into the Boston Museum or Howard Athenæum. Why, sir, he made that statement, and now he accuses me of making an invidious distinction in regard to the Globe Theatre.

Mr. Flynn of Ward 13—Let me say that the remarks made by the gentleman on that night were never reported in full in the Transcript, or in any official report made by the reporter of this Council. Now, who had it cut out or erased from the journal? It was in the Advertiser, but it never has been reported to this Council.

Mr. Howes—I dislike to continue this altercation any longer, but I would ask the gentleman which was the part of wisdom?—and I say this in defence of the official reporter. He states that I made an unjust accusation against the Globe, or against Mr. Cheney. I thought that might be the case, and on that account I went to the Transcript and had taken from the report certain parts of it that might be. Gentlemen may smile—

Mr. Flynn of Ward 13—What right had you to do it?

Mr. Howes—If the gentleman supposes that the speeches made here are taken down verbatim, he makes a mistake. It is very largely left to the official reporter to decide how much shall be put in and shall be left out, and he undoubtedly endeavors to give the sense of what the speaker says. Since I have been in this Council, I never saw the time when my address was taken down entirely; but, with all due respect to the reporter, he has told me quite a number of times that he



could not catch what I said, and that he had to suppose it. If there are changes on one side there may be on the other.

PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence. Annual reports of Superintendents of Charles River, Chelsea and Warren bridges; Chief of Police; City Surveyor. Severally placed on file. Requests of School Committee for a new site for Allston School and for better accommodations for schools on Washington street and Codman park; and request of Directors for Public Institutions for additional appropriation for Home for Female Paupers. Severally referred, in concurrence.

Resolve inexpedient to favor annexation of Somerville to Boston, and for the Committee on Legislative Matters to oppose the matter. Read twice and passed in concurrence.

Order for Committee on Bathing to repair and maintain the bathing houses, to employ assistance and take measures for the care and preservation of said houses. Ordered to a second reading.

Order for City Surveyor to make purchases of supplies, instruments and drawing materials, and to incur other necessary expenses. Ordered to a second reading.

ELECTIONS.

The following elections came up under unfinished business:

*Directors of East Boston Ferries.* Committee—Messrs. Smardon of Ward 10, Flynn of Ward 16, and Mullane of Ward 12.

Whole number of votes.....	64
Necessary for a choice.....	33
Alderman C. H. B. Breck.....	64
Councilman Edward Pearl.....	46
"    John A. Duggan.....	39
"    Phinehas J. Stone, Jr.....	25
"    Isaac P. Clarke.....	18

And Messrs. Breck, Pearl and Duggan were declared elected. Sent up.

*Trustees of the Public Library.* Pending the ordering of an election, the discussion printed above (under "a personal explanation") occurred, after which the ballot proceeded. Committee—Messrs. Stone of Ward 3, Doherty of Ward 2, Vose of Ward 24.

Whole number of votes.....	65
Necessary for a choice.....	33
Alderman John T. Clark.....	65
Councilman Richard Pope.....	49
"    Charles H. Reed.....	29
"    Osborne Howes, Jr.....	22
"    Christopher J. Spenceley.....	12
"    John A. Smardon.....	1
"    G. R. Webster.....	1

Messrs. Clark and Pope were declared elected, and a second ballot was ordered to fill the vacancy.

Whole number of votes.....	68
Necessary for a choice.....	35
Councilman Charles H. Reed.....	37
"    Osborne Howes, Jr.....	30
"    E. R. Webster.....	1

And Mr. Reed was declared elected. Sent up.

BADGES.

The order requesting the Mayor to appoint Common Councilmen as Special Police Officers, and for a committee to procure badges, was considered under unfinished business.

Mr. Mowry of Ward 11—I move that this matter be laid upon the table. If that motion is carried I shall introduce an order requesting the Judiciary Committee to ascertain from the City Solicitor the legality of this matter.

Mr. McGaragle of Ward 8—I have no particular objection to laying the order upon the table, but I think we should at least have better and more substantial reasons for laying it there. This City Council has had badges for ten years—since 1868—and certainly, in intellect, previous Councils must come pretty near this body. If there is any illegality in it, some member of this body in previous years would have seen it and brought it up. In introducing the order I don't wish to honor myself with a badge. But it has been a customary order to introduce for ten years. There is always some unlucky individual hit upon to introduce the order, and it is my lot this year. Unless the gentleman has got some more substantial reason, I hope the matter will not be laid upon the table.

Mr. Thompson of Ward 9—I do not see but what the reasons assigned for the motion are very substantial. I have not given the question any particular consideration, but if any gentleman in the house doubts the legality of the order, I think it is every proper and weighty reason why it should

be referred to our legal adviser. I have no experience in this body and do not know what may be the usual custom; but it seems to me we cannot be too cautious about setting an example of breaking laws which it is our duty to enforce. If this is illegal, because it has been the custom for eight years is no reason why it should continue. I think it is a good and weighty reason for stopping it now. I think the motion to table should prevail.

Mr. Clarke of Ward 22—For the information of the gentleman last up, I would state, sir, that the City Auditor passes no bill but what he is perfectly satisfied, before he gives an order on the Treasurer, that the bill is legal. The Auditor is in daily consultation with the City Solicitor; he has heretofore passed those bills and I am entirely satisfied that it is legal. If gentlemen of the legal profession are not posted on the law I regret it exceedingly.

Mr. Mowry—Permit me to say in this connection that several members have expressed the view that this matter is illegal; and, sir, if the statutes, either general or otherwise, are consulted in connection with this matter, I think it is difficult to find any provision which authorizes the Mayor to make this appointment. Several persons, whose opinions are entitled to weight, having expressed the opinion that this matter is illegal, I think there can be no harm in referring it to the Judiciary Committee to ascertain the opinion of the City Solicitor.

The motion to table was declared lost. Mr. Thompson doubted the vote, and called for the yeas and nays, which were ordered. The motion was lost—yeas 22, nays 44:

Yeas—Messrs. Barnard, Barry, Blodgett, Brown, Coe, Crocker, Danforth, Felt, Ham, Hibbard, Mowry, Perham, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, Roberts, Sampson, Thompson, Upham, Warren, Wolcott—22.

Nays—Messrs. Blanchard, Briutnall, Burke, Cannon, Clarke, Cox, Cross, Day, Dee, Doherty, Duggan, Fagan, D. A. Flynn, J. J. Flynn, Fraser, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Pope, Reed, Roach, Ruffin, Sibley, Smardon, Souther, Spenceley, Stone, Thorndike, Vose, E. R. Webster, G. B. Webster, Wilbur—44.

Absent or not voting—Messrs. Beeching, Fernald, Howes, M. W. Richardson, Shepard—5.

The question was on the passage of the order.

Mr. Pratt of Ward 21—I move to amend the order by inserting after the word "badges," the words, "and also suitable clubs." The gentlemen smile, Mr. President, but have not I stood under the lamp posts, on a starry night, when the gas-lights were emitting their beneficent light, and longed to be a policeman?

"I want to be a 'special,'  
And with the police stand,  
A badge upon my buttoned coat,  
And a 'billy' in my hand."

Sir, at a critical period in my life I was denied the privilege of bearing the name of that great and good statesman, George Washington; but, like him, I have a future before me, and I cannot lie. I have often envied the cap, uniform, brass buttons and the other accoutrements which go to make up the dignity of that official with which we are so familiar—the policeman; but I did not expect when I became a member of this Council that I should so soon have offered to me this longed-for pleasure. There is only one thing wanted. God never sent a man into this world with the badge of divinity in his face without at the same time giving him a weapon of defence in a clenched fist. Who ever heard of sending a soldier into the field without a weapon? And what would a policeman be without a "billy"? What should we do, Mr. President, scattered from this hall at a late hour of the night, and proceeding towards Cragie's Bridge, to Mattapan, to Bunker Hill, and to the remotest confines of Ward 25, defenceless and alone? Sir, without a club we are nothing; with it, we may be heroes. Give me that and I will sing or sigh—

"There, right before the Mayor,  
So glorious and so bright,  
I'll show my badge and 'billy,'  
And whistle day and night."

[Applause and laughter in the galleries, which the President peremptorily checked.]

The amendment was declared adopted. Mr. McGaragle doubted the vote, and on motion of Mr. Spenceley of Ward 19 the yeas and nays were

ordered. The amenduement was lost—yeas 16, nays 50:

Yeas—Messrs. Blodgett, Crocker, Danforth, Felt, Hibbard, Hiscock, Howes, Morrill, Mowry, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, Sampson, Smardon, Thompson—16.

Nays—Messrs. Barnard, Barry, Blanchard, Brintnall, Brown, Burke, Cannon, Clarke, Coe, Cross, Day, Dee, Doherty, Dugan, Fagau, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Perham, Pope, Reed, Roach, Roberts, Ruffin, Sibley, Souther, Spenceley, Stone, Thorndike, Upham, Yose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—50.

Absent or not voting—Messrs. Beeching, Cox, Fernald, M. W. Richardson, Shepard—5.

Mr. Crocker of Ward 9—In years past it has been the custom to limit this order to the providing of badges for those gentlemen who wish to have them, and it seems desirable and reasonable that we should limit it in the same way this year. There seems to be no reason for spending the city's money for badges for members who do not want them, either for the reason that they will not feel able to do justice to the badge without a billy, or for any other reason. I therefore move to amend the order by striking out "for the same" and substituting "for such members of the Council as may make application therefor."

Mr. Ruffin of Ward 9—We have now commenced the annual wrangle over this badge question. We always have it, and it always results in one way—the badges are ultimately procured. Last year the opposition to it was based upon retrenchment and reform; it was said to be a wasteful and useless expenditure of money. Those who were urgent in pressing that view of the case soon ceased their talk of retrenchment and reform, and it turned into a farce and by-word. Those who were loudest in talking of retrenchment soon stopped and we heard nothing more of it. Upon this question of a badge I feel like this: I have one and don't need another; there are many members of this Council who are new members, who have no badges and desire them. I think they ought to have them. I stand here to say that any member wishing a badge ought to have it. It is nothing more than proper that when a member retires from this hall he should have some memento for his children, for his badge is proof that he has been here. It is a memento connected with pleasant recollections; and taking that view I shall vote for the order as amended by the gentleman from Ward 9 [Mr. Crocker]. Why, sir, we have badges in very many conditions and positions in this life. I remember that your honorable committee, appointed last July, who were on duty at Music Hall, had a proper badge. Nobody objected to it; it was thought very proper. It is something which has always been done, so far as I know, by committees and larger bodies. At the great Peace Festival you had a committee with badges; and people who went to the Centennial wanted a memento of their having been there—some little pin, or something of that kind. You may call it a weakness of human nature, but it has always been so. I consider it a desirable thing to have. You may treat it with ridicule, but still I think it ought to pass, and I think it will.

Mr. Sibley of Ward 5—I hope the amendment of the gentleman from Ward 9 will prevail, and I move to amend the amendment by adding "the cost not to exceed five dollars for each badge."

Mr. Howes of Ward 13—I trust that the order as amended will pass. I do not expect to get a badge myself, and I do not want one. I have opposed them for the past two years, but I have found that usually we get into a very great row on the first of the year on this badge question, and it makes divisions in feeling among members that last a very long time; and in votes that are taken hereafter on matters of much greater importance, the feeling that has survived from the badge question shows itself, and influences members in their votes, by the side of which the sum spent in badges amounts to nothing at all. On that account, although I should add the "billy," if necessary, I hope the order will pass.

Mr. Crocker accepted Mr. Sibley's amendment.

Mr. Sampson of Ward 17—I have no objection to those members having badges who desire them. Many of the gentlemen here were elected with a

large word, "reform," upon the ticket, but, as the gentleman from Ward 9 [Mr. Ruffin] has said, it seems to be dying out, as it did last year. The Mayor has told us we ought to retrench, and I suppose that most of us here wish to carry out his ideas. I want to do so; I am willing to do so, and lighten the burdens of the taxpayers. Now, sir, it seems to me to be inconsistent. When we have appointed a committee to reduce the salaries of heads of departments, clerks, laborers, gentlemen here ought to be willing to give up some of their perquisites, and not be like Artemus Ward—willing that all his wife's relations should go to the war. If gentlemen want badges they should have them at their own expense, and I should like to offer an amenduement of that kind. I understand that the Aldermen desiring a badge have provided one at their own expense, and it seems to me that, if they want it, gentlemen of this Council ought to do the same. I move to strike out that part of the order charging the expense to the Contingent Fund and limiting the cost of each badge to five dollars.

Mr. Ruffin—I hope this amenduement will not prevail. It seems to be a penny-wise policy, if I understand the amenduement correctly. I see no greater reason why we should not have these badges than why we should not have the pocketbook and diary which is usually given to each member of this Council. I suppose they are in the same category. It is a useful thing, and, as I said just now, it is a desirable thing. These are the little perquisites that come to a member of the Common Council. It seems to me we are straining at a gnat, and we may swallow a camel after awhile. If we are going to practise reform and retrenchment, let us do it on something substantial, and not on something where the amount pending is a mere bagatelle. Let us strike higher than that. There will come a time, and very soon, when gentlemen who preach retrenchment and reform will have an opportunity to carry out their views. But on such a small matter as this it does not indicate any desire for retrenchment and reform by voting against this order. I hope we shall vote down this last amenduement and pass the order as amended by the gentleman from Ward 9, because I think the sooner we get rid of this matter the better. It is likely to hang along for some time, with these various amenduements offered—some in the spirit of fun and some for delay. The sooner we get at the meat of this matter the better. It is just what we have had before, and it is merely to gain time.

Mr. Sampson—The gentleman [Mr. Ruffin] says we shall soon have an opportunity to show whether we are in favor of retrenchment or not. I think we have one now. I have been brought up to think that if you take care of the pennies the pounds will take care of themselves. Here is an opportunity for gentlemen to favor retrenchment in a useless expenditure. It is not a matter of utility; it is simply a matter of vanity. Are we willing to forego it? If so let us follow the example of the other Board.

Mr. Flynn of Ward 13—This is a matter of only \$300. I think the members will require badges. Perhaps the gentleman [Mr. Sampson] who was on the Improved Sewerage Committee will need some looking after, and perhaps the members will like to go round and see what work is being done. I hope the order will pass.

Mr. Sampson's amenduement was lost.

Mr. Richardson of Ward 10—This is a difficult question to talk about, because, you know, it is a question of taste; and we have the authority of an old adage that questions of taste are not to be disputed about, especially in matters of personal dress and ornamentation. Mr. Bayard Taylor, the great traveller, states that on a fine Sunday morning, as he was attending church in one of the East India islands, just as the service commenced there stepped into the door a princess of the royal family, who marched up the broad aisle and took her seat in front of the preacher. She was proud and majestic. He says, further along, that her entire costume was a straw hat and a fan, and he proceeds to remark, by way of showing the difference of taste in individuals, that although that costume was regal at that time and place, it would hardly have been thought the fashion for Queen Victoria in St. George's Chapel. And this illustrates the difference of taste in different individuals. In using this illustration I do not mean to throw out the apprehension that however beautiful badges our messenger will get, there will be any danger or any of

us appearing in public with nothing on but a hat and badge, however large and costly it may be. And yet, sir, if we are going to make the city pay for something to wear, if it is thought necessary to conform to the custom established by a long line of illustrious predecessors who have held these seats, it seems to me we might as well procure something useful. We might as well have a pair of pantaloons or an overcoat; or if gentlemen have provided themselves with those articles for winter, they might as well do as the East India princess did—have a straw hat and fan for summer. I had hoped that if gentlemen came here to distinguish themselves, it might be by some mark different from a brass button; that it might be by some intellectual achievement for the benefit of the citizens, the adoption of some plan for dispensing useful knowledge among the people, for aiding the poor, or in the reduction of taxes. It seems to me, sir, that a record of that sort, with our appreciating citizens, would be a better mark for public officers or the trustees of city affairs, than the trifle or bauble which we are talking about. I think we had better try and see if we cannot do something that will make a better monument of our official lives than a two-penny brass button; and if we cannot, and if there are any gentlemen here who, when our official year is ended, if when the summer is gone and the harvest ended, they find they have not done anything to make a record of that sort, in order that they may hand down something to a grateful and admiring posterity, I will put my hand in my pocket and contribute for it. But we will wait and see if we cannot do something for it. But that is only one branch of the question. The other is that we shall be appointed policemen. That is largely a question of taste, and difficult to talk about. Well, Mr. President, some men are born great, and some have greatness thrust upon them. I do not wish to undervalue the majesty or dignity or grandeur or value of that officer whose true and usual emblems are a pair of handcuffs and a billy; but, for myself, I do not want to be a policeman, even as much dignity and power as it might bring, and I fear the Mayor would not appoint me, as he knows I am not fit for duty. The question of its legality has been raised. Now, Mr. President, I have read, I believe, the Bill of Rights and the Constitution of Massachusetts; I have read all the statutes, with the supplements and the notes; and I have also read, by the kindness of the City Messenger (whose courtesy never fails) Washington's Farewell Address, and I do not find any authority in any of those ancient and respectable documents for the appointment of one branch of the Government to fulfill and perform the duties of the other branch. I had somehow got it in my head from reading some old document, that it was not quite the thing for the legislative branch of the Government to assume the performance of executive duties. I should think this would be very much like the Legislature of Massachusetts passing a stringent prohibitory law, and then voting themselves governor and State constables to enforce it. I myself do not quite see the distinction. I do not wish, after voting here for an ordinance creating, possibly, a penal offence, to go out and enforce it upon my neighbors, and I do not believe we ought to be allowed or bound to do it. I am not certain that there is not something in that point, viz., that no man should combine in himself the functions of two of the branches of the same power. In my opinion there is some respectable authority for that maxim. I regret to hear that the discussion of this question creates dissensions. I should not speak or vote upon it if I thought it would create dissension, or feel that it would prevent our usefulness hereafter. It is a question that is fought every year, and why? Because many members of the Council believe that it is a foolish and vain thing; and I think that the whole thing had better be dropped—voted down. There are those who will not take them, who will not submit to be appointed. That of itself creates a division which should be deprecated, and which must inevitably result in a diminution of usefulness. Therefore, I move an indefinite postponement of this whole subject.

The President—The Chair rules the motion out of order, the motion to amend taking precedence.

Mr. Spenceley of Ward 19—I did not design saying a single word upon badges this year; I think I had my say last year, and I should have remained silent but for the flowery effusions we

have had upon badges and the assertion that members lay this up to their hearts and bring it out upon other occasions, which seems to me to be an insult to this Council. After the historical narrations and poetry we have heard it seems to me that if we go on much further the cost of publishing the discussion will be more than the cost of the badges. I move the previous question.

Mr. Thompson—Will the gentleman withdraw the motion till I can offer an amendment which I should like to make to the order?

Mr. Spenceley—I think we have gone far enough. I decline to withdraw.

The main question was ordered.

Mr. Crocker's amendment (as amended by Mr. Sibley) was adopted.

Mr. Felt called for the yeas and nays on the passage of the order. Declared lost.

Mr. Webster of Ward 3—I doubt the vote. I want to go on record as against badges. I voted against laying on the table because I wanted it decided immediately; but on the final question I want to go upon record, and not be misunderstood. I think that others here have the same feeling.

The yeas and nays were ordered—15 for, 41 against; and the order was passed—yeas 43, nays 18.

Yeas—Messrs. Barnard, Barry, Brintnall, Burke, Cannon, Clarke, Dee, Doherty, Duggan, Fagan, D. A. Flynn, J. J. Flynn, Fraser, Ham, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Perham, Pope, Roach, Ruffin, Sibley, Smardon, Spenceley, Stone, Thorndike, Vose, Warren, E. R. Webster, Wilbur—43.

Nays—Messrs. Blodgett, Brown, Crocker, Cross, Danforth, Day, Felt, Hibbard, Mowry, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, Roberts, Thompson, Upham, G. B. Webster, Wolcott—18.

Absent or not voting—Messrs. Beeching, Blanchard, Coe, Cox, Fernald, Hiscock, Reed, M. W. Richardson, Sampson, Shepard, Souther—11.

The President appointed Messrs. McGaragle of Ward 8, Perham of Ward 23, and Kelley of Ward 6, as said committee.

The rule was suspended on motion of Mr. McGaragle, who then moved a reconsideration, hoping it would not prevail. The reconsideration was lost.

#### PETITIONS PRESENTED.

By Mr. Smardon of Ward 10—Petition of Robert T. Paine, Jr., for abatement of assessment for removal of a nuisance on Greenwich street. Referred to Joint Committee on Health. Sent up.

Petition of Eugene Geary, to be compensated for injuries received on corner Shawmut avenue and Mechanic street. Referred to Joint Committee on Claims. Sent up.

Petition of Dennis J. Holland to be appointed Superintendent of Dover-street Bridge. Referred to Committee to Nominate Superintendents of Bridges. Sent up.

By Mr. Wolcott of Ward 11—Petition of S. H. Russell, trustee, for an abatement of betterment assessment on Congress and Federal streets. Sent up.

By Mr. Barry of Ward 22—Petition of Thomas Malone *et al.*, that Whitney street be put in order. Sent up.

By Mr. Pierce of Ward 24—Petition of S. P. Dexter *et al.*, for a new fire alarm box in Ward 24. Referred to Committee on Fire Department. Sent up.

#### A QUESTION OF PRIVILEGE.

Mr. Clarke of Ward 22—I rise to a question of privilege. I wish to make a personal explanation. At the last meeting of the Council, in my remarks upon the appointment of the Salary Committee, I found the next evening that I was reported in the Transcript as saying these words:

"And it will be a most disgraceful thing for any gentleman to be on the Salary Committee."

Now, sir, the words that I did state that evening were these:

"It is a very disagreeable position for any gentleman to be on the Salary Committee."

It is a vast difference between the word disgraceful and disagreeable. It has been corrected in the Journal of the Council, but I make this statement presuming that there are gentlemen here tonight who was absent on the last evening, and might have read the statement as reported.

#### DISPOSITION OF TOPICS IN THE MAYOR'S ADDRESS.

Mr. Flynn of Ward 13 submitted a report from the joint special committee to consider what dis-

position should be made of the several topics in the Mayor's address, recommending the passage of the following:

Ordered, That so much of the Mayor's Address as relates to sewerage be referred to the Joint Special Committee on Improved Sewerage. That so much of the Mayor's address as relates to parks be referred to the Joint Standing Committee on Common and Public Grounds.

That so much of the Mayor's Address as relates to the city charter be referred to the Joint Standing Committee on Ordinances, and that they be requested to consider the expediency of obtaining the necessary authority to enable the City Council to provide by ordinance for the creation of boards of commissioners, with authority, when they deem it for the public interest, to take from such boards any powers previously given, or to abolish them entirely.

That so much of the Mayor's Address as relates to tax valuation be referred to the Joint Special Committee on the Reduction of Municipal Expenses.

Ordered, That so much of the Mayor's Address as relates to the Police Department be referred to the Committee on Police on the part of the Board of Aldermen.

The question was on giving the first order a second reading.

Mr. Howes of Ward 18—One of the orders refers the matter of parks to the Standing Committee on Common and Public Grounds. This is a highly important matter, and one which I think the Committee on Common is unequal to coping with on account of its other duties. The matter was under discussion at a meeting of the committee yesterday, and I may say I was authorized to state that if a joint special committee could be appointed to take that subject under consideration, they would consider it as a favor, relieving them from duties which they were afraid, in the multiplicity of other things pressing upon them, that they would not be able to give that attention which they deserved. I therefore offer that amendment to the order.

Mr. Flynn of Ward 13—The committee considered that matter thoroughly, and they somewhat differed in relation to that particular question. But as a matter of courtesy to the Committee on Common, who had the matter in charge last year, they thought it their duty to refer the matter to the same committee this year. I have no objection, and I do not think the committee have, to referring it to a special committee.

Mr. McGaragle of Ward 8—What number will compose this joint special committee?

Mr. Howes—The regular number, I suppose—three Aldermen and five Common Councilmen.

The President—The committee would be composed of five on the part of the Council, with such as the Aldermen may join.

Mr. Howes—I think it would be better to have a committee of three on the part of this branch. The subject is one which the committee have got to consider very carefully and give a good deal of time to. A committee of five will be able to meet oftener and have quorums, and go through what is necessary, more effectively than would a larger committee. It is, of course, for this Council to decide. I move to make the committee three on the part of the Council.

Mr. McGaragle of Ward 8—Are the Park Commissioners to act in concert with this committee? If not, I think the committee is too small.

Mr. Howes—They will act toward the Park Commissioners as the committees on Health and Fire Department do toward those boards. They are the representatives of those commissions in the City Council, and on that account would not have as much detailed work as the Committee on Common would.

Mr. Howes's amendment was adopted, and the first order was read a second time and passed. Subsequently the President announced the following as the special committees on the part of the Council named therein:

On Improved Sewerage—Messrs. Sampson of Ward 17, Pierce of Ward 24, Blodgett of Ward 8.

On Public Parks—Messrs. Thompson of Ward 9, Stoue of Ward 3, Coe of Ward 23.

Sent up.

#### RATES OF TOLL ON EAST BOSTON FERRIES.

Mr. Burke of Ward 2 offered an order, That the Committee on Ordinances be requested to consider the expediency of so amending the ordinance in relation to the East Boston ferries as to remove the restrictions which require that the

rates of toll established by the City Council shall be based upon an income sufficient to cover the current expenses of maintaining the ferries, payment of interest, etc. Sent up for concurrence.

The order was read a second time.

Mr. Crocker of Ward 9—It seems to me that it is hardly proper to refer that matter to the Committee on Ordinances, and that the Committee on East Boston Ferries should consider the expediency of passing such an ordinance.

Mr. Burke of Ward 2—This is to amend the ordinance in relation to tolls on the East Boston ferries, and I think the proper reference would be to refer it to the Committee on Ordinances before the ordinance is changed.

Mr. Crocker—My point is that the question of the expediency of making this change—whether it is advisable or not—is a matter that relates to the management of the ferries, and should properly go to the Committee on East Boston Ferries. The business of the Committee on Ordinances is to see that ordinances, which it is determined should be passed, are in proper shape. All changes in ordinances should go to the Committee on Ordinances before they are adopted; but it seems to me that the question of the expediency of making the change is one that belongs to the Committee on East Boston Ferries. I move that this order be amended so as to refer it to the Committee on Ferries.

Mr. Crocker's amendment was adopted, and, as amended, the order was passed. Sent up.

#### SUPPLIES FOR HEALTH DEPARTMENT.

Mr. Sibley of Ward 5 offered an order, That the Superintendent of Health be authorized during the present municipal year to make contracts, subject to the supervision of the Committee on Health, for the purchase of such quantities of hay or grain, and for such horses and exchanges as his department may from time to time require; also for such material as shall be required for the use of his department. Ordered to a second reading.

#### SUPPLIES FOR CITY ENGINEER'S DEPARTMENT.

Mr. Thorndike of Ward 2 offered an order, That the City Engineer be authorized, with the approval of the Joint Standing Committee on the City Engineer's Department, to make such purchases of supplies, instruments and drawing materials, and to incur such other expenses, as may be necessary for that department during the present municipal year. Ordered to a second reading.

#### SECOND ELEVATOR FOR CITY HALL.

Mr. Crocker of Ward 9 offered an order, That the Joint Standing Committee on Public Buildings be instructed to consider and report upon the expediency of placing a second passenger elevator in City Hall. Read twice and passed. Sent up.

#### MANAGEMENT OF SINKING FUNDS AND CITY DEBT.

Mr. Crocker of Ward 9 offered an order, That his Honor the Mayor be requested to petition the Legislature at its present session for the passage of an act authorizing the City Council to provide by ordinance for the cancellation of any bonds of the city which may at any time be held by the Sinking Fund Commissioners, so far as such cancellation may be consistent with the obligations which the city may have assumed toward the holders of its bonds.

The question was on giving the order a second reading.

Mr. Crocker—I suppose I ought to say a few words in explanation of that order. The fact is probably well known—at any rate to all the old members of the Council, if not to the new ones—that the Sinking Fund Commissioners hold the bonds of the city to an amount something like fifteen millions of dollars. They hold them as part of the sinking funds, and the city is all the time going through the formality of paying to itself the interest on those bonds, and laying that interest aside towards the payment of the city debt. Now, it is evident that it will be a much more simple manner of managing city affairs if, when any money is raised towards the payment of the city debt, it should be applied directly toward paying off and cancelling the debt, rather than going through the formality of paying the money to the commissioners for them to buy up the debt and keep it alive. One result of the present system is that the city is made to appear as owing a much larger debt than it really owes. It appears to owe a debt of \$44,000,000, when it only owes \$28,000,000—those are nearly the figures, I think—

some \$15,000,000 of our debt being held by the city itself. It is a matter of doubt whether the city might not provide by ordinance for this change; but there is doubt on the subject, and it seems to me we should ask the Legislature for undoubted authority to cancel these bonds. This whole matter of the sinking funds was up last year, and certain changes were proposed which were not acceptable to the Council, Mr. Peabody, a member from Ward 11, and one of the Sinking Fund Commissioners, opposing the change. But I may mention that that gentleman, who took a leading part in opposing the change introduced last year, is in favor of this proposition providing for the cancellation of the bonds. Since his connection with the Sinking Fund Commission ceased, Mr. Peabody has sent a communication to that body proposing that some provision should be made for the cancellation of the city bonds held by the Sinking Fund Commissioners, but his communication was overlooked at the last meeting of the commissioners, and, therefore, has not yet been presented to that board. I think that if the matter is carefully looked into by anybody he will find that this proposed change is in every way a reasonable thing, which will tend to simplify this matter of the sinking funds, which probably not half a dozen people in the city understand, and that it will tend to make our city finances more intelligible than they are today. It certainly is desirable that the Sinking Fund should be more intelligible; that we should know what it is, and that we should know what the money that goes into it is used for. Another reason is this: I believe we have been paying into the sinking funds for the past few years more money than there is any reason for paying. Our late Mayor, in his closing remarks to the Board of Aldermen, stated that during the three years of his administration we had paid into the sinking funds, on account of the city debt, over seven and a half million dollars; that we had borrowed some seven millions for new loans, including four millions for bringing in the Sudbury water; and that notwithstanding all that borrowing, we had decreased the net debt of the city during the three years over half a million of dollars. If it had not been for the extraordinary expense of bringing in the Sudbury water, we should have decreased our city debt by taxation out of the pockets of the people, in these hard times, over four millions and a half of dollars. Now, it seems to me that this is an unreasonable way for us to be taxing our citizens in these hard times; and that it is unnecessary at the present time to use such means to pay off and reduce the debt of the city. It is no time to make extraordinary exertions to reduce the debt of the city. Our present Mayor, in his inaugural address, said he had been informed, by those supposed to know, that if we went on at the rate we are going, we should pay the whole of our debt in seven years. He did not pretend to understand how it was to be done; but it was by this mysterious Sinking Fund, that he did not understand, that it was to be paid in seven years. Now, I claim that if we are going to relieve the burdens of the taxpayers we can stop this unnecessary paying of immense sums into the Sinking Fund every year. It was foolish for us, during the last three years, to pay the whole expense of Sudbury water, of the Swett and Beach street widenings, and several other improvements, and besides that to reduce our debt half a million. It seems to me there is no reason in it. What is going to be the result? I admit that it is, *prima facie*, a good thing if the city can get out of debt. But is it desirable, under our present circumstances, that we should burden ourselves with this extra burden of taxation, in these hard years, for the sake of getting the city of Boston out of debt. The city of Boston has been in debt for years, and I believe it is destined to continue to be in debt, other cities and towns about us are likely to be in debt, and if we, by extraordinary exertions, free ourselves from debt in seven years, we shall leave a clear field for an extravagant or corrupt City Government that may come after us to incur a new debt foolishly or wastefully. I believe it is not good economy for the city of Boston to go on as it has been doing, straining every nerve to get out of debt. I believe there is safety in letting the old debt run on for some time, and this order looks in that direction.

Besides, if we have our nominal debt fifteen or

sixteen millions more than it really is, we have to raise necessarily the interest on that amount yearly by taxation, which interest, at six per cent., is nearly a million of dollars.

This amount we raise by taxation yearly, in these hard times, to pay the interest on debt that we hold ourselves, and this interest is to be turned over and applied to hurrying us out of debt. It seems to me to be wholly unnecessary. For these reasons I have offered this order. If it takes its first reading tonight, I shall move that it be specially assigned for the next meeting, as it is a subject that ought not to be passed over hurriedly.

Mr. Sampson of Ward 17—The gentleman's views in regard to the Sinking Funds are certainly very peculiar. He states that the citizens are taxed for the interest on the bonds of the city of Boston now held by the Sinking Fund Commissioners. That is very true. They are taxed because the statutes and ordinances require that a tax shall be levied every year—on a twenty-year loan,  $3\frac{1}{2}$  per cent.; on a ten-year loan, eight per cent.; on a thirty-year loan, two per cent. Now the citizens are taxed no more on account of the bonds being in the hands of the Sinking Fund Commissioners than if they were in the hands of Baring Brothers, London. That taxation goes to make up the portion that the law requires. The gentleman knows that the Sinking Fund Commissioners are limited to investing in three kinds of securities—United States, city and State bonds. By an ordinance of the city of Boston the commissioners have the right to take bonds of the city at par, and therefore it is a better investment. The interest on those bonds, with the revenue from the unexpended appropriations at the end of the year, go to make up what the law requires shall be raised by taxation from the citizens. That tax is no more than if the bonds were held by outside parties. The Sinking Funds are so managed that when the debt matures the Sinking Fund pays it without any further taxation. The reason it has decreased so much within three years is because the debt has matured. We have not paid for Swett street or for Sudbury River; but we have paid for what our fathers borrowed some thirty years ago. That this matter may receive proper consideration I move that the order be referred to the Committee on Finance.

Mr. Crocker—This matter requires early attention. If we are going to the Legislature this year, it is important that we should act at once. I move to amend the motion to refer by adding "with instructions to report at as early a day as possible."

Mr. Sampson—I accept the amendment.

Mr. Crocker—I think the gentleman is decidedly wrong in his information about the Sinking Funds. I said it was a difficult thing to understand, and I think the gentleman has not got as far toward understanding it as I have. He will find that the statements that I have made are correct, and that it is necessary to raise by taxation the interest on the whole city debt, and he will find also that the fact that a portion of the old debt has been paid out of the Sinking Fund is no reason why the *net* debt of the city should be decreased at all. The amount of the Sinking Fund is to be deducted from the *gross* debt in order to find the amount of the *net* debt. The application of a portion of the Sinking Fund to the payment of the debt does not, therefore, decrease the net debt at all and it is the net debt which has really been decreased, during the three years of Mayor Cobb's administration, half a million dollars, although we borrowed in that time over four millions for Sudbury water, an expenditure which may well be deemed extraordinary, and which as it is expected to bring a revenue to the city, might well have caused an increase of our debt. Had it not been for that extraordinary addition to our debt we should have reduced our debt during the last three years substantially by taxation out of the pockets of the people, over four and a half millions. I claim that that is an unreasonable way of proceeding at the present time, and that some steps ought to be taken looking toward a change. If we cannot change it without the assistance of the Legislature—as I am inclined to think we cannot—I hope we shall ask the Legislature to help us out of it. As the law stands today, we must go on taxing ourselves in this way until we get wholly out of debt. I think the Legislature will see that it is unfair to compel the city of Boston to burden itself with this extra taxation in these hard times.

The order was referred to the Finance Committee, with instructions to report as early as possible. Sent up.

PROPOSED DEPARTMENT FOR PURCHASE OF SUPPLIES.

Mr. Clarke of Ward 22 offered an order, That the joint special committee to investigate and report what reduction can be made in salaries and clerk hire, and whether any departments can be abolished or consolidated, be requested to consider the expediency of establishing a "department for the purchase of supplies" for any or all the depart-

ments of the City Government. Read twice and passed. Sent up.

DOCUMENTS FOR SOCIAL LAW LIBRARY.

Mr. Pratt of Ward 21 offered an order, That the Joint Standing Committee on Printing be requested to furnish the proprietors of the Social Law Library, for the use of said library, two copies of the revised ordinances of 1876, and also, as soon as possible, two copies of the supplements to the ordinances. Read twice and passed. Sent up.

Adjourned, on motion of Mr. Clarke of Ward 22.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JANUARY 22, 1877.

Regular meeting at four o'clock P. M., his Hon. or the Mayor presiding.

## EXECUTIVE NOMINATIONS.

Constable—Ellery S. Ayer.

Special Police Officers—Daniel Cowan, Howard Athenæum; Henry C. Gifford, Tabernacle and its vicinity; Warren B. Plympton, Pemberton square; Charles McLaughlin, Reform Club, East Boston; Samuel C. Potter, Rochester Hall, Roxbury.

Severally confirmed.

## PETITIONS REFERRED.

To the Joint Committee on Public Lands. St. John's Universalist Parish, for correction of error in their deed of land; Henrietta T. Wolcott, for confirmation of title to estate on corner of East Dedham street and Harrison avenue.

To the Joint Special Committee to Nominate Superintendents of Bridges. George A. J. Colgan, for appointment as Superintendent of Mr. Washington-avenue Bridge.

To the Joint Committee on Claims. William Shea, to be compensated for injury from defect in sidewalk in Ruggles street; Edward T. Spurr, to be compensated for personal injuries sustained by his wife from a fall on the sidewalk of No. 25 Mead street; Dennis Mannahan, to be compensated for injuries sustained by a fall on the sidewalk.

To the Committee on Lamps. Robert A. Miller *et al.*, that Green-street place, Ward 24, be lighted; Day, Collins & Co. *et al.*, for leave to place one of Bartlett's lanterns on Bromfield street, in front of the church, at their own expense.

To the Committee on Police. M. E. Shorey, to project a plain lantern at No. 11 Cross street, with the word "hotel" or "lodging" painted thereon.

To the Committee on Streets on the part of the Board. Samuel H. Russell, trustee, for reapportionment of betterment assessed on Congress street.

To the Committee on Health on the part of the Board. Petitions for leave to occupy stables by Francis C. Creber, new wooden, two horses, Dennis street, Ward 20; Aaron D. Williams, new wooden, one horse, Hampden street.

To the Joint Committee on Assessors' Department. Glendon Company, that the tax assessed upon estate No. 4 Waldron park in 1873 be refunded.

To the Committee on Paving. Thomas Maloney *et al.*, that Whitney street be put in order.

Middlesex Railroad Company, for the right to construct tracks on Lincoln street, between Beach and Kneeland streets, thence through Kneeland and South streets to the Old Colony Railway Depot, to connect with their present tracks in Lincoln street; also for the right to connect by a curve track with the track of the South Boston Railroad at the corner of Lincoln and Beach streets.

To the Committee on Bridges. Henry B. Rookes, for employment as master carpenter on bridges.

To the Joint Committee on Ordinances. Michael F. Lynch, that the City Council consider the expediency of consolidating the Sewer, Paving and Water departments under one management, and placing the care of the public grounds under the management of the Park Commissioners, and for a hearing on the petition.

## UNFINISHED BUSINESS.

Order for appointment of joint special committee to resume all matters relating to a system of improved sewerage. Laid on the table, on motion of Alderman Clark.

Order for Superintendent of Public Buildings, under the direction of the committee on that department, to supply the necessary furniture for, and make repairs upon, the several high, grammar and primary schoolhouses. Passed. Sent down.

Order for the Committee on County Buildings to make all needed repairs on the Court House and other county buildings. Passed.

Order for the Committee on County Buildings to provide the necessary furniture for the Court House and other county buildings. Passed.

Order for the Superintendent of Public Build-

ings, under the direction of the committee on that department, to provide the necessary furniture for the City Hall and the several engine houses and police stations. Passed. Sent down.

Order for Superintendent of Streets to remove without delay any and all structures hereafter built into or upon the sidewalks of public streets, which incommode public travel. Passed.

Order for Superintendent of Streets to grant permits to open the public streets where necessary, pursuant to the 10th and 11th sections of the Ordinance on Streets. Passed.

Order for Superintendent of Streets to number or renumber any street which may require the same. Passed.

Order for Superintendent of Streets to contract, from time to time, for the purchase of horses, hay, grain and paving stones, etc. Passed.

Order for Superintendent of Streets to lay crosswalks and pave gutters where Committee on Paving think it necessary. Passed.

Order for Superintendent of Streets to set edge-stones and pave sidewalks where abutters agree to pay one-half the cost. Passed.

Order for Superintendent of Streets to put fences on lines of open or unimproved lots where the public safety demands the same. Passed.

## PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Report and orders referring the several topics of the Mayor's address to appropriate committees, among which are a Committee on Improved Sewerage (Messrs. Sampson, Paine, Blodgett, Thorndike and Ham to be joined), and a Committee on Public Parks (Messrs. Thompson, Stone and Coe to be joined). Orders passed in concurrence. The Mayor said the committees named would be announced at the next meeting.

Order (amended) for Committee on East Boston Ferries to consider the subject of amending the East Boston Ferry ordinance, so that tolls shall be based on the cost of running the ferries. Passed in concurrence.

An order proposing a petition for an act to authorize the cancellation of city bonds by the Sinking Fund Commissioners came up referred to the Committee on Finance. Concurred.

Order for Committee on Reduction of Expenses to consider the subject of establishing a department of supplies, etc. Passed in concurrence.

Order for Committee on Public Buildings to consider the expediency of furnishing a second elevator for the City Hall. Passed in concurrence.

## ELECTIONS.

*Trustees of Public Library.* A report came up nominating Alderman Clark and Common Councilmen Howes and R. Pope as Trustees of Public Library, with certificates of election of John T. Clark, Richard Pope and Charles H. Reed as Trustees of the Public Library.

The report was accepted in concurrence.

Alderman Thompson—I wish to state that I was a member of the committee appointed to nominate Trustees of the Public Library, and I was a member of the Standing Committee on the Public Library last year. Consequently I took a special interest in the selection of candidates, on the part of the City Council, for that position. Every member of the City Council nominated received the unanimous vote of the committee, who felt quite satisfied with the result of their deliberations. Their nominees, as a whole, were not sustained by the Common Council, in consequence of the misconstruction of a letter written by Mr. Howes. I say misconstruction, Mr. Chairman, from the fact of my acquaintance with Mr. Howes. I have been associated with him during the past year on one of the most important committees of the City Council, and I feel perfectly justified in saying that the meaning of the letter written by him, as it appeared in the public prints, was misconstrued; and I trust that the board will unanimously sustain the nominations of the committee. I hope that it will be done as an act of justice to an efficient and valuable member of the City Council. I would also state, that Mr. Howes has been returned for the third time by the unanimous vote of his constituents—both Democrats and Republicans voting for him. I move that the Board now proceed to a ballot.

An election was ordered. Committee—Aldermen Wilder and Breck.

Whole number of votes.....	11
Necessary to a choice.....	6
Alderman John T. Clark.....	10
Councilman R. Pope.....	11
Councilman O. Howes, Jr.....	11



And Messrs. Clark and Pope were declared elected in concurrence, and Mr. Howes in non-concurrence. Sent down.

*Directors of East Boston Ferries.* A report came up nominating Alderman Breck and Common Councilmen Edward Pearl and J. A. Duggan as Directors of East Boston Ferries, with certificate of election of Alderman Breck and Messrs. Pearl and Duggan as Directors of East Boston Ferries.

The report was accepted in concurrence. An election was ordered. Committee — Aldermen Wilder and Breck.

Whole number of votes.....	11
Necessary to a choice.....	6
Alderman C. H. B. Breck.....	10
Councilman Edward Pearl.....	11
Councilman John A. Duggan.....	10
Councilman Phineas J. Stone, Jr.,.....	1

And Messrs. Breck, Pearl and Duggan were declared elected in concurrence.

SEALER OF WEIGHTS AND MEASURES.

The annual report of the Sealer of Weights and Measures (City Doc. 6) was received. Sent down. There have been expended during the year \$4591.88; received for adjusting and sealing, \$510.57; balance to be collected \$284.99; 1601 scales have been tested.

BOSTON AND CAMBRIDGE BRIDGES.

The annual report of the commissioner on bridges between Boston and Cambridge (City Doc. 12) was received. Sent down.

The West Boston Bridge draw was opened 2048 times during the year; the Canal Bridge 2748 times, and the Prison Point Bridge 419. The expenses of the West Boston and Canal bridges were \$7035.39, and the rebuilding of Prison Point Bridge cost \$6406.26.

SURVEY AND INSPECTION OF BUILDINGS.

The annual report of the Inspector of Buildings (City Doc. 11) was received. Sent down.

The report summarizes the general duties of the Inspector as laid down by statutes and ordinances, and then cites the act for the better protection of life in buildings occupied for public purposes in Boston. It then proceeds—

Immediately upon the passage of this act I caused a thorough reëxamination to be made of all the public schoolhouses in the city, and, by a special communication, officially called the attention of the City Council to the condition of certain public buildings that were unsafe in the matter of egress and from fire. The buildings referred to were some of our public schoolhouses, and their present position is substantially the same as when first reported to you. I would, therefore, again respectfully call your attention to the matter. The Brooklyn calamity was the occasion of the department making another examination, and in a more thorough manner than had ever heretofore been attempted, and, for the time being, the entire force of the department was placed upon their inspection.

In these examinations, in the matter of egress, I have avoided hasty action, and such requisitions have been issued as appeared to be necessary after a careful survey of the condition and capacities of the premises, especial attention being given to utilizing to their utmost extent existing and available resources before requiring new and radical ones, and that the alterations required should not affect the strength of the building, and that, when completed, the resulting benefits would commend themselves alike to the owners as well as to the public. No requirement has been made upon any building in excess of contingent exigencies, but where radical alterations were found to be necessary no hesitation was exhibited in requiring them to their fullest extent.

In the matter of appliances for the extinguishment of fire there is no excuse whatever for their absence, and any neglect or refusal to provide the most complete and speedy methods for this purpose, particularly in view of the occupancy of buildings not especially designed and planned with reference to the furnishing of facilities of egress, should be recognized as a criminal act, having especial notice among the penalties of the law. The loss attendant at the destruction of the Brooklyn Theatre was a fearful commentary upon the lack of attention given in this theatre to the subject, and the remarkable rapidity with which the flames spread throughout the building, and the shortness of time required for its total destruction, showed the headway that a fire can obtain in a building constructed in the usual manner of this class, under these circumstances. I am

informed that, upon the eventful night, the theatre was under the control and management of a visiting company; that there were no appliances upon the premises available for the extinguishment of fire, those previously there having been removed.

In addition to this, I am also informed that, to ventilate the galleries, recourse was had to the construction of a wooden ventilating flue, extending from the rear of the theatre up towards the ventilator in the roof, over the centre of the auditorium.

Apparently these were the two main causes of the calamity. There were other causes, however, cooperating with these, and accelerating them in a remarkable degree—the combustible interior finish; the opening of the doors of the stage entrance, giving additional velocity and volume to the flames and smoke in their progress towards the front of the theatre; the extinguishment of the gas-lights, leaving the occupants of the gallery passage in darkness; the absence there of hand rails for proper support; the occurrence of the jam, from which in the darkness, they were unable to extricate themselves before death by suffocation forestalled the still more painful one by fire.

In my requisitions made upon our theatres, I have had in view—

The complete separation of the stage portion of the theatre from the auditorium, for a length of time amply sufficient to allow, in a case of emergency, an audience to leave the premises without danger.

To provide, upon the stage, the most effective system in use for the extinguishment of fire.

To provide such liberal means of egress, by increasing the number of exits, where practicable, and also by the removal of obstructions, as to materially diminish the chances of the occurrence of a stoppage, and the time heretofore required to vacate the building.

To require special protection from the causes of fire.

To provide ample supply of water.

Protection from combustible interior finish.

Provision for escape for the employes.

For the purpose of establishing, for the time being, in a case of emergency, a complete separation between the stage portion of the theatre and the auditorium, I have required the proscenium walls to be lined up with tin or iron, or made non-combustible, their full width and height, up to the inside of the roof of the building. The proscenium openings are to be provided with a wire curtain, to be covered on the outside with a substantial non-combustible covering; and over the proscenium opening, and on the inside of the proscenium wall, is to be placed a perforated wrought-iron pipe, connected with high service, for the purpose of pouring down upon the curtain a continuous spray of water. The combination of these three appliances is new; the wire will hold the flames in check, the unflammable material secured to it confine the smoke, and the continuous streams of water maintain the integrity of the curtain intact, for a length of time amply sufficient to protect an audience while retiring.

For the purpose of extinguishing fire I have required a system of wrought-iron perforated pipes, connected with high service, sufficient in number and so placed that the entire stage, scenery and the ceiling above can be instantly drenched with a continuous shower of water. Where not already done, I have required telegraphic communication with the nearest engine house. I have also recommended the service of a regular fire patrol who shall be always upon the premises when occupied by the public, and have charge and control of all apparatus and appliances for the extinguishment of fire. Movable gas lights have been ordered to be removed and stationary ones substituted. Woodwork and combustible material to be removed and kept from heating apparatus. The use of electricity in lighting those theatres not already provided with it.

*The Boston Theatre.*

Special requisitions upon this theatre were as follows:

An additional means of egress by cutting a doorway eight feet wide through the northerly wall, with metal-covered doors opening outwards.

The window openings in this wall to be unbarred.

Afford additional means of egress from gallery to auditorium, by reopening the closed stairway.

The four closed aisles in the first gallery to be reopened.

The outer door of stage entrance to be made to swing outwards.

A metal-covered door to doorway of fire room, and the ceiling over the boiler to be protected.

The wooden ventilator of boiler house to be protected.

The hand rail to circular stairways to be secured.

The ceiling underneath the stage to be protected.

Two iron balcony fire-escapes on the south side of the building, and one iron balcony fire-escape on the north side of the building, for means of escape from dressing rooms.

#### *The Boston Museum.*

The special requirements upon this theatre were as follows:

Build a stairway from the easterly part of stage to the corridor of the second story, connecting with entrance on Court square.

Provide metal-covered doors to doorway opening connecting stage with box-office.

Make a new passageway from the balcony circle, through to upper balcony of exhibition hall.

Remodel stairway at the southeast corner of exhibition hall, increasing its width and making square landings.

Enlarge aisles by removing seats in parquet.

Move the Court-square stairway forward, and widen the same to nine feet six inches.

Build a new flight of stairs from exhibition room to corridor, nine feet wide.

Remove circular stairway extending from auditorium to corridor, and build a straight stairway with square landings, to floor of exhibition room, the said stairway to be not less than nine feet wide.

Provide an iron-balcony fire escape to east side of building.

Rebuild partition separating the corridor from the store of Messrs. Smith, Doolittle & Smith, with non-combustible material.

Place to the ceiling of the above-mentioned store a system of perforated wrought-iron pipes, with suitable connection, and rebuild the partition, separating the chemical or compounding room from the store, and the partition separating the packing room from the store, of non-combustible material.

All openings in said partitions to be provided with metal-covered doors.

#### *The Howard Athenæum.*

The special requirements upon this theatre were as follows:

The stairways extending from the floor of first story to floor of auditorium to be increased in width eighteen inches.

The stairways extending from the parquet lobby to balcony to be made straight, and also not less than five feet wide.

The circular gallery stairway at the northeast corner of building to be removed, and a stairway, with two straight flights, having a square landing, to be built and to connect with outside stairway extending from the second story to the street.

The said stairway is to be enclosed with brick or with iron.

At the northwest corner of building a gallery stairway, with three straight flights and square landings, is to be built, and is to be enclosed with iron.

Two iron balcony fire-escapes, with ladders, are to be provided for the use of the employes—one to be placed upon the east side of building and one upon the west side, with suitable connections.

The wooden floor over boiler to be removed and a fire-proof one built in its stead.

A new flooring is to be built to old balcony, outside of building.

The aisles in the auditorium of theatre are to be closed up, and new ones made radiating towards the head of stairways.

The rear row of seats in balcony to be removed.

The partition separating the seats in the gallery from the passageway to be removed.

#### *The Globe Theatre.*

Upon this theatre the following special requirements have been issued:

Build one brick wall sixteen and twelve inches thick, to separate the southerly wing from the

main building, the said wall to be the width of the said wing and to be carried the full height of building. All openings in this wall are to be provided with metal-covered doors.

The wooden partition separating the easterly wing from the main building to be sheathed with iron or tin, or made non-combustible. The doorway in this partition to be provided with a metal-covered door, and all other openings to be closed.

The stairway leading to the auditorium from Essex-street entrance to be altered to an inclined plane.

The short stairway leading to auditorium from main entrance to be altered to an inclined plane.

The southerly balcony stairway to be extended, increased in width, and the projecting partition is to be removed.

The gallery stairway of the Washington-street entrance to be provided with a hand rail.

The gallery stairs of the Essex-street entrance to be provided with two hand rails.

A new aisle to be made in the gallery, and so placed as to connect the two main lobby entrances.

Index signs and words to be painted upon the walls, pointing out the exits to Essex street and Hayward place.

The front-balcony entrance to be widened three feet by removing projecting partition.

An iron balcony staircase to be placed at the east side of the east wing of main building, to include all stories but the first.

Passages from the corridor in each story of said wing to be opened to connect with said iron staircase and balcony.

Combustible interior finish to be removed and the walls and ceilings protected.

#### *Music Hall.*

Upon this hall I have made the following requirements:

The doors of the Bromfield-street entrance are to be made to open outwards.

Aisles at the southwest corner of galleries to be widened. A new exit, twelve feet wide, is to be made through the westerly wall, opening into Hamilton place.

Investigations are in progress at the present time, both in this country and in England, to ascertain the extent that protection can be obtained in theatres whose interiors have been constructed without special attention having been given to safety from fire, and any substantial progress made in these investigations will be immediately recognized by the department. It is claimed by some that standpipes with hose connections are adequate, and that they will afford all the protection that may be required. In my opinion, however, they are insufficient; the time consumed in running out the hose, in turning on the water, and in getting into position, and, in addition, the liability of the hose to accident, and the danger of being driven away from the fire, call for a more ready and reliable means of protection.

The sprinklers that I have required will be always in place, and also be in the most desirable position for practical operation and effect, and are of a material and of such strength as to be not liable to get out of order, and will last for many years. They constitute at present the most effectual method known for the extinguishment of fire, and the ease and readiness with which they can be brought into operation, the shortness of time required, and the certainty of their action, commend them to the favorable opinion of the public. The necessity for some such method is apparent when we consider that the stage of a theatre is generally filled to a considerable height with material known to be of a highly combustible nature, and in order to prevent a fire from getting under such a headway as to be beyond control, it is of the utmost importance that the fire-extinguishing appliances be brought promptly into action, before the opening of the doors of the building produce such a draft as to powerfully augment the momentum and volume of the flames.

The new curtain which has been devised will practically close up the proscenium opening, and thus separate, for the time being, the auditorium from the stage. Constructed of wire gauze, with a strong and firm non-combustible covering secured to the outside, and protected by continuous sprays of water from a pipe located immediately over the curtain, sufficient confidence may be placed in it by an audience, in a case of fire, to

dismiss all fears, upon making an orderly retreat from the premises.

While I consider the requisitions that have been issued on these buildings the most practical and effective that can be required, I am of the opinion that it is necessary that an advanced step be taken, and the building law be so amended, as to require upon all new buildings of this class, fire-proof construction throughout.

*The New Amendment to the Building Law.*

At the last session of the Legislature a petition was presented requesting an important modification of the building law. This petition was presented in the interest of a gentleman who, for several years past has been active in his endeavors to procure such amendments to the law as would permit the erection of thin walls; the ostensible object being the building of cheap homes for the working people. It was purposed to legalize the erection of these cheap buildings in the more thickly-settled and desirable portions of the city, and after considerable opposition, and against the remonstrances of many of the principal architects and the entire insurance interests, the bill was passed, but with an amendment limiting the area of its operation to that portion of the city not included within the building limits.

There has been but one permit issued during the year to erect a building under the provisions of this act.

*The Operations of the Department.*

Brick, stone and iron buildings, 200; wood and frame buildings, 532; wooden sheds for which special permits have been issued to erect upon wharves, within the building limits of the city, 17 buildings for which permits have been issued to have additions built to them, or alterations and repairs made upon them, 1936; steam engines and steam boilers set, 110; ovens erected, 15; kilns built, 6; furnaces set, 17; notices received of intention to put in heating apparatus, 257; violations recorded, 452; cases referred to the City Solicitor, 30; unsafe buildings, walls, etc., 77; dangerous chimneys, 374; unsafe heating apparatus, 32; unsafe lighting apparatus, 40; defective flues, 7; unsafe flagstaves, etc., 6; buildings examined that were damaged by fire, 291; requisitions issued for fire escapes and additional means of egress, 62; hoistways and elevators examined, 84; public halls, etc., examined, with reference to granting a license to occupy the same, 26; street signs licensed by the Board of Aldermen, examined with reference to their security, 15; brick buildings completed during the year, 266; wooden or frame buildings completed, 613; buildings upon which alterations have been made and to which additions have been built, or upon which repairs have been made, 1785; estimated cost of the erection of the brick buildings, not including the land, \$5,343,575; estimated cost of the erection of the wooden or frame buildings, \$1,383,555; estimated cost of alterations, additions and repairs, \$1,335,446; estimated cost of securing unsafe buildings, unsafe walls, unsafe foundations, dangerous chimneys, etc., \$22,728; estimated cost of the erection of ovens, furnaces, etc., and the setting of steam engines, steam boilers, not including the cost of the boilers, \$32,270; estimated cost of setting heating apparatus, not including the cost of the apparatus, \$9220; estimated cost of protecting hoistway openings, \$3518.

Total number of examinations made is 23,526; the number of notices issued, 852.

*Unsafe Buildings.*

To a certain extent the work of the department is confidential, general publicity being given only to permits issued for the erection of new buildings.

In the examinations of buildings with reference to their safety, security, means of egress, fire escapes, or improper or defective construction, or the existence on them of violations of the building law, a strong feeling of repugnance is usually manifested by the owner, or other interested party, to having the condition of their property made the subject of public comment in the newspapers; and in view of this feeling, so pointedly manifested, the department has abstained from publishing its work in this direction, when the interest of the public would not be jeopardized.

The following exhibit will show, in tabular form, the number that have been secured, etc.:

	Rebuilt.....	Secured.....	Taken down...	Not completed	Total
Unsafe buildings.....	12	5	4	23	
“ walls.....	13	3	4	20	
“ cornice.....	1	.....	.....	1	
“ conductor.....	.....	.....	.....	.....	
“ floors and roof.....	.....	.....	.....	.....	
“ foundation.....	.....	.....	.....	.....	
“ gutter.....	1	.....	.....	1	
“ lintel.....	.....	.....	.....	.....	
“ overloaded floor.....	1	.....	.....	1	
“ pier.....	.....	.....	.....	.....	
“ railing.....	1	.....	.....	1	
“ slate.....	.....	.....	.....	.....	
“ staging.....	.....	.....	.....	.....	
“ ventilator.....	.....	.....	.....	.....	
Dangerous chimneys.....	305	30	1	336	
Defective flues.....	.....	5	2	7	
Unsafe flagstaff.....	.....	.....	.....	.....	
“ forge.....	1	.....	.....	1	
“ furnace.....	.....	.....	.....	.....	
“ heating apparatus.....	.....	4	.....	4	
“ lantern.....	.....	.....	.....	.....	
“ lighting apparatus.....	.....	.....	.....	.....	
“ sign.....	.....	.....	.....	.....	
Total.....	316	85	13	122	536

*Fire and Accident Record.*

The number of buildings reported as damaged by fire and accident is 291.

This number does not include those buildings where the loss was confined to the contents of the building, nor those where the damage was less than five dollars.

These buildings are carefully surveyed, and any defect in their construction is required to be remedied.

The following table will show the number of these buildings in each ward, their estimated value and the estimated loss:

Ward.	No. of Brick Buildings.	Estimated Loss.	No. of Wooden Buildings.	Estimated Loss.	Total No. of Buildings.	Estimated Total Value.	Estimated Total Loss.
1.....	1	\$50	21	\$9,031	22	\$28,500	\$9,081
2.....	2	505	17	3,730	19	36,050	4,235
3.....	.....	.....	3	95	3	6,900	95
4.....	1	25	10	2,770	11	30,250	2,795
5.....	3	458	2	215	5	26,075	673
6.....	15	14,455	4	225	19	111,300	14,680
7.....	7	1,295	4	1,355	11	86,800	2,650
8.....	1	75	1	200	2	11,500	275
9.....	.....	2,025	.....	.....	.....	5,500	2,025
10.....	17	12,955	.....	.....	17	289,500	12,955
11.....	13	31,010	.....	.....	14	963,000	12,955
12.....	15	6,360	7	2,340	22	247,000	8,700
13.....	5	4,125	11	1,935	20	76,280	6,060
14.....	.....	.....	15	3,390	11	17,900	3,590
15.....	1	50	14	4,160	16	123,830	9,210
16.....	6	1,650	2	910	8	75,800	2,560
17.....	9	7,570	3	950	12	207,300	8,520
18.....	5	6,805	1	25	6	107,200	6,830
19.....	2	50	8	460	10	16,700	510
20.....	.....	.....	10	5,040	10	18,600	5,040
21.....	1	10	2	47,700	3	47,700	2,170
22.....	.....	.....	3	7,550	6	128,600	10,550
23.....	.....	.....	18	18,720	18	48,250	18,720
24.....	.....	.....	17	3,225	18	91,380	3,270
25.....	.....	.....	5	10,425	5	12,000	10,425
Total.....	107	\$80,473	178	\$79,101	291	\$2,813,915	\$176,654

One iron building in Ward 15 was damaged to the extent of \$5000, and five stone buildings at \$3080.

*Examinations.*

The daily outside work of the department consists in the constant supervision of the buildings in the city, with reference to safety, and their conformity with legal requirements, the following table being a summary of this work:

New buildings.....	12,356
Additions, alterations and repairs.....	8,292
Special examinations.....	163
Insufficient egress and fire-escape.....	633
Hoistway examinations.....	223
Steam engine and boilers.....	199
Unsafe buildings.....	216
Dangerous chimneys.....	660
Defective flues.....	12
Unsafe heating apparatus.....	18
Fire.....	306
Sundry.....	448

Total number of examinations..... 23,526

*Completed Buildings.*

The whole number of brick buildings completed during the year is two hundred and sixty-six, at an estimated cost of five million three hundred forty-three thousand five hundred seventy-five dollars (\$5,343,575). These buildings contain one hundred fourteen stores, and are constructed to accommodate four hundred eighty-two families.

The whole number of wood and frame buildings completed is six hundred thirteen (613), at an estimated cost of one million three hundred eighty-three thousand five hundred fifty-five dollars (\$1,383,555). These buildings contain twenty-seven stores, and are constructed to accommodate five hundred seventy-six families.

The number of buildings upon which alterations have been made is seventeen hundred eighty-five, at an estimated cost of one million three hundred thirty-five thousand four hundred forty-six dollars (\$1,335,446).

*Table Showing the Number of Completed Buildings, etc., during the Year, together with the Estimated Cost.*

	No. of Buildings.	No. of Families.	No. of Stores.	Estimated Cost.
Brick buildings....	266	482	114	\$5,343,575
Wooden or frame buildings.....	613	576	27	1,383,555
Additions, alterations and repairs.....	1,785	....	....	1,335,446
Unsafe buildings secured.....	60	....	....	15,780
Setting heating furnaces, etc.....	200	....	....	9,220
Ovens, furnaces, steam engines and boilers.....	235	....	....	32,270
Dangerous chimneys secured.....	425	....	....	6,948
Hoistways.....	68	....	....	3,518
Totals.....	3,652	1,058	141	\$8,130,312

BOND APPROVED.

The bond of John MacConnell, constable, being presented duly certified, was approved by the Board.

LICENSES.

Alderman Fitzgerald submitted reports as follows from the Committee on Licenses:

Minors' Applications Granted—1 bootblack, 9 newsboys.

Common Victnallers Licensed—William Spurgeon, 254 Tremont street; Joseph Vanderslice, 626 Broadway.

Billiard Licenses Granted—J. G. Cooper, Providence Railroad depot; John B. Fisher, 316 Broadway; Artemas B. Sherman, Harrison Square.

Junk Dealer Licensed—John E. Adler, 32 Hampshire street.

Dealer in Second-Hand Articles Licensed—Mary E. Roberts, 109½ Blackstone street.

Amusement License Granted—Professor S. S. Baldwin, to give lectures exposing Spiritualism at Tremont Temple, Jan. 22-27.

Intelligence Offices Licensed—Ellen Howard, 913 Washington street; Anna Peterson, 16 Staniford street.

Auctioneers Licensed—Andrew P. Fisher, 8 and 10 Maverick square; John Glancy, 13 New Cross street; Michael J. Moss, 790 Washington street; Patrick Kilroy, 1368 Tremont street; M. Frank Paige (renewal), 125-127 Pearl street.

Junk Collector Licensed—John W. Morris, 380 Bennington street.

Wagon License Granted—John W. Morris, 380 Bennington street.

Bowling Alley Licensed—Catherine T. Tripp, 21 Fleet street.

Severally accepted.

Report on petition of Poland & Peabody for omnibus line, with an order of notice to the South Boston Railroad Company and all others interested, that the Board will consider the subject on Monday, Jan. 29, at 4½ P. M., when all parties objecting may be heard. Order passed.

FANEUIL HALL.

Alderman Fitzgerald submitted a report in favor of granting the use of Faneuil Hall to Otis Norcross *et al.*, for a public meeting Jan. 23. Accepted.

COST OF PUBLISHING ORDERS OF NOTICE.

Alderman Breck submitted a report that the Committee on Ordinances on the part of the Board had consulted the City Solicitor, who informs them that there is no legal objection to passing the order relating to the payment by petitioners of the cost of advertising orders of notice, and the committee recommend its passage. The order was passed.

PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports and orders for hearing, on Monday, Feb. 19, at 4 P. M., on petitions of South Boston Railroad Company for leave to run their cars to Causeway street, and Metropolitan Railroad Company for location in Lexington, Prescott and Liverpool streets. Orders passed.

Report of leave to withdraw on petition of Henry Gassett *et al.*, for plank walk on Centre street, Ward 24.

Report and order to pay Robert Povah and Helen his wife \$250 for grade damages at 68 West Sixth street. Order read twice and passed.

Report and order to pay John Cronin and Mary his wife \$500 for grade damages at 280, 282 and 284 Dorchester avenue, and rescinding order of Dec. 30, 1876, to pay John Cronin said amount for said damages. Order read twice and passed, after an explanation by Alderman Fitzgerald that after the passage of the order of last year it was found that the wife had an interest in the estate with her husband, and the City Solicitor had decided that the original order was defective. This order is to pay the husband and wife jointly.

SUPPLIES FOR LAMP DEPARTMENT.

Alderman Thompson offered an order, That the Superintendent of Lamps be, and he is hereby authorized under the approval of the Committee on Lamps during the municipal year 1877, to contract for and purchase the lamp posts, brackets, burners, tips, cocks, lanterns, tools, stable supplies, and such other articles as shall be found necessary for the carrying on of the Lamp Department; also to employ such number of men as may be necessary; the cost thereof to be charged to the appropriation for Lamps. Read twice and passed.

REFERENCE OF CLAIMS FOR STREET DAMAGES.

Alderman Clark offered an order, That whenever the Committee on Streets of this Board deem it for the best interest of the city to refer claims for damages or betterments relating to the laying out or widening of streets to arbitration for settlement, the said committee is hereby authorized to refer such claims, with the approval of his Honor the Mayor and the City Solicitor. Read twice and passed.

ARMORIES.

Alderman O'Brien offered an order, That the Committee on Armories be authorized to repair and fit up the armory occupied by Company D, Fourth Battalion of Infantry, M. V. M., at the corner of Orleans and Webster streets; the expense, not exceeding the sum of \$250, to be charged to the appropriation for Armories. Read twice and passed.

PUBLIC LANDS.

Alderman O'Brien submitted a report of leave to withdraw from the Committee on Public Lands on petition of Maria Davis *et al.*, for abatement of assessment on account of raising the grade of the Northampton-street district. Accepted. Sent down.

FRANKLIN FUND.

Alderman Burnham offered an order, That a committee of two members of this Board be appointed to examine the accounts of the treasurer of the Franklin Fund. Read twice and passed.

Aldermen Burnham and Wilder were appointed said committee.

PERMITS FOR STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board, in favor of granting leave, on the usual conditions, to occupy stables by J. E. Lyons, 282 Princeton street; Abraham B. Shedd, rear 300 Main street; George T. McLauthlin, Park street, Ward 22. Severally accepted.

SEWERS.

Alderman Viles submitted reports from the Committee on Sewers, with orders for assessment and collection of cost of sewers in Sargent street and Lawrence and Blue Hill avenues. Orders severally passed.

COOPER-STREET ARMORY.

Alderman Fitzgerald, from the Joint Committee on Public Buildings, submitted an order, That the

Committee on Public Buildings be authorized to sell by auction the land and building belonging to the city situated on Cooper street and known as the Cooper-street Armory, there being no further use for the same; the proceeds of sale to be paid to the City Collector.

Alderman Fitzgerald—That order passed through the Committee on Public Buildings at their last meeting. An order like it was passed by the last City Government, but the committee had not time to complete the sale of the building. The building is unoccupied, but latterly has been used as a primary school. The windows are broken and it costs a good deal to keep it in repair, and there is no further use for it. The committee ask leave to sell it by public auction; whether this is the time to do that is for the City Council to consider.

The order went over under the rule.

Adjourned on motion of Alderman Gibson; and stood adjourned to Tuesday, Jan. 23, at 7½ P. M., for a convention with the School Committee.





## CITY OF BOSTON.

## Proceedings of the Common Council,

JANUARY 25, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Annual reports of Sealer of Weights and Measures, Commissioner on Bridges between Boston and Cambridge, and Inspector of Buildings. Severally placed on file.

Petitions were referred in concurrence.

Report leave to withdraw on the petition of Maria Davis *et al.*, for abatement of assessment on account of raising the grade of Northampton-street district. Accepted in concurrence.

Order to supply furniture for and make repairs on schoolhouses; order to provide furniture for and make repairs on the City Hall, engine houses and police stations. Severally ordered to a second reading.

*Trustee of Public Library.* A certificate came from the other branch, of the election of Osborne Howes, Jr., in place of Charles H. Reed, chosen by this Council.

Mr. Reed of Ward 17—I desire to express my thanks to the members of the Common Council for my election, at the last meeting, to represent them as a Trustee of the Public Library for the ensuing year. Their action is all the more appreciated as it came to me unexpected and without solicitation. The present year has opened with a unity of action on the part of the members of the Council which is duly to be praised, and I trust, in view of the many important measures to come before us, that it may continue during the year. Therefore I request that the members who voted for me at the last meeting will consider that I am not a candidate; and I call attention to the regular nomination which is now before them for concurrence.

A ballot was ordered. Committee—Messrs. Smardon of Ward 10, Brown of Ward 23, and Spenceley of Ward 19.

Whole number of votes.....	62
Necessary for a choice.....	32
Osborne Howes, Jr., had.....	48
Charles H. Reed.....	12
C. J. Spenceley.....	1
George L. Ruffin.....	1

And Mr. Howes was declared elected in concurrence.

## UNFINISHED BUSINESS.

Order for Committee on Bathing to repair and maintain the bathing houses, to employ assistance, and take measures for care and preservation of said houses; orders for City Surveyor and City Engineer to make purchases of supplies, instruments and drawing materials, and to incur other necessary expenses; order for Superintendent of Health to make contracts for purchase of hay, grain, horses, exchanges and materials. Severally passed in concurrence.

## DOCUMENTS FOR SOCIAL LAW LIBRARY.

Mr. Pierce of Ward 24—I move to reconsider the vote whereby was passed the order to furnish the Social Law Library two copies of the Revised Ordinances and other publications of the city, as therein specified. I make this motion, sir, in order to move, if it prevails, that the order be referred to the Committee on Printing, which is the usual channel for such matters, they having the disposition of such documents generally. When the order was passed at the last meeting it was very late in the evening, and the fact that it had not been referred to the Committee on Printing escaped my attention.

Mr. Pratt of Ward 21—The Social Law Library, as many members of this Council are aware, is an old institution in Boston. It was incorporated in 1814 and since that time has acquired the position and held it—and does today—of the best law library in New England. The library is open to free consultation and examination by the judges of all the courts of this State and of the United States; to all the prosecuting officers of the courts of this State and the United States; to the members of the General Court, and, in general, to the civil officers of the State. It is also open to members of the bar, by the terms of its charter, I think, who do not have a regular place of business in the county of Suffolk. It is open

to the members of the bar in the county of Suffolk who either own a share in the library, upon which there is an annual assessment of \$5, or who pay what is called an annual subscription of \$10. It is thus open virtually to all citizens for consultation upon all matters through their counsel, or by introduction to the librarian or to any of the trustees. In fact, it is as completely and singularly as public an institution as any institution of the kind can be which is obliged to rely upon its own revenues to pay its expenses. I make this explanation in detail, because many of the gentlemen here may not know all the claims of the library. The library has a very central location, and a very large collection of books; its terms are made as low as possible, consistently with the keeping of the books in repair and in good order and the cost of taking care of the library will allow. It is in many respects a meritorious institution, and a public benefit. Now, the price of two copies of the Revised Ordinances is a very small item; but we all know how these institutions must husband their resources, and how even trifles assist them. It is an assistance to the library that our Representatives in Congress send them documents from Washington; that our Representatives in the Legislature send them public documents from the State House; and I think it will be nothing more than disposing, in a manner for the public benefit, of the documents contemplated in the order which I offered at the last meeting, for this City Council to bestow upon this institution two copies of the Revised Ordinances and of the supplements as they may be issued, and also one copy each of the other bound publications of the city. Many persons may not be aware of the great convenience and importance of having these documents easily accessible, without the expenditure of time, when some questions are to be examined and decided upon in haste, as they frequently are; and gentlemen of this Council who are members of the bar will bear me out in saying that it is a great convenience, at the Social Law Library, to have a full set of these documents. I am informed by the librarian that he has heretofore been furnished with one copy of the ordinances by coming here and asking for it of the Printing Committee. He says it will be very desirable for the purposes of the library to have one copy for permanent use in the library, that cannot be taken away, and one copy that can be taken out as other books are; and that is the reason why the order was drawn to cover two copies of the ordinances. This is a small matter, and perhaps might well have gone to the Committee on Printing. I should not have objected to its reference to the Committee on Printing in the first instance; in fact, I do not know that I have any serious objection to the reconsideration prevailing and the order going to the Committee on Printing; but inasmuch as it passed, and inasmuch as the object was to leave the Committee on Printing free from any imputation of partiality toward one institution, and also to make it a permanent thing, I thought it better to bring it up in this form. I cannot object very strongly to the reconsideration, but at the same time I see no advantage in it. I therefore hope that the order will be allowed to stand as it has been passed, and that the reconsideration will not prevail.

Mr. Pierce of Ward 24—I have no desire to argue the question of the propriety of furnishing these publications to the Social Law Library, but it does seem to me that the proper and usual disposition of an order of this kind is to refer it to some committee; and in this case it would be the Committee on Printing. I think, however, so far as I am personally concerned—of course I do not speak for the committee—that we should be careful how we begin voting these documents—more especially the laws and ordinances—away to private associations or individuals, especially as they are all for sale. As far as my limited experience goes, if we once begin it is pretty hard for a committee, or for the Council, to draw the line—having given them to a party with an equal claim—and stop. I would state that a member of the Committee on Ordinances of last year, under whose supervision this work of revision was done—and who is also a member of the present Council—made application for a certain number of copies of the Revised Ordinances, stating that the members of the Committee on Ordinances, who gave a great deal of time to it, had more claim to them than other members of the Council. The Committee on Printing considered that that committee had claims, and voted



them one copy in addition to those given other members, but that was a reduction from the number asked for. I merely state that in explanation of the fact that we did not give more than one copy extra to members who had worked a great deal upon the matter, and because the question has been raised whether we should give more than one copy to individuals.

Mr. Clarke of Ward 22—I understood the gentleman [Mr. Pratt] to state that the law library is open to members of the Legislature. I should like to inquire if it is open to members of the City Government?

Mr. Pratt of Ward 21—I would not undertake to answer by the book, but my understanding is that all the civil officers of the State—and the members of the Common Council are civil officers—have the privileges of the library. In answer to one point raised by the gentleman [Mr. Pierce] on the Printing Committee, I would say that I think it would be a very small consideration for this Council to pay for the large use made of the library by the City Solicitor and his department in referring to the very large collection of books, from the times of the year books until this time, if we in our turn furnish the Law Library with copies of the city ordinances and of the city reports for the use of the other members of the library.

Mr. Crocker of Ward 9—Having been on the Printing Committee in past years, I would merely say that the custom of the Council has been—and it seems to me it would be proper, as the gentleman on behalf of the committee has said—to refer such matters to the Printing Committee. The Social Law Library is substantially a free institution to the judges and lawyers, and I do not doubt the Printing Committee would furnish it with one or more copies; but it seems to me that in the ordinary course of business the order should be referred to that committee.

The reconsideration prevailed, and on motion of Mr. Pierce of Ward 24, the order was referred to the Committee on Printing. Sent up.

PUBLIC LANDS.

Mr. Clarke of Ward 22 presented the annual report of the Superintendent of Public Lands (City Doc. No. 14). Sent up.

The sales of lands during the year have amounted to \$2844, of which \$288 have been received in cash, and a bond for the remainder has been taken. There have also been received from rents, etc., \$2925.33. The expenses of the department were \$4195.53. The number of feet of salable lands in charge of the committee is—in city proper 369,739, in South Boston 562,737, in Boston Highlands 750,130, in Dorchester 1,759,253, in Charlestown 49,240 feet and one lot valued at \$50,000; 18 acres in Brighton; in West Roxbury 48,816 and on the Northampton-street district 183,708 feet.

SEWERS.

Mr. Clarke of ward 22 presented the annual report of the Superintendent of Sewers (City Doc. 13). Sent up.

The expenditures for 1876 were \$211,987.73. Following is a statement of the work of laying sewers:

City proper,	4,467 feet	.....	\$13,503.31
Charlestown,	1,485 "	.....	2,168.91
East Boston,	902 "	.....	1,316.79
South Boston,	1,945 "	.....	7,699.39
Roxbury,	9,029 "	.....	33,370.97
W. Roxbury,	21,179 "	.....	49,748.41
Dorchester,	12,769 "	.....	34,147.64
Miscellaneous,		.....	70,032.32

Total, 51,776 feet, or 9.8 miles.... \$211,987.74

There are now in the whole city about 175 miles of sewers.

The items of miscellaneous expenses are as follows: Stony Brook, land taken in West Roxbury, \$2786.16; Stony Brook, culvert at Forest Hills, \$3439.30; land damages for sewers, \$24,369.69; repairing sewers and outlets, \$6246.15; cleaning sewers and outlets, \$2286.58; dredging at outlets, \$4168.12; covering manholes, \$505.35; repairing streets, \$796.99; work for other departments, \$1065.43; stationery and printing, \$1128.53; horse and keeping, \$502.68; hardware and blacksmithing, \$353.58; teaming, \$302.21; salaries and office expenses, \$8936.12; yards and lockers, \$1109.24; repairing wharf, \$500; sundry small expenses, \$947.82; committee expenses, \$745.55; water rates, \$250; labor not charged elsewhere, \$1019.95; increase in stock of pipe, \$3482.87; total miscellaneous, \$70,032.32.

The principal work the past season has been in Jamaica Plain, West Roxbury, and in Harriso

Square, Dorchester, and drainage facilities are provided for nearly all the improved portions of the suburbs within four miles of City Hall. The new culvert for Stony Brook, at Forest Hills station, was finished during the summer, and the whole question of the improvement of this channel has been referred to the Street Commissioners. In arranging a system of sewers for any district, the size is governed chiefly by the amount of water which must be carried away in heavy rain storms, and the details of the plan are regulated by the points where the sewers are to receive this water, and the quantity at each. At present this important feature of the system is entirely beyond the control of this department. The catch basins for street water are located and built by the Paving Department, entered into any sewer that can be found, and often in an improper manner; no plans made, and no notice given, and they are then abandoned, so far as any future care or responsibility goes. In time they are found by the employes of the Health Department, who clean out the gravel from them, and renew the covers when they are worn out. Meanwhile, instead of being the chief agency for cleansing the sewers, the discharge from them may have obstructed the current, injured the structures, and deposited gravel for a long distance below, to be tediously and expensively removed by the Sewer Department. This complexity of administration, with its pernicious results, is unknown in any other city.

PETITIONS PRESENTED.

By Mr. Smardon of Ward 10—Petition of Isabella Jordan to be compensated for injuries received by a sled on Boston Common.

By Mr. Sibley of Ward 5—Petition of Clinton White to be paid for injuries caused by defect in highway over Charles River Bridge.

By Mr. Dee of Ward 5—Petition of E. J. Foss for compensation for injuries received while walking along Warren avenue.

Severally referred to the Joint Committee on Claims. Sent up.

NEW FIRE-ALARM BOX IN WARD 24.

Mr. Spenceley of Ward 19 submitted a report from the Joint Committee on Fire Department recommending the reference of the petition of S. P. Dexter *et al.* for a new fire-alarm box in Ward 24 to the Board of Fire Commissioners. Accepted, and said reference ordered. Sent up.

OLIVER-STREET IMPROVEMENT.

Mr. Sampson of Ward 17 submitted a report from the Finance Committee, asking for the passage of an order, That the order of Sept. 30, 1867, authorizing the borrowing of \$150,000 on account of Oliver-street improvement, be and hereby is rescinded, and that the Auditor of Accounts be and hereby is authorized to transfer from unexpended appropriation of the present financial year the sum, less revenue received, advanced by the Treasurer under authority of said loan to meet the Auditor's drafts drawn in payment for said Oliver-street Improvement.

Ordered to a second reading.

UNIFORMS FOR FIRE COMMISSIONERS.

Mr. McGaragle of Ward 8 offered an order, That the Committee on Fire Department be requested to prescribe a uniform to be worn by the Commissioners of the Fire Department and report an order requiring said commissioners to comply with "General Order" No. 60 so far as it relates to the wearing of uniforms.

Mr. McGaragle moved the reference of the order to the Committee on Fire Department. Declared lost. Mr. McGaragle doubting the vote, the Council divided—17 for, 25 against.

The order was refused a second reading.

EGRESS FROM SCHOOLHOUSES.

Mr. Mowry of Ward 11 offered an order, That the Inspector of Buildings be requested to report to this body his opinion as to the expediency of making alterations in any of our schoolhouses as to the matter of egress.

Ordered to a second reading and put upon its passage.

Mr. Clarke of Ward 22—It seems to me that that order ought to be referred to the Committee on Public Buildings, and I move its reference to that committee.

Carried. Sent up.

LABOR ON PUBLIC GROUNDS.

Mr. Howes of Ward 18 offered an order, That the Committee on Common and Public Grounds be authorized to expend an additional sum of

\$1200 for labor on the public grounds; the expense to be charged to the appropriation for Common and Public Grounds.

Mr. Howes—The order has not been before the Committee on Public Grounds, as it should have been, but I have received a note stating that unless it is passed tonight the men will have to wait several days for their pay, as the Auditor cannot pay them on the first of the month unless the order is passed before the pay roll is made up. The money has already been appropriated, but that particular portion of the general appropriation for labor has been exceeded, and this is merely to transfer a portion to this specific object.

The order was ordered to a second reading and then passed, under a suspension of the rule, on motion of Mr. Howes. Sent up.

TWENTY-SECOND OF FEBRUARY.

Mr. Smardon of Ward 10 offered an order, That his Honor the Mayor be and is hereby requested to cause the flags to be displayed and bells to be rung in different parts of the city on the twenty-second day of February next, in commemoration of the anniversary of the birth of George Washington; the expense attending the same to be charged to the appropriation for Incidental Expenses.

Ordered to a second reading.

SALARIES AND DUTIES OF CITY OFFICERS AND EMPLOYEES.

Mr. Thompson of Ward 9 offered an order, That the Committee on Salaries obtain from the heads of departments of the City Government a list of all salaried offices in said departments, with the salaries now paid and the salaries paid in 1860, or, if the office has been established since 1860, then the salary when first established; also a statement of the duties incumbent upon the person filling each office; said list to be furnished the Council as soon as possible.

The order was read twice and put upon its passage.

Mr. Spenceley of Ward 19—I would like to ask if the committee are not doing this work at the present time? It seems to me we appointed a committee to look after just this matter a few weeks ago. It seems to me that to order a committee to do what they were appointed to do is reflecting upon them.

Mr. Thompson—I have looked at the reports of the Committee on Salaries for several years past, and I have not found one covering the matters asked for in the order. I ask that a report covering those facts be laid before the Council.

Mr. Dee of Ward 5—I move that the order be referred to the Joint Special Committee on Salaries and Expenditures.

Mr. Thompson—I move as an amendment that it be referred to the Standing Committee on Salaries.

Mr. Pratt of Ward 21—I think that the motion for a reference might perhaps be offered as an amendment to the order. The object of the order, as I understand it, is to have the committee ascertain and report to this Council the names of all persons drawing salaries—the names of all officers, as I am corrected by the gentleman offering the order—the names of officers to whom salaries are paid, and the amount of the salaries. I take it that this report, when ascertained and made, would furnish very good facts and information to consider in passing appropriation bills that will come up hereafter. Now, sir, if the order is simply referred to the Joint Special Committee on Salaries and Expenditures, or to the Standing Committee on Salaries, there will be no special object gained until it shall be reported back by them with a recommendation that it ought to pass or not to pass. I may be wrong or not, but it seems to me that the object of the gentleman who moved the reference could be better obtained by moving to amend so that the Joint Special Committee on the Reduction of Salaries and Expenditures be requested to report, etc.

The President—The Chair would call the attention of the gentleman to the fact that the order contemplates a reference of the subject to the Committee on Salaries.

Mr. Dee withdrew his motion to refer to the Joint Special Committee.

Mr. McGaragle of Ward 8—I move to amend by requiring them to report the names and residences of the officers. I think that is an important matter.

Mr. Thompson—The order, as offered, does not contemplate giving the names of the officers.

Unless the Council deem it wise, I have no desire to call for the names of the officers.

Mr. McGaragle—I understood it to call for the names and amounts.

The President read the order for information.

Mr. Reed of Ward 17—The Joint Special Committee on Salaries and Expenditures are going into this matter as fast as possible. They are preparing to report on that subject, and if the gentleman wishes that order referred to the Standing Committee on Salaries it will be going over a portion of the work we are doing. If the Council sees fit to add the other part in the order, it may be included. We intend to make a report just as soon as possible, and that subject will come under a portion of the report.

Mr. Webster of Ward 3—I think the members here don't understand the matter as it reads. As it reads it refers it to the Standing Committee on Salaries. Now the Joint Special Committee on Salaries is an entirely different committee. They are doing this work already. They have sent to the heads of departments a request in almost the exact words of the order. It will mix it up very badly if this committee do the same thing that it is now doing.

Mr. Danforth of Ward 10—The Standing Committee on Salaries have already commenced this work, and they want this very information to make up their report from. As I understand the order, it is intended to be reported to the Council with the report of the Committee on Salaries, so that when they do report the members of the Council may have information as to the salaries not only of the heads of departments but of the clerks in those departments. That I understand is the object of the order. I should be glad to get the information before the Council or in the hands of the Salary Committee before they make their report.

Mr. Reed—We are pushing this work in order to do it, just as the gentleman requests. We shall do it without delay.

Mr. Thompson of Ward 9—If the Joint Special Committee on Salaries and Expenditures are going to give this information, there can be no harm in the passage of the order. All that is asked for is that it shall be laid before the Council before the Council passes upon the recommendations of either the Joint Special Committee or the Joint Standing Committee on Salaries. Some time within a month we shall be called upon to pass upon their recommendations. I for one would like to have before me, in as complete a form as possible, all the evidence in relation to the salaries of the city government; something to show what has been the increase of those salaries in the last fifteen years, and something of the nature of the duties of the individuals drawing those salaries, so that I can make some estimate in my own mind and compare them with the duties of persons in similar positions outside of City Hall. I know that in the organization of the General Government, clerkships are divided into several grades, and the salaries are adjusted to suit the duties assigned to those grades. Here, so far as I can judge from the report of the Auditor, the salaries paid persons performing pretty much the same duties are widely different; and heretofore it has been a difficult matter to adjust those salaries because the City Council has never had before it anything like complete evidence of the standing of affairs. I believe the report asked for in the order will give us something upon which we can act intelligently. I have no intention to interfere with the duties of any committee. I drew the order to refer it to the Standing Committee on Salaries, which seemed to be the proper one. They must necessarily go over the matter and they must make recommendations to the Council; and I understand, in a general way, that we must consider their recommendations before we consider those of the joint special committee. I can see no reason for objecting to obtaining this information. Then when I take up the list I see that here is one man having certain duties; he handles a great deal of the city's money, and besides the work he performs he is under the obligation of heavy bonds, and he is paid a salary commensurate with the bonds. Here is another man doing clerical work requiring particular experience; he may have spent years acquiring his particular knowledge, and if we should reduce his salary we might lose very much more than the few hundred dollars we should gain. These might correspond to clerkships of the first class. There may be clerkships of another class, in which impor-

tant duties are performed, and there should be a salary established that will pay them fairly and well; and the same salary should be paid in every department for the performance of similar duties. Then there is a work that may be performed by any man who writes a fair hand and can copy papers put before him. Now it is easy to estimate what is a fair salary for that kind of labor, and my opinion is that the same salary should be paid to all clerks doing that kind of work. I look at the Auditor's report. Here is a man in one department put down as clerk, salary \$3500. Now, sir, if he performs only clerical labor, and if he gives no bonds, that seems to me to be a large salary. Then I see another department where the expense is given in a round sum, and I find nothing put down for clerical expenses. After looking over that report, it occurred to me that I should like to see a list of the salaried offices, which would indicate the nature of the duties attached to each office; and therefore I put in this order. It may be that the joint standing or the special committee would submit a report of this nature; they never have in previous years. Last year there was a Joint Special Committee on the Equalization of Salaries, but they did nothing; the Joint Standing Committee on Salaries did make a report which was quite a lengthy document. It reported the number of offices of the Government, the salary connected with each one, proposed a certain reduction, stating what the salary of the office is, and what it would be under the new rate paid. But that was not complete; it did not take each department, give details, and state the duties of each office. I should like to see each department given in detail—the salary of the head, and the salaries of the assistants, with their duties—and then for comparison, I should like to see the salary attached to that office before the great rise in prices began; and then I should like to pass upon the salaries of the different grades. I should like to take the offices in each department and compare their duties and salaries—the clerks in the Board of Health, City Engineer's Department and Street Commissioners, to learn whether they are performing pretty much the same class of duties, whether they are getting the same class of salaries, and whether they should be changed. I can see no objection to having such a statement laid before the Council.

Mr. Pratt of Ward 21—The explanations of the gentlemen of the special committee show very well, I think, that their labors, so far as they have progressed, tend to the production of just the statistics wanted. I move to amend the order by striking out the words "Joint Standing Committee on Salaries" and inserting instead the words "Joint Special Committee on Salaries and Expenditures." I think this will insure us the report asked for.

Mr. Spenceley of Ward 19—I have no doubt that the information called for in the order would be very convenient for reference in printed document form, and there is one amendment which I wish to make to it, although perhaps we have no control over it in fact; and that is, that we should have the salaries paid to the school teachers in 1860 and the salaries paid them now. I don't know that the school teachers are getting enough now, or that our schools are costly enough. I think it would be well to look at the prices paid school teachers then and now. Therefore I wish to put in this amendment, although we may not have any control over the subject.

Mr. Thompson—The school teachers are all officers of the city, and I think they would be included in the order.

Mr. Vose of Ward 24—It is the purpose of the joint special committee to investigate, as thoroughly as we can, every branch of the City Government, from the Mayor down to the school teachers—and all ladies notwithstanding.

Mr. Spenceley—Good.

Mr. Pratt's amendment was adopted.

Mr. Pope of Ward 14—I do not know that the order is necessary, but if it is going to pass I wish to know the residences of the various employes in City Hall, and therefore I offer the following as a substitute:

Ordered, That the Joint Special Committee on Salaries be requested to report at the earliest practicable moment the names of all persons employed in City Hall, with the place of residence of each, and the amount of salary paid to each at the present time; also the amount of said salary in 1860, and if the office of such person has been cre-

ated since 1860 the amount of said salary when created.

Mr. Clarke of Ward 22—There are quite a number of employes of the city who are not employed at City Hall. There are several departments outside of City Hall which have clerks and employes. The gentleman [Mr. Pope] thinks his order covers that; if so, I am satisfied.

Mr. Thompson—I hope the substitute in its present form will not pass. It does not call for the principal information contemplated in the original order—the duties attached to the several offices. I hoped that the original order might pass, without calling up the personal feeling that might be attached by inserting the names of different individuals. I wanted to call forth a piece of evidence, something that we may take to our rooms and consult without reference to personal feeling of any kind. In looking over the list of salaries we might see the name of a personal friend, and, with the best of resolutions, we might find our action tinged with personal feelings; we might think one salary suitable for him which we might not think suitable for another in the same position. If we have a simple statement of the duties of each office and the salaries paid in 1860 and now, we can then, without any personal feeling, form a just estimate whether those salaries are comparatively fair, whether it is desirable that they should be continued at the present rate, or whether they should be increased or diminished in accordance with the recommendations to be offered by the joint standing or the joint special committee. I hope the order as originally introduced will pass.

Mr. Sampson of Ward 17—I move the indefinite postponement of the order for the following reason: We have an able committee upon this question of salaries and expenditures, and I think we can safely leave this whole matter to them; and in case they do not do their duty as we think they should, when they have made their report will be time enough for further instructions. I move the indefinite postponement of the whole matter.

The President—The motion to an end takes precedence of the motion to postpone.

The President read the original order and the substitute for information.

Mr. Webster of Ward 3—I hope the substitute will pass. The gentleman who first introduced this business thinks it will be convenient to have all the information possible. Now, if he is really serious in that wish, and would like to lay before the Council all the information possible, I want him to have it. Now, in regard to being prejudiced by our friend's name being published, I can say that I have a few friends in City Hall and can readily find them; but if any gentleman has so many friends that he cannot find them I think he ought to have a chance.

Mr. Pratt—I hope the substitute will not prevail. If the gentleman [Mr. Pope] desires the information contemplated by the substitute, I think he should offer it as a separate order and move its reference to Sampson, Davenport & Co.; and if he will do that, I will offer an order that the photographs of all employes in City Hall be obtained, and move its reference to Mr. Black. The whole object of offering this order is simply this: It might be well enough—as we have never had it—to have before us a list of the offices of the city, and the amounts paid for salaries and clerk hire in those offices. Now, the original order called for nothing personal; it called for the names of nobody; it called simply for the names of the places that are filled; it does not call for residence; it does not call for age, sex, previous condition of servitude. I hope the substitute, which I think was facetiously offered, will not prevail.

Mr. Pope of Ward 14 (no objection being offered) amended the substitute by striking out "City Hall" and inserting "the various departments under the City Government."

Mr. Thompson of Ward 9—I would suggest to the gentleman [Mr. Pope] that the substitute will call for the names of all the employes of the city, including policemen. We would have a long list of names in which no one would have any interest.

Mr. Pope of Ward 14—That is just what I wanted. It will take in every laborer. I want to know how many persons there are employed in the City Government that do not help contribute to its support. I think it is time that our employes are taken from the taxpaying citizens of Boston.

Mr. Hiscock of Ward 21 moved to amend the

substitute by adding the words, "and the comparative prices of living in 1860 and 1877." This amendment was rejected.

Mr. Howes of Ward 18—I certainly trust that both those orders will be voted down, and that we shall leave the matter with the special committee on the subject. Take the substitute offered by the gentleman from Ward 14, if the committee are to go into the names and residences of all the employes of the City Government at present, it will take a great deal of time to find out all who might get \$1 or \$2 a day, which might be used to far better advantage in investigating the departments in City Hall. I think it will be better to leave it to the judgment of the committee; instead of instructing them, particularly as they have been hard at work and spent a good many hours each day upon it. The passage of the order might cause a division of labor, the result of which would hardly be as satisfactory as it otherwise would.

Mr. Day of Ward 4 offered an amendment to the substitute to insert after the words "various departments under the City Government" the words "except policemen and laborers."

Mr. Clarke of Ward 22—I hardly see any necessity for passing either of these orders. I would call the gentleman's [Mr. Thompson] attention to the report of the Salary Committee last year (City Doc. No. 22). That gives a very elaborate report of all the clerks employed by the city, the heads of departments and the clerks from 1860 to 1877. I will read for the benefit of the gentleman. Take the Fire Department: It gives the commissioners and engineers; one clerk of the board, \$1500; three clerks—one \$1500, one \$1100 and another \$1000. And so it follows out all through the departments. The Inspector of Milk, \$1500; clerk, \$500. City Registrar's office—principal clerk, assistant and clerk. It does not give the residences, but it seems to me it gives all the information that the gentleman requires.

Mr. Thompson of Ward 9—I have examined the document referred to by the gentleman, and it does not give the information I wish, nor in the shape I wish. It simply affects the salaries of those offices which the Committee on Salaries proposed to change. It does not state that it gives all the offices of the City Government. I want to get a City Government guide. I simply want the names of the different offices, and the duties attached to them. I want to know what was considered adequate compensation for those duties in times past, and what is paid now. The document referred to does not give that information.

On motion of Mr. Ruffin of Ward 9, the main question was ordered.

Mr. Day's amendment was adopted. The substitute as amended was declared adopted. Mr. Thompson doubted the vote; the Council divided—37 for, 21 against. The question was upon the passage of the amended substitute.

Mr. Sampson moved the indefinite postponement of the order. Lost, by a division—27 for, 35 against.

Mr. Sampson moved to amend by adding the words "laborers and firemen" after "except policemen."

Mr. Thompson moved to amend by adding "and a statement of the duties incumbent upon each office."

Mr. Sampson's amendment was adopted.

Mr. Beeching of Ward 1 raised the point that the previous question cut off all these amendments.

The President ruled the point well taken, and declared both Mr. Sampson's and Mr. Thompson's amendments out of order.

The amended substitute was passed by a division—37 for, 16 against.

Mr. Webster—In order to make this action final I move a reconsideration, hoping it will not prevail.

The President—The motion is not in order without a suspension of the rule.

[For further action see later in the proceedings.]

#### REGULATION OF QUACKS.

Mr. Jackson of Ward 16 offered an order—That a joint special committee, consisting of three members of this Council, with such as the Board of Aldermen may join, be appointed to consider and report upon the expediency of applying to the Legislature for the passage of an act to regulate the practice of medicine and pharmacy.

The order was passed to a second reading, read a second time and put upon its passage.

Mr. McGaragle of Ward 8—I would like to know what information the gentleman is trying to de-

rive. We have already got a Massachusetts College of Pharmacy, chartered by the Legislature. It was burned out, but it is started again. So far as the practice of medicine is concerned, I think we are pretty well provided for.

Mr. Jackson—I want to know whether anything can be done to regulate the practice of medicine and pharmacy, in regard to the number of quacks practising in the city of Boston. I am aware of the fact that a great many people are imposed upon by those characters. Now, sir, I wish to know if there is any way to reach them and oblige them to show a diploma, or prove that they are quacks. That is my object.

Mr. McGaragle—I have been unfortunate enough to be on a jury when a man was made a doctor against his will, in the smallpox time. We have a Committee on Legislative Matters, and I move the order be referred to them.

Mr. Clarke of Ward 22—I don't see what this Council has to do with this matter. I don't see how it affects the management of the City Government that we are sent here to look after. The gentleman has the right, as has any other individual in the whole city, to go to the Legislature and present any petition that he pleases. It will be referred to the proper committee of the Legislature, and they will give him a full hearing upon the matter. But for the Mayor and the City Government to petition the Legislature for a law in regard to quack doctors, or anything of that kind, seems to me to be entirely out of the range of our duties.

Mr. Webster—Is it in order now to move a suspension of the rule?

The President—It is not.

Mr. Pratt of Ward 21—The order is one of the harmless class. It certainly can do no harm to appoint committees to obtain information in any direction. The city of Boston spends thousands of dollars every year in looking after the public health; and whether it is expressly admitted or not, I suppose it is popularly admitted that amongst the causes of disease physicians, or those who practise medicine, are prominent. I imagine the gentleman who offered the order intended no reflection upon the character of all gentlemen practising as physicians in this city. But I venture to say that there is no class of people in the State of Massachusetts, and here in the city of Boston, who have such responsibilities, and who ought to be called upon to be informed, and not only informed but skilled and instructed, in the practice and science of their vocation, as physicians are; and I venture to say that there is no class that are able to assume the duties of their position under less restrictions. Now, Mr. President, it is well known that no gentleman can practise law as a lawyer—and I speak of this as an instance of the learned professions—in this State until he has been admitted to the bar by a court of competent jurisdiction; and no one is admitted to the bar unless he comes to it from a similar court of another State, or from some of our leading law schools, or passes a rigid examination by a competent board to examine him in the studies necessary to prepare him for that profession. Now, I am unprepared to go into the questions which are suggested by the order; but I am prepared to say that for a long time I have had this general subject on my mind, and I hope that a special committee may be appointed, as suggested, to consider whether anything can be reported of value to this City Council on this subject. As I said before, it is a harmless order; it can do no harm, it may do a great deal of good, and I should like to have an investigation of the subject.

Mr. McGaragle—The gentleman [Mr. Pratt] has opened a field that I hardly expected he would. I think that a great many lawyers do not pass an examination. I think that many are admitted on motion of some gentleman in whose office they have studied. I move to amend the order by inserting the word "lawyers" after "physicians." I understood the order to call for a special committee.

Mr. Pratt—I think the amendment offered by the gentleman from Ward 8, so that the order should include lawyers also, is not pertinent to the subject and is not proper to be brought before the Council, for this reason: Even if it were offered seriously, lawyers have nothing to do with the public health, and physicians have. This order is to inquire into the reputation of all persons practising the healing art, which is related so intimately to the public health. I think, without wishing to forestall the report of any committee on that subject,

that if it were possible to require every person practising the healing art, or holding himself out to practise it, or require, at least, as the lowest qualification, that he should be a graduate of a regularly incorporated medical institution, which has in its curriculum a course of instruction in anatomy, materia medica and physiology, it would be a good thing; so that citizens, or that part of the public who are strangers in the city, may have some guarantee, when they go to an office on which they see the name of a physician inviting them to call in his services, that the person they find there is learned in the science which he professes to practise.

Mr. Spenceley of Ward 19—I do not know what this Council has to do, directly, with this matter; but I think it can do no harm to refer it to the Committee on Legislative Matters, as has been moved, and I hope it will be so referred. It seems to me, sir, there is a great deal that can be investigated in this matter, and that some such ordinance or law might be made which might be beneficial to the public health. I don't know whether it can be made or not. In reference to including lawyers, who the gentleman last up says have nothing to do with the public health, I think they have a great deal to do with it. I think it is just as bad to be talked to death by a lawyer, as physicked to death by a doctor.

Mr. Jackson said he did not object to the reference, and the order was referred to the Committee on Legislative Matters. Sent up.

#### DUTIES OF CITY OFFICERS.

Mr. Thompson of Ward 9 offered an order—That the Joint Special Committee on Salaries and Expenditures ascertain and report to the Council as soon as possible the nature of the duties performed by the several persons occupying salaried offices under the City Government.

Read twice and put upon its passage.

Mr. Spenceley of Ward 9 moved to amend by inserting "and the physical abilities of the same." Rejected.

The order was declared passed. Mr. Spenceley doubted the vote, the Council divided—38 for, 0 against. Sent up.

#### SALARIES, NAMES AND RESIDENCES OF CITY OFFICERS.

Mr. Webster of Ward 3—I move a suspension of the rule, that I may move a reconsideration of the order [amended substitute] in relation to names of officers and their salaries. I apologize to the Council for not asking it before. I was not interested in medical affairs, and had been taking a short nap.

Mr. Day of Ward 4—I hope the amendment to include firemen will prevail.

The motion to suspend the rule was put. No quorum voted, but on a second trial it was carried.

Mr. Webster of Ward 3—I intended to move a reconsideration, hoping it would not prevail; but as the amendment seems reasonable, I move that "firemen" be included in the list not to be reported.

Mr. Howes of Ward 18—I suppose the gentleman [Mr. Webster] intended to move a reconsideration

of the vote whereby the order to report the salaries and names of city officers was passed. I move the reconsideration, as the gentleman proposes to make an amendment including firemen.

Mr. Ruffin of Ward 9 moved that the motion to reconsider be laid upon the table. Declared carried. Mr. Crocker of Ward 9 doubted the vote. The Council divided—22 for, 33 against.

The reconsideration prevailed, and on motion of Mr. Howes the order was amended by inserting "firemen and laborers," so that it would read "except policemen, firemen and laborers."

The question was on the passage of the order as amended.

Mr. Richardson of Ward 10—It seems to me that all this is quite unnecessary. I cannot see what use there is in preparing a long list or catalogue of names of the parties who now happen to hold these offices. We have already passed an order referring this matter to the appropriate committee to give us all the information upon this subject that we desire. I have no desire for further information, nor do I think we can act more intelligently if we have the names of the parties inserted. The committee are at work upon this subject, and the order seems to imply that they should abandon their labor and go to work upon this. It is a matter that requires a large amount of time. It seems to me that we had better let the joint special committee report upon the labor that they are upon. If they do not furnish us information upon which we can act intelligently and properly for the welfare of the city, then we can call upon them to give us further information. I hope it will not pass.

Mr. Wilbur of Ward 20—I move the indefinite postponement of the whole subject.

Mr. Flynn of Ward 16—I raise the point of order that the reconsideration leaves the matter under the previous question.

The President—The question on the passage of the order was put under an order for the previous question, but a motion for the previous question has not been made since the reconsideration.

The motion to indefinitely postpone was lost, by a division—20 for, 33 against.

On motion of Mr. Spenceley of Ward 19, the main question was ordered, and the order as amended was passed. Sent up.

#### BRANCH LIBRARY FOR WEST ROXBURY.

Mr. Coe of Ward 23 offered an order—That the Trustees of the Public Library be requested to consider the expediency of establishing a branch public library in the West Roxbury District. Referred to Committee on Public Library. Sent up.

#### UNIFORM SYSTEM OF VALUATION FOR TAXATION.

Mr. Wilbur of Ward 20 offered an order, That his Honor the Mayor be requested, and he is hereby authorized, to appoint a commission to consist of three competent persons, citizens of Boston, who shall consider the subject of a plan for establishing a system for a more uniform and equitable valuation of property for the purpose of taxation than now exists; the expense, not exceeding \$300, to be charged to the appropriation for Incidentals.

Ordered to a second reading.

Adjourned, on motion of Mr. Hiscock of Ward 21.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JANUARY 29, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Thirty-two traverse jurors were drawn for the Superior Court, first session; and forty for the same court, second session.

## EXECUTIVE APPOINTMENTS.

Special Police Officers—Members of the Common Council.

Constable—Joseph R. Rowe.

Weigher of Coal—Charles H. Moseley.

Railroad Police—W. M. Corcoran, F. W. Foster, W. H. Tucker, A. J. Pickens, and F. D. Coulson, employes of Boston & Albany Railroad Company; Thomas W. Turner, F. B. Cushman, E. T. Cowell, S. E. Bailey, Lewis Holmes, Vernon Joslin, George H. Tucker, Leonard Lowell, A. C. Dupee, Charles H. Turner, Alphonso Davis, James O'Brien, James O. Bacon, William Freeman, George F. Ingalls, Orrin A. Rogers, Alonzo F. Tuttle, Thomas Tyner, Lucius Bowman and Charles B. Shattuck, employes of the New York & New England Railroad.

Severally confirmed.

## PETITIONS REFERRED.

To the Committee on Common and Public Grounds. Massachusetts Charitable Mechanic Association, for leave to erect upon the Common a building for their triennial exhibition; also a petition of Otis Norcross and others in aid of the same.

To the Committee on Licenses. Old Colony Railroad Company *et al.*, against licensing any hack stands at their station; Edward E. Clark, trustee, *et al.*, that Bedford street, near Washington street, be cleared of job wagons, teamsters' stands and pedlars; George W. Sawin, for leave to run a passenger wagon between Cragie's Bridge and the India-wharf market; Coleman & Wellington, for leave to run two passenger wagons from Bowdoin square to India wharf.

To the Committee on Common on the part of the Board. David H. Blauvey, for the removal of a tree in Chelsea street, East Boston.

To the Committee on Sewers. Wilder Bush *et al.*, to be compensated for damages caused by a sewer in Washington street, formerly Shawmut avenue.

To the Committee on Paving. William Lynch, for additional compensation for grade damages at 7 and 9 Ellery street.

To the Committee on Streets on the part of the Board. Lyman Titus, to be paid for land taken to extend Clifton street.

To the Joint Committee on Claims. Anne McLaughlin, to be paid for personal injuries received from an alleged defect in Pleasant street; Maurice D. Fielding, to be compensated for personal injuries sustained on account of an alleged defect in Cortes street; deputy collectors, for a hearing on the subject of their claim for back fees legally due them; James Deshon, to be refunded amounts paid by him for invalid tax titles.

To the Committee on Armories. Commander of Ninth Battalion of Infantry, for approval of their headquarters at 61 Court street, and for appropriation for furniture therefor.

To the Committee on Health on the part of the Board. A. M. Morrison, for leave to occupy a new wooden stable for one cow and two horses on High street, Ward 23.

To a Special Committee, consisting of Aldermen Burnham and Wilder. A. G. Rockwood, for benefit of the Franklin Fuud.

## UNFINISHED BUSINESS.

Order to sell the land and buildings known as the Cooper-street Armory estate. Passed. Sent down.

## PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Annual report of Superintendent of Public Lands (City Doc. No. 14); annual report of Superintendent of Sewers (City Doc. No. 13). Severally placed on file.

Report referring to Board of Fire Commissioners the petition of S. P. Dexter and others, for

location of a new fire-alarm box in Ward 24. Accepted in concurrence.

An order for Trustees of the Public Library to consider the expediency of establishing a branch library in West Roxbury, came up referred to the Committee on the Public Library. Concurred.

An order for Inspector of Buildings to report upon the expediency of making alterations for better egress in the several schoolhouses, came up referred to the Committee on Public Buildings. Concurred.

An order for a joint special committee to report on the expediency of an application to the Legislature for an act "to regulate the practice of medicine and pharmacy," came up referred to the Committee on Legislative Matters. Concurred.

Order for Committee on Common, *et c.*, to expend an additional sum of twelve hundred dollars for labor on public grounds. Passed in concurrence.

Order for Superintendent of Health to make contracts for purchase of hay, grain, horses, exchanges and materials. Passed in concurrence.

An order to furnish the Social Law Library two copies of the Revised Ordinances and other publications of the city, as therein specified, came up. Referred to the Committee on Printing. Concurred.

Order for City Engineer to make purchases of supplies, instruments and drawing materials, and to incur other necessary expenses. Passed in concurrence.

## REDUCTION OF SALARIES AND EXPENSES—COST OF GAS.

An order came up for the Joint Special Committee on Salaries, *et c.*, to report the names of all persons employed in the various departments of the City Government, except police, laborers and firemen, with the place of residence of each; the amount of salary paid at the present time, also the amount paid in 1860, *et c.*

The question was on concurrence.

Alderman O'Brien—I really doubt the propriety of passing that order. The Special Committee on Salaries and Expenditures have about as much as they can attend to, and it appears to me that if they go into the matter covered by that order, it will occupy a great deal of their time and their report will be delayed. I should think it would make almost a volume in itself to publish a list of the employes under the City Government, and a statement of their duties; and I hope the subject will be indefinitely postponed and the committee be allowed to go on as they have commenced, and get ready to report as early as possible. If they are lumbered up with work of this kind it will take a very long time to make up their report. I move the indefinite postponement of the order—or I move to lay it upon the table if that would be more acceptable.

Alderman Thompson—I am somewhat surprised to hear a member of that committee make the statement that the committee have as much as they can attend to. It seems to me that if the committee would confine themselves to what properly belongs to their duties they would not be overburdened with more than they can attend to. Mr. Mayor, it has become a custom, to a certain extent, for members of this branch who are dissatisfied with certain things to complain in the form of an interview through the public press, without taking the responsibility of their complaints. Now, as I have reason to complain of certain members of this Board and the City Council, I propose to come out and express my complaints without going behind and expressing them in an anonymous communication. I have on my desk the following communication, which I will read—I only saw this about five minutes ago:

CITY OF BOSTON,  
OFFICE OF THE CLERK OF COMMITTEES,  
CITY HALL, Jan. 26, 1877.

Dear Sir—I am directed by the Joint Special Committee on the Reduction of Municipal Expenses to request you to inform them, at your earliest convenience, whether, in your opinion, the price of gas furnished for lighting the streets will be reduced during the present year. The committee are lead to make this inquiry for the reason that they have received a proposal for lighting the streets, by other means than gas, for a much less sum than it will cost if the present rates are maintained, and, if they are assured that there is no prospect of a reduction in the price of gas, they are disposed to recommend to the City



Council the adoption of the system referred to. An early reply will oblige,

Respectfully yours,  
WILLIAM H. LEE,  
Clerk of Committee.

R. J. Monks, Esq., Treasurer South Boston Gas Light Company.

Mr. Mayor, that is under date of Jan. 26. On the 18th of January the Committee on Lamps had a meeting and passed a vote directing the Superintendent of Lamps to write as follows:

LAMP DEPARTMENT OFFICE,  
BOSTON, Jan. 18, 1877. }

To the President and Directors of the South Boston Gas Co.: Gentlemen—At a meeting of the Committee on Lamps held this day, after taking into full consideration the price paid for gas for the public lighting in the several sections of the city, they were unanimously of the opinion that an immediate reduction in price should be made by the corporation which you represent.

I am instructed by the committee to communicate to you this fact and ask an early and favorable reply to their request.

Yours respectfully,  
GEORGE H. ALLEN,  
Superintendent of Lamps.

That is dated Jan. 18th. The reply of the president of the company is dated Jan. 20th, 1877—that is five days prior to the date of the communication from the Committee on the Reduction of Salaries:

BOSTON, Jan. 20th, 1877.

George H. Allen, Esq., Superintendent Lamps, City Hall, Boston: Dear Sir—Your letter addressed to the president and directors of the South Boston Gas Light Company received.

The board will meet next Thursday, and I will lay the matter of reduction in the price of gas furnished street lamps before them and report the result.

Yours truly,  
RICHARD J. MONKS,  
Agent and Treasurer,  
South Boston Gas Light Company.

Now, Mr. Mayor, what I complain of is, if not the want of courtesy with which the Committee on Lamps have been treated by that communication, the want of confidence. And this is not the first time that it has been shown to the Committee on Lamps. There was also an anonymous communication published in one of the public prints the other day inferring, and expressing, a want of confidence in that committee; and as a member of that committee for the second year—having been promoted to the chairmanship of it in consequence of no other member being reelected—I feel that if it is the feeling of the members of this Board that the present committee is not competent to take charge of its duties, the sooner we know it the better; and if that is the feeling we had better resign. But, sir, I do not propose to have any other committee, subsequently appointed, to interfere with the duties of that committee while I am its head. If the special committee propose to look into the matter of lamps, I commend them for a desire to reduce expenses; but when the proper committee is attending to that matter, I propose to tell the members of the special committee that I object, and I do so openly, without going behind in the public prints and expressing it in that manner; and that is what I complain of. If the regular committee is going to manage the matter of lamps and the lighting of the streets to the best of their ability, I don't think it is proper for any other committee to interfere with them. You might with the same propriety go to the parties who are building sewers and say that they must build sewers for less than they are charging for them; and to the parties who are clearing the streets of rubbish, and say to them that they must do it for less. It seems to me that this thing belongs to the regular committee. If members of the Special Salary Committee desire any information upon this subject I am ready to give it to them; and there is where they should come for any information in regard to a reduction of the price of gas or of any articles used by that department.

Alderman Fitzgerald—I am chairman of the Special Committee on Salaries and Expenditures. I have never seen that communication before, but I know that a communication of that kind—perhaps not so strong as that—was sent to the gas companies; but we never dreamed of treading upon anybody's corns. I assure the gentleman

that we never intended to interfere with the Committee on Lamps in what we propose to do. We have enough work to perform, and did not intend to trench upon the domain of the Committee on Lamps. We wanted to find out whether the gas could not be furnished at a cheaper rate than it is furnished by the gas companies—that is the sum and substance of it. The committee did not intend to make a price for gas, but we intend to embody in our report—and I have no doubt we will, although my friend objects to it—the cost of gas and the cost of everything in the City Government, and the fact whether that cost can be reduced. That is the reason we sent this communication, and we intend to send communications wherever we can get information. Whether it treaches upon other committees or not we intend to send communications wherever we can get information that will tend to reduce salaries or appropriations; but we did not intend to insult any committee. Our duties are laborious; we have worked very hard and shall be very glad when the work is done. If we have been a little too zealous the gentleman should not find fault with that.

Alderman O'Brien—It seems to me that the Alderman from Charlestown went far out of his way to go to South Boston to inquire about gas. If the Clerk attended to his duties, I presume that the Charlestown Gas Company had precisely the same communication, and so did all the gas companies in the city. It is true we did not have the Committee on Lamps before us; but we did have the Superintendent of Lamps before us, and of course we had to ask him a great many questions about the working of his department, the cost of running it, and about salaries. The cost of gas for the city of Boston will amount to something like \$500,000 the coming year. Let me read a paragraph from the report of the Superintendent of Lamps:

“In addition to the large number of entire new lamps located during the past year, all the old fluid lamps have been discontinued, new iron posts and brackets located, with new lanterns, in which have been placed the most approved kerosene burner; thereby increasing the light on streets and places where they are located almost to the brilliancy of gas lighting.”

Well, it was legitimate for the committee to inquire what was the cost of a light almost equal to gaslight, and the committee were staggered when they found that \$250,000 could be saved by that operation alone. I want to give to the gas companies all the credit they deserve; but it is a question whether the city of Boston cannot manufacture its gas, or use some other material for lighting its streets, and it was perfectly legitimate for the committee to go into this inquiry and embrace all those matters in their report.

Alderman Thompson—The Alderman says the cost of gas this year will be about \$500,000. I would like to know where he gets that information. That is about as correct as the statement that there will be a saving of \$250,000 by this new process which has been tried by several of our surrounding cities and towns and discarded. It is all nonsense—this saving on the cost of gas. Gas can be manufactured for a certain price, and when you get below that it cannot be done, and will not be done. I do not propose at this time to go into the cost of gas, but at the proper time I think I can convince this Board with facts and figures that will be satisfactory to them. But what I complain of is that a duplicate letter, on the same matter, should be sent to the same parties that I communicated with. The Alderman referred to my going to South Boston. I have not been to South Boston. I find these communications from South Boston coming before me, carrying out the same thing that I commenced. That is what I complain of. The superintendent of the Gas Company is no doubt astonished, having these communications from two different committees; and he sends them both to me with his reply. That is what I complain of. It seems to me that he should answer to the Superintendent of Lamps, as he has said in his communication.

Alderman O'Brien—I really believe that the chairman of the Lamp Committee had better drop in at the next meeting of the Special Committee on Salaries and Expenditures, and perhaps we might give him some information. We saw fit to ask the Superintendent of Lamps how much he can cut down the expenses of his department this coming year, and he said he could not cut them down one copper; and he said the reason was because they had been increasing the number of gaslights in the suburbs, in the city proper and on the

Public Garden to an enormous extent, and that every gaslight erected in the city of Boston costs the city fifty dollars a year. It costs the citizens of Boston fifty dollars a year for every gaslight. The expense last year was \$500,000, and the expense this year will be over \$500,000 unless the gas companies see fit in their judgment to reduce the price of gas.

Alderman Fitzgerald—I do not intend to enter into any discussion of the relative merits of the gas advocated by my friend here [Alderman O'Brien], or that advocated by my friend from Charlestown. But I wish to state that we did not intend to insult the Committee on Lamps by the communication which we sent to the South Boston and other gas companies. I am glad that the Committee on Lamps have sent their communication to the company, and I hope the chairman will inform us what the nature of the information contained in the reply is. Whether this artificial gas is better than the gas now used is for the Board to decide and not for us.

Alderman O'Brien—I do not mean to say that I advocate any particular kind of gas for lighting our streets. We merely took the report of the Superintendent of Lamps and asked him questions about the different methods, and we are getting all the information upon that subject that we can. When we find a method of lighting our streets at \$25 a year that is almost equal in brilliancy to gaslight at \$50 a year, I think it is a legitimate subject of inquiry.

Alderman Thompson—I do not propose to discuss the subject of gas, but I do wish gentlemen, in discussing this subject, to confine themselves to the facts. These lamps cost \$26 a year, and the gas lamps cost \$30—quite a percentage of difference from the cost stated by the Alderman. Now the gentleman speaks of the saving of \$250,000 a year by the adoption of this plan. The statement is so extravagant that I hardly think it worth while to answer it. But perhaps he thinks it is wise to fix a limit upon the price to be paid the gas companies, and perhaps cause an advance in the price to the citizens generally. Under the present system that he talks about saving \$250,000 a year, these same companies pay back over \$200,000 to the city in taxes. It is possible that the gentleman might advocate the introduction of gas works and the manufacture of gas by the city itself, when we have a report from a commission appointed to look into this matter, and they say that no city is so well treated as Boston, where they are charged \$2, while in New York the price is \$2.50 per 1000 feet; and in Philadelphia, where this beautiful proposition, that the city manufacture its own gas, originated, it costs \$2.15, and where coal is five cents less a ton than in Boston. And I might add that among the items of the annual report are \$2300 for matches, and all those corrupt things. The Alderman may recommend this thing here, but I don't think this question—

The Mayor—The Chair would remind the Board that the question is on the motion to lay on the table, and it is not debatable.

Alderman O'Brien—I am aware of that fact, but I should like to say one word more. The Superintendent of Lamps says the average cost of lamps in the city is \$50 a year, and in the suburbs more—sometimes \$50 or \$60. The average cost of this light he believes will be \$26 a year. That is official from the Superintendent of Lamps. The gentleman also speaks of \$200,000 that the gas companies pay to the city in taxes. That is about as absurd as the other statement. I hold in my hand the exact amounts paid in taxes by the different gas companies:—

	Value of Property.	Tax in 1876.
Boston Gaslight Company.....	\$3,952,600	\$50,198.02
Brookline " " " " " " " "	43,000	546.10
Charlestown " " " " " " " "	467,200	5,933.44
Dorchester " " " " " " " "	244,500	3,105.15
East Boston " " " " " " " "	207,300	2,632.71
Jamaica Pl'n " " " " " " " "	98,700	1,253.69
Roxbury " " " " " " " "	721,000	9,156.70
South Boston " " " " " " " "	390,300	4,956.81
Total.....	\$6,124,600	\$77,782.42

That is an official document from the Assessors' Department.

Alderman Thompson—I am compelled to reply to the gentleman. I still assert and will prove that a lamp costs but thirty dollars a year in the city proper. I maintain that, and he cannot point to a page where the Superintendent of Lamps makes the statement made by the Alderman. And in regard to the amount of taxes paid into the city

treasury by the gas companies, I still maintain that it is two hundred thousand dollars. The Alderman takes what is paid into the treasury here; he does not put to the credit of that account the amount received by the State on the stock, that is refunded. I think I have investigated this subject pretty fully, and every statement I have made I will substantiate.

Alderman Fitzgerald—I raise the point of order that this discussion is out of order. We have some other business to attend to.

The order was laid upon the table.

An order came up for the Special Committee on Salaries and Expenditures to report also the nature of the duties performed by the several persons occupying salaried offices under the City Government. Laid on the table on motion of Alderman O'Brien.

#### POLAND & PEABODY'S OMNIBUS LINE.

The Board took up the special assignment, viz.: Hearing on petition of Poland & Peabody for leave to run an omnibus line from Dorchester street, near Ninth street, South Boston, through certain streets of the city proper to the northern railroad stations.

Petitions in aid of the petition of Poland & Peabody were received from Thomas Manning and 112 others, Thomas Gogin and 112 others, L. C. Whidden and 110 others, J. Simmons and 108 others, James B. Call and 84 others, F. P. Chase and 109 others, James Carr and 53 others, W. W. Viles and 110 others, James A. Parker and 107 others, Frank Campbell and 108 others, Thomas Blake and 54 others, John O. Darlow and 112 others, John W. Savery and 56 others, Benjamin Hanson and 55 others, George W. Kingman and 113 others, William B. Woodman and 93 others.

P. A. Collins appeared for the petitioners, Benjamin Dean for the remonstrants.

Mr. Collins stated that the petitioners wished to start from between Eighth and Ninth streets on Dorchester street and go via Broadway, Albany street, Kingston, Summer, Hawley and Milk streets to Devonshire street, and thence to New Washington street to the depots and return via Tremont, Bromfield, Boylston, Washington, Beach and Albany streets. This is a new route, and the fare proposed is five cents. The only competitor is the South Boston Railroad. They propose to accommodate a large number of people in South Boston who are not now accommodated. Mr. Collins then called the witnesses for the petitioners.

Frederick T. Peabody, one of the petitioners, said the time for a trip would take about thirty-five minutes; they intend to start at once; thought from inquiries that there was business enough for both horse railroads and stages. [Cross-examined by Mr. Dean.] Had been in the fruiture business, and never been engaged in transportation; had figures made of cost of stabling, etc.; been figuring on them for four months; estimate about \$3.50 a week for a horse, and stable rent from \$1500 to \$1800 for 100 horses per year; can hire or buy the land and build a stable; got no refusals for sale or lease of land; estimate cost of coach, about \$1200 or \$1500; estimate six horses for each coach at \$90 each; \$65 or \$70 for two sets of double harnesses for each coach; figured on about seven men in stable and one driver for each coach; has no means himself. [To Mr. Collins.] He and his partner have means to build the stable and buy the coaches. Intend to begin at six o'clock and run fifteen coaches, every seven or eight minutes.

George E. Poland, one of the petitioners, said they had ample means to start the route. [To Mr. Dean.] Can get \$50,000; am shipper in grocery store and am in teaming business at the Highlands; no one else interested.

Colonel H. W. Wilson, civil engineer, had made surveys of the proposed route for petitioners. From Dorchester street to Scollay square is 2 1/4 miles, and to Fitchburg depot makes in all 2.93 miles. From Dorchester street to said depot, by the route proposed, is 13,560 feet, or 2.58 miles. It usually takes forty-five to fifty minutes to go from Dorchester street to the Fitchburg depot; while the red-line stages go from Lenox street to said depot in about thirty-three minutes. The petitioners could go over their proposed route in about thirty-two minutes. Since 1858 the only accommodation South Boston has had has been the horse railroad; the population has grown from 15,000 to 60,000. Since Broadway Bridge was built there has been a strong current of travel over it; and it would be a saving of time to come to the northern depots by that route, and there is

not the same liability to interruption as by the other bridges. Did not assume to say it would accommodate all the people of South Boston. [To Mr. Dean.] Whatever impairs the facilities of the railroad is not a public benefit. The proposed line will go through the most populous part of South Boston, and from a point where the railroad company have started a separate line. Had not figured the length of the line returning; thinks it would be in favor of the railroad company returning, as it is a trifle longer than the incoming route. [To Alderman Clark.] Such as they are, on the line of the proposed route, the present accommodations are very good. If it should diminish the horse railroad accommodations it would not be a public convenience. The greatest drawback they have in South Boston is that they have only one line of communication; they want communication direct with the South End and the Highlands. [To Mr. Dean.] The South Boston road once got a location to cross Dover-street Bridge, but were enjoined, because of the need of a law allowing a crossing of tide water. [To Alderman Burnham.] Almost any route will accommodate a class of people, if it went to a new point; a line over Swett street would be a great accommodation, though perhaps not profitable. [To Mr. Collins.] Think this route will be largely patronized. [To Mr. Fitzgerald.] It costs eight cents from South Boston by horse cars to the northern depots. [To Mr. Dean.] It will be a great accommodation if they can have the proposed extension of the South Boston horse cars to the northern depots. There is a continuous stream of cars connecting with each other. [To Alderman Fitzgerald.] Think there has been a marked improvement in the Metropolitan and Highland cars, but there had not been the same improvement in the South Boston cars. [To Alderman Wilder.] Should think the proposed omnibus line would pay. [To Alderman Burnham.] Don't think it would detract from the patronage of the railroad; he would not ride in a coach when there was a car.

William W. Nichols, for thirty years a resident of South Boston, gave as the principal reason for granting the petition the need the people have of better transportation facilities. The route is new, especially out of South Boston. If they had a competing line it would help them. Accommodation in the cars is difficult to get morning and evening. He would sign a petition for a new railroad there. Competition has been a benefit to the people of the Highlands, and it would be the same to South Boston. All the South Boston people, except the stockholders in the railroad, want the stages. Would take stock in a new road, or in this stage line. Knew of people who walk because there are not cars enough; particularly so morning and evening. Think South Boston is left out in the cold. [To Mr. Dean.] The people were pretty well satisfied with the railroad at first; the road has increased its facilities very much during the past three years; but nearly all the cars have been taken off the Milk-street route, and it has not proved so much of an accommodation as was at first expected. It is no sort of use at present.

The South Boston road runs four-horse time long after the other roads stop it. [To Alderman Fitzgerald.] Have not noticed the same improvements on the South Boston cars that have been made on the other roads. The establishment of a rival line would have the same effect that the Highland road has had; and an omnibus line will have the same effect. Should think the cars run every three or five minutes to Dorchester street. The new cars are good, but the old ones are badly ventilated and not what they should be.

Augustus Russ said he frequently had occasion to go to South Boston, and thought such a line would unquestionably give additional facilities for travel; and if any man has the capital and enterprise to start a line, he ought to be allowed to do so. [To Alderman Clark.] Think it would not be for the interest of South Boston to grant a charter to an irresponsible party. [To Alderman O'Brien.] It would seem proper to ask something in return for the privilege, and the Board should consider whether they should put it up to the lowest bidder on the rate of fare.

Josiah Dunham had lived in South Boston fifty or sixty years; favored all possible facilities; the route over Broadway Bridge would be a great accommodation, and one over Dover-street Bridge would be still greater. The proposed coach line would be a great public convenience. The South Boston cars often come along so

heavily laden that people cannot get on. [To Alderman Fitzgerald.] Don't think South Boston cars have come up to the standard of the other roads; a competing line would make the road give better cars, without lessening their income. [To Alderman Burnham.] Think it would be better to have this line go on Fourth street than on Broadway; would pay better on some of the off streets.

Moses H. Libby, real estate agent on Broadway, thought the railroad company gave good accommodations in the middle of the day, but not in the morning and evening. The new line will be a great benefit, and open up real estate not built upon.

Mr. Collins said they had 1890 petitioners in aid of this petition, and he would not take up the time of the Board by cumulative evidence. He then read a statement of teams, foot passengers, etc., passing over the South Boston bridges in 1869, taken by him. He thought the percentage of increase since about 20 per cent.

To Alderman Fitzgerald, Mr. Collins said the petition was bona fide; the petitioners see money in it, and are willing to have the franchise conditioned that it shall not be alienated. To Alderman Slade, Mr. Collins said that fifteen coaches will accommodate very many people; he frequently had to walk home because of the ill-ventilated, crowded cars. They do not have pure air when they get twenty passengers in a South Boston car. [To Alderman Robinson.] A round trip will take about an hour and four minutes.

The witnesses for the remonstrants were next called by Mr. Dean.

J. C. Gipson said he ran twenty-five coaches from South Boston to northern depots, from 1842 to 1859, and started the cars in 1858. They ran the stages over Dover-street Bridge and down Harrison avenue. Ran the coaches at six-cent fare and could not get enough to pay expenses. The railroad run off the coaches. The cost of such a line per coach would be between \$2200 and \$2300; don't know what kind of a horse Mr. Peabody would buy at \$90. Am present superintendent of the South Boston Railroad. Think neither company would make a dollar if this line is established. The railroad intends to give all the accommodation required. Have 447 horses, run 51 cars; their facilities have considerably increased during three years, and there has been a constant decrease in passengers since 1874. Extra cars are put on morning and night, when they are crowded for an hour or an hour and a half. The petitioners cannot make their proposed round trip in an hour and four minutes. It took his coaches an hour and a half to make the trip to the depots from City Point, which is the same distance as from Washington Village. [To Mr. Collins.] The omnibus line paid enough to keep it in repair, but he never made a dollar out of it. Don't know what coaches cost today, but bases his estimate on what Mr. Hathorne says. Am not familiar with how the South Boston road stands compared to the Metropolitan and Highland roads in regard to horses. Since 1874 they have built a stable, \$75,000; bought land, \$6000 or \$8000; rebuilt burned stable, over \$100,000; built eight new cars last year and two the year before. Average  $7\frac{1}{2}$  per cent. dividend a year; borrowed the money to build a stable with. The population is four times as great as when his coaches were abandoned. Have good ventilation on the cars; it goes right out of the top of the cars in the centre—looks like a sign. People within the car want the ventilators closed. [To Mr. Dean.] The opening of the ventilators is left to the discretion of the conductors. Have letters almost every day that there is too much ventilation in the cars. [To Alderman Clark.] Fifteen omnibuses would average ninety trips of an hour and a quarter each a day; the coaches would average six trips apiece. [To Mr. Dean.] A set of car harnesses costs \$50.

George O. Baker, clerk of superintendent of South Boston road, stated how the cars run from 5.30 A. M. to 12 P. M. on the Broadway and Bay View lines; making 449 trips a day on two-horse time; mornings and evenings they run mostly two minutes apart. They crowd all the cars on they can between 4 and 6 P. M., when there is the rush of travel. Since 1871 the cars have increased from 41 to 55 in 1875, and 53 in 1876; now running 51 cars. They have been building cars continually; the entire number now being 58 box cars and 12 open ones. The cars are run about 500 feet apart in the busiest times. Since No. 33 the cars have been all of the modern pattern, and are intended to be kept as clean as any. [To Mr. Collins.] Run 433 trips today, or 367 by Dorchester street.

From statements made by the witness the following statistics in relation to the operations of the South Boston road are compiled:

Year.	No. of trips.	Total receipts for year.	Average receipts per trip.
1873	119,616	\$287,816.35	\$2.41
1874	134,738	317,264.05	2.35
1875	143,289	304,545.85	2.13
1876	155,626	295,626.89	1.90

In 1872 the average receipts per trip were \$2.39; in 1871, \$2.38; in 1870, \$2.36; in 1869, \$2.31; in 1869, \$2.10; in 1867, \$2.19. There were 12,000 more trips in 1876 than in 1875, and the receipts were \$9000 less, and twenty-three cents a trip less. In 1876, when the receipts were smallest, the number of trips were the largest. The indications are of a further decrease in 1877. In 1875 the company had 388 horses. They have more horses now than ever before. The passengers have more accommodations than ever before, though the receipts have been decreasing. [To Mr. Collins.] Extra cars are run to the Old Colony depots on Sunday mornings. The road's facilities have been increased for the last three or four years. Last year there was considerable investigation about the management of the road, and they expect to do better when times get better.

J. B. Crosby, president of the South Boston road, verified Mr. Baker's statistics. The company has paid between \$47,000 and \$50,000 in paving the streets since the road commenced; paying repairs for the last five years have averaged \$1000 a month, or a total of \$60,000. The company intend to give the public the fullest accommodation consistent with the receipts and pay a reasonable interest on the investment. If the omnibus line is put on they would have to decrease the number of cars. The omnibuses will only accommodate a small locality outside of the line of the road; and the only effect would be to divide the present patronage between two lines. South Boston is full of people of small means, who are out of employment, or have had salaries reduced, and who cannot afford to ride. The snow expenses have been enormous; kept sixteen sleds with a large force of shovelers; all the snow force is hired outside of the road stock.

Mr. Baker being recalled, said the average extra expense of removing snow this winter was \$243 per day, \$6804 for twenty-eight days.

Henry Souther, formerly president of the South Boston road, said the company accommodates the people as well as it can with the routes it has. They have kept fully up, and rather ahead, of the call for accommodations. We used to consider the character of our cars as good as any three years ago; but since the competition with the Highland and Metropolitan we have fallen a little behind. [To Mr. Collins.] I usually walk; keep a private carriage; own no stock at all in the road; ride in the cars once or twice a week.

Gilbert Wait, for forty years a resident in South Boston, on Broadway, between E and F streets, said that when the cars first started they were as good as any; they are better than some of the Metropolitan Company today; the accommodations are as good as the road could provide for its route. [To Mr. Collins.] Have no stock in the road.

Benjamin James said he had resided forty-five years in South Boston; am a stockholder and director in the South Boston Railroad; think the accommodations are fully up to the times. [To Mr. Collins.] Do not remember that it took a long time to get the road to sell twenty tickets for a dollar.

Charles E. Paige confirmed the statements of previous witnesses as to the accommodations furnished by the railroad. It is hard to please everybody, especially in regard to ventilation. [To Mr. Collins.] Am stockholder in the road.

This closed the testimony for the remonstrants.

Mr. Dean then argued the case for the remonstrants. The general question was whether it will be dealing fairly with the South Boston road to grant the license; but by the evidence the question is reduced to this, whether they should aid two young men desirous of going into business. He reviewed the testimony in regard to the business done by the railroad, which he pretended was crippled in its resources; which has paid \$1000 a month in paving the streets for five years. If the road does its duty fairly with the people, is it fair to cripple the company? The omnibus line will not pave any streets. If the streets are open to all, let them be open to the railroad without cost. The cars will be crowded, and the cars necessary to give every one a seat would swamp any corporation. Can the omnibus

double up so as to give all a seat? The horse railroad is the best means of travel now known; but if anything else comes up, their property is all gone. The idea of benefit from railroad competition has been exploded long ago; the public have to support it or it goes up, and the addition of stages is but so much addition to the expense on the public. The public convenience is not subserved by requiring them to pay for inferior accommodations. The establishment of railroads gave relief to the streets from the jams of coaches and teams; and in winter the streets were almost impassable. Thanks to the roads, if a snow occurs the streets are in good condition for the fire engines to pass along without serious obstruction. The petitioners have no particular interest in South Boston, and is it fair, is there any exigency requiring the establishment of this line, after the city had taken the company's money in the paving of streets. He concluded by referring to the petition of the company for leave to run to the northern depots, and the issuing of commutation tickets, as evidence of its intention to fairly discharge its obligations to the public. He also read from the documents in this same case last year to show that many signed the petitions in aid not intending to reflect on the South Boston road.

Mr. Collins, in closing for the petitioners, said the horse railroads endeavored to prevent the commutation system, and the seven-cent system was opposed by them all. Horse railroads combine for mutual protection against the interest of the public. These petitions are signed by over 2000 residents of South Boston, who desire more accommodations. They are one-sixth of the people of Boston, and yet are wholly dependent on one horse-railroad corporation, which has done as well, perhaps, as could be expected under the circumstances. But a corporation cannot do as well as a private firm, for the latter do not have to hire a president, superintendent, clerks, etc. If two men owned the South Boston road the people would be better accommodated. He did not wish to reflect on the management of the South Boston, for that road had reflected on itself, as the public prints had shown. The company had spent \$50,000 in paving the streets, but they had had the special privilege of tearing up the streets and placing their tracks there. He reviewed the result of establishing the Highland road, claiming that both the Highland and Metropolitan railroads had made money; the Metropolitan stock is much improved, and they have more civil conductors and more sober drivers; while at the same time Mr. Hathorne is running his coaches all the time in opposition and making money too. Mr. Collins humorously alluded to Mr. Gipson's competition with himself and passed to a comparison of the growth of that section of the city with the facilities, contending that the increase had not been commensurate. The railroads do not have a vested or sacred right to use any street; even their tracks are used by other roads. The people need more accommodations. The petitioners know what they can do; have measured the route. The city ought not to refuse this privilege to a firm who will accommodate the public. Both lines will prosper, for there is business enough for both. Competition creates business and makes the party, who was in it before, do it better. The railroad companies spend a great deal of money in clearing snow from their tracks in order to keep from going on runners. The petitioners want to serve a public who have asked them to do it.

Mr. Dean called attention to the management of the railroad, which could not be more economical. The salaries amount to \$7000—President \$1500, superintendent \$2500, treasurer \$2000, superintendent's clerk \$1000.

On motion of Alderman Fitzgerald the petition was recommitted to the Committee on Licenses.

#### JAIL EXPENSES.

A requisition for \$2021.69 was received from the Sheriff for expenses at the county jail for January. Read and approved.

#### POLICE DEPARTMENT.

Alderman Robinson submitted the following from the Committee on Police:

Ordered, That the Chief of Police be directed to take such measures as may be necessary to prevent persons from loitering in the corridors or passageways or upon the stairs of City Hall, in order that citizens having business to transact at

the several offices in the building may have free access thereto.

Alderman O'Brien—It appears to me that I should like to have that order lie over for a week for our consideration. A great many people come up here to present their petitions for positions in the Paving, Police and other departments, and I think it would be bad to drive them away, if that is the intention of the order.

Alderman Robinson—That is not, as I understand, the object of the order. There are a great many, as I understand, who come here and fill the corridors and stairs, and prevent people from coming and doing the very thing that the Alderman says.

The order went over under the rule.

Ordered, That the Committee on Police be authorized to purchase, from time to time, such furniture and supplies as may be required for the use of the Police Department; the expense to be charged to the appropriation for Police.

Ordered, That the Committee on Police be authorized to make such arrangements as they may deem expedient for keeping the horses used in the Police Department; the expense to be charged to the appropriation for Police.

Severally read once.

Ordered, That the Committee on Police be authorized to make such repairs as may be necessary for the care and preservation of the several police stations and the police steamboat; the expense to be charged to the appropriation for Police.

Alderman Fitzgerald said the making of repairs was hardly within the province of the Committee on Police, and called attention to the fact that an order had already been passed for the Committee on Public Buildings to make repairs on the station houses during the present municipal year.

The order went over.

PAVING REPORTS.

Alderman Robinson submitted the following from the Committee on Paving:

Report of leave to withdraw on petition of Frederick Wilson for leave to move a wooden building from Dunreath place, through Warren street to Maywood street. Accepted.

Report and order of notice for hearing on Monday, Feb. 26, at four o'clock P. M., on petition of Middlesex Railroad Company, for extension of Lincoln-street track. Order passed.

Sundry schedules of cost of laying edgestones and sidewalks, with orders for the assessment and collection of the same. Orders severally read twice and passed.

UNION FREIGHT RAILROAD.

Alderman Thompson offered the following:

Ordered, That between the hours of 7 A. M. and 7 P. M. no train consisting of more than three cars with a locomotive shall be allowed to pass over the tracks of the Union Freight Railroad, located in the public streets of this city.

Ordered, That the Chief of Police be directed to see that the foregoing order is strictly observed by the Union Freight Railroad Company.

Alderman Thompson—Perhaps I ought to explain the object of that order. It has become an intolerable nuisance to people travelling at the North End of the city to be obstructed by the freight trains of the Union Freight Railroad extending from the gashouse around the corner of the streets. I have been obstructed there several times myself. Last week, at eleven o'clock in the morning, there was a line of cars on both sides of the street, owing to this corporation occupying all the street on both sides of the thoroughfare. It seems to me we might as well have this matter stopped. When requested by citizens to break the trains the company refuses to do so. It seems to me that if an order of this kind were adopted by the Board, so that they might move a train of three cars, it might be done and be no inconvenience to the company. But the obstruction of this thoroughfare ought to be stopped. It has become an intolerable nuisance.

Alderman Clark—It seems to me if you are not going to allow them but three loaded freight cars to one engine you might as well take away their charter altogether. I do not understand the question sufficiently to discuss it tonight, but that is the way it strikes me now. It seems to me that here is a road that is trying to do a business to help the business of the city, and if you are going to compel them to take only three cars for one engine, that the whole business of the road must be abandoned. That is the way it strikes me now. I hope the order will not be passed tonight. I

move that it be laid upon the table for one week.

Alderman Thompson—I do not object to the order lying over for one week. Until recently the Union Freight Railway have not been at liberty to run engines through the streets of the city in the day time, and they only had the privilege of running them in the night time. The Alderman speaks of the road as for the interest of the city of Boston. It is rather an injury to the citizens of Boston, because it takes away from the poor people the carrying of merchandise to and from the depots. So you cannot make that argument. But, sir, I think that if any member of this Board could be in that vicinity and see a train of a dozen cars extending over those avenues and see the travelling on the highways obstructed for some fifteen or twenty minutes at a time, he would think it is time the thing was stopped. I called the attention of the Chief of Police to this matter, and he desires the Board to give him some instructions in regard to it. This matter was before the Board last year, and was referred to the Committee on Paving, and by them referred back to the full Board. I only desire the cars to move so that they will not obstruct the streets. It seems to me that three cars at a time are enough.

Alderman O'Brien—I think that the order is an appropriate subject for the consideration of some committee. It appears to me it ought to go to the Committee on Paving, to give the parties a hearing and to obtain all the facts in relation to the matter. I move that it be referred to the Committee on Paving.

Alderman Clark—I withdraw the motion to lay on the table; it should go either to the Committee on Paving or the Committee on Police.

Alderman O'Brien—I have no objection to either committee. I suppose that either committee is proper.

Alderman Thompson—It was referred to the Committee on Paving last year, and they took legal advice in the matter, and reported back to the Board that they had no authority in the matter. It seems to me that the whole Board can consider the subject as well as any committee.

Alderman Fitzgerald—I hope that if we are going to have a hearing on this matter the time of this Board will not be occupied with it. If we are going to have a hearing I hope it will be before some committee. I do not care whether it be the Committee on Police or Paving.

The order was referred to the Committee on Paving.

DECORATION OF HISTORIC POINTS.

Alderman Thompson offered an order—That a joint special committee, consisting of two members of this Board, with such as the Common Council may join, be appointed to have charge of the erection of the monuments on Dorchester Heights and on the site of the Roxbury fort. Read twice, and Aldermen Thompson and Breck were appointed on said committee. Sent down.

NOMINATION OF ASSESSORS.

Alderman Wilder submitted a report from the Joint Committee on Assessors' Department recommending the election of Thomas Hills, Benjamin Cushing, Benjamin F. Palmer, Edward F. Robinson and Joshua S. Duncklee as Assessors. Accepted. Sent down. Election laid over.

LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Minors' Applications Granted—Twenty-four newsboys.

Auctioneer's License Refused—John K. Abbott, 59 Cambridge street.

Common Victuallers Licensed—Philip Lanouett, 28 and 30 Merrimac street; Henry Beard, 103 Eliot street.

Innholder's License Refused—Maggie P. Ruggles, 44 Cambridge street.

Hack License Granted—H. & J. Graham, 615 Washington street, after six o'clock P. M.

Dealer in Second Hand Articles Licensed—Edward Booker, 154 Merrimac street.

Junk Collector Licensed—William Maloney, 1232 Tremont street.

Wagon Licenses Granted—E. H. Perkins, corner Tyler and Kueeland streets; Francis Brady, 154 Tudor street; Thomas Dacey, 119 Haverhill street.

Severally accepted.

SPECIAL COMMITTEES ANNOUNCED.

The Mayor announced the following joint special committees on the part of the Board:

On Public Parks—Aldermen O'Brien and Clark.  
 On Improved Sewerage—Aldermen Burnham, Wilder and Slade.

CONDITION OF THE FRANKLIN FUND.

Alderman Burnham submitted the following:  
 The committee appointed to examine the accounts of S. F. McCleary, Treasurer of the Franklin Fund, have attended to that duty and report that they find said accounts have been correctly kept, the interest duly collected and the securities which were examined by the committee were found in proper condition. It appears from this examination that the condition of the fund at this date is as follows:

Amount of fund Feb. 1, 1876.....	\$206,501.33
Interest accrued and collected.....	12,299.25
	\$218,800.58

The above sum is invested as follows:

Deposits in Massachusetts Hospital Life Office.....	216,878.14
Deposits in Suffolk Savings Bank.....	251.10
"    " Provident Institution for Savings.....	171.07
Value of seven bonds for loans.....	1,500.00
Cash.....	27
	\$218,800.58

Respectfully submitted,  
 CHOATE BURNHAM. } Committee.  
 CHARLES W. WILDER. }

Accepted.

PAYMENT OF EXECUTIONS OR JUDGMENTS.

Alderman O'Brien offered an order—That his Honor the Mayor be authorized, with the approval of the Committee on Claims, to draw upon the Treasurer for the payment of all executions or judgments of court against the city when properly certified as correct by the City Solicitor. Read twice and passed. Sent down.

PERMIT FOR STABLE.

Alderman Viles submitted a report from the committee on Health on the part of the Board in

favor of granting a permit to Aaron D. Williams to occupy new wooden stable on Hampden street. Accepted.

BILLS ALLOWED.

Alderman Clark, from the Committee on Accounts, offered an order—That the following bills be allowed for payment by the Auditor of Accounts:

Of I. E. Noyes, chargeable to House of Industry, \$158; George Curtis, chargeable to Paving Department, \$48.06; George Curtis, chargeable to Sewers, \$16.86; George Curtis, chargeable to Health Department, \$13.57; George Curtis, chargeable to Northampton-street District, \$8.77; F. W. Lincoln, Jr., & Co., chargeable to school expenses, \$36; F. W. Lincoln, Jr., & Co., chargeable to public buildings, \$18; James Power & Co., chargeable to public baths, \$5.66.

Read twice and passed. Sent down.

LAND DAMAGES.

Alderman Clark, from the Committee on Streets on the part of the Board, offered an order to pay Edwin R. Jenness \$1124 for land taken and damages occasioned by the widening of Shawmut avenue. Read twice and passed.

PARK ON BACK BAY.

Alderman Clark offered an order—That the Committee on Common and Public Grounds be authorized to confer, in behalf of the City Council, with the Governor and Council of this Commonwealth for the conveyance to the city of the parcel of land on Dartmouth and Boylston streets, referred to and described in chapter 195 of the Acts of 1875. Passed. Sent down.

IMPROVED SEWERAGE.

On motion of Alderman Clark the order for the appointment of a Joint Special Committee on Improved Sewerage, to resume the work of last year, was taken from the table, and amended so as to authorize said committee to take charge of said work, etc., and as amended was passed. Sent down.

Adjourned, on motion of Alderman Thompson.

## CITY OF BOSTON.

## Proceedings of the Common Council,

FEBRUARY 1, 1877.

Regular meeting at 7.30 o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Various petitions were referred in concurrence. A petition from James Deshon to be refunded money paid for a tax title alleged to be invalid, came down referred to the Joint Committee on Claims.

Mr. Clarke of Ward 22—I move that the petition be referred to the Committee on Assessors' Department, to which it seems to me it ought to be referred.

Mr. Mowry of Ward 11—It seems to me that the proper reference is to the Committee on Claims. It is a claim for a certain specific amount of money, and no committee but the Committee on Claims has jurisdiction over it.

Mr. Clarke of Ward 22—I believe that claims for excessive taxation or for taxes wrongfully assessed lie entirely with the Committee on Assessors' Department. They have the power to abate or cancel the bill, and then the Treasurer pays the money back again. This is a claim that the City Collector can settle himself, provided the Assessors are satisfied that it has been wrongfully assessed.

At the request of Mr. Clarke, the President read the petition, representing that the estate was purchased in October, 1876, by the payment of \$135.37, as belonging to George S. Winslow, and the title is invalid because it should have been sold as belonging to Henry Morrison, who had bought it from the city.

Mr. Thompson of Ward 9—This matter of the right of the Treasurer to refund money paid for tax titles has been referred to the City Solicitor, and he is of opinion that the Treasurer cannot properly act upon the report of the Assessors alone; and I understand that until some general rule is provided for these cases, the Treasurer desires to be protected by having these cases passed upon in the same manner as other claims against the city. I hope the motion will not prevail, and that the petition will be referred to the Committee on Claims.

The motion to refer to the Committee on Assessors' Department was lost, and the petition was referred to the Committee on Claims in concurrence.

Order for a conference with the Governor and Council for conveyance to the city of parcel of land on Dartmouth and Bowdoin streets, referred to and described in chapter 195, Acts of 1875. Read twice and passed in concurrence.

Order for a joint special committee to have charge of the erection of the monuments on Dorchester Heights, and on site of Roxbury Fort. Read twice and passed in concurrence, and Messrs. Ham of Ward 14, Blanchard of Ward 21, and Fraser of Ward 6 were joined on said committee.

Order for sale by auction of land and buildings of Cooper-street Armory. Read twice and passed in concurrence.

Order for Mayor to draw on Treasurer for payment of executions or judgments of court against the city. Read twice and passed in concurrence.

Order to pay bills of J. E. Noyes *et al.* against the city. Ordered to a second reading.

Order for the Committee on Improved Sewerage to have charge of all matters relating to the subject, and to employ assistance as therein set forth. Ordered to a second reading.

Report nominating as Assessors Thomas Hills, Benjamin Cushing, Benjamin F. Palmer, Edward F. Robinson and Joshua S. Duncklee. Accepted in concurrence.

Certificate of the appointment of the members of the Common Council as special officers. Placed on file.

## UNFINISHED BUSINESS.

Order to supply furniture for, and make repairs on, schoolhouses. Passed in concurrence.

Order to provide furniture for, and make repairs on, the City Hall, engine houses and police stations. Passed in concurrence.

Order to rescind order of Sept. 30, 1867, for a loan of \$150,000 for Oliver-street improvement, and for a transfer from unexpended appropria-

tions of this financial year of the sum, less revenue received, advanced by Treasurer under said loan, to meet Auditor's drafts drawn in payment for said Oliver-street improvement. Passed—yeas 60, nays 0. Sent up.

Order for flags to be displayed and bells to be rung on 22d of February, Washington's Birthday.

Mr. McGaragle of Ward 8—Is there any limit as to the amount to be expended in displaying the flags and ringing the bells?

The President—There is none named in the order.

Mr. Mowry of Ward 11—The question might also be raised whether there is any limit as to the time in the day.

The order was passed—yeas 60, nays 0. Sent up.

## UNIFORM SYSTEM OF VALUATION.

The order for Mayor to appoint a commission to consider a plan for a more uniform and equitable valuation of property for taxation; expense of the commission not to exceed \$300 was considered under unfinished business.

Mr. Clarke of Ward 22—I should like to hear some reason why that order should be passed.

Mr. Wilbur of Ward 20—I had the honor of offering that order, and my object was this: Under the present system of assessing property there seems to be a great discrepancy in the equalization of valuation. This order is but a step in that direction. It seemed to me that there might be some plan devised, if the proper persons were appointed, than what we have at the present time. I do not know that there is anything I can say further than that I hope the commissioners will be appointed and that we shall have some plan reported for our consideration. We are not obliged to adopt it if it does not meet our views. The investigation will do no harm. The commissioners will serve without compensation, and the expense will be merely nominal—\$300 being allowed in the order, and perhaps they may not use the whole of it. At any rate if the plan commends itself to us, three times that amount will be a small sum.

Mr. Mowry of Ward 11—I fully concur with the object this order has in view. I certainly think the system of the valuation of real estate in this city is difficult to understand, but the only question is as to the means of bringing about the reduction. Now, sir, we have a competent Board of Assessors, by whom some plan should be devised and reported to this Council upon which action might be taken. I have serious doubts in my own mind whether a plan reported by a commission appointed for such a purpose might be adopted. They might report a certain plan, but I do not see how we are going to adopt it. The subject is left wholly in the hands of the Board of Assessors, and it seems to me that the proper way is to request them to devise certain means by which this reduction may be brought about.

The order was passed. Sent up.

## UNIFORM FOR FIRE COMMISSIONERS.

Mr. McGaragle of Ward 8—At the last meeting of the Council I offered an order that the Committee on Fire Department report an order to prescribe a uniform for Fire Commissioners, and for an order for them to conform to "General Order No. 60," relating to wearing of uniforms. My reason for doing that was, I accidentally got hold of a copy of General Order No. 60, recently issued by the Fire Commissioners, and after carefully reading it I came to the conclusion that their intention was that the department should be run in regular-army style. I concluded that the order, as a means of discipline, was a good one, although foolish in some of its details, and therefore I offered this order. But I am sorry to say that some members of the Council thought it was done in jest and the order was refused a second reading; and therefore I move a reconsideration of that vote. Now, while I agree that discipline should be maintained in the department, I think it is nothing more than fair that the superior officers should wear some uniform by which they shall be known. As an illustration of the necessity for it, one of the commissioners, who has not been in the office a great while, went to an engine house in South Boston, and asked the first man he met, "Are you foreman of this company?" And receiving the reply that he was, the commissioner said, "Don't you know that I am a commissioner? Why don't you salute me?" Now, I think that was hard for that man. The commissioners should wear a uniform by which they may be known. Now, in regard

to the general order. It provides that the men may not wear their pants turned up or tucked into their boots except in going to or coming from a fire; and on the streets the coat must be buttoned up to their neck, which is not very agreeable with the thermometer up to 90°. It may be very good for the commissioners, but it is death to the men. It is with that view that I move the reconsideration, and I hope it will prevail.

Mr. Burke of Ward 2—It seems to me that this is a fit subject for the Joint Committee on the Fire Department to consider in consultation with the members of the Fire Commission.

Mr. McGaragle—I intend to move its reference to the Committee on Fire Department.

The reconsideration prevailed and Mr. McGaragle moved the reference of the order to the Joint Committee on Fire Department.

Mr. Howes of Ward 18—I do not see that we are going to gain anything by sending this order to the Committee on Fire Department. If the gentleman is desirous of having the rule of the department in relation to wearing uniforms changed it might be as well to intimate it by some order to that effect, but I do not see how it will be done by this. He says it is an evil to the men to follow the rules laid down by the commissioners, and he wishes to lessen it; but the difficulty is the order amounts to nothing. It is evidently intended to get up a quarrel between the Fire Commissioners and the two branches of the City Government.

Mr. Clarke of Ward 22—I see no harm in referring this order to the Committee on Fire Department. It may be that the Fire Commissioners would prefer to have some badge or uniform. It is well known that it is impossible for the Fire Commissioners to do anything without having fault found in some manner or other. If they should adopt a uniform, then some member would say that they are putting on airs. If the order is referred to the Committee on Fire Department and they should decide, after consulting with the Fire Commissioners, that it was proper for them, as the head of the department, to wear some uniform, as the Chief of Police does, perhaps the commissioners would prefer to have it done. I see no objection to that part of the order being referred, but there is one part of it that I do object to. There is no evidence here that the Fire Commissioners have disobeyed Order No. 60, or that they don't wear their pants in the proper manner. If any gentleman states that he has seen the Fire Commissioners wearing their pants in their boots, it is another matter. I have seen them on the streets and I think they comply with all the orders they adopt. I do not think they should be requested to comply with an order until we know that they have broken it. It is well known that some members of the department appear upon the streets breaking the rules. It is the custom of the Committee on Police to see that the men in that department make a respectable appearance, and I think the Fire Commissioners should do the same thing. It is well known that soldiers have to keep their clothes in good condition on street and parade duty. I object to the latter part of the order and I move to strike out all after the word "department."

Mr. McGaragle—I don't care how the commissioners wear their pants, or whether they wear none. I have no desire to prescribe regulations in regard to that. As to getting up trouble between the commissioners and the City Government, I have no desire to do that, and the gentleman [Mr. Howes] mistakes my object. But I think the members of the Fire Department should have equal privileges with the greatest criminals in the State prison, where they are allowed to see their friends. But if you want to see a fireman you must first go to the man in charge, and then consult with the foreman. That is the object of Order 60. I think firemen should have the same privileges as are given to convicts.

Mr. Burke of Ward 2—I hope the motion to refer will prevail. Although a member of the committee, there are a good many questions relating to the department that I am not familiar with, and the reference will give the committee a chance to consider them.

Mr. Howes—Having served a year on the Committee on Fire Department, I feel a little more confidence in speaking of that department than of some others. It is pretty well known that before Order No. 60 was issued the engine houses were made quite a loafing place, very much as

City Hall has been for some time past. It is difficult to draw the line. You have got to lay down a very strict rule, and then leave it to the discretion of some one to draw the line. I think the firemen have not complained. Certainly there have been no resignations on account of the order, and there are more applications for admission than could be granted were the department three times as large. Now, I don't think the point made by the gentleman [Mr. McGaragle] is well taken. The commissioners are not at the head of the department; the Chief Engineer is the head. The commissioners give directions to the department. The secretary of war in Washington is not in uniform; he sits in his office and directs the affairs of the army and manages details, while the general wears a uniform and goes out and fights battles. In this case the Chief Engineer goes out and puts out fires. It would be manifestly absurd to put one man in uniform whose duties confined him almost entirely to the office. I do not see any necessity for it; and as the ordinance provides that this matter shall be left in the hands of the commissioners, I don't see the necessity of passing the order.

Mr. Spenceley of Ward 19—The gentleman draws more conclusions from facts that he knows perhaps more about, than any man I ever saw. The ordinance reads—

"The duty of extinguishing fires and protecting life and property in case of fire shall, within the city of Boston, be intrusted to the said Board of Commissioners."

I should like to know how the commissioners are going to put out fires by staying in the office. I think the idea advanced by the gentleman is like that entertained by many—that they are to stay in the office. I hope this matter will be referred to the Committee on Fire Department, and that they will investigate it. It seems to me that the best way for the commissioners to learn whether it is best to walk the streets of Boston on a hot day, with the coat buttoned up, is for them to try it. I should like to see them try it. It seems to me that is the most obnoxious order ever promulgated by the commissioners. I don't know but some of us had better go up and make the speech to the firemen that the old Roman senator did—I am not well qualified to quote Shakspeare—

"Had you rather Cæsar were living and die all slaves, or rather Cæsar were dead and die all freemen?"

I should begin with the firemen something like that. This order is simply ridiculous to me. If the police have found a man with his boots not polished, from stepping into a mud-puddle, and he has been reported to the Fire Commissioners, why don't the Fire Commissioners call that man in and talk to him? Why do they send out an order reflecting upon all the firemen? I don't think it is necessary or called for. I think the Fire Commissioners have done a good many good things. Perhaps they fill the position well and save the city a great many dollars, but I have n't seen it as much as many others do. I think this subject ought to be investigated. If our firemen are merely slaves and tools, put in position to start at the ringing of a bell, and to do this and that and the other, it seems to me it is time for this City Council to take hold of the matter, and that it is a matter for us to investigate. I tell you they are citizens as well as we are, and have their rights as well as we have. I should like to have any man tell me how I shall wear my coat buttoned up! Have n't they any feeling? Ain't they men, as we are? I don't believe any of them can whistle "Yankee Doodle" with the coat buttoned up. With the permission of the Council, I would like to read the order:

"General Orders, No. 60.

"Notice is hereby given to the permanent members of the department, that strict attention must be given to the proper wearing of their uniforms. It is required that on the street (except in going to or from a fire) the coat will be buttoned entire"—

Back and all, I suppose.

"—The legs of their pants are not to be turned up or tucked into their boots; their boots, buttons and 'devices' are to be properly polished, and their persons at all times neatly and tidily dressed. Their department must always be of a gentlemanly character, and such only as will reflect credit on the department."

I don't know what they mean by that.

"Lounging along, or loitering with no apparent



object in view, is to be avoided; an earnest, energetic attention to their duties is demanded."

They ought to take lessons from some of our walkists.

"The house and street patrol will wear the department badge on the centre of the left breast of the coat, in full view, as a distinguishing mark of their detail."

"The same habits of dress and deportment will be observed in the engine, ladder and hose houses, except in the sitting and work rooms; and, after roll call, no part of the uniform will be laid aside until bedtime, or by consent of the officer in command."

That is pretty hard.

"The members will not be allowed on the main floor, except in the performance of duties assigned them by the officer in charge, and smoking on the main floor, and in the dormitory, as well as on the street, and in the stable and stable loft, is prohibited; and it is made the duty of the 'Patrol' to inform the officer in command of all violations of these rules that may come under his observation while on duty; all visitors having a desire to view the house and apparatus, or wishing to see any of the members on business or otherwise, are to be received courteously, and the officer in charge notified of the same, and it is expected that their stay will be only so long as will be reasonable."

They will have an order out about that, pretty soon.

"Idling about the house will not be permitted, as the houses are for business, and not for lounging; all necessary work in and about the house, stable and apparatus is to be done before 'Roll Call,' except in case of a recent alarm of fire, or some unforeseen emergency intervenes to prevent it, and in either case the work is to be done as rapidly as possible thereafter.

"Officers and members, while on leave of absence, will be held accountable for their conduct."

It would n't do for them to go down the harbor.—"whether in uniform or not, and if in uniform, strictly so."

I would like to know when our firemen get a day of leisure in the year?

"It is made the duty of all officers to take cognizance of these and all other rules, regulations and orders.

By order of the Board,  
DAVID CHAMBERLIN, Chairman."

That is the order, gentlemen.

Mr. Howes—What is the date?

Mr. Spenceley—"Boston, Jan. 4, 1877." The Chief Engineer's name is n't given there, and I hope it never will be. Now, I understand that all the gentleman asks is that the Fire Commissioners have a like uniform, and obey the same order that the firemen do; and I hope it will be put in that after they go home and eat their suppers that they will sit with their coats on till they go to bed.

Mr. Howes—I would like to know of the chairman of the Committee on Fire Department, if he wishes anything to be done, why that order should have been introduced by some one not on the committee to give him the necessary force to look into it?

Mr. Spenceley—The gentleman himself [Mr. McGaragle] explained that; but I will say that I have had the matter of the Fire Department going along, and intended to bring the whole thing in at once. I have had this thing in hand some time, and asked one of the Fire Commissioners how he would like to go along the streets with his coat buttoned up on a hot day, and he said he did n't know; and I don't believe he did.

Mr. Thompson of Ward 9—I suppose that there are proper ways of arriving at certain things, and very improper ones. If the gentleman wishes to correct abuses in the Fire Department, he can do so by a proper order, and I should be glad of an investigation if it is desired; but I have doubts whether this order is a proper one. Look at the power under which this board is constituted. I see by the statute that certain powers and authority are granted to the City Council, and then the second section provides—

"The powers and duties mentioned, in the preceding section, or any of them, may be exercised and carried into effect by the said City Council in any manner which they may prescribe, and through the agency of any persons or any board or boards, to whom they may delegate the same."

I apprehend that under that provision we have organized the Fire Commissioners. They are the

civil officers of the city, and exercise the powers originally vested in the City Council. The question is simply this: Have we the right to order those commissioners to wear uniforms? I apprehend that we have not the right to coerce them into wearing uniforms. It is true we have attempted to exercise the right to make some of the Common Councilmen policemen against their will; but I apprehend that we have no more control over the commissioners in that particular than we have over the Councilmen. Now, if the gentleman wishes to investigate what are alleged to be abuses in the Fire Department, let him introduce an order for that purpose; but I do think this order is not a proper one, and I hope it will be voted down.

Mr. Beeching of Ward 1—I think this order may be improved somewhat by an amendment. I move to add after the word "requested" the words "if they deem it expedient."

The President—An amendment is not in order while the motion to refer is pending.

The order was referred to the Joint Committee on Fire Department. Sent up.

#### PETITIONS PRESENTED.

By Mr. Webster of Ward 3—Petitions of W. J. Debus and other citizens of Charlestown employed by the Paving Department, remonstrating against a reduction made in their pay, on Jan. 31st ult., without any notification from them. While some men received \$1.75 a day, they received only \$1.25 for the same work.

Mr. Webster of Ward 3—I move the reference of the petition to the Committee on Paving on the part of the Council. I would also add that I believe these laborers have a serious complaint. I trust it will receive the careful attention of the committee, and that justice will be done them, if justice is needed.

Mr. McGaragle of Ward 8—Has this committee any power in the matter? And does it not have to go to the Board of Aldermen?

The President—The Paving Committee on the part of the Council have no power.

Mr. Webster withdrew the motion, and on motion of Mr. McGaragle, the petition was sent up.

By Mr. Ruffin of Ward 9—Petitions of James C. Tucker to be refunded the amount paid to two defective tax titles; and of Uriah J. Dailey to be compensated for injuries to his horse on Harvard street, Charlestown. Severally referred to Joint Committee on Claims. Sent up.

By Mr. Coe of Ward 23—Petitions of Joseph Steadman *et al.*, for the establishment of a branch of the Public Library in West Roxbury, at Curtis Hall. Referred to Joint Committee on Public Library. Sent up.

#### ANNUAL REPORT OF THE CITY ENGINEER.

The annual report of the City Engineer (City Doc. 15) was received. Sent up.

Following were the expenses from Jan. 1, 1876, to Jan. 1, 1877: Amount expended from department appropriation for 1875-76, \$7966.15; amount expended from department appropriation for 1876-77, \$18,371.92; total expended from department appropriation, \$26,338.07; amount expended from special and other appropriations, \$5617.82; total, \$31,955.89. Amount of appropriation for financial year 1876-77, \$28,000; amount expended to Jan. 1, 1877, \$18,371.92; unexpended balance, Jan. 1, 1877, \$9628.08.

In the Department of Bridges, the principal work done has been the various examinations and repairs necessary to the maintenance of the bridges in charge of the Committee on Bridges, viz.: Twenty-one bridges with openings for the passage of vessels, and Winthrop Bridge; the completion of Meridian-street Bridge, superintending the rebuilding of Dover-street Bridge, the work of filling solid a portion of Chelsea Bridge, and the examination of all highway bridges within the city limits. The preparation of the various plans and papers connected with the foregoing work, such as reports, estimates, contracts, specifications, estimates for payment, and the examination of bills for labor and materials for repairs, involves a large amount of office work. Two important changes have been made in the manner of making the bridge repairs during the year.

The first is the buying by contract of all the spruce plank required, and the second is the hiring a foreman and carpenters by the city directly, instead of paying a profit to a contractor for furnishing labor. Mr. Josiah Shaw, a bridge-building foreman of long experience, was the one employed to superintend the repairs. The spruce

lumber is the largest item of material required, and about 277,000 feet B. M. have been used during the year. The price paid has been \$12.90 for 70,000 feet for Chelsea Bridge, and \$14.85 for about 207,000 feet furnished in such quantities and at such bridges as were required. An act of the Legislature was obtained at its last session allowing cities and towns to enact rules or by-laws regulating the passage of vessels through draw-bridges, and a draft of a set of rules has been prepared, but has not been passed by the City Government.

In regard to the water works, the report states that water from Sudbury River has been turned into the lake during the past year, from Jan. 12 to 18, from Jan. 21 to Feb. 19, from March 27 to 30, from May 4 to 10, from July 24 to Sept. 2, from Sept. 9 to 16, from Sept. 28 to Nov. 11, Nov. 16, and from Dec. 9 to 28, or 161 days in all. The total quantity of water diverted from the river was 2,528,300,000 gallons, equal to a daily supply of 6,907,900 gallons for the whole year. In the latter part of 1875 the lake surface was slowly falling, and it continued to fall till Jan. 13, when it reached a point eight feet nine inches above the bottom of the conduit; at this date it began to rise, and reached high-water mark March 26. On the 21st of March a warm rain falling upon a considerable depth of snow produced a heavy freshet, which was further increased on the 25th by a snow storm which turned into rain. On the 27th Sudbury River had risen to an unprecedented height, and was flowing at the rate of 2,000,000,000 gallons in twenty-four hours; the lake was also brought to a high point, and a heavy waste was occasioned at the dam, the depth of the overflow being twenty-one inches.

From March 29 until the latter part of May the lake surface stood at or near high-water mark. It then began to fall, and on the 26th of July had fallen to 9 feet 4 inches above the conduit bottom. Water from the river was now turned into the lake at the rate of 20,000,000 gallons per day, and the surface rose until August 7, when it stood at 10 feet. It kept at this height for two weeks, and then began to fall, standing Sept. 1, 9 feet 7 inches; Oct. 1, 8 feet 8 inches, and Oct. 21, 8 feet 3 inches above the bottom of the conduit, the last being the least height for the year. Nov. 1 it had risen to 8 feet  $\frac{1}{4}$  inches, Dec. 1, 9 feet  $\frac{3}{4}$  inches, and at this date, Jan. 1, 1877, it stands at 9 feet. There has been waste over the dam from March 25 to April 12, from April 19 to 23, and from May 10 to 14, the total waste being 1,619,243,800 gallons, equal to a daily supply of 4,424,200 gallons for the whole year.

The average daily consumption from the Cochituate works for each month of the year was as follows: January, 21,550,200 gallons; February, 22,675,200; March, 20,931,500; April, 17,300,500; May, 18,837,800; June, 19,872,300; July, 20,820,600; August, 21,333,900; September, 19,430,800; October, 19,214,000; November, 17,023,700; December, 23,783,000—making the average daily consumption for the year 20,337,700 gallons, an increase of five per cent. over the consumption of 1875.

In regard to the high-service Boston Highlands pumping work, the report says the pumps and engines at this station have worked very satisfactorily, and are now in good condition. The average daily quantities of water pumped in each month have been as follows: January, 1,402,859 gallons; February, 1,517,922; March, 1,403,026; April, 1,304,626; May, 1,346,335; June, 1,463,267; July, 1,457,000; August, 1,446,387; September, 1,446,660; October, 1,491,871; November, 1,452,143; December, 1,798,887. The average daily quantity for the year being 1,461,104 gallons, an increase of 15.06 per cent. over the quantity pumped in 1875. The consumption from these works during the last two weeks of the year has been at the rate of 1,874,148 gallons per day, a quantity just about equal to their present capacity.

Regarding additional water supply, the report says that by an order of the City Council, approved July 18, 1876, the city treasurer was authorized to borrow the sum of \$2,000,000 to be added to the appropriations heretofore made for an additional supply of water. This, added to the sums before appropriated for preliminary investigations (Oct. 20, 1871, \$10,000), for connecting Sudbury River

with Lake Cochituate as a means of temporary supply (April 12, 1872, \$100,000), and for building the Sudbury River works (April 11, 1873, \$500,000, Feb. 26, 1875, \$1,500,000) makes the total amount appropriated \$4,110,000. The premium on the sale of bonds (\$352,886.80) stands to the credit of this appropriation; therefore the total sum with which the additional supply is charged is \$4,462,886.80.

The amount expended to date, including the estimates and bills audited in December, is \$2,933,842.93, of which sum \$2,325,186.21 is chargeable to labor and materials used in the construction of the permanent works, that is, has been paid on account of contracts, for work done by day labor, and for materials. The retained percentage to secure the faithful execution of the contracts is \$196,653.31.

During the past year the work on the conduit has been prosecuted vigorously, many of the sections having been completed, and on a number of the contracts the final payments have been made. About nine-tenths of the length of the conduit is finished. The part of the work remaining to be done is largely upon special structures, such as the bridge and siphons. Work, by day labor, on section 1 and on the foundations of the dams was commenced in the latter part of May and continued without interruption to the end of the season. Section 1 is practically finished, and the masonry of the gate chambers at its head is so far advanced that it will be finished early next summer. The work upon the dams is not so far advanced as could be wished, although it has been well pushed since it began. The foundation for dam 1 is finished, and a contract for the superstructure will be let this winter. The foundations for dams 2 and 3 are each about half completed. The contract for the superstructures, it is expected, will be let during the coming spring or in early summer. The work required to connect the conduit with Chestnut-Hill Reservoir is not yet begun. Contracts for the chambers and for the pipes will be made soon.

The average number of men employed on the work done by day labor was 270; the largest number, 432. The largest number of men employed at any one time by the various contractors and directly by the city was 2300.

#### COST OF REMOVING NIGHT SOIL.

Mr. Blanchard of Ward 21 offered an order—That the Committee on Health be requested to consider the expediency of causing a reduction in the price charged by the contractors for the removal of night soil, or to take such measures to relieve citizens from the present high charges that they may deem necessary. Read twice and passed. Sent up.

#### NOMINATIONS OF CITY OFFICERS.

Reports from joint special nominating committees were submitted as follows:

By Mr. Crocker of Ward 9—For City Solicitor, John P. Healy.

By Mr. Blodgett of Ward 8—For Superintendent of Sewers, William H. Bradley.

By Mr. Stoue of Ward 3—For Clerk of Committees, William H. Lee.

By Mr. Hiscock of Ward 21—For City Engineer, Joseph P. Davis.

By Mr. Dee of Ward 5—For Superintendent of Common and Public Grounds, John Galvin.

By Mr. Clarke of Ward 22—For Superintendent of Public Lands, Robert W. Hall.

By Mr. Richardsou of Ward 10—For Water Registrar—William F. Davis.

By Mr. Thorndike of Ward 2—For City Surveyor—Thomas W. Davis.

By Mr. Flynn of Ward 13—For Superintendent of Streets—Charles Harris.

Severally accepted. Sent up.

#### VENTILATION OF THE COUNCIL CHAMBER.

Mr. Smardon of Ward 10 offered an order—That the Committee on Public Buildings be requested to consider and report upon the expediency of providing better ventilation in the Council chamber. Read twice and passed. Sent up.

Adjourned, on motion of Mr. Spenceley of Ward 19.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

FEBRUARY 5, 1877.

Regular meeting at four o'clock P. M., Alderman Clark, Chairman, presiding.

## EXECUTIVE NOMINATIONS.

Police Officer—Michael McMorrow.  
Sergeants of Police—Patrolmen Charles W. Hunt and George A. Walker.

Constable—Thomas Fee, Jr.; Solomon Hovey, Jr., for special duty in Collector's Department.

Police Officers without pay—John A. Whorf, Nickerson's wharf, East Boston; Royal Boston, North-street Union Mission.  
Severally confirmed.

## PETITIONS REFERRED.

*To the Joint Committee on the Survey and Inspection of Buildings.* Petitions for leave to erect wooden buildings by Benjamin F. Teeling on Canal street, near Mill street, Charlestown; A. Zeigler (to enlarge) on Decatur avenue.

*To the Joint Committee on Assessors' Department.* Nathan Matthews, for remission of tax for 1875 on certain bonds that did not belong to him.

*To the Joint Committee on Streets.* E. Worthen James *et al.* to have Poplar street and dock filled in as provided by the act of 1866, chapter 167.

*To the Committee on Licenses.* John Quinn, for a hack stand near Old Colony Railroad station; also near the Boston & Providence Railroad station.

*To the Joint Committee on Fire Department on the part of the Board.* Remonstrance of L. S. Hapgood and 226 others, against allowing Jenney Brothers to erect buildings on First street, South Boston, for manufacturing and storing petroleum.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables as follows: Timothy Wheaton, new wooden, one horse, 814 Sixth street; Edward Murphy, new wooden, one horse, Greenwich street, Ward 24; Patrick Welch, new wooden, two horses, Bennett street, near Market street.

*To the Joint Committee on Water.* Boston Water Board, for leave to contract at the present time for iron pipes to be used during the year.

*To the Joint Committee on Public Lands.* J. H. Hathorne, to be relieved from a nuisance upon his premises on the Northampton-street district.

*To the Joint Committee on Common, etc.* Timothy Splaine, for leave to put boats on the Public Garden Pond.

*To the Joint Committee on Claims.* James Deshon, to be refunded a sum paid by him to the city for an invalid tax title; Rose Bennett, to be paid for personal injuries caused by an alleged defect in Genesee street; Thomas Bond, to be paid for personal injuries caused by an alleged defect in Border street.

*To the Committee on Paving.* William J. Debus *et al.*, laborers on the streets of Charlestown, for equalization of pay, etc.

Metropolitan Railroad Company, for a track in Lenox street from Tremont street to Washington street.

Petitions for leave to move two wooden buildings by John B. Lord, 410 Main street, Ward 4, to 391 Main street.

## ABATEMENT OF A CLAIM AGAINST A BANKRUPT.

Alderman Wilder presented and had read a petition from Hiram Johnson, representing that he is unable to pay his debts in full; that he is a debtor to the city of Boston in about \$3600; that he can only pay thirty per cent. of his indebtedness and that his creditors have generally consented to such a proposition. In case the creditors all consent to take such an offer the city of Boston is not secured, and he desires that the city consent to do so to save him from bankruptcy.

Alderman Wilder—I move that the petition be referred to the Joint Committee on Health, with full powers to grant the prayer of the petitioner if in their judgment it ought to be granted. I will state now that I have fully investigated the matter, and that it seems to me, and I think it will so appear to the committee, to be for the interest of the city to grant the prayer of the petitioner. I ask for a reference with such powers for the reason that a case is now pending, and if this action is not taken prior to the 15th it will render pro-

ceedings in bankruptcy necessary to dissolve an attachment.

Alderman Gibson—What was the debt incurred for?

Alderman Wilder—It is a contract due to the Health Department for filling lands at the South End.

Alderman Fitzgerald—Has not the city of Boston a lien on the land for the filling?

Alderman Wilder—It has not; it has no lien.

Alderman Fitzgerald—I move to strike out the words "full powers." I see no reason why the committee should have full powers.

Alderman Wilder—It is only a question of time.

Alderman Fitzgerald—I see no reason for giving such important powers to the committee. In itself the petition amounts to nothing; but it establishes a precedent, and by and by somebody else will be coming here, and if we object to doing what that person wants done this case will be cited as a precedent, and it will be the beginning of a series of such proceedings before the City Government. For that reason I shall object to giving such full powers to any committee of this Board.

The question was put on Alderman Fitzgerald's amendment and it was lost—4 for, 5 against—by a standing vote. The motion of Alderman Wilder was then adopted, and it was ordered—That the petition of Hiram Johnson for an abatement of his assessment for the removal of a nuisance on his land be referred to the Joint Committee on Health, with full power to abate said assessment as they may judge expedient. Sent down.

## HORSE-RAILROAD TRACKS IN COLUMBUS AVENUE.

The Board took up the special assignment for four o'clock, viz., the hearing on the petition of the Metropolitan Railroad Company for a location of tracks in Columbus avenue and Northampton street, and remonstrance against the petition of the Highland Railway Company for the same privilege.

C. A. Richards, President of the Metropolitan Railroad, appeared for the petitioner and said the petition contained two parts, on the first part of which he would address them at length today. He knew the value of time to the Board and would be as brief as possible. He explained the petition in detail. They proposed to equip the line with as many new and elegant cars as may be necessary to accommodate the residents on the line, and yet not add any more cars to the already large number on the street. Besides the special line they would probably run the West End line through the avenue, and via Lenox street out Washington street to the Bartlett-street station. They asked this not to accommodate Jamaica Plain, Brookline or Crab Village, but the residents on the line, who will have communication with all parts of the city and the suburbs. Mr. Richards then called the witnesses for the petitioners.

Rev. A. A. Miner, D. D., said the line would be a great convenience, giving them connection with every part of the city by the cars of this company. The regular attendants of the three churches on the avenue would be greatly inconvenienced. He preferred the Metropolitan Company because of its connections with other parts of the city, and it would be an act of justice to them.

Colonel Lucius B. Marsh appeared in the interest of residents and property owners in 333 houses on streets west of the avenue. He read a statement to the effect that the growth of the city had caused the cars to be increased west of Washington street, and ultimately the establishment of the Lenox-street line, the latter fully answering its intended purpose. The company have been ready to lay a track in Columbus avenue for four years; but the residents thereon have several times objected. Residents on streets crossing the avenue have always desired a railroad on the avenue, as the want of it has been detrimental to their property. When it was expected that the road would go down the avenue the property sold rapidly, but sales decreased when the contrary was decided on. Had the track been laid in 1872, the valuation on these houses would not have been reduced in 1875 and 1876, making a loss of over \$320,000, and the lowest point has not yet been touched, as probably another \$100,000 reduction will be made this year. If the railroad is granted, a further reduction will not be needed, though he did not believe an increase should be made this year. If any road is to have a track there it should be the Metropolitan, the cars starting from Lenox street. If the cars came from the Highlands they would be full and would not ac-

commodate those living on or near the avenue. Cleau cars just from the depot, with people of their own class, will be better than crowded cars from Roxbury crossing, Warren street and elsewhere. He spoke at length of the crowded condition of Tremont street along the Common, which would not be increased if the petition is granted. Many persons signed for the Highland road because they wanted some road; but they now prefer the Lenox-street line of the Metropolitan company. [To Mr. Sumner R. Mead, a remonstrant]—Own a house which has been occupied since it was built; but his own preference was not to have a railroad there; am not a stockholder in the Metropolitan; am not paid to appear here; wrote the statement to read before the committee in favor of the Highland road, not knowing that this petition was to be heard. He always bowed to the public good as against his personal preferences.

Mr. W. M. Parker, superintendent of the Lowell road, a resident on the avenue, thought it would be a great convenience to have a connection between the avenue and the depots. The Metropolitan well accommodates the patrons of the Lowell road. [To E. W. James]—Thought it would be a great accommodation to go direct from the depots through Charles street to Columbus avenue.

A. A. Folsom, residing on Appleton street, and superintendent of the Boston & Providence Railroad, said his company would be glad to have more horse-railroad facilities to all parts of the city. He commended the Metropolitan for the facilities already furnished. [To E. W. James]—Would not like to express his opinion of the accommodation of people at the West End without seeing the plan.

Asa H. Caton, residing at 161 West Chester park, had had his attention called to the question as a builder of houses on streets west of Columbus avenue, where many persons objected to buying because of a want of horse-car accommodations. A special line from Lenox street would be preferable to a line running through from the Highlands. [To Mr. Mead]—Some people had objected to buying houses on the avenue for fear the cars would come there; never lost a sale on the avenue because there were no cars there. Personally he had no particular wish about it; believed the horse railroad must go down there. As a taxpayer he wanted to see the railroad laid before the street is repaved, which will soon be necessary.

Mr. Loomis, residing on Holyoke street, near the avenue, believed it would be a great advantage to all residents in that vicinity. He preferred the Metropolitan road.

This closed the evidence for the petitioners, and the remonstrants were heard.

E. W. James wanted the Paving Committee to insist that the track be laid in a year or the location be void; also that they be compelled to run direct to the depots via Charles street.

Sumner R. Mead did not believe the Metropolitan road owned the City Government, and the same reasons for refusing the location are as potent today as before. The people on Tremont street do not want less cars, and would protest against the petition if they knew that the avenue was to be accommodated at the expense of Tremont street. Grant this petition and in six months they will want to run the cars through the Common. There are 189 occupied houses on Columbus avenue; over 100 representative men signed a remonstrance against the Highland petition. The ladies of the avenue do not want any cars there; every mother's fear for the safety of her children would be increased tenfold. If the cars are to increase the taxation, don't send them, for they are taxed more than they can stand. He could point to a lady who walks on crutches from the farthest point from Tremont street, rather than have the avenue blockaded by cars. The people had a right to have one avenue left free from the cars. He believed their interests safe in the hands of the Board. [To Alderman Fitzgerald]—If either road is to have the location on the avenue, he don't know which way a majority would go; but so far as his acquaintance goes they believed the Metropolitan road has the best facilities. [To Mr. Richards]—People on the avenue are well accommodated now.

John C. Haynes opposed any railroad there, but thought the preponderance is in favor of the Highland, as the competition will insure better cars and accommodations. He opposed any location there, as a resident and a citizen. He thought there should be one avenue where people could ride comfortably without the nuisance of horse-

railroad tracks. The ladies on the avenue almost unanimously oppose it. He did not believe property west of the avenue had depreciated for lack of cars; but it was from the general state of the times. [To Mr. Richards]—The avenue is free from tracks for half a mile. Personally he did not care which road had it.

Dr. O. S. Saunders said Mr. Mead's remarks covered the ground. The residents on the avenue had expressed the same thoughts to him, especially ladies and mothers, who dislike the noise and the breaking up of the display of carriages. He knew of many accidents this winter in getting over the car tracks, and he had spent over \$100 himself. There is no such thing as depreciation in property by the want of railroad tracks. He saw Colonel Marsh last week counting the houses on Greenwich park, and did that authorize him to appear for the occupants? So far as the speaker's acquaintances are concerned, they prefer to go to Tremont street. He also believed that the granting of the location would be followed by a petition to go across the Common. [To Mr. Richards]—Considered the horse cars more dangerous to life and limb than is the fast driving on the avenue. When the avenue is extended the cars will go straight into a district which would fill the cars before they got down to the lower part of the avenue; do not think the special line would give accommodations that will overbalance the disadvantages; should object to the Highland petition as well.

Mr. Jackson said he usually drove in from Dorchester, and tracks in the avenue would be very objectionable. It is the only way he has of driving in and out except where there are tracks.

John Shepard agreed with what Mr. Jackson and Mr. Mead had said, as did also Moses Merrow; the latter would consider his house deteriorated in value as soon as a track is laid there. J. G. Russell opposed any track there, and has good accommodation now; but if any track is laid he preferred the Metropolitan. He paid \$25,000 for his house; lay a track there, and he will sell for \$20,000. He instanced several cases to show that the lack of horse cars is not a cause for depreciation. When Chester-park street is extended it will make a pleasant drive, but the laying of this track will spoil it. People leave Tremont street and drive down the avenue to insure safety. A track in the avenue will cause more depreciation of property than the absence of it. If any track is laid, he preferred the Metropolitan.

Mr. Mead thanked the Board for their patience, and the remonstrants rested their case.

Mr. Richards closed the case for the petitioners, saying these railroad matinees are very tedious for the Board, who had been made the only tribunal to which they could come. He gave a history of the movement from 1872, when the Metropolitan were refused a location there. The remonstrants claimed that the petitioners had presented nothing new; but could anything be older than the selfish reasons given by the remonstrants. This company come not to enter into a contest for this thing, but a rival corporation had petitioned for the location. It will be said that the Metropolitan is a monopoly. Every man is a monopoly. The chairman of the Board is a monopoly, for twenty-five years ago he began to educate himself for the position he now holds. So for twenty-five years the Metropolitan had been educating itself for this time. If it had avenues it was because they honestly asked for them to accommodate the public. The Metropolitan had furnished cheap transportation to cheap homes in the suburbs, and without it annexation would have been a failure. The cry of monopoly is all humbug. When an individual or an institution studies and masters a subject, and begins to reap the benefit thereof, the cry of monopoly is raised—put them down, and put up some one else. Mr. Richards again explained the object of the petition and the needs of the people west of Columbus avenue, citing instances to show that the location of tracks was a benefit to property on a street. He gave his word that in the early spring the company would put on a fine line of cars fitted for the business; but he would not guarantee "centennial" or "gilt-edged" cars. He had come without a petition in aid of this petition, and he had presented all the petitions of a certain kind that he intended to. When he could get 100 names for fifty cents for any petition, he would not cheapen his case by presenting them, as he knew that the Board had

common sense enough to decide the question without a long array of petitioners whose signatures could be obtained at two cents a piece.

Mr. Merrill, President of the Highland Railway Company, asked that the Board reserve their judgment until after the hearing on the petition of that company.

On motion of Alderman Fitzgerald, the subject was recommitted to the Committee on Paving.

#### UNFINISHED BUSINESS.

Order for Committee on Police to make all repairs which may be necessary for the care and preservation of the several police stations and the police steamboat. Passed.

Order for Committee on Police to provide from time to time such furniture and supplies as may be needed at the several station houses. Passed.

Order for the Committee on Police to make all needful arrangements for keeping the horses of the Police Department. Passed.

#### LOITERING ON STAIRS AND CORRIDORS OF CITY HALL.

The order for the Chief of Police to take measures to prevent persons loitering on the stairs or corridors of the City Hall, thus preventing free access to some of the offices, was considered under unfinished business.

Alderman O'Brien—There is something in that order which appears to be very objectionable. I can certainly see no good reason for its passage, and I am almost surprised that such an order was ever sent to this Board. We all know that there are thousands of poor people out of employment—deserving, good citizens—who cannot find work outside, and they come here to see if they cannot find employment. They know that hundreds of men are employed in the Paving Department, and in the departments of Lamps and Health, and I think it is noble in them to come here seeking employment, and trying to get a few days' work to furnish bread for their families. I think it will be cruel to turn those men into the streets, and if you pass that order I believe it will put it into the hands of the Chief to turn them into the street. The doors of City Hall should be open to the rich and the poor, the high and low alike; and I do not believe in any such order. I move that it be indefinitely postponed.

Alderman Robinson—I am perfectly surprised that the Alderman makes such an objection. That is not the object of the order that he states. This City Hall is not to be made a loafing place. There is nothing in that order that prevents any person from coming here that has any business with the city. There is nothing that prevents anybody from coming here to get employment in the Paving Department. It is only intended to remove those who loaf on the stairs. It is for those persons who have no business here that the order is intended. It has sometimes been almost impossible to get up stairs without the aid of a policeman.

Alderman O'Brien—I think that if we have a little patience all this will disappear as soon as we elect our heads of departments and Assessors. I have no doubt that some of those loiterers are candidates for heads of departments and Assessors. I know that the Superintendent of Streets is greatly annoyed, but we cannot help that. The order is aimed at only those poor laborers who loiter on our stairs hoping to get work, and I move that it be indefinitely postponed.

Alderman Robinson—The Alderman says this order is entirely aimed at the poor laboring men. I deny the statement. It is not so.

The question on indefinite postponement was put and declared carried—2 for, 1 against. Alderman Robinson called for the yeas and nays, and the motion to indefinitely postpone prevailed—10 yeas, 1 nay:

Yeas—Aldermen Breck, Clark, Dunbar, Fitzgerald, Gibson, O'Brien, Slade, Thompson, Viles, Wilder—10.

Nay—Alderman Robinson—1.

Absent—Alderman Burnham.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Annual report of City Engineer. (City Doc. No. 15.) Placed on file.

Order for Committee on Health to consider the expediency of effecting a reduction in the cost of the removal of night soil.

Alderman Viles—The committee are powerless in that matter until next year, as the contract does not expire until the 31st of next December.

Nothing can be done in regard to it at the present time.

The order was passed in concurrence.

Order for flags to be displayed and bells to be rung on the 22d of February, Washington's Birthday. Passed in concurrence—yeas 11, nays 0.

An order prescribing a uniform for Fire Commissioners, and directing them to conform to "General Order No 60," relating to wearing of uniforms, came up referred to Committee on the Fire Department. Concurred.

Report and order to rescind order of Sept. 30, 1867, for a loan of \$150,000 for Oliver-street Improvement, and for a transfer from unexpended appropriations of this financial year of the sum, less revenue received, advanced by Treasurer under said loan, to meet Auditor's drafts drawn in payment for said Oliver-street Improvement. Order passed in concurrence—yeas 11, nays 0.

Order for Committee on Public Buildings to consider the expediency of providing better ventilation for the Common Council Chamber. Passed in concurrence.

Reports of committees, nominating—William H. Lee as Clerk of Committees; Charles Harris, Superintendent of Streets; Joseph P. Davis, City Engineer; Robert W. Hall, Superintendent of Public Lands; William H. Bradley, Superintendent of Sewers; John P. Healy, City Solicitor; John Galvin, Superintendent of Common, etc.; William F. Davis, Water Registrar; Thomas W. Davis, City Surveyor. Severally accepted.

#### EQUITABLE VALUATION OF PROPERTY.

An order came up for the Mayor to appoint a commission of three to consider a plan for a more uniform and equitable valuation of property for taxation, at an expense not to exceed \$300.

Alderman Fitzgerald—I must confess that I have tried to study that order up, but I cannot see what is to be accomplished by it. If any member of this Board can give me an intelligent idea of what this commission will be able to accomplish in its recommendations, so that this Board shall govern the Assessors, if such a thing can be done, so that their oaths of office shall be governed by our opinions, then I shall vote for it. The Assessors take an oath to value property in a certain way, and it seems to me that it is the appointment of a commission to find out how to value estates and control the oaths of the Assessors which they take when they accept the positions of Assessors. If any one can show me what good can be done I should be happy to vote for it. But in the present condition of affairs, and not understanding the order, I cannot vote for it.

Alderman Thompson—I do not quite understand the order myself, but I have been informed what was the desire of the party who introduced the order, he feeling aggrieved at the course the Assessors had pursued for several years; that they were running in a certain rut, and that it was impossible to get them out of it. He thought that a commission outside of the Assessors might suggest something which would be of advantage to the citizens generally. I don't know that anything can be done or that any advice can be given to the Assessors; but on the principle that two heads are better than one, it may be for that reason that the order was introduced. I certainly think myself that something should be done, because any member of this Board who has been associated on certain committees will realize that there are many discrepancies in valuations, and it occurred to me that no harm can be done for a commission of this kind to be appointed, and perhaps some good might result from it; and as the expense is so limited I shall vote for the order.

Alderman Gibson—All I see is we are paying some four or five thousand dollars annually to persons to assess our property, and here comes an order to investigate the whole subject of taxation at an expense of \$300. Either we are paying too much now, or else there is not enough money named in the order to make it practicable. It seems to me that we cannot get competent parties to take hold of it for that. It will take three times \$300 to get an expert to work on the subject.

Alderman Fitzgerald—This whole matter of assessment and abatement of taxes is regulated by the statutes of the Commonwealth, which this Board have no control over whatever. This commission can only recommend some plan by which the taxpayers might receive some abatement from the taxes received by the city of Boston. No commission can prescribe a rule to govern

the oaths of the five Assessors, and the thirty-three Assistant Assessors. They take an oath to assess property according to their opinion; it may be higher than a great many other people think it should be, but it is their return. If the party is aggrieved there can be a hearing before the County Commissioners, and in Suffolk County the hearing is had before the Board of Street Commissioners. Now, can this \$300 commission do anything better than the plan prescribed by the statutes of the Commonwealth? Because parties have a little grivance—and I understand the Alderman opposite [Alderman Thompson] to say that some parties have been aggrieved—because parties have been aggrieved they try to get something passed to meet their particular case. If the parties are aggrieved they have recourse to the Board of Street Commissioners. The act says—

“Any person aggrieved by the taxes assessed upon him may apply to the Assessors for abatement thereof; and, if he makes it appear that he is taxed at more than his just proportion, they shall make a reasonable abatement.”

“The powers formerly exercised by the Board of Aldermen of Boston, as County Commissioners, in relation to the abatement of taxes, are now exercised by the Board of Street Commissioners.”

And they can do that. Now can this proposed commission devise a better way? I have no doubt that the property in Boston is now assessed at more than it should be; but how can we get at it by this? This commission is something I cannot see the necessity for.

Alderman O'Brien—The dissatisfaction that exists against the assessed valuation of our city property is widespread. There is scarcely a man in the city of Boston that owns a piece of property, if it is real estate, but feels dissatisfied with the assessment put upon his property. I know he can go to the Street Commissioners and present his claim, but what does it entail upon him? It takes his time and perhaps it may take his money. He may have to call in a lawyer to plead his case for him, and it is disagreeable for any man to appear here before the authorities in City Hall to get an abatement of his taxes. I say it is almost impossible for a man to get an abatement of his taxes unless he has the patience of a Job and will follow it up month after month until he succeeds. I say this dissatisfaction is widespread. If we could get a commission that would serve without compensation—like the Park Commissioners, who have given us a great deal of information on the subject of parks—for instance, distinguished lawyers who would look into this subject and recommend some changes in the law by which we might get some more equitable system of taxation, I don't see any objection to it. And there is one thing that we might do every year, and that is elect the most intelligent men to assess our property, and that is where we fail every year in not electing men of the right kind to assess our property. After we have elected the board for the year they are beyond our reach; they are under statute law and they fix the valuation themselves. I believe that the assessment of our property for years past has been a humbug—that there is scarcely a piece of property in the city of Boston today that is assessed correctly, and we have been going up and going up, and never looking ahead to see where we are going to, and now we see that if our property was assessed at its true value almost every public improvement in the city of Boston would have to stop. As I said before, if this commission could give us some information upon the subject, even if only recommendations as to the alteration of the statute laws, I should be willing to vote for it. There was a commission appointed some years ago by the State, but they devoted most of their time to the taxation of church property, and they gave us some excellent ideas on the subject. Now, if we had a commission of intelligent men who would be willing to devote some little time to the subject and give their services gratuitously to the city, I would not object to it.

Alderman Fitzgerald—The Alderman must not think that because I rise to speak against the order I am opposed to lowering the taxes. I own a little property and I wish it was taxed lower, for it would be money in my pocket. But this order means a roving commission. It means nothing. If it means anything it means that the Assessors' valuation shall be different from what the Assessors believe it should be. I think the whole

cause of the wrong has been with the Board of Aldermen and the Common Council in the election of Assessors, in the selection of men whose only competency is the persistency with which they buttonhole members of the City Government. If the Board of Aldermen and the Common Council would select men for the offices of First and Assistant Assessors because they know the value of real estate, and because they are judges of its value, independent of its assessment the year before, you would have an equitable assessment. But the First and Second Assistant Assessors, as they are elected now, know no more about the value of property than a monkey does of the organ that he is on top of, and they take the standard by the value fixed last year; they say, We must n't put this down this year, and so the taxes are up so high that they startle the citizens of Boston. I say that if you could devise some better way to elect Assessors the plan of assessment would be better. I agree with the Alderman that our real estate is taxed unjustly, because it is taxed unequally. We are, in consequence, obliged to bear the burdens of the State tax unjustly. I fail to see what good the commission is going to accomplish, but I shall offer no objection to the order.

On motion of Alderman Wilder the order was laid on the table.

REPORTS OF CITY OFFICERS.

*City Registrar.* Report that during 1876 there were 10,626 births in Boston, a decrease of 394 from 1875; certificates of intentions of marriage issued, 3391, a decrease of 597; received for said certificates, \$1695.50; deaths recorded, 8200, a decrease of 758. Sent down.

*Superintendent of Markets.* Report for quarter ending Jan. 31—Received and paid to City Collector, \$26,776.72. Placed on file.

*Overseers of the Poor.* Report for quarter ending Jan. 31—Receipts, \$40,773.52; expended, \$35,380.01; cash balance, \$6614.88. Sent down.

*Auditor of Accounts.* Exhibit of the appropriations Feb. 1—Total, \$17,356,127.48; expended, \$11,425,047.45; unexpended, \$5,931,080.03. Sent down.

*City Solicitor.* Annual report showing the number of cases pending in which this city is a party. Sent down.

*Superintendent of Public Buildings.* Annual report for 1876. [City Doc. 16.] Sent down.

The expenditures for repairs, alterations and improvements of public buildings include all the buildings belonging to or hired by the city, except schoolhouses and county buildings, used for the accommodation of the City Government and the various departments. This class of buildings numbers 126. The amount expended on such for the past year has been \$99,583.35. The income from rents to the city for the year was \$134,047. The amount expended on county buildings was \$42,900.09. The total number of buildings occupied for school purposes owned by the city is 163, containing 1296 schoolrooms; in addition, colonies are established in 17 buildings hired for that purpose, furnishing 30 schoolrooms, making the total number of buildings in which school sessions are held 180, containing 1326 schoolrooms. The expenditures for ordinary repairs, supplies and furniture for these houses the past year have been \$126,635.37. The extraordinary expenses of this department are those for the erection of new and alterations of old buildings, for which appropriations are made by order of the City Council. Special appropriations for seventeen new public buildings have been in charge of this department during the past year. The total amount in appropriations for these buildings, including the heating and furnishing of a portion of the same, is \$634,800. This includes the amount appropriated by the City Council the past year, together with the amount carried over from the previous year. The Superintendent gives a brief statement of the new work completed during the year.

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

County.....	\$2,000,000
Public buildings.....	6,434,364
Schoolhouses.....	7,996,500
Total.....	\$16,430,864

BOND APPROVED.

The bond of Joseph R. Rowe, constable, being presented duly certified, was approved.

## NOMINATIONS AND ELECTIONS.

*City Messenger.* Alderman Thompson submitted a report nominating Alvah H. Peters for City Messenger. Accepted, and on motion of Alderman Thompson an election was ordered. Committee—Aldermen Thompson, Wilder. Alvah H. Peters received eleven votes, the whole number cast, and was declared elected. Sent down.

*Superintendent of Public Buildings.* Alderman Thompson submitted a report nominating James C. Tucker for Superintendent of Public Buildings. Accepted. Sent down.

*Assessors.* Alderman Wilder moved that the Board proceed to an election for Assessors.

Alderman Fitzgerald—I do not like to appear here continually in the rôle of an objector to motions of this kind, but I feel compelled, as the chairman of the Committee on Retrenchment and Reduction of Salaries, to ask that all these nominations be laid upon the table until the report of that committee is made. If the Board of Aldermen mean business, and do not intend to make this cry of reform a farcical thing, as it has been for two or three years, if the plant is going to blossom and bear fruit, I hope the Board will begin by laying all the nominations upon the table. The Government will not suffer. We have February, March and April in which to elect them, and the Committee on Retrenchment will report in about two weeks from tonight, and then we can vote intelligently upon all of those officers. Elect all the officers and you cannot consolidate the departments and you do not know where you are going to land. Elect them and you will draw a lobby into City Hall that will prevent any reduction of the salaries of the city officials. Keep them on the table, and if decency will not, fear will prevent them from coming and buttonholing members of the Board of Aldermen. If you accept the report of the committee—and I intend to give good reasons for it—you can then act more intelligently. We have this very subject of consolidation of the Assessors under consideration. When the committee have made their report there is an end of it. I have no friends to reward or enemies to punish, but I think that the good of the taxpayers requires that the expenses should be cut down. And I do not care who suffers by it. I only ask that the members of this and the other branch may be able to deal intelligently with the subject. I only ask them to wait till we report what commissions can be consolidated; but if you elect them now, that will be an end of the work of the Committee on Retrenchment.

Alderman Wilder—In making the motion to proceed to an election now, it was merely to forward the business of the City Government, which has got to be done. I don't want to throw any obstacles in the way of retrenchment. It is a hard work which my friend has undertaken; I know he will accomplish a great deal of good, and I hope it will be done. But we have five principal Assessors, and if we proceed to elect them there will be no more than there are now. The Committee on Assessors' Department desired to have the Board act upon them, for I am free to say that there is a great deal of pressure and buttonholing. The committee have not lacked for gentlemen who are very anxious to serve the city in this capacity, and we want to get through with them. I understand that the Retrenchment Committee are likely to make some change in the Assessors' Department—perhaps reduce the number of First and Second Assistant Assessors two or three. What their purpose or plan is I don't know; only I am prepared to support it if it goes for retrenchment or reform. But I fail to see how it is to change the action of the committee whether we elect three or four Assessors. I don't wish to press this to a vote this evening. I have no axe to grind. We only submitted our nominations, and only desire action now because we thought it would facilitate the future work of the committee. For myself I don't wish to press it.

Alderman Gibson—I like the remarks of the Committee on Retrenchment, and I fully indorse them to the utmost. It seems to me we ought to know how many we are going to have before we go into an election here. If we can curtail the departments, and cut down to a thousand dollars where we now pay thirty-five hundred, I think it would be quite as well to wait. I should hope that the committee would be diligent in their labors.

Alderman Wilder withdrew the motion to proceed to an election.

## MERIDIAN-STREET BRIDGE.

Alderman Thompson offered an order—That

Meridian-street Bridge be closed to all public travel on Tuesday, Feb. 6, and remain closed until certain repairs thereon are completed. Read twice and passed.

## PIPE FOR WATER WORKS.

Alderman Thompson offered an order—That the Boston Water Board be authorized to contract for the delivery of the cast iron pipe required for the ordinary work of the Water Department during the next financial year; the amount of said contracts, not exceeding \$43,000, to be paid from the appropriations to be made for the Water Department for the financial year 1877-78. Read twice and passed. Sent down.

## FRANKLIN FUND.

Alderman Wilder submitted a report from the Special Committee on the petition of Albert G. Rockwood for a loan of \$250 from the Franklin Fund, that he comes within the conditions of the bequest, and as his proposed bondsmen are satisfactory his request should be granted. Accepted.

## SWING SIGNS.

Alderman Robinson submitted a report from the Committee on Police in favor of granting leave to M. E. Shorey to project a plain lantern at No. 11 Cross street, with the word "Hotel" or "Lodging" painted thereon, provided it is secured satisfactory to the Inspector of Buildings. Accepted.

## OMNIBUS AND STAGE LINES.

Alderman Fitzgerald submitted the following, from the Committee on Licenses:

Report on petition of George W. Sawin with an order—That leave be granted to George W. Sawin to run a passenger wagon from Cragie's Bridge to India-wharf Market once a day each way, for the accommodation of marketmen and others. Order read twice and passed.

Report on petition of Robinson & Emerton with an order—That leave be granted to Robinson & Emerton to run two passenger wagons from the Boston & Maine Railroad station through Washington, Broad and High streets to Rowe's and India wharves, and to return by the same route, at a rate of fare not exceeding ten cents per passenger each way. This license to commence May 1, 1877, and to continue until Oct. 1, 1877. Order read twice and passed.

Report on petition of Colman & Wellington with an order—That permission be granted Colman & Wellington to run two passenger wagons from Bowdoin square through Court, State, Kilby, Oliver and High streets to Rowe's and India wharves, and to return by the same route, at a rate of fare not exceeding ten cents per passenger each way; this license to commence on the 1st day of May next, and to terminate on the 1st day of October next succeeding. Order read twice and passed.

## LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Minors' Applications Granted—Forty-six newsboys; one bootblack.

Amusement Licenses Granted—Warren-street Chapel Association, to hold a festival in Music Hall on Feb. 22; W. C. Huntley, for variety entertainment at Wait's Hall, Feb. 12.

Dealer in Second-hand Clothing Licensed—David Kurtz, 54 Merrimac street.

Amusement License Refused—Mrs. Lillie E. Hersey, for sociables on Wednesday and Saturday evenings, at 24 Tremont row.

Auctioneers Licensed—Jesse L. Nason & Co., 21 School street; W. E. Nowlan, 11 Pemberton square; Harry M. Joel, 281 Broadway.

Victuallers Licensed—William Jones, 890 Washington street; Brooks Brothers, 700 Washington street; A. J. Washburn, 135-137 Blackstone street; Charles A. Hackett, 519 Tremont street.

Junk Dealer Licensed—John William Collins, 17½ Spring Lane.

Dealer in Second-Hand Articles Licensed—Rappael Back, 1234 Tremont street.

Severally accepted.

## PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Report and order—That upon the petition of Henrietta L. T. Wolcott, wife of John W. Wolcott, the Mayor be and he is hereby authorized to execute to the said Henrietta L. T. Wolcott a confirmation deed of the land intended to be conveyed to her by deed from the city of Boston, dated Oct. 17, 1871, and recorded with Suffolk Deeds, liber 1075, folio 74, in accordance with the prayer of said petitioner. Order read twice and passed. Sent down.



Report of leave to withdraw on petition of heirs of Charles Davis *et al.*, for abatement of assessment on Northampton-street District. Accepted. Sent down.

## CLAIM SETTLED.

Alderman O'Brien submitted a report from the Joint Committee on Claims that they have settled the claim for personal injuries sustained on Exchange street by Dennis Manahan by the payment of \$150. Accepted. Sent down.

## LAND DAMAGES, ETC.

Alderman Thompson submitted the following from the Committee on Streets on the part of the Board:

Orders to pay for land taken and damages occasioned—William F. Bell, \$1000, widening of Shawmut avenue; J. L. Sartwell and the heirs of John Humphrey, \$581, widening of Shawmut avenue. Severally read twice and passed.

Report that no action is necessary on petition of Caleb H. Dolbeare, for abatement of Atlantic-avenue betterment, he having settled the same. Accepted.

## MASSACHUSETTS CHARITABLE MECHANIC BUILDING ON THE COMMON.

Among the petitions and remonstrances received and read in the regular order were the following:

To the Honorable City Council of Boston—The undersigned, citizens and business men of Boston, respectfully favor the application of the Massachusetts Charitable Mechanic Association for permission to erect a temporary building on the parade ground of Boston Common, next fall, for its triennial exposition of industry and art, and join with the association in asking that its petition may be granted.

*Boston, January, 1877.*

Leopold Morse, George P. Baldwin, John Cummings, Jerome Jones, Asa P. Potter, Ivers W. Adams, Isaac Fenno & Co., Beard, Moulton & Bouvé, William Claffin, Edwin H. Sampson, Edward P. Wilbur, R. Worthington, C. M. Clapp & Co., Clapp & Balderstone, Henry C. Hunt & Co., Dennison & Co., William Morse, Herman Askenasy, Chas. Whitney, Albert A. Cobb, Geo. C. Barrett, Gilbert Attwood, H. M. Bearce, Sam'l E. Sawyer, L. H. Palmer, ticket agent Fall River Line; J. W. Richardson, agent Stonington Shore Line; Edwin M. Bacon, Chas. H. Taylor, Chas. A. Smith & Co.

To the Honorable City Council of Boston—The undersigned, citizens and business men of Boston, respectfully favor the application of the Massachusetts Charitable Mechanic Association for permission to erect a temporary building on the parade ground of Boston Common next fall, for its triennial exposition of industry and art, and join with the association in asking that its petition may be granted.

*Boston, January, 1877.*

Charles G. Greene, J. Warren Faxon, J. F. Morrill, F. W. Bird, Henry H. Barrows, Lyman Boynton, J. J. Richards, D. Sturtevant, John French, Anthony Hanson, Wm. Gaston, Edwin Pope, Wm. B. Munroe, B. D. Whitcomb, W. P. Emerson Piano Co., W. Moore, Chas. E. Jenkins, E. S. Tobey, D. N. Skillings, John W. Candler, Albert Bowker, Richard Briggs, Roberts Bros., Joseph F. Travers, Wm. A. Hovey, Frank Hill Smith, Erastus B. Bigelow.

To the Board of Aldermen of the City of Boston—The undersigned, citizens or taxpayers in Boston, respectfully remonstrate against permission being given to any persons to erect buildings on the Common for other than municipal purposes.

They also petition your honorable Board to grant a hearing on the subject before any decision is made.

[Signed] W. H. Whitmore, John C. Ropes, Abbott Lawrence, Geo. O. Shattuck, Geo. S. Hale, George B. Chase, A. C. Martin, C. C. Jackson, Joseph Healy, Jacob Sleeper by J. H. S., Clement Hugh Hill, Prentiss Cumings, Wm. S. Macfarlane, J. Henry Sleeper, Saml. T. Morse, Josiah F. Guild, J. Orne Green, Ed. F. Daland, Samuel S. Shaw, C. E. Hubbard, A. Minot, Jr., G. W. Baldwin, Dwight Foster, Benj. F. Stevens, Sewell Tappan, Jos. M. Gibbins, John Gardner, W. Amory, T. Jefferson Coolidge, E. R. Mudge, Sawyer & Co., Weeks & Potter, John D. Bryant, O. W. Peabody, Preston & Merrill, Perkins & Job, Iasigi & Co., Cutler Bros. & Co., Barney Cory, Dexter Brothers, Charles E. French, Horatio E. Swasey.

Alderman Robinson—The Committee on Common and Squares have made up a report upon that subject, and I move that that report be read at this time.

The Chairman—The report has not yet come in. Alderman Robinson—Then I move that the whole subject be laid upon the table for the time being.

The motion prevailed.

Later in the session Alderman Robinson submitted a report from the Joint Committee on Common, etc., on petition of the Massachusetts Charitable Mechanic Association for leave to erect a building on the Common for the purposes above referred to, and the petition of Otis Norcross *et al.*, in aid of the same, with an order granting said petition. The chairman proceeded to read the report and Alderman Fitzgerald asked if it was a long report, as if it was he would move that it be laid on the table and printed.

Alderman Robinson—It was my intention to put it to a vote, if possible. Those parties are waiting to know what action this Board of Alderman will take, and their future action will depend upon our decision tonight. It will take some little time to erect such a building, and I propose to take the sense of the Board tonight.

Alderman Fitzgerald—I should be decidedly opposed to action tonight. It is a very serious question, this granting leave to put a building upon the Common. I do not know that I shall oppose or favor it, but I want some time to consider it, especially as respectable citizens have come here and asked for a hearing, for I think they ought to have one. The petitioners have received a hearing, and the remonstrants are respectable persons and they should be heard before the Board of Aldermen or a committee, before final action is taken in the matter of allowing a building to be placed upon the Common.

Alderman Robinson—It was not my intention to press it to a vote tonight, except by unanimous consent of the Board. I should like to have the report read.

Alderman Thompson—I agree with the Alderman in regard to what is due to the remonstrants in regard to giving them a hearing, and I trust they will be given a hearing before the full Board as soon as possible. It seems to me the best thing we can do is to lay the report upon the table and have it printed, and then take up the remonstrance and fix a time for a hearing. I move that the report be laid upon the table.

Alderman Fitzgerald—Perhaps the better way would be to refer the whole report back to the committee, with the petitions and remonstrances, with instructions to give them a hearing and then they can be heard. Or, if the members of the Board want to be bored by a public hearing, we can grant them one next Monday.

The Chairman—The remonstrants ask for a hearing, but do not say whether before the full Board or a committee.

Alderman O'Brien—I understand from some of the remonstrants that they would be satisfied with a hearing before a committee. If they have a hearing before the Board it will occupy several hours, as there are some fifty or seventy-five witnesses to be called upon to testify. I think it had better be referred to the Committee on Common, with instructions to give them a hearing, and that the petitions be referred to the same committee.

The motion to recommit and refer prevailed. Sent down.

Later in the session Alderman Thompson said, As a matter of courtesy to the members of the Committee on Common who presented the report, I move a reconsideration of the vote referring it back to the committee, so that it may be read to the Board.

Alderman O'Brien—With all due respect to the gentleman and to our chairman, who is a good reader, I should prefer to take this report at my leisure and read it in print.

Alderman Thompson—As the gentleman who offered the report desired that it may be read I hope he will be gratified.

Alderman O'Brien—I was merely considering the time of the Board. If the worthy Alderman from the Dorchester District desires to have the report read I shall not raise any further objection.

Alderman Fitzgerald—I have no particular objection to the reading of the report, but if I were a member of the committee I should consider the fact that certain people have come here remonstrating against the passage of the order that they have reported, and I should much prefer that my report would not be published until I heard what they had to say.

Alderman Thompson withdrew the motion at the request of Alderman Robinson.

Adjourned, on motion of Alderman Thompson.

The first part of the document discusses the general principles of the proposed system, which is designed to improve the efficiency of the government's operations. It outlines the various departments and their respective responsibilities, as well as the methods of funding and the expected benefits to the public.

The second part of the document provides a detailed account of the current state of the government's affairs, including a review of the budget and the progress of various projects. It also discusses the challenges faced by the government and the steps being taken to address them.

The third part of the document contains a series of recommendations for the future, based on the findings of the previous sections. These recommendations cover a wide range of issues, from the organization of the government to the improvement of public services.

The fourth part of the document is a summary of the main points of the report, and a conclusion that emphasizes the importance of the proposed system and the need for prompt action.

The fifth part of the document is a list of the names of the members of the committee who were responsible for preparing the report. It also includes a list of the names of the various departments and agencies that were consulted during the course of the investigation.

The sixth part of the document is a list of the names of the various individuals and organizations that have provided support and assistance to the committee in the course of its work.

The seventh part of the document is a list of the names of the various individuals and organizations that have provided information and data to the committee.

The eighth part of the document is a list of the names of the various individuals and organizations that have provided financial support to the committee.

The ninth part of the document is a list of the names of the various individuals and organizations that have provided technical support to the committee.

The tenth part of the document is a list of the names of the various individuals and organizations that have provided other forms of support to the committee.



## CITY OF BOSTON.

## Proceedings of the Common Council,

FEBRUARY 8, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Reports of City Solicitor and Superintendent of Public Buildings; Annual Report of City Registrar; Quarterly Report of Overseers of Poor; Auditor's Monthly Exhibit. Severally placed on file. Petitions were referred in concurrence.

Recommitment to Committee on Common (to give a public hearing) of report and order in favor of erection of a temporary building on the Common for Triennial Exhibition of Massachusetts Charitable Mechanic Association. Concurred.

Report that claim of Dennis Mannahan to be paid for personal injuries has been settled for \$150. Accepted in concurrence.

Report leave to withdraw on petition of heirs of Charles Davis and others, for abatement of assessments on Northampton-street district. Accepted in concurrence.

Order to refer, with full power, to the Committee on Assessors' Department the petition of Hiram Johnson for an abatement of assessment for removal of a nuisance. Read twice and passed in concurrence.

Report and order for a confirmative deed of land to be conveyed to H. L. T. Wolcott, as therein set forth. Accepted in concurrence.

## NOMINATIONS AND ELECTIONS.

*City Messenger.* A report came down nominating, with certificate of election, Alvah H. Peters as City Messenger.

The report was accepted in concurrence.

Mr. Pierce of Ward 18—I move a suspension of the rule, that the Council may proceed to an election.

Mr. Flynn of Ward 13—I hope the rule will not be suspended tonight, for the reason that we have now out a Committee on Retrenchment and Salaries, and until they report I think it would be discourtesy to them to ballot for any of these officers.

Mr. Jackson of Ward 16—Does the gentleman refer to the election of City Messenger only, or does he calculate to go into the election of all the officers?

The President—The motion refers specially to the election of City Messenger.

Mr. Flynn of Ward 13—If it is the intention of the gentleman to include only the election of City Messenger, I have no objection; but my objection was to going into an election of all the officers. I withdraw my objection to the motion.

The rule was suspended and an election ordered.

Committee—Messrs. Hiscock of Ward 21, Brintnall of Ward 5, Barnard of Ward 24. They reported that sixty-eight votes were cast, all of which were for Alvah H. Peters. Mr. Peters was declared elected in concurrence.

*Superintendent of Public Buildings.* A report came down nominating James C. Tucker as Superintendent of Public Buildings. Accepted in concurrence.

Mr. Wilbur of Ward 20 moved a suspension of the rule, that the Council might proceed to an election.

Mr. Blanchard of Ward 21—I move that this nomination lie upon the table, as the Committee on Retrenchment are not ready to report, but will be within ten days from this time, and I think it is essential that the City Council should hear their report before acting on these nominations.

Mr. Stone of Ward 3—I presume that whatever may be the report of this committee we have got to have these officers, and I presume that they will accept the positions even if their salaries are reduced. I hope we shall proceed to clear our desks of these ballots tonight.

Mr. Flynn of Ward 13—There is no hurry for the election of these officers. The ordinance provides that we can elect them within sixty days. There is no hurry, and it is due to the Committee on Retrenchment and Salaries that their report should be first submitted before action is taken on these nominations. There may be some departments that can be done away with, and some that can be consolidated, and until they report I think it is unjust to them to take action.

Mr. Vose of Ward 24—I fully concur with the gentlemen on the other side who have spoken, and sincerely trust that action will not be taken tonight on the election of these officers. This committee are at work upon an arduous duty; I think there is no mistake about that, and I think that any gentleman of this Council will say so. We want to give the thing a fair trial and have our report submitted, and the members of the Council can then adopt it or not. I trust that no action will be taken in this matter until they report.

The motion to suspend the rule was lost.

*Other Elections.* Under the head of unfinished business were the following nominations: Assessors—Thomas Hills, Benjamin Cushing, Benjamin F. Palmer, Edward F. Robinson and Joshua S. Duncklee; Superintendent of Streets—Charles Harris; City Engineer—Joseph P. Davis; Superintendent of Public Lands—Robert W. Hall; Superintendent of Sewers—William H. Bradley; City Solicitor—John P. Healy; Clerk of Committees—William H. Lee; Superintendent of Common—John Galvin; Water Registrar—William F. Davis; City Surveyor—Thomas W. Davis.

Mr. Flynn of Ward 13—As these elections are in order under unfinished business, I move that the nominations be laid upon the table.

Mr. Wilbur of Ward 20—I hope that motion will not prevail. I cannot see what effect the report of this committee is going to have on the election of these officers. I don't know but they are going to abolish the City Government entirely. It seems to me that they have been through the regular form and have been nominated by regular committees and they are in order for an election tonight. I hope we shall go into an election and elect them.

The nominations were laid upon the table.

## UNFINISHED BUSINESS.

Order for the Committee on Improved Sewerage to have charge of all matters relating to the subject, and to employ assistance, as therein set forth. Passed in concurrence.

## PETITIONS PRESENTED AND REFERRED.

Petitions of Matthew Foley, for compensation for injuries received by alleged defect in a street; of W. H. Farley, to be paid for injuries to his horse and sleigh on Columbus avenue. Severally referred to the Joint Committee on Claims.

By Mr. Howes of Ward 18—Petition of Robert Paget, for leave to place boats on the Public Garden pond. Referred to the Joint Committee on Common and Public Grounds.

By Mr. Fraser of Ward 6—Petition of John G. Albee, for compensation for injuries received by defect in East Boston ferries. Referred to Joint Committee on Claims.

By Mr. Brown of Ward 23—Petition of W. O. Henshaw *et al.*, citizens of Ward 23, representing the necessity for a branch of the Public Library in West Roxbury, and requesting an appropriation therefor. Referred to the Joint Committee on Public Library.

Severally sent up.

## PRACTICE OF MEDICINE AND PHARMACY.

Mr. Ruffin of Ward 9 submitted the following:

CITY OF BOSTON,  
IN COMMON COUNCIL, Feb. 8, 1877. }

The Joint Standing Committee on Legislative Matters to whom was referred the subject of petitioning the Legislature for the passage of an act regulating the practice of medicine and pharmacy, having considered the subject, beg leave to submit the following report:

At the present time there appears to be no law bearing upon the subject. In this city any person, whether qualified or not, can practise medicine or pharmacy without restriction, and the health and lives of our citizens are exposed to danger from the ignorance of unqualified practitioners. It is estimated that at least one-third of the persons in this city calling themselves "physicians" have never studied medicine, and it is well known that many persons engaged in selling medicines are not trained pharmacists.

The necessity of careful study and training in both these professions is undeniable. Upon the skill of the physician in prescribing the proper remedies and of the pharmacist in compounding them oftentimes depends the life of the patient. A mistake on the part of either would, in many cases, be irretrievable. Yet it is well known that persons who are not only unskilled, but absolutely ignorant, of the science of medicine are engaged in treating disease, and that the deadliest drugs are handled and sold every day by inexperienced

persons. It is also a fact that the title of physician is often assumed as a cloak for the practice of one of the most heinous crimes against humanity.

The evil is a growing one, and appears to be a legitimate subject for municipal regulation.

The protection of the public health has been recognized as a matter of paramount importance. For that purpose the City Government is charged with the execution of stringent laws. It can prohibit the sale of articles deleterious to the public health, and can prevent or remove causes of sickness. It has been decided that it is not only the *right*, but the *duty* of the City Government, so far as it may be able, to remove any nuisance which may endanger the health of the citizens. The most summary processes of law may be invoked in order to enforce the statutes and ordinances relating to the public health. It is believed that additional protection will be afforded by including the practice of medicine and pharmacy among the matters which now pertain to the public health, and, as such, to subject it to proper regulations. Unquestionably an unqualified physician or pharmacist may do the community great harm, and, as a matter of public safety, it would seem desirable that both professions should be practised under such restrictions as will protect the public against danger, imposition and fraud.

Your committee would, therefore, respectfully recommend the passage of the following order.

GEORGE L. RUFFIN,  
For the committee.

Ordered, That his Honor the Mayor be requested to petition the General Court, at its present session, for the passage of an act authorizing the city of Boston to regulate by ordinance the practice of medicine and pharmacy in this city.

Order read twice and passed. Sent up.

PAY OF LABORERS ON THE STREETS.

Mr. McDonald of Ward 12 offered an order—That all laboring men employed on the streets by the Superintendent of Streets during the month of January, and throughout the year, be paid the sum of \$1.75 a day.

The question was put on sending the order up, and was declared lost. Mr. McDonald doubted the vote, and on motion of Mr. O'Donnell of Ward 7 the yeas and nays were ordered.

Mr. McGaragle of Ward 8—What authority have we in this matter, and what effect will the order have if we pass it? It is a very important question.

The President—The question is on sending the order up to the Board of Aldermen.

Mr. McGaragle—I supposed that to be the proper course. I supposed the Council had no authority to act in the matter.

Mr. Howes of Ward 18—Is the order properly worded? Will such an order, if passed, be any more than a petition to the Board of Alderman?

The President—In the opinion of the Chair, the Council has no jurisdiction over this matter. It should really be in the shape of a petition.

Mr. Flynn of Ward 13—It seems to me that if the gentleman really wants to have that order adopted it should come in the form of a resolve, and not come in here in the form of an order, because we really have nothing to do with it, as the Board of Aldermen have charge of the expenditure of money and the fixing of the wages of the laborers in that department. The order should really have come in here in the form of a resolve, and if the gentleman will so change it I shall have no objection to voting for it.

Mr. McDonald accepted the suggestion and amended the order so that it should read—Resolved, That in the opinion of the Common Council the pay of the laborers should be, etc.

Mr. Blodgett of Ward 8—I move to further amend by striking out the words "and throughout the year."

Mr. Sampson of Ward 17—I rise to a point of order. As the question is on solving the doubt, is the resolve properly before us?

The President—The yeas and nays have been ordered on solving the doubt.

Mr. Howes of Ward 18—I rise to a point of order. The order having been amended after the yeas and nays had been ordered, and the question being upon solving the doubt, the order could not be amended after the yeas and nays were ordered.

The President—It was done by general consent, and the order was simply amended to make it readable.

Mr. Ruffin of Ward 9—I should like to inquire if this is a debatable stage? If the resolve is open to discussion?

The President—The question is not open for discussion. The question is on solving the doubt by yeas and nays.

The roll was called, and the Council refused to send the order up—yeas 32, nays 36.

Yeas—Messrs. Barry, Brintnall, Burke, Cannon, Cox, Dec, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley (Ward 3), Kelley (Ward 6) Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Nugent, O'Connor, O'Donnell, Pope, Reed, Roach, Sibley, Souther, Spenceley, E. R. Webster—33.

Nays—Messrs. Barnard, Beeching, Blanchard, Blodgett, Brown, Clarke, Coe, Crocker, Danforth, Day, Felt, Hibbard, Hiscock, Howes, Morrill, Mowry, Pearl, Perham, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Sampson, Shepard, Smardon, Stone, Thompson, Thorndike, Upham, Vose, Warren, G. B. Webster, Wilbur, Wolcott—36.

Absent or not voting—Messrs. Cross, Mullane, J. H. Pierce—3.

When the name of Mr. Stone of Ward 3 was called, he rose and called for the reading of the resolve, which the President did, and then Mr. Stone said, "The amendment was put in after the yeas and nays were called for, and I should think it was not in order. I vote No."

POSSESSION OF ESTATES SOLD FOR ASSESSMENTS.

Mr. Stone of Ward 3 submitted a report from the Joint Standing Committee on the Treasury Department, representing that they are informed by the City Collector that the city has become the purchaser of numerous estates which have been sold from time to time for non-payment of assessments lawfully levied upon them. The city became the purchaser of these estates in part under the law providing that if the deed be not taken by the bidder in ten days from the day of sale, the estate shall be conveyed to the city, and in other cases under the law providing that if no bidders appear the sale shall be postponed from day to day for a time not exceeding seven days, and then if there is no bid for the estate the city shall become the purchaser. The committee are of opinion that the city should formally take possession of this property in order that it may have the benefit of any income which might be derived from the estates, and also that they may be sold in any cases where it may be deemed best for the city's interests. The committee recommend the passage of an order—That the Committee on Public Lands be authorized to take possession of the estates named in the accompanying schedule, said estates having been sold for unpaid assessments and of which the city has become the purchaser, and said committee is hereby invested with the same power in relation thereto that they now have in other matters.

Sale of August 29, 1873, for unpaid taxes of 1872, the estates being held under the tax titles for all unpaid taxes of intervening years. The list shows the names of the parties to whom assessed, and the consideration named in the deeds.

John M. Byron, No. 52 Kendall street.....	\$63.37
Jesse F. Barker, No. 88 Monroe street.....	107.43
Jesse F. Barker, No. 88 Monroe street.....	51.20
Benjamin B. Newhall, No. 43 Sterling street.	103.18
Cheever Newhall, 2d, Lot 38, Newhall's plan of Sumner estate .....	10.34
Cheever Newhall, 2d, Lot 39, Newhall's plan of Sumner estate.....	10.33
Cheever Newhall, 2d, Lot 40, Newhall's plan of Sumner estate.....	12.24
Charles Newhall, Harvard street.....	24.58
Charles Newhall, Lot 27 Wales street.....	24.58
Charles Newhall, Lot 57 Bailey street.....	10.87
Charles Newhall, Lot 86 Bailey street.....	12 12
Maria B. Newhall, marsh land near Walnut st.	13.52
Maria B. Newhall, land on Adams street.....	17.28
Maria B. Newhall, land on Ashmont street, Lot 21.....	13.52
Maria B. Newhall, Lot 33, Tolman's plan of Newhall estate.....	9.67
Maria B. Newhall, Lot 34, Tolman's plan of Newhall estate.....	9.67
Maria B. Newhall, Lot 35, Tolman's plan of Newhall estate.....	8.43
Maria B. Newhall, Lot 36, Tolman's plan of Newhall estate.....	8.43
Maria B. Newhall, Lot 37, Tolman's plan of Newhall estate.....	8.43
Maria B. Newhall, Lot 38, Tolman's plan of Newhall estate.....	8.43
Maria B. Newhall, Lot 39, Tolman's plan of Newhall estate.....	8.43
Maria B. Newhall, Lot 40, Tolman's plan of Newhall estate.....	8.43
Maria B. Newhall, land west side of Neponset avenue.....	9.71
Maria B. Newhall, Lot 46 Neponset avenue...	10.94
Maria B. Newhall, Lot 45 (rear) Neponset ave.	9.71

Maria B. Newhall, Lot 44 (rear) Neponset ave.	9 71
Maria B. Newhall, Lot 43 (rear) Neponset ave.	8.43
Maria B. Newhall, Lot 42 (rear) Neponset ave.	9.71
Mannel Silva, Lot 6 Fuller street.....	17.08

Sale of August 28, 1874, for unpaid taxes of 1873, the estates being held under the tax titles for all unpaid taxes of intervening years. The list shows the names of the parties to whom assessed, and the consideration named in the deeds.

2 James Doherty, 6 Phipps place.....	\$86.15
5 Patrick O'Leary heirs, Washington square..	360.65
5 John Welch, 10, 11 Chickering place .....	157.75
6 Russell A. Ballou <i>et al.</i> , trustees, Brookline avenue.....	1,275.28
6 George Washington Warren <i>et al.</i> trustees, south of Brookline Branch Railroad .....	603.36
7 William Bleakley, 178 Third street and 285 D street.....	88.97
7 George H. Johnston, 177 Second street.....	44.06
8 James P. Cummings, 140 Hudson street.....	165.14
9 Nellie E. Corbett, 7 Fayette street.....	127.92
9 Ellingwood & McKay, 307 Columbus ave.....	226.17
9 John L. Merguire, 271 Columbus avenue.....	160.51
9 Henry F. Rice, 7 twenty-foot court, now Buckingham place.....	84.53
9 Henry J. Stevens, 47 Buckingham street....	134.97
9 Charles A. Wood, Commonwealth avenue....	532.73
11 William H. Adams, corner East Newton and Harrison avenue.....	73.82
12 Mary H. T. Bird, 556 Eighth street.....	65.80
12 Mary H. T. Bird, G street.....	45.56
12 Peter Burns, 563 Eighth street.....	71.67
12 Seth Eastman, 775 Broadway.....	109.22
12 Samuel N. Gaut, 696 Sixth street.....	71.67
12 Jenkins & Co., Sixth street.....	100.63
12 Frank H. Kimball, 610 Seventh street.....	73.08
12 Gottlieb Scherer, Eighth street.....	78.97
13 Henry B. Chamberlain, Renfrew street and Harrison avenue.....	1014.54
13 Jonas B. Hildreth, Fellows street.....	147.63
13 do. Zeigler street.....	43.17
13 do. Dudley street.....	62.94
14 Charles H. Baker, 1 Bainbridge street.....	65.90
14 Herbert E. Barney, 345, 347 Warren street.	74.12
14 Mary L. Davis, 18 St. James street.....	99.09
14 Charles A. Green, 7 Bainbridge.....	55.73
14 Sarah F. Hersey, 4 Akron place.....	45.86
14 Granville Perry, 1464 Shawmut avenue....	86.15
14 Jeremiah Sheehan, 128 Dale street.....	52.83
14 John B. Simpson, lot 25 cor. Sterling street.	56.11
14 do. lot 26 " " "	80.41
14 do. lot 28 " " "	80.41
15 William Bowe, Marcella street (69,596 feet)	255.71
15 do. " (34,661 feet)	130.00
15 Eliza M. Bowe, junction Marcella street....	42.48
15 Michael R. Culbert, Binney street.....	93.33
15 Matilda A. Dawson, Marcella street.....	73.08
15 Lincoln & Allen, Bickford street.....	77.44
15 Michael McIntosh, Hampshire street.....	119.34
15 Salome Parker, 1099, 1101 Tremont street	76.03
15 Patrick H. Rogers, 17 Milford street.....	98.37
15 do. lots 48, 50 Ward street..	36.10
15 William Somers & Co., Marcella street....	74.41
15 do. do. do. ....	74.41
15 Charles Ward, Parker street.....	70.33
15 Robert F. Wheat, lessee, Rogers avenue....	144.92
15 William H. Boynton, Mill street.....	121.44
16 do. Commercial street.....	233.32
16 Cook, Jordan & Marsh, Howard avenue....	142.11
16 Charles Greenwood, lot 3, Leonard street...	23.80
16 Ezekiel S. Johnson, Stoughton street.....	60.15
16 John McDonald, lot 97, cor. Leonard street.	10.71
16 Thomas Story, Church street.....	51.22

Sale of Nov. 21, 1872, for unpaid sewer assessments:

John Murray heirs, Hampshire street.....	\$9.93
R. F. Wheat, Tremont street.....	213.36
S. Eliot Trask, Glenwood street.....	67.62
Mannel Silva, Walnut avenue.....	157.65

Sale of Dec. 18, 1873, for unpaid sewer assessments:

Enoch Bunker, Ottawa street.....	\$125.54
Frances D. Silva, 27 Laurel street.....	122.95
John Sheehan, Eighth street.....	25.70
Moses S. Chase, Newman, corner of Lowland street .....	25.20
Joseph Breckenridge, Trenton street.....	116.57
Thomas McDonald, 12 Longwood avenue....	42.62

Sale of Sept. 23, 1874, for unpaid sewer assessments:

Robert M. Webb and others, Brookline avenue, corner Peabody street.....	\$135.24
William Jones, Dorchester avenue.....	61.82
William Jones, Dorchester avenue.....	122.10
William S. and Thomas Kyle, Fruit-street court.....	34.78
Patrick Coyne and Daniel Briscoe, Seventh street.....	99.23
John A. Emerson, Shawmut avenue.....	33.69
Charles B. Pratt, Shawmut avenue.....	31.97
W. Eliot Woodward, 1136 and 1138 Shawmut avenue.....	56.58
W. Eliot Woodward, 1144, 1146, 1148 and 1150 Shawmut avenue.....	139.29
John Mullen, northeast corner Eighth and Atlantic streets.....	110.41
John Mullen, southeast corner Eighth and Atlantic streets.....	99.36

John Mullen, southeast corner Eighth and Atlantic streets.....	99.36
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Sale of Jan. 7, 1873, for unpaid betterment assessments:

John Donahoe, 111 Warrenton street.....	\$1,322.90
Mary E. Homles, Clark street.....	413.90

Sale of Dec. 30, 1873, for unpaid betterment assessments:

Eunice E. Humphrey, 16 Edinboro street....	\$460.60
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Sale of Oct. 7, 1874, for unpaid betterment assessments:

George D. Cox, Harrison avenue.....	\$563.90
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The order was read twice and put upon its passage.

Mr. Flynn of Ward 13—How long has it been since these estates were sold? It appears to be a pretty arbitrary power to invest this committee with at this time.

Mr. Stone of Ward 3—Some of these estates were sold in 1873 and 1874, and I think some were sold in 1872. They were sold under Mr. Tracy's administration as Treasurer, and the owners of the estates have two years to redeem them: after the two years have expired they belong to the city, except in cases where a mortgagee has a claim upon them, and then within two years after notice. It will cost the city a great deal of money to notify the mortgagees, and the committee came to the conclusion that this was the shortest and cheapest way of notifying them. There are none of these estates but have been sold for three years, and the time for redemption has expired.

Mr. Flynn of Ward 13—I think it is a pretty arbitrary order and should lie over for one week.

Mr. McGaragle of Ward 8—I move that it lie upon the table and be printed. I should like to see what the estates are.

Mr. Flynn—I accept the suggestion.

Mr. Richardson of Ward 10—I desire to state that this matter came up before the Committee on Ordinances, and a sub-committee was appointed a few weeks ago to see what new ordinance was required for the city to avail itself of all the estates sold for taxes; and I believe that the committee are considering what should be done, with the intention of introducing some legislation which will establish a uniform rule to apply to all cases. I think there should be a uniform rule about it, so that the owners may know at a certain time what they may do to relieve themselves of the embarrassments that they find themselves in. It is desirable to have uniformity about it, and I should hope that this matter may lie over until the committee report. I think the committee will recommend some provisions that we do not now have in regard to that matter.

Mr. Stone of Ward 3—I see no reason for any new ordinance in regard to this matter. These estates are offered for sale every year, either for taxes or for betterments. This list includes both. A private party buys them and if he gets a title from the city he holds it for two years, and if the owner refuses to advance him the sum he has paid, and ten per cent. interest, then it becomes his unless there is a mortgage, and then he has to give the mortgagee notice, and if the mortgagee refuses to pay, then the property becomes the purchaser's. The city is in just that position in regard to these estates, there having been no purchaser at these sales. It is a well-established fact in law, and requires no new ordinance. Still, I have no objection to laying it upon the table and having it printed, because the object of the committee was to have it printed. The committee think that if the names of the owners were printed they would come forward as a matter of pride and pay the city. The city is placed in peculiar circumstances. They have got the estates and have received no taxes from them since; and if there is any income from that property, I believe the city should receive it. Some of it is vacant land and some of it is improved.

The report and order were laid upon the table and ordered printed.

#### WORK FOR POOR CITIZENS.

Mr. Spenceley of Ward 19 offered an order—That the Committee on Paving be authorized to inquire into the expediency of spending \$5000 in providing work for the poor citizens of our city, and paying the same \$1 per day.

Mr. Spenceley—I offer this order as a means of giving employment to the poor citizens of our wards who have nothing to do. It is a very sad fact, as many members of the Council are aware from the applications made to them, that there

are many poor men in all the wards who are suffering for the necessities of life. It is among the saddest of my duties to listen to the complaints of sufferings by these men. The other evening a gentleman called at my house—and I call him a gentleman because I think none the less of a man because he does not wear a broadcloth coat—with his wife, and said that he had nothing in his house. I investigated the case, and found that his statement was true. He was willing and able to work, and had tried every means to get work. What could I do? What could I tell him? I helped him a little and did what I could. While I do not think it is best to let these men lean on the city for work in all cases, yet we have them in our midst and we must help them in some way. I voted for the resolution offered by the gentleman from Ward 12 tonight, because our laborers are not doing much this winter, and at \$1.75 a day they will not get enough to carry them through the winter. I believe \$5000 appropriated in this way will help many persons in the next two months who cannot get help in other ways. Therefore I hope we shall pass this order tonight and send it up to the Board of Aldermen and give some help to the suffering poor citizens of the city.

Mr. Howes of Ward 18—I approve of the order as introduced by the gentleman, but I should like to call the attention of the gentleman from Ward 19 to the fact that in the month of December of last year an order somewhat similar was introduced here asking that the Superintendent of Streets supply work for poor men out of employment at nominal wages—men who would be dependent upon the city for charity. It was thought better to give them work at nominal wages rather than to give them charitable contributions. And now, sir, an order comes in two months later to give them as high wages as any one else. I shall vote for the order cheerfully, but I think it is out of place, when they have been receiving work as charity to ask to be paid full wages.

Mr. Flynn of Ward 13—I shall vote against the order because I don't believe in taking the back track. The order asks for men to be employed at a dollar a day; now we have 900 men working at a dollar and twenty-five cents a day, and if you pass this order it will bring them down to one dollar. There is money enough left to employ those men two weeks more at a dollar and a quarter a day, but this order for \$5000 would not last them a week. The Paving Department have got money enough to keep these men at work for two or three weeks longer at a dollar and a quarter a day. I think myself that this order is ill-timed until something can be shown that these men are out of employment.

Mr. Spenceley—While perhaps the remarks of the gentleman may be correct, and these men are working at a dollar and a quarter a day, yet it seems to me that this work is about over with, the streets are almost clear from ice, and I assuredly hope we are not going to have many more snow storms. He says there are so many at work—why I have a list of men who have applied to me for work within the past four or five weeks; I come down to City Hall and tell the Superintendent that the men are in destitute circumstances, and I manage to get on two or three a week, and I have no doubt many Councilmen have just as many names as I have of persons who are out of work. What are these men to do? It may be true that the men employed are getting a dollar and twenty-five cents a day, and I don't wish to cut them down, for I would rather put them up some. I think the gentleman from Ward 13 said he should vote against the order because it would cut them down to a dollar a day. I don't know but that would be done, but I think if those men went to work and did the same work they ought to have the same pay. If you went to work with men receiving a dollar and seventy-five cents a day, and did the same work, would n't you demand the same pay? One must be a fool if he would n't. Who is to blame—the men who work, or the men who set them to work? Now, sir, I offer this order to set these poor men to work; instead of finding fault, I think the gentleman might have made an amendment and make it twenty thousand dollars. I thought five thousand dollars would help a good many men in the next two or three months, and it will. I would like to make an amendment to it and call it fifteen thousand dollars; and I will make that amendment to the order, if there is no objection.

Mr. Wilbur of Ward 20—I would like to make

one more amendment, if in order. And that is, that all the poor laboring men now out of employment shall be employed at the expense of the city. I think that is about as becoming as the order. It seems to me that the bringing of these orders has got to be a case of buncombe. Speaking of the poor classes of men, I have probably as many applications coming to me as any gentleman here. I have perhaps fifteen or twenty names, and neither five nor fifteen thousand dollars will satisfy those who are out of employment. I will go as far as any one, and I move to amend so that all laboring men out of employment shall be employed by the city.

Mr. McGaragle of Ward 8—I certainly shall vote for the order as amended by the gentleman from Ward 19; but I should n't have voted for the original order, because \$5000 is nothing. It may be that some gentlemen here like to jest about it; but they have not suffered—they are not poor; they are beyond that. Now, sir, there is no doubt but \$15,000 would help a great many. It may be at the sacrifice of those who are employed at \$1.25 a day; but the honest laborers will rather sacrifice something to help their fellow men in distress. Half a loaf is better than none. The gentleman has offered an amendment that all the laborers out of employment be employed by the city of Boston. I hope the amendment for \$15,000 will prevail.

Mr. Spenceley—I do not like the remarks of the gentleman from Ward 20. He speaks of buncombe. I do not believe in judging others by yourself. It seems to me that he has been through the mill, and knows something about it. But I do know this from the bottom of my heart, that if I go to my home and should see my wife and children gathering around me crying for food, I know there would be a feeling in my heart that I would want to get something to do—some honest work, that would bring the necessities to my wife and children and prevent them from suffering. Bring it home to your own hearts if you can. Imagine yourself, if you can, able and willing to work, with a wife and children starving before you. Said a man to me the other day, I should think you would get tired of this. I am not tired of it. I glory in a man's trying to get work. I don't care if they keep ringing my door bell till midnight. I believe there are many who need our help, and I am willing to help the poor when they are willing to help themselves.

Mr. Flynn of Ward 13—I don't particularly object to the amendment making it \$15,000, because I am as ready to make it fifty thousand as fifteen if the work can be found for these men; but my point is, that by introducing this order you reduce the pay of the 900 men now employed by the city, and put them on at \$1 a day. There is no work for them; no teams can be had. In the Paving Department the expense is \$6700 a week for labor, and those men are getting a dollar and a quarter a day. If the gentleman's order goes through they will be reduced to one dollar a day. I say the proper way is to wait till they get through carting snow, when they can be put to work in macadamizing stones, and will not throw these nine hundred men out of work. Then if the gentleman wants to make it fifty or a hundred thousand dollars I would vote for it. But I deem it out of place now.

Mr. Pratt of Ward 21—The number of unemployed men and the poverty that prevails this winter appeals to the heart of every one of us, I suppose; and as I am as susceptible to this influence as the average Councilman, I am as ready to help any man who wants an honest place to do honest work as any one on this floor; but I must oppose the order, even as amended, for this reason—the matter of help to the poor should not come in the way of a gratuity or a piece of alms from the city. As it is offered now it appears to come as a matter of charity. Now, sir, the honest poor who have been spoken of so eloquently by my friend opposite [Mr. Spenceley], these honest men do not ask for charity, but for a place to do fair work at fair wages. They do not ask to become paupers. The way to meet this want, I respectfully suggest, is to ask the Paving, Street or some other department, where many men are employed in the course of the year, if there is n't labor to be done, something that must be done some time and that can be done now, and by doing it now to give them employment, at the same time relieving them without giving them alms. That would be seeking their services in a legitimate way. I suggest that that puts the matter in a form that

helps those men who are out of employment, and at the same time it saves their integrity and the integrity of the city; and it offers no bonus to those who are not citizens to come here for the purpose of getting employment. It simply puts the honest, industrious citizen who, by the misfortunes of the times, is thrown out of employment, in the position of doing work that the city will have to do some time. I hope the order will not prevail; but I hope that information will be obtained so as to give employment to as large a number as the order contemplates.

Mr. Spenceley—The gentleman from Ward 13 says he is willing to vote for \$15,000 if the work could be found. A little while ago he said he was willing to go as far as any one, and I make the amendment that the wages be \$1.25 a day.

Mr. Wilbur withdrew his amendment.

Mr. Flynn of Ward 13—That is exactly what we are doing today—paying them \$1.25 a day. It has been said that the order was put in here for buncombe, and I believe it; and I believe it as much buncombe as anything I have heard here this year. I believe it has been put in here for buncombe. We now have 900 men at work for \$1.25 a day. Now, what can you do? It is all they can employ. When that money is expended, then they can be employed at other work; they can be put in the sheds, at macadamizing stone; but fifteen thousand dollars wouldn't amount to anything; it would n't give two weeks' work. It is put in here to make capital and nothing else.

Mr. McGaragle—I don't know what it was put in for, but I am in favor of it. The gentleman's [Mr. Flynn] arguments against it are the strongest for it. If nine hundred men are at work now, there are nine hundred more out of work. We don't suppose there is any work that is urgent to be done right away; but they can get work ahead, can prepare for spring work by macadamizing; and as to teams they can get a thousand. I hope the order will prevail.

Mr. Stone of Ward 3—When I go to the Superintendent of Streets—as unfortunately I have to do occasionally once a week—to get men on, I am met with the reply that they have got more men at work than they really know what to do with; but he generally grants me one or two or three. If the Paving Department is doing all that it possibly can now in putting men on, I don't see the object of passing this order, and I hope it will not prevail.

Mr. Richardson of Ward 11—It seems to me that the Council is very much inclined to take up matters which do not properly belong to them, else I don't understand the question rightly. I think that all this discussion, that this whole matter, does not concern us at all. It concerns the Paving Department, and properly should not come before us at all for discussion. It is something that we have nothing to do with, and I move that the order be laid upon the table.

Mr. Clarke of Ward 22—If I understand the object of the mover of the order, it is that an additional number of men shall be employed than is now employed by the city. Well, sir, I know something about the necessity for something of this kind to be done, for at the present time in my ward there is a large number of families that have never before come to the city for any work whatever, either on the streets or anywhere else. There is a large number of factories in my section of the city—one an iron foundry which usually employs some four hundred heads of families, who are entirely thrown out of work this year; there are also quite a number of factories that have stopped or are running on short time; and many heads of families told me that they have n't had any work for the last two or three months. I have a list, and I put upon it only those who have families; I had thirty-five names upon my list last Saturday, and the Superintendent of Streets gave me three men; it was the greatest conundrum to me to tell how to divide up that list of thirty-five destitute men with families and place only three men upon the work. I have had several extreme cases of destitution in families. They don't ask for this work because they are paupers; they do it because they are willing to render the city some consideration for their work. I had a case last Monday of a man with eight children who came to see me for work, and I told him I had nothing for him, and that all I had on Saturday to give out in my ward was three. He said he had nothing to eat, and no coal. I sent him down to the Provident Association to see if he could get something from them; he went there and they told him that they could give nothing in that portion of the

city, and all that they could bestow in gratuities was in the city proper. I referred him to a person on Dudley street, Roxbury, and he went there, but they had no funds. He travelled all day and came back and said he had not succeeded in getting anything at all. We have a very large number of such cases. Of course we take their names, but the opportunities for doing them any benefit are so small that I am really disheartened because I can do nothing more. I think these are such extraordinary times of embarrassment that the city ought to do something to relieve these families. It has never happened before since I have been in the City Government, and I hope it will never be so again. I trust we shall do something to put them to work. I think that \$1.25 is little enough, for the reason that they have nothing to do on stormy days.

Mr. Flynn of Ward 13—I just want to say one word in reply to my friend on my left [Mr. Clarke]. It is an old saying, "Consistency, thou art a jewel." A few minutes ago, when my friend [Mr. McDonald] introduced an order to pay \$1.75, my friend [Mr. Clarke] voted nay.

Mr. Ruffin of Ward 9—In one aspect of this case it seems to me it would be rather questionable whether we should vote away the city's money in the manner indicated in this order. It would appear that any relief that we should offer to the poor of this city should be done in another way. But it seems to me, after hearing the discussion, that it would be the highest wisdom and true statesmanship to take steps at this time looking to the relief of the large number of unemployed poor of this city. This is an exceptional year, Mr. President. The hard times reach not only the poor and utterly destitute, but all other classes. People heretofore in a position where they could afford some relief and give something in the shape of charity to the poor, find themselves, in this exceptional year, unable to do anything in that direction. This is a hard year; business is dull; and the depression pervades all classes. We have in our midst this very large number of poor people who are to be provided for. It only comes to this: How will you do it? The city of Boston cannot stand here and see people starve in our midst. They don't want that report to go out from the wealthy city of Boston, where there is so much food and clothing stored in the warehouses. So you have got to afford some relief to these people. Now, the question comes up, Is this the best way? I am inclined to think that under all the circumstances it is the best thing you can do now. It is a thing which ought not to be done in general times; it ought not to be encouraged. But no one can fail to see, there is no one but will admit, that something should be done for the temporary relief of these utterly destitute people. Why, this building is crowded every day with people anxious for work; with men anxious to be doing something. They want work and there is none for them; there is nothing for them to do. If the city can find some temporary employment for them, if the city can put them to work profitably in any way, I think it will be the part of wisdom for the City Council to make an appropriation of some liberal amount of money which will reach the necessities of this class. For those reasons I shall vote for the measure, although I think such legislation as a general rule would be of a doubtful kind. I think it is time to take some step in that direction.

The motion to lay on the table was declared carried. Mr. Spenceley doubted the vote, and on motion of Mr. McGaragle the yeas and nays were ordered. The motion was lost—17 yeas, 46 nays.

Yeas—Messrs. Barnard, Coe, Crocker, Felt, J. H. Flynn, Hibbard, Howes, Mowry, Pearl, Perham, O. H. Pierce, Pratt, M. W. Richardson, Stone, Thompson, Wilbur, Wolcott—17.

Nays—Messrs. Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Burke, Cannon, Clarke, Cox, Cross, Danforth, Day, Dee, Doherty, Duggan, Fernald, D. A. Flynn, Fraser, Ham, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Nugent, O'Connor, O'Donnell, J. B. Richardson, Roach, Roberts, Ruffin, Shepard, Sibley, Spenceley, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster—46.

Absent or not voting—Messrs. Fagan, Mullane, J. H. Pierce, R. Pope, Reed, Sampson, Smardon, Souther—8.

Mr. Crocker of Ward 9—I move to substitute "\$1.00" for "\$1.25" a day. If we are going to supply these men with work for charity it is desirable



to reduce the amount paid per day so as to employ as many as possible for the same money. If we put it at a dollar we can assist a great many more men with the same money than we can at \$1.25. We ought not to make this a means of distributing charity to special friends of members of the Council, but to give assistance to as many men as possible. If this is to be done at all, more good can be done by paying a small sum than a large one.

Mr. Spenceley—If the gentleman will notice the order he will see we cannot make the price, nor the sum of money appropriated. It is for the Committee on Paving to inquire into the expediency of setting to work an additional number of men. We cannot control the price or the number of men; that belongs to the Committee on Paving of the Board of Aldermen. The order is only to bring to their attention the fact that many poor men want to get work.

Mr. Crocker—Then there seems to be no good reason for naming a price at all; but if we name any price we should name \$1 rather than \$1.25.

Mr. Flynn of Ward 13—It is coming just where I said it would. Pass this order, and those men now employed will be reduced to \$1 a day. That will be the effect it will have.

Mr. Ruffin—I am inclined to think that this amendment of the gentleman from Ward 9 is a wise move. I think, as he has suggested, that it would be better, because it will go farther. Now, I don't know what would be the effect upon those persons who are now employed by the city. I understand that the city makes a discrimination now in the money paid to the laborers. Some get higher wages than others. That is a matter of regulation among the departments. But this is a special measure for a special purpose, and I am inclined to think that the heads of departments would not be governed by the same rules that apply to the old regular employes of the city, as they would in the distribution of this money. Therefore I hope the order will be amended to read one dollar.

Mr. Flynn of Ward 16—I move to amend the amendment by striking out the sum, so that it will be left to the Committee on Paving to fix the amount of pay.

Mr. Jackson of Ward 16—I hope nothing further will be done in the way of amendment. If we vote anything in the premises we ought to pass the order as it stands. If we can employ any number of men to advantage, I don't see any reason why we should not pay \$1.25 at least, for that is little enough. I would like to ask the gentleman who suggests that it be made a dollar a day, how he would like to be reduced to \$1 a day, if he had a wife and children to provide for. Reduce it to a dollar a day, and you might as well say it is mere charity. If they are worth anything, they are worth \$1.25 a day. I was about to say that I think great injustice was done to men who were set to work, a few weeks ago, by reducing them. I see no good reason why the Superintendent of Streets should reduce those poor men to \$1.25 a day, and give these men who have been at work the year in and out \$1.75 a day,—some of them owning two or three houses, to my knowledge. If real justice was done, they should have reduced the old employes first and given the new men the full measure of justice that they ought to have given them. I have had the good fortune to procure work for some four or five men at \$1.25 a day, but after a few days they were discharged; while the men they worked alongside of received \$1.75 a day. If say it is not just, and I say further it is an act of injustice, and the least we might do, if we do anything, is to pass the order as it now reads. I hope that every gentleman who believes in justice will vote for the order as it now reads.

On motion of Mr. Fraser of Ward 6 the main question was ordered.

The amendment of Mr. Flynn of Ward 16 was lost. Mr. Crocker's amendment was lost—21 for 36 against.

The order was read a second time and passed.

#### CANDIDATES FOR CITY OFFICES.

Mr. Brintnall of Ward 5 offered an order—That the chairman of each nominating committee appointed by the President of the Common Council report to the Council the names of all applicants for head of department for which his committee was appointed to nominate, with the petition or recommendations accompanying the same, or any

other information in regard to said applicants; said information to be furnished at the next regular meeting of the Council.

Mr. Beeching of Ward 1—Before being called upon to vote I should like to know the reasons for that order. It seems to be a new feature.

Mr. Brintnall—In noticing the ballots on my desk, there are a great many names for each one of these positions. So far as I am concerned—and I presume it is so with others—I know nothing about them, and I offer this order partly to ascertain the whys and wherefores, and qualities and qualifications of these different parties for these different positions; and besides that my first object was particularly this: There seems to be considerable feeling about a good many of these nominations that have been made, that the present incumbents have held the positions for fifteen or twenty years in many instances, and a great many think it is time for a change. Therefore I would like to have the committees hand in the names of the other applicants so that the Council might judge of the qualifications of those men.

Mr. Beeching—It seems to me to be unnecessary to go to all that trouble to bring in a list of names of all applicants and petitions for these various positions. If the committees that are appointed are men of common sense, it seems to me they are capable of making suitable nominations; but if the nominations are not suitable to the Council, when the report is made and an election takes place the Council, can elect some one else. It seems to me that if it is known publicly that all these names are to be presented, the committee will be deluged with petitions and requests, and it seems to me that the order is entirely unnecessary. If there are heads of departments who have been there so long that they ought to be removed, that can be done by the election without going through the formality of presenting the names of applicants to the Council. I hope the order will not prevail. The order was refused a second reading.

#### VACATIONS FOR FIREMEN.

Mr. Spenceley of Ward 19 offered a resolve—That in the opinion of the City Council it is expedient that the members of the Boston Fire Department should be allowed an annual vacation, without loss of pay, in addition to that already allowed, providing it can be done without detriment to the public service.

Mr. Spenceley moved its reference to the Joint Committee on Fire Department. Declared carried. Mr. Webster of Ward 3 doubted the vote, and on motion of Mr. McGaragle of Ward 8 the yeas and nays were ordered. The order was referred—yeas 43, nays 16:

Yeas—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Burke, Cannon, Clarke, Cross, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, Fraser, Ham, Hibbard, Hiscock, Jackson, Kelley, John (Ward 3), Kelley, John (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Nugent, O'Donnell, Perham, Roberts, Sibley, Souther, Spenceley, Stone, Thorndike, Upham, Vose, Warren, Wilbur—43.

Nays—Messrs. Crocker, Danforth, Felt, J. J. Flynn, Mowry, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Ruffin, Shepard, Smardon, Thompson, G. B. Webster, Wolcott—16.

Absent or not voting—Messrs. Coe, Cox, Day, Howes, Mullane, O'Connor, Pearl, J. H. Pierce, R. Pope, Reed, Roach, Sampson, E. R. Webster—13.

#### BOARDS AND COMMISSIONS.

Mr. Clarke of Ward 22 offered an order—That his Honor the Mayor be requested to petition the General Court at its present session for the passage of an act authorizing the City Council from time to time to create any board of commissioners for the transaction of any municipal business, and give to the same any powers now vested in said Council, or in either branch thereof, whether in conjunction with the Mayor or otherwise, or by vote passed by a majority of the whole or each branch thereof, to take from any board so created, or from any board now existing, any of its powers, or by such vote to abolish any or all such boards; the salaries of all such commissioners, when once fixed, to remain unchanged, unless altered by such votes.

Mr. Clarke said this was an important matter, and it was necessary to be passed upon before the first of March. On his motion, it was specially assigned to next Thursday evening at eight o'clock.

Adjourned, on motion of Mr. Pierce of Ward 18.



CITY OF BOSTON.

Proceedings of the Board of Aldermen,

FEBRUARY 12, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

EXECUTIVE APPOINTMENTS.

Police Officers without pay—George S. Dembrack, Branch Chapel and the vicinity; James A. Cropley, at "Dare to Do Right Reform Club," Meridian street, East Boston; Charles L. Flint, Old South Meeting House. Severally confirmed.

PETITIONS REFERRED.

To the Committee on Police. Thomas Dixon, to be allowed to project a lantern at 15 Brattlesquare for the purpose of a sign.

To the Committee on Armories. Officers of the First Brigade, for an appropriation for rent of brigade headquarters; Company A, Ninth Battalion of Infantry, for furniture and repairs on their armory, corner of Lowell and Causeway streets.

To the Joint Committee on Public Lands. John B. Regan, for leave to surrender two estates on Castle street purchased of the city, and for transfer of payments made to the credit of an estate on Middlesex street; also for extension of time of payment for an estate on Indiana place. Communication from Joseph H. Hunneman *et al.* making a proposition as to price to be paid by the city for a surrendered estate on the Northampton-street district.

To the Committee on Lamps. Eliza Carter *et al.*, that lamps be placed and lighted in Carter place, Ward 6; I. Bartlett Patten *et al.*, for a street lamp on Autumn street, corner Longwood avenue, Ward 23, with street sign on the same; John H. Millett, for a street lamp in Kuover place, Ward 21; Levi L. Willcutt *et al.*, for street lamps on March avenue, West Roxbury; Otis Drury, trustee, for a lamp in French square, South Boston.

To the Committee on Paving. David Richards, for leave to move a wooden building from Monument street, Ward 3, to Medford street, Ward 3; Rufus Estabrook, to adjust his claim for damages by the raising and grading of Swett street; George P. Kettell *et al.*, that Main street, Charlestown, be paved with granite blocks; Henry N. Clark *et al.*, that Brookline avenue, from Francis street to Brookline, be raised and graded; also for a plank walk on one side of said street.

To the Committee on Claims. Albert E. Towle, for compensation for personal injuries received by reason of an alleged defect in Allen street; Michael Shea to be paid for personal injuries sustained in E street; Cyrus K. Kelley, for damages for personal injuries by reason of falling on an icy sidewalk on Hanson street, Dec. 11, 1876.

To the Joint Committee on Assessors' Department. Corporation of "Beth Eil" for abatement of tax upon their church edifice in Gloucester place.

To the Committee on Health on the part of the Board. Petitions for leave to occupy stables by S. & R. J. Lombard, new wooden, four horses, corner Canal street and Frothingham avenue; F. O. Osgood, new wooden, four horses, Cedar street, Ward 21; George J. Stevens, old wooden, six horses, Medford street, Ward 3; Norman Y. Brintnall, new wooden, 12 horses, 2 Main-street court, Ward 5; J. McNelly, old wooden, one horse, Downer street, near Tremont street.

To the Committee on Streets on the part of the Board. Philip Sowdon, Jr., to be paid for land taken to lay out Jenkins street.

PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence. Report of Board of Fire Commissioners of the number and character of the alarms of fire in January last. Placed on file.

Report and order for Mayor to petition the Legislature for an act to authorize the city of Boston to regulate the practice of medicine and pharmacy in this city. Order passed in concurrence.

A resolve that it is expedient for the firemen of this city to have an annual vacation without loss of pay came up referred to the Committee on the Fire Department. Concurred.

QUARTERLY REPORT.

City Clerk. Received and paid to Collector, \$1048.74. Sent down.

BONDS APPROVED.

The bonds of three constables, being presented duly certified, were approved.

REPORT OF LICENSE COMMISSIONERS.

The report of the doings of the License Commissioners from May 1, 1876, to Feb. 1, 1877, was submitted (City Doc. 18). Sent down.

Total number of applications received from May 1, 1876, to Jan. 31, 1877, inclusive, was.. 2,403

Licenses Granted.

To sell liquors to be drunk on the premises, 1st class, innholders.....	16
To sell liquors to be drunk on the premises, 1st class, victuallers.....	419
To sell liquors to be drunk on the premises, 2d class, victuallers.....	65
To sell liquors to be drunk on the premises, 3d class, victuallers.....	190
To sell liquors <i>not</i> to be drunk on the premises, 4th class, distillers.....	3
To sell liquors <i>not</i> to be drunk on the premises 4th class, druggists.....	122
To sell liquor, <i>not</i> to be drunk on the premises, 4th class, grocers.....	203
To sell liquors <i>not</i> to be drunk on the premises 4th class, dealers.....	130
To sell liquors <i>not</i> to be drunk on the premises, 5th class, brewers.....	14
To sell liquors, <i>not</i> to be drunk on the premises, 5th class, grocers and dealers.....	224
Total number of licenses granted.....	1,386

Licenses Issued.

To sell liquors to be drunk on the premises, 1st class, innholders.....	16
To sell liquors to be drunk on the premises, 1st class, victuallers.....	396
To sell liquors to be drunk on the premises, 2d class, victuallers.....	60
To sell liquors to be drunk on the premises, 3d class, victuallers.....	173
To sell liquors <i>not</i> to be drunk on the premises, 4th class, distillers.....	3
To sell liquors <i>not</i> to be drunk on the premises, 4th class, druggists.....	114
To sell liquors <i>not</i> to be drunk on the premises, 4th class, grocers.....	198
To sell liquors <i>not</i> to be drunk on the premises, 4th class, dealers.....	128
To sell liquors <i>not</i> to be drunk on the premises, 5th class, brewers.....	14
To sell liquors <i>not</i> to be drunk on the premises, 5th class, grocers and dealers.....	211
Total number of licenses issued.....	1,313
Licenses uncalled for, and cancelled.....	73
	1,386

Licenses Declared to be Forfeited.

1st class, victuallers.....	51
2d " ".....	5
3d " ".....	42
4th " grocers.....	17
4th " dealers.....	17
5th " ".....	23
	155

Licenses given up and cancelled, or exchanged for other classes..... 17  
Applications rejected..... 1,017

Recapitulation.

Total number of applications.....	2,403
Total number licenses granted.....	1,386
Total number applications rejected.....	1,017
	2,403
Licenses issued.....	1,313
Licenses declared to be forfeited.....	155
Licenses surrendered and cancelled, or exchanged for other classes.....	17
	172

Leaving the total number of licenses in actual force, Feb. 1, 1877..... 1,141

Total number of places licensed, of which 86 have two licenses of different classes, is..... 1,055

The board commenced the hearing of complaints for violation of licenses about the first of September, 1876, and have heard 202 cases of this kind, and declared 155 of them forfeited as above. They have also, in cases where circumstances warranted or required it, personally examined the premises of applicants for licenses, and into the nature of their business.

Continuous experience of the law under which they act confirms the views expressed by the commissioners in their report, made something over a year ago.

The law cannot be called a success, though some good has undoubtedly been accomplished by it, and it is a step in the right direction.

The Chief of Police, in his last report, shows a gratifying re-acton in the number of arrests for drunkenness and of the places where liquor is openly sold. Rejoicing in this fact, it may be questionable how much of the result is due to the law and how much to the general depression in trade and the so-called hard times from which all are more or less suffering.

The law is in no proper sense a *license* law, and its failure should not be deemed the failure of a *system* of license. It is viewed as partial, arbitrary, and unfair in its conditions and requirements, and the commissioners so far sympathized with these views that they spent some time last winter in preparing a law which they regarded as more liberal, and at the same time more stringent in its most important conditions, which law was passed by the Legislature, but failed to receive the approval of the Governor.

It must be admitted that the business of liquor-selling in the city is, to a very large extent, in the hands of irresponsible men and women, whose idea of a license law ends with the simple matter of paying a certain sum, the amount making but little difference to them, provided they are left to do as they please after the payment. Besides the saloons and bar-rooms which are open publicly, the traffic in small grocery stores, in cellars and in dwelling houses, in some parts of the city is almost astounding. The Sunday trade is enormous, and it seems as if there were not hours enough in the whole round of twenty-four, or days enough in the entire week, to satisfy the dealers. The commissioners deem the three greatest abuses of the traffic to be sales of impure liquors, sales on Sunday, and sales at late hours.

Notwithstanding this, they believe that a law which shall be more rigid in punishing the gross abuses of the traffic, rather than insisting upon impracticable conditions under which only it can be sold, would be more popular in the community, and more easy of enforcement; and they would therefore favor a law granting licenses to all persons of respectable character to engage in the business, leaving the *amount* of the business, as in all others, to regulate itself; but at the same time making the penalties for such abuses as they have indicated, *swift* and *sure*. Such a law is sustained fairly in cities whose moral standard is certainly no higher than ours, and it would seem that no very *vigorous* public sentiment on the subject of temperance is required to uphold it.

A law like this, having the elements of fairness and equal rights in it, could hardly fail to receive the assent and cordial support of the dealers, because the penalties and conditions would be aimed at the *abuse* of the traffic rather than the traffic itself.

Of course this idea is founded on a belief in a *license* rather than a *prohibitory* law, and will have no influence upon a believer in the latter system.

The commissioners are firm adherents of a *license* law, and believe that such a law is the only one that it is possible to enforce.

The present law appears to have been framed on the supposition that no one would presume to sell liquor without a license. A very mistaken supposition. Nothing is more common among the dealers than the saying that they are better off without than with a license; and, as a matter of fact, few of the whole number of persons holding licenses are, in good faith, keeping the conditions of them; and the enforcement of the law against those who sell liquor *without* licenses seems to have but little effect, either on the parties prosecuted or their neighbors in the trade. This is owing, the commissioners think, in large measure, to defects which render the law powerless to convict and punish, and it is hardly possible that *any* law on the subject can ever accomplish much until these most radical defects are remedied.

It is a many-sided and perplexing question, as has been shown by twenty years of varied experience; but the commissioners have great faith that if those interested will give the revision of the law careful thought, the result will be a statute worthy of being tested; one which public opinion will sustain, and one which will gradually, perhaps, but surely, correct the abuse of the traffic, and thus in a great measure diminish its attendant crime and misery.

As to the Board of Commissioners, their duties seem to have been misunderstood, and the abuse

which was intended for the law itself has been, perhaps naturally enough, poured out upon their heads. Their powers, arbitrary in some respects, are yet exceedingly limited in others. They simply have the right to grant and revoke licenses; but, contrary to the general idea, they have no official control over unlicensed places. In the granting of licenses they have endeavored to be as fair and liberal as the spirit of the law would allow; and in the revocation of the same they have also endeavored to use the large power granted by the law, in this respect, with justice and discretion. Holding a position somewhat odious and unpopular, they have performed their duties conscientiously, fearlessly, and without favor. They have employed such assistants as seemed necessary for doing the work systematically and efficiently; they have kept full records of the whole business; they have always been accessible at stated times; they have neglected no duty, and have given all the time required, either day or night. It has been a source of much regret to the commissioners that when statements were to be made regarding the office, information should not have been sought from those best qualified to give it, and the vague and incorrect reports which have from time to time gained currency have thus been avoided.

Respectfully submitted.

WM. H. KENT.

HENRY W. PICKERING.

JOS. A. LAFORME.

License Commissioners.

#### HIGHLAND RAILROAD TRACKS IN COLUMBUS AVENUE.

At 4.15, on motion of Alderman Clark, the Board took up the special assignment, viz., Hearing on petitions of the Highland Railway Company for a location of tracks in Northampton street and Columbus avenue.

Moody Merrill, president of the Highland Railway Company, appeared for the petitioners.

C. A. Richards, president of the Metropolitan Railroad, appeared on behalf of that company as a remonstrant.

Wilmou W. Blackmar appeared on behalf of remonstrants on the avenue.

George Z. Adams appeared for J. H. Hathorne, whose petition to run a line of coaches on the avenue is before the Board.

The case for the petitioners was first heard.

Mr. Merrill presented a map to each member of the Board to give a proper understanding of the plan. He explained the plan, and said they had made the petition because they desire the location and desire to run cars through the avenue. Formerly they petitioned for this location at the request of residents on the line, though they did not care much for it then; but now they want the location. They propose to run a special line of four cars an hour on the avenue for the special accommodation of the people residing there, and another fifteen-minute line, making a car every seven and a half minutes on the avenue. He presented petitions in aid of the company's petition, signed as follows:

James B. Dunn and seven or eight hundred others.

John C. Mullaly and 243 others.

Katharine B. Skillings and 1135 others, ladies.

R. B. Leuchars and 25 others.

F. M. Josselyu and 334 others.

J. P. Townsend and 520 others.

Edward J. Jones and 74 others, abutters on Northampton street.

Joseph Murdock and 110 others.

George F. H. Markoe and 115 others.

Rev. A. J. Patterson and 1021 others.

F. H. Haynes and 35 others.

Mr. Merrill spoke at length in regard to the need of more railroad facilities felt by the people of the Highlands who desire to go to the avenue and the streets crossing it. Nearly all who signed the petition from the Highlands are taxpayers and citizens; all know what they want, and signed the petition because they believe it will be a great accommodation to their section of the city. He explained that there had been no difficulty in obtaining signatures to the petitions; in fact, there was great enthusiasm in the Highlands, both among ladies and gentlemen, in favor of this location. A large part of the names were obtained without any effort on the part of the officers of the company. If the location is granted, they intend to put on the handsomest line of cars ever seen in this city. They believed the better accommodations furnished the people, the more

money will come into the treasuries of the company. This had been demonstrated by the experience of the Highland road. They had made a contract for the cars, subject to the granting of the petition. He then called the witnesses for the petitioners.

Alexander Leuchars—Live in Albemarle Hotel; father owns property there and feels it would be beneficial to real estate to have cars there; prefers Highland road to Metropolitan because competition would be good; circulated the petition; of 300 residents on the avenue only six favored the Metropolitan; of 900 on the side streets only twenty-one favored the Metropolitan; a large majority of the opponents of any road favor the Highland. Did not begin the canvass until the remonstrance had been circulated. Many persons favored a road, but would not sign a petition for fear of getting into a controversy with neighbors. [To Mr. Richards]—Make no charge for my services and expect no remuneration; went among the people and heard their opinions; did not go on Saturday at suggestion of Mr. Merrill, and his statements are on his own personal responsibility. [To Mr. Blackmar]—The Albemarle is two or three minutes' walk to the cars; did not state that they *must* have some railroad, but *if they must* have one, which would they prefer? [To Mr. Adams]—The proposition for a line of coaches did not receive much favor; saw probably three-fourths of the residents on the avenue; made no list of those opposed to the road; have made no estimate of the ability of the coaches to do the business; his father supported the petition for coaches before the petition for cars was put in.

Mr. Merrill said he never knew Mr. Leuchars before the petition was put in.

Henry P. Stanwood—Reside at corner of Springfield street and Columbus avenue; appeared four or five years ago against any road there, but now think it will be a benefit; prefer the Highland road, because it will give accommodations with the Highlands that the Metropolitan cannot give, and competition will insure better cars; think a majority of the people there prefer the Highland road. [To Mr. Richards]—Do not think the Metropolitan road would give as good accommodations as the Highlands. [To Mr. Blackmar]—Think it takes two minutes to reach the cars; first thought the road would drive away the drivers on the avenue, but do not now think it would; know three neighbors who oppose any road; don't think the cars from the Highlands would be full before reaching the avenue.

Freeman J. Doe—Reside at 371 Columbus avenue; favor a track there; prefer the Highland; in my judgment it will benefit the property and accommodate the people; in my judgment the residents generally prefer the Highland; think competition has been shown to be specially good in horse-railroad management in this city. [To Mr. Richards]—Do not use cars much; am not fortunate enough to find an empty car at Berkeley street; can generally walk down quicker than I can ride. [To Mr. Blackmar]—Can reach a car in five or six minutes to Tremont street; give the benefit of my own judgment. [To Mr. Davis]—Should prefer a railroad to a line of coaches.

Alderman Clark in the chair.  
R. B. Leuchars—It was at his request that his son got up the petitions; never knew Mr. Merrill before that; the Metropolitan first refused to lay the track there because it would not pay; the Metropolitan do not want the location themselves, and want no one else to have it.

Charles Richardson—Reside at Hotel Columbus; find it very inconvenient to walk to the cars on Tremont and Berkeley streets; a line of cars would be acceptable to the people; do not advocate any particular line, but prefer the Highland road, as competition is healthy and beneficial. [To Mr. Blackmar]—Own no property on the avenue; occupy a back room, and have not a good view up and down the avenue.

David H. Jacobs—Reside at 530 Columbus avenue, at the extreme upper end; think the line would be beneficial; prefer the Highland if there is to be any; don't know which road a majority of the residents prefer. [To Mr. Richards]—Should not have had clean Metropolitan cars if we had not had the Highland road; carry both tickets in my pocket. [To Mr. Blackmar]—Really favor a horse railroad there now, though formerly opposed it; believe they must have a road, and therefore prefer the Highland.

Uriah H. Coffin—Live at 10 Yarmouth street; have always favored a road on the avenue; al-

ways been a demand for it, since the territory west of it was built on; understood not quite so many oppose a road this year as before; came here voluntarily; don't care which road gets the location; want some road there; residents on the cross streets are dead in earnest for a road; don't want to give an opinion as to the effect of a competing line; am satisfied with either.

Alden Avery—Own the new hotel on the avenue and Holyoke street; built the Commonwealth Hotel; decidedly favor a road there; little prefer the Highland road; like the Metropolitan much better than before Mr. Richards was president; could hire several suites in the hotel if they had cars there; it will increase the rent \$500 a year, and the value more than \$5000; some people have signed remonstrances because they were persuaded to do it. [To Mr. Richards]—Do not think the cars will be overloaded with the Highlanders, who are a decent sort of people; should prefer to have the line go through Hammond park, where I have several tenements. [To Mr. Blackmar]—The mortgages on my hotel have got three years to run; build hotels to sell and fill them with tenants; the Berwick is all the property I own on the avenue now. [To Mr. Merrill]—Think there would be no trouble about people on the avenue getting seats in the cars.

Freeman M. Josselyn—Reside at 410 Columbus avenue; always favored a line of cars there; prefer the Highland, and with one or two exceptions the people there all favor the same road. [To Alderman Fitzgerald]—Should like to see the Highland cars there, and competition has great weight in his preference.

Edward P. Brown—Reside on Wellington street; from several years' connection with this subject he satisfied himself that the people there preferred the horse cars; the only difference was as to which company should have the location. Witness recalled some statistics in regard to the petitions presented a year and a half ago, by which three-fifths of the valuation on the avenue and a very large proportion of the valuation—six-ninths of all the real estate from Northampton street to the Providence Railroad—favor a road there, and six-sevenths of the people have the same feeling. Among his neighbors it was common talk that a man of Mr. Richards's shrewdness would not want a line on the avenue that causes a large expense and draws off part of the patronage from the Tremont-street lines. The idea of competition entered largely into the wishes of the people. [To Mr. Richards]—These remarks were intended to be in favor of the Highland road, and are not intended as an argument; and he was not employed as an attorney by that company.

Mr. Merrill said Mr. Brown had never been employed by the Highland road.

Hiram Ames—Live at 8 Yarmouth street, 150 feet from the avenue; desire a road on the avenue and have long desired one; think the time has come for a road; prefer the Highland, because it will have the two roads so nicely sandwiched in that it will insure good accommodations; then the cars will stop the fast driving on the avenue, which is often dangerous; it is a long walk to the cars now, and often cannot get a seat then. [To Mr. Blackmar]—Can walk to the cars in seven or eight minutes; don't pretend to name any accidents occurring on the avenue by teams; have heard of accidents on Tremont street by the cars.

E. P. Brown said the present condition of the pavement on the avenue had been discussed; had heard that the wooden pavement was not a success, and if the Belgian pavement is to be laid there all this pleasure travel will close there and every one will rejoice to have the cars.

Luther Farwell—Have signed every petition for a road there; should not object to the Metropolitan road, but for personal and pecuniary reasons prefers the Highland, as he owns property on Hammond park and Northampton street. [To Mr. Blackmar]—Am interested in railroads, and am president of the Medford & Charlestown road. [To Alderman Viles]—The Metropolitan road will best accommodate the people of East Boston and other sections. [To Mr. Merrill]—The issuing of transfer checks would be a great convenience.

Henry T. Spear—Reside at 138 Chandler street; think the line on the avenue would be most decidedly beneficial; prefer the Highland.

Mr. Merrill read letters from Francis Hall, President of the Boston Ice Company; John Carter, President of the Lawrence Paper Company; Rev. J. B. Dunn, Rev. J. W. Hamilton, all strongly

favoring the location of the Highland road on the avenue.

Henry C. Hunt—Reside on the avenue; think the disadvantages on an avenue without cars are greater than the advantages. Twice circulated remonstrances, and believe a majority prefer the Highland, as it will give a competing line, and be a protection to the residents on the avenue; have little to complain of in the Metropolitan road now, but things are liable to change; do not want a track there not used. [To Mr. Blackmar]—Think the teams go to the avenue to avoid the cobblestone pavements more than the tracks.

L. Foster Morse—Have been assessor in the Highlands for several years; the people of the Highlands require the route on the avenue so as to go to the public buildings on the Back Bay and to the Providence depot. The people have once been under the thumb of the Metropolitan, and don't want to be there again. The system of checks would be a great convenience. The line would be used a great deal to go simply to Tremont street. People want to locate on the line of the Highland road, which keeps the Metropolitan better than it used to be. Real estate finds ready sale near the line of the Highland road; last year 140 houses were built on the line, and they are all full; don't think land can be bought any cheaper on Warren street than four years ago. On the Metropolitan lines, on Washington street, where there is no competition, the fare is ten cents, while to Dorchester, where there is competition, the fare is five cents. The Metropolitan have a track on Harrison avenue to Dover street, which is not used, but it would be a good line if used, as it is the shortest route to the burnt district from the Highlands. [To Mr. Richards]—Was one of the original petitioners for the Highland road; attended the meetings, but took no active part; am well satisfied with the Highland road. Competition has helped the Metropolitan road; the Highland does not need it now. The Metropolitan does not accommodate the public where there is no competition.

Franklin Williams, an old resident of the Highlands—Think it will be advantageous to the people there; the Highland Company carry out what they agree to; many people in the Highlands have friends living on or near the avenue; many ladies wait for Highland cars when the Metropolitan cars are now crowded. It will be an easy means of intercommunication between the eastern and western sections of the Highlands and the city proper. The people there are universally for this location by the Highland. [To Mr. Richards]—Am aware that the Metropolitan asked for this location in 1872 and 1874 and was refused. [To Mr. Blackmar]—The Highland road now runs to Pleasant street in sight of the Providence depot, but the ladies and gentlemen complain that it is a long walk. The Northampton-street route brings them directly to Chickering station.

L. F. Morse recalled—In the three Highland wards, 19, 20, 21, think 35,000 or 40,000 people would be accommodated. [To Mr. Richards]—They would fill all the cars they run if they did not run any more than the Metropolitan used to; but all would get seats if the cars are run as the Highland cars are. [To Mr. Merrill]—It will be an accommodation to all who want to go to the avenue and its vicinity.

Mr. Merrill explained the system of checking used by the Highland road; by buying a check the patron can transfer to a car on any other route of the company.

Hon. Albert Palmer—Came as a witness and not to make an argument; am happy to testify to the desire of Highland people for direct communication with this new and rapidly growing part of the city. The increased railroad accommodations have built up the Highlands more than anything else. Warren street seems to be the Mecca to which all settlers in Roxbury tend, and this has taken place since the Highland road was chartered. There is no question that the people desire this location given to the Highland road, for they date the era in horse-railroad improvement from the granting the Highland charter, and this location will keep up the equilibrium of competition and make the present accommodations permanent. He quoted a speech of Mr. Richards to show that the Highland, frugally managed, had prospered on the crumbs from the Metropolitan table, and spoke of the importance of fostering horse railroads as a means of building up the material prosperity of the city. The Highlands desire this road earnestly, so that the competition which has

given us this era in horse railroads may be continued.

The petitioners here rested their case.

Mr. Richards spoke on behalf of the remonstrance of the Metropolitan road. He had found no features presented that were fresh and novel. The petition is silent as to the use of the Metropolitan tracks in Tremont street, Cornhill, and Washington street and Temple place. They do not dare to state that they will add any more to the number of cars at the corner of Tremont and Boylston streets. He then gave the following statistics of the number of cars that would meet at the corner of Boylston and Tremont streets:

Going north, or down Tremont street—South Boston 17, Highland 12, Metropolitan 55—total 84, that would meet there in one hour.

Going south, or out Tremont street—Highland 26, Metropolitan 79.

Making a total of 189 cars in one hour, that those splendid, new palace cars have got to meet at that point. The petition is silent on that point.

The Highland Company runs twelve cars around Cornhill by special grant from the Board, and the granting of this new petition means giving them permission to run as many cars on Tremont street as they see fit.

This would seem to be sufficient to cause the Board to pause. Mr. Richards read from sections 11 and 12 of the general horse railroad law, to show that the Board had full power to prevent the increase of cars on the streets beyond what is required by public necessity and convenience. The Highland road grew out of a grievance which occurred during a winter of unprecedented snow and delay. He recalled the incidents connected with the organization of the Highland road, which was to give certain residents on certain defined limits better accommodations than the Metropolitan gave. They know the Metropolitan road have good cars and give good accommodations now, and there is not one scintilla of evidence that they have not. This new company grew out of the misfortunes of the Metropolitan. The President of the Highland knows that the money is made on the short routes, and he looks around and sees Columbus avenue, which is the life blood of the Metropolitan. Nothing has been heard of the accommodation of the people on the avenue. Are the people on the avenue going to give up their fine street to accommodate the people of the Highlands? Mr. Richards then read extracts from the promises made at the first hearing at the Legislature by the Highland road, when it was alleged that the Metropolitan road was not run on Christian principles, and it was proposed to do so by the establishment of the Highland. He knew that "tracts" were an essential element in the dissemination of Christian principles, but it seemed as if the Highland road wanted to steal the tracks of the Metropolitan to carry on their road on Christian principles. The Highland folks offered to put in their charter a provision that there should be an apron extending over the platforms to prevent patrons from standing on them. This had never been done. They are not doing any better today than the much-abused Metropolitan has done in the four-horse time which has prevailed so long this winter. He protested that the granting of this petition would be contrary to all the principles of equity between man and man. The Metropolitan can do all that is claimed to be necessary, and with the addition of but a few extra cars. The Board are to judge whether public necessity and convenience require it; and then if it is shown that the Metropolitan cannot do the work, give it to the other companies, but do not give it to a company which seeks to compete with the Metropolitan on its own tracks. He left the subject with the Board, feeling sure that they would think it a wrong to the Metropolitan road to grant this petition.

Mr. Blackmar said he appeared for over 300 property owners, representing \$1,600,000, to protest against any road on the avenue. They are very well satisfied with what accommodations they have on the avenue. He presented the views of the remonstrants at some length, and then called witnesses.

Colonel W. V. Hutchings—Always drive into the city; take the side streets to avoid the tracks; always go down the avenue. [To Mr. Merrill]—Drive little over a half a mile on the avenue; want to get in town quickly, and find that can be done by the avenue; do not think the new Belgian pavement has made Washington street a superior

driveway, on account of the number of cars and teams there.

Mr. Merrill read a petition from Arthur Nichols and others to the effect that the new Belgian pavement on Washington street made that street unobjectionable for driving, and asking that the petition of the Highland road be granted.

Mr. Hutchings said the petition was presented to him and he refused to sign it.

Godfrey Morse, for the committee in charge of the Everett School, objected to the location in Northampton street, as it would be very liable to accident to the children. The principal of the school thought it would be at the risk of a child's life every day. He did not object to the road going through any other street. [To Mr. Merrill]—Think the parents of these 750 children would object to the location.

Mr. Page—Reside at 387 Columbus avenue; am opposed to any road on the avenue; have good accommodations now; in riding avoid streets where tracks are; would take \$5000 less for his estate if a track is laid on the avenue.

W. H. Learnard, Jr.—Reside on the avenue, and have ample accommodations by Tremont street. He seconded Mr. Morse's protest against the location in Northampton street. The passing of the cars in the street is an interruption to a school.

Frank N. Thayer—Live at 547 Columbus avenue; have all the accommodations we want. Believed it would be a great injury to the school to have the track laid on Northampton street. A gentleman has refused to buy a house on the avenue pending this controversy [To Mr. Merrill]—Think horse-railroad tracks have depreciated property on streets except where it comes in use for business.

Mr. Blackmar said they had fifty or sixty gentlemen present who would offer cumulative testimony, and he would desist. He had not heard a single piece of what may be called evidence in favor of cars on the avenue. He called attention to the fact that of the six avenues running from the city proper to the Highlands all but one have horse railroad tracks in them. The argument is not for a crying necessity for cars in the avenue, but that the Metropolitan road may, by competition, be brought to a higher standard. If this is needed, the Board can give the Highland a location on the very tracks of the Metropolitan. The residents on the avenue have to go to Tremont street to the stores for provisions, etc., as there are no stores on the avenue. Many people on the avenue have horses and like to drive on a street free from tracks. It has been specially so during the present winter. What would have been the condition of the avenue this winter if there had been tracks on it? Mr. Blackmar reviewed the evidence to show that the petitions for the location did not correctly represent the sentiments of the people there, as it had been represented to the signers that they must choose between the two roads. The Highland wanted the avenue as a bridge over which to carry a large population from the Highlands to the city proper. Columbus avenue has been a cats-paw between these two roads for the past few years, and the people have been compelled to fight them both. And now, shades of the old stage coach! they are threatened with another attack. Mr. Hathorne is coming here, hoping to lumber his coaches through the avenue. The people there say, "Good heavens! give us a rest." There is not a point on the avenue but people can reach the cars in five minutes, on the average. No one can tell of an accident which has occurred by the fast driving on the avenue, but there are numerous records of accidents on Tremont street where the cars run. He closed by hoping the Board would give the companies permanent leave to withdraw from this eternal petition to give them an accommodation they do not want.

Mr. Blackmar put in the following remonstrances against the granting of the petition:

Henry M. Prescott *et al.*, remonstrance against the location of street railway tracks in Northampton street.

James Hall, Jr., and 184 others against the granting of the prayer of the petition of the Highland Railway Company for leave to lay a track on Columbus avenue.

Mrs. F. H. Stanwood and 30 or 40 others, A. H. Carter and 30 or 40 others, all against the granting of the petition.

Mr. Merrill read a petition from residents on Northampton street for the Highland road. Many of the remonstrants signed because they

thought the Metropolitan road was going through there.

Mr. Merrill then closed the hearing in behalf of the petitioners. The only way to put this thing permanently out of sight is to grant the petition of the Highland road for a location in the avenue. The opposition comes from a few at the upper end of the avenue who own teams and do not care whether their neighbors at the lower end of the avenue, who have not teams, are accommodated or not. There must be a track laid there some time, and the city has got to repave the avenue; to grant the petition will save the city \$20,000, for the company will pave the space between the tracks. The petition of the Metropolitan was put in more as a remonstrance against the Highland petition than anything else. All the Metropolitan desire is to have both these petitions refused. But the people there are not to be deprived of a road; they want one, and if this petition is not granted the Board will have to go over the whole subject again. When the Highland road was chartered they were confined to one location, and could not extend to Columbus avenue as the people asked them. The company now have the right to locations in any part of the city. They have fulfilled the conditions of their charter, in spite of all the drawbacks of the horse disease, a fire and the depression of business. He reviewed the incidents at the Legislature pending the enactment of the general horse railroad law, and said that by the bill of 1873 the whole matter was referred to this Board, who should have power to grant the locations. The agreement was made that in case one road should obtain a location in Columbus avenue the other should use the track, and there was a special provision to that effect in the act of 1873. There was no petition for a location in 1873, but after the general law was passed in 1874 the Metropolitan petitioned not only for one on the avenue, but for one down Shawmut avenue, even when they had one avenue where they did not use their tracks. He reviewed the provisions of the general law, contending that the Highland road had maintained the principles of the bill. They had left it to the Board to say whether the cars from the avenue should run round the circuit, and whether some cars now running there should be taken off. The tracks on the circuit were laid with the express provision that they might be used by other companies, and within a year the Supreme Court has adjudged that those tracks belong just as much to the Highland as the Metropolitan. As to business, the Metropolitan are running three times the number of cars they were running when the Highland was chartered, but their receipts have increased every year. In Blue Hill avenue and Warren street it was the same; the Metropolitan are running more cars than before, and so shrewd a manager as Mr. Richards would not run so many cars unless they paid. So, too, when the people insisted on more accommodations to Dorchester, the Metropolitan, when they found they were going to have competition, reduced fares and put on more cars; and they are carrying more passengers than ever before. This is the result of healthy competition; and it is the right policy. It is to carry out this policy that the Highland petitions and claims the right to a location in Columbus avenue. The Highland had improved its one talent, and had even caused the Metropolitan to improve its ten talents. The location belongs in justice to the Highland. It is an act of injustice to the people on the lower part of the avenue, who have no teams, to deny them the privilege of horse cars when they ask for it. It is a duty the Board owe to those people; and the Metropolitan will suffer no detriment by it. The Highland grants the free use of its tracks to the Metropolitan on Eliot and Warren streets, and never will make an objection to such use when it will better accommodate the people; but they do object to the Metropolitan gobbling their whole line. When ten, yea five, signers will say they are not accommodated on Shawmut avenue, the Highland will not object to the Metropolitan going on that avenue. They never would see any additional accommodations in East Boston until they saw the shadow of the Highland road in the distance; and there is room for another competing company in both East and South Boston, and in nothing is competition so desirable as in the transportation of freight and passengers. A horse-railroad monopoly is the most dangerous a community can have. The more competition you have the more travel and patronage the roads have. The Metro-

politan passengers have increased nearly a million a year since the Highland road was chartered. There is no doubt one-fifth of the people on the avenue walk down town every day; a track will cause them all to ride. He claimed that the Highland road had earned the right to this location, in having advanced the interests of the people in causing the Metropolitan to do better than before. The petition should be granted in the interests of the people on the avenue.

On motion of Alderman Thompson, the whole subject, with the petitions and remonstrances, was recommitted to the Committee on Paving.

#### N. W. DAY'S OMNIBUS ROUTE.

A remonstrance was received from the Union Freight Railway Company, asking for a hearing in regard to the petition of N. W. Day's omnibus route.

Alderman Viles—I am requested by the counsel for the remonstrants, Mr. P. A. Collins, to ask for a hearing on the remonstrance, and he assures me that it will not last more than half an hour.

Alderman Fitzgerald—The remonstrants were heard very fully and patiently by the Committee on Licenses. Our report is upon my table and will be presented at this meeting. I move that the remonstrance be laid upon the table.

The motion prevailed.

Later in the session, Alderman Fitzgerald submitted a report from the Committee on Licenses, in favor of granting the following route to N. W. Day, instead of that heretofore allowed to him:

Ordered, That leave be granted to N. W. Day to run two coaches from Cambridge, through Cambridge street, Bowdoin square, Green street, Chambers street and Cambridge street, to the point of starting; on the express condition, however, that neither of said coaches shall stand or stop on any portion of said route, except for the purpose of discharging or receiving passengers.

Read ouce.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Leave to withdraw on petition of E. E. Clark, trustee, *et al.*, that Bedford street be cleared of job wagons, etc.

Hack License Refused—George M. Morse, Hotel Boylston.

Hack License Granted—Timothy Wallace, 2 Kneeland street, after 8 P. M.

Junk Dealer Licensed—Charles G. Green, 24 Newbern street.

Junk Collector Licenced—James Crudden, 188 Fourth street.

Common Victuallers Licensed—G. L. Nelson, 218 Harrison avenue.

Wagon License Granted—I. K. Baker, 16 Union street.

Amusement Licenses Granted—D. S. Thomas, exhibition of pedestrianism by Bertha von Hillern at Music Hall, March 2 and 3; Jacob Reid, to exhibit apostolic, musical and astronomical clock at Horticultural Hall.

Auctioneers Licensed—James J. Dennis, 20 Court street; Johnson, Moody & Co., 116 Pearl street; W. G. Burnham, 7 Exchange place (renewal).

Minors' Applications Granted—Thirty-three newsboys.

Severally accepted.

#### SECOND ASSISTANT ASSESSORS ABOLISHED.

Alderman Fitzgerald submitted the following:

The joint special committee appointed to investigate the various departments of the City Government, with a view of reporting what reductions in salaries and clerical hire may be made in each department without detriment to the public service, and also whether any department can be abolished or consolidated with any other department, respectfully represent that they are of the opinion that the Second Assistant Assessors of taxes can be dispensed with without diminishing the efficiency of the Assessors' Department; and they beg leave to submit herewith an ordinance abolishing the office of Second Assistant Assessor. If this measure is adopted a saving of over \$10,000 per annum will be effected. The committee therefore respectfully recommend the passage of the following ordinance:

#### An Ordinance

To amend an ordinance concerning the assessment and collection of taxes.

Be it ordained, etc.

Section 1. The first section of the ordinance concerning the assessment and collection of taxes, printed in the edition of the statutes and ordi-

nances for the year 1876, is hereby amended by striking out the words "and the names of the persons to be voted for as Second Assistant Assessors of taxes."

Sect. 2. The said ordinance is hereby further amended by striking out the whole of the fourth section thereof.

Sect. 3. The said ordinance is hereby further amended by striking out of the ninth section thereof the words "and the Second Assistant Assessors."

Sect. 4. The said ordinance is hereby further amended by striking out of the fourth and fifth lines of the tenth section the words "or Second Assistant Assessors." And by striking out all after the word "Assessors" in the seventh line of the said section.

Sect. 5. The said ordinance is hereby further amended by striking out of the eleventh section thereof the words "or Second."

Sect. 6. This ordinance shall take effect upon its passage.

The report was accepted.

Alderman Fitzgerald—As it is important that this matter shall be passed upon, and as there appears to be a great deal of unanimity about the passage of this ordinance, I move that it take its second reading tonight.

The ordinance was read a second time and put upon its passage.

Alderman Fitzgerald—The amendments are simply the striking out the portions of the ordinance that provide for the election of the Second Assistant Assessors and define their duties. In our investigations into the various departments we called the heads of the departments before us; and in the consideration of this matter we called Mr. Hills, the chairman of the Board of Assessors. Our committee were unanimous about the matter themselves. They had an idea—and it was confirmed by the testimony of the chairman of the Board of Assessors—that the Second Assistant Assessors, considering the way in which they are elected, are as useful to the Assessors' Department as the fifth wheel is to a coach. Mr. Hills said himself that eight or nine might possibly be good, eight or nine more might be indifferent, and the remainder good for nothing. Last year, he said, they elected an exceptionally good set of assessors as compared with those elected in former years. He said that if the Board were careful in the selection of the thirty-three First Assistant Assessors, the public service and the Department would not suffer by the abolition of the office of Second Assistant Assessor, while \$10,000 would be saved. We unanimously reported that it ought to be done. I think there was one member of the committee whose mind was not made up, but with the exception of that member we are thoroughly agreed upon it, and did not hesitate ten minutes as to the advisability of abolishing those offices. If any reduction was to be made in that department, the chairman of the Board of Assessors said there was the place to make it, without any detriment to the public service.

The ordinance was passed unanimously.

Alderman Fitzgerald moved a reconsideration, hoping it would not prevail. Lost. Sent down.

#### FANEUIL HALL.

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall in favor of granting the use of said hall to John L. Stevenson *et al.* to hold a public meeting on Tuesday evening, Feb. 13, to listen to an address by P. M. Arthur on the strikes of the locomotive engineers in this country and Canada. Accepted.

#### HARBOR MASTER AND POLICE DUTY.

Alderman Fitzgerald submitted the following:

The joint special committee appointed to investigate the various departments of the City government with a view of reporting what reductions in salaries and clerical hire may be made without detriment to the public service, respectfully represent that the City Council is authorized by chapter 64 of the acts of the year 1862 to provide by ordinance for adding to the duties of the Harbor Master the duties of Captain of the Harbor Police, the act to take effect as soon as it is accepted by the City Council. The committee recommend that the act be accepted in order that the necessary ordinance may be passed in case it should hereafter be thought expedient to invest the Harbor Master with police powers. They recommend the passage of an order—That chapter 64 of the acts of the year 1862, entitled



"An Act concerning the Harbor Master of the City of Boston," approved March 11, 1862, be and the same is hereby accepted.

Read once.

SINKING FUND AND UNEXPENDED BALANCES OF APPROPRIATIONS.

Alderman Fitzgerald submitted the following: The joint special committee appointed to investigate the various departments of the City Government, with a view to reporting what reduction in salaries and clerical hire may be made in each department, without detriment to the public service, and also whether any department can be abolished, or consolidated with any other department, beg leave to submit herewith an ordinance to amend the ordinance in relation to Finance, for the purpose of providing that the unexpended balances of appropriations shall, at the end of the present municipal year, be carried over to next year instead of being paid into the Sinking Fund. The revenue accruing this year applicable to the redemption of the city debt will be sufficient to meet the amount required by statute to be annually paid into the Sinking Fund without the aid of the unexpended balances. The amount of the debt to be provided for which averages due in fifteen years from Jan. 1, 1877, is \$31,484,147.30. The amount required to be raised each year to redeem the above amount is \$1,511,868, earning four per cent. per annum.

The amount of interest on bonds held by sinking funds from April 1, 1876, to April 1, 1877, will be, say, \$800,000; revenue actually received from City Treasurer from April 30, 1876, to Jan. 31, 1877, \$536,000; revenue actually received from City Treasurer Feb. 3, 1877, \$60,685; revenue from liquor licenses to Jan. 1, 1877, \$128,456; total, \$1,525,141; showing that the ways and means are already in excess of the requirements. Under the present system the revenue from betterments and sales of land is used each month for cancelling debt which will not mature for fifteen or twenty years hence. If this revenue was paid into the Sinking Fund it would offset the amount which is required to be raised by taxation to that extent, and the amounts which are derived from other sources applicable to the payment of the Sinking Fund during the present year would be sufficient to meet all obligations without using the unexpended balances. The unexpended balances at the end of the present financial year will amount to a considerable sum, and, if carried forward to the next year will, in the opinion of your committee, considerably lessen the amount to be raised by taxation. They recommend the passage of the following:

An Ordinance

to amend an ordinance in relation to finance.

Be it ordained, etc.

Section 1. The twenty-fourth section of the ordinance in relation to finance, printed in the edition of the statutes and ordinances for the year 1876, is hereby repealed and the following enacted in place thereof:

Section 24. All excess of revenue over estimates, at the close of each financial year, shall be set apart and paid by the treasurer to the commissioners on the sinking funds created by this ordinance, and only the residue of the full amount required, as specified in section twenty-two, shall be raised by taxation the year next succeeding the close of each financial year; and the amount so required shall be certified by the said commissioners to the Auditor of Accounts, and become a part of the amount to be raised by taxation, without further votes by the City Council.

Read once.

GLOBE GASLIGHT COMPANY'S PROPOSITION.

Alderman Fitzgerald presented the following, which was read, and, on motion of Alderman Thompson, referred to the Committee on Lamps:

OFFICE OF THE GLOBE GAS LIGHT COMPANY,  
54 Kilby street, cor. Water street,  
BOSTON, Feb. 12, 1877.

The Hon. the Mayor and Aldermen of the city of Boston—A proposition from the Globe Gas Light Company to save the city of Boston over \$120,000 per annum in lighting streets. Gentlemen—The Globe Gas Light Company of the city of Boston beg leave to call your attention to their method of lighting the streets of towns and cities and to ask your consideration of the following facts: It is now costing the city of Boston about \$500,000 per annum to light the streets, with a prospect of large increase as the gas pipes are extended and the present oil lights changed to gas, or new lamps called for. By reference to the report of

the Superintendent of Lamps you will notice that it is costing from \$58 to \$60 per annum for each gas light now used in Dorchester, Brookline, Brighton, West Roxbury, South and East Boston, and about \$38 for each in the city proper, an average of about \$49 for each light. This does not include the cost of repairing and some other items of large amount, such as furnishing wrought-iron pipe, gas cocks, burner tips, etc., amounting for 1876 to about thirty thousand dollars. The Globe Gas Light Company have perfected a system of lighting streets with gasoline, now in use in over two hundred cities and towns in the United States, among them the cities of Worcester, Taunton, Newton, Newburyport, Mass., New Haven, Meriden, New Britain, Bridgeport, Conn., Newport and Pawtucket, R. I., Bangor, Augusta and Lewiston, Me., Utica and other places in New York, Cincinnati and other places in Ohio. This system does away with all expense of laying mains in public parks or streets, always the great source of expense in using gas, and furnishes a light equal to the best coal gas at a great saving in cost. If the gas lights in the streets of that part of the city of Boston outside of the city proper should be changed to this manner of lighting, a saving would be made of over one hundred and twenty thousand dollars (\$120,000) per annum, a very large sum in the course of ten years. In view of these facts, the Globe Gas Light Company make the following proposition to the city of Boston, viz.: They will attach their patent "fixtures" to all the street lanterns now in use in the city of Boston, or any number of the same not less than 1000, will furnish fluid, and cause the same to be lighted every night in the year from sunset to sunrise, for the term of three years, furnishing a light equal to that now in use in this city, keeping the lantern clean and in repair, the city to furnish the needed glass only—for this service the city to pay the Globe Gas Light Company the sum of \$38 50-100 per annum for each and every lamp so lighted and cared for. If said service is not performed to the satisfaction of the Board of Aldermen, said company will take away their fixtures at thirty days' notice, leaving all lanterns in as good condition as they found them, simple wear only excepted, receiving pay only for the time lighted, (payments to be made in monthly instalments). We trust that your honorable board will give this company an opportunity to show that a great saving can be made in this department without deteriorating from the character of the service as now performed.

Respectfully submitted,

THE GLOBE GAS LIGHT CO.,

By their agents,

FRED'K A. BROWN,  
JOHN A. FLETCHER.

Samples of these lights are now burning in front of St. Paul's Church, Tremont street, to which your attention is invited.

POLICE CHARITABLE ASSOCIATION.

Alderman Robinson presented a communication from H. P. Follansbee, secretary, transmitting the by-laws of the Police Relief Charitable Association, for approval of the Board. Referred to Committee on Police.

POLICE SERGEANTS.

Alderman Robinson offered an order—That until otherwise ordered the maximum number of Sergeants of Police be fixed at forty-five.

Alderman Robinson—At the last meeting the Mayor appointed and the Board confirmed two Sergeants of Police, which was not an increase of the force, but were promotions in the department. The appointments were rendered necessary by the length of the beats in West Roxbury and Brighton. The ordinance limits the number of sergeants to forty-two, so that the number must be increased. This does not increase the force. I ask that the order take its second reading.

Alderman Fitzgerald—Does this contemplate an increase of the force?

Alderman Robinson—Not at all.

Alderman Fitzgerald—It is simply an increase of the pay of those men and not an increase of the force?

Alderman Robinson—Yes. It is necessary, in order to confirm what the Board did at the last meeting.

The order was read a second time and passed.

PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Orders establishing grades as follows, according to plans and profiles deposited in City Surveyor's office: Dorchester avenue, between Crescent avenue and Savin Hill avenue, plan dated Oct. 1, 1875; Hudson street, between Dudley and Clifton streets, plan dated July 19, 1876; Canal street, Charlestown, plan dated Feb. 7, 1877; Lincoln street, Charlestown, plan dated Jan. 30, 1877. Severally read twice and passed.

Reports that leave be granted John B. Lord to move two wooden buildings from 410 Main street to 391 Main street, Ward 4. Severally accepted.

Report and order of notice for hearing on Monday, March 12, at four o'clock P. M., on petition of Metropolitan Railroad Company, for a track in Lenox street from Tremont street to Washington street. Order passed.

Ordered, That the assessment of \$15.82 laid upon J. W. Griggs for edgestones on Fort avenue, be and the same is hereby abated, and that said sum be assessed on John G. King, who is owner of the estate for which edgestones were furnished.

Read twice and passed.

Ordered, That from the assessment laid upon the estate of Martha S. Katzman for edgestones and sidewalks furnished on Tremont street, there be abated the sum of \$14.06, and that said amount be assessed to the heirs of John Schayer.

Read twice and passed.

#### CONSOLIDATION OF CITY REGISTRAR'S DEPARTMENT AND BOARD OF HEALTH.

Alderman Wilder offered an order—That his Honor the Mayor be requested to petition the Legislature now in session for the passage of an act transferring the powers and duties of the City Registrar to the Board of Health.

Alderman Viles—I hope that order will not be passed tonight. I would like to look into it and hear some good reason for it.

Alderman Wilder—I do not care to press the passage of the order tonight. I do not know that we shall have any necessity for such legislation; but it seemed to me to be perfectly proper that, in case the Committee on Retrenchment should see fit to recommend the consolidation of those two departments, we should obtain the necessary legislation to effect it if the Board deem it best to do so. I do not care to press the passage of the order tonight if the gentlemen desire to have it lie over.

The order went over.

#### AUSTIN FARM BUILDINGS, ETC.

Alderman Thompson submitted a report from the Joint Committee on Public Institutions in favor of certain transfers to meet the expense of fitting up buildings at Austin farm, maintenance, etc., and recommending the reference of the same to the Committee on Finance. Accepted and said reference ordered. Sent down.

#### BETTERMENTS ASSUMED.

Alderman Thompson submitted the following from the Committee on Streets on the part of the Board:

Report and Order—That the city assume and pay the betterment assessment of \$900 for opening Swett street, upon an estate of the trustees of the Roxbury Grammar School on said street, held for a long time by the city of Boston under a lease from said trustees providing for the payment by the lessee of all rates and taxes falling due upon said estate during its pendency. Read once.

Ordered, That the city assume and pay the betterment assessment of \$100 for the opening of Swett street laid upon the remainder of the estate bought by the city of William Hardy, in settlement of damages occasioned it by the said opening of Swett street through the same—such re-

mainder having been since sold by the city under the stipulation that the said betterment assessed thereon should be assumed and paid as herein provided.

Read twice and passed.

#### CONTRACT FOR WATER PIPES.

On motion of Alderman Thompson, the vote of the last meeting, by which an order passed to allow the Boston Water Board to contract for delivery of iron pipe at an estimated cost of \$43,000 was reconsidered.

Alderman Thompson moved to amend the order by striking out \$43,000 and inserting in place thereof \$65,000.

Alderman Fitzgerald—I do not rise to oppose, but to ask an explanation of the order.

Alderman Thompson—The Water Board reported to the Water Committee that they would require 1000 tons of pipe for the Cochituate works and 600 tons for the Mystic works; and by some error in the computation, they got the sum of \$43,000 instead of \$65,000. It is the same amount of pipe, but it costs more money than the order first estimated.

The Chairman—The price per ton is just the same. It is simply an error in the figuring. The \$43,000 should have been \$65,000.

The amendment was adopted, and the order as amended was passed. Sent down.

#### STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board—That leave be granted to occupy stables by Patrick Welch, on Bennett street, near Market street; A. M. Morrison, on High street, Ward 23; by Timothy Wheaton, at 814 Sixth street. Severally accepted.

#### REMOVAL OF NIGHT SOIL.

Alderman Viles submitted a report from the Joint Committee on Health on the order in reference to reduction in charge for removing night soil—That the contract made on the 16th day of October, 1874, for a term of three years from Jan. 1, 1875, expires Dec. 31, 1877. They deem it inexpedient at this time to take further action. Accepted. Sent down.

#### ARMORIES.

Alderman O'Brien submitted the following from the Committee on Armories:

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding \$500 in furnishing and fitting up the armory of Company C, Fourth Battalion of Infantry, M. V. M., at Boylston Hall; said sum to be charged to the appropriation for Armories. Read twice and passed.

Report and orders—That the allowance for rent heretofore paid on account of rent for the headquarters of the Ninth Regiment of Infantry, at 738 Washington street, be discontinued from and after Feb. 12, 1877, and that the same sum be allowed and paid on account of rent for headquarters of the Ninth Battalion of Infantry, M. V. M., at 61 Court street, beginning Feb. 12, 1877, and continuing until otherwise ordered; to be charged to the appropriation for Armories.

Ordered—That the headquarters of the Ninth Battalion of Infantry, M. V. M., at 61 Court street, be approved.

Severally read twice and passed.

Report and order—That the Committee on Armories be authorized to expend the sum of \$200 in furnishing and repairing the headquarters of the First Battalion of Cavalry, M. V. M., at No. 37 Tremont street—said sum to be charged to the appropriation for Armories. Order read twice and passed.

Adjourned, on motion of Alderman Viles.

## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

FEBRUARY 14, 1877.

Special meeting at one o'clock, P. M., his Honor the Mayor presiding.

In calling the Board to order the Mayor said, For a few days past the depot of the Boston & Maine road in Boston has been besieged by a large crowd of people attracted there in consequence of the strike, and the business of the road has been seriously interfered with. A large force of Boston police has been on duty at the station since the strike commenced, but the powers of the police were such that the officers are wholly powerless to do anything unless a breach of the peace is committed. It so happens that chapter 372 of the Acts of 1874 provided for just such an emergency in allowing the appointment of railroad police, and the Boston & Maine Railroad Company had petitioned to have certain employes of their road appointed under said act.

The Mayor submitted the following appointments of Railroad Police, on the petition of said company, in accordance with said chapter:

W. J. C. Kenney, J. C. Robinson, Charles M. Chase, Charles Messer, Fred. N. Parker, C. W. Munroe, P. A. Newton, Jacob Varney, W. L. Rand, E. L. Hall, Jacob Colbath, J. C. Hutchins, Seth Pratt, Moses Lovering, George L. Magoun, Daniel McCarty, Dennis Coughtrana, Melviah Clapp, Hannibal Waterhouse, W. H. Burrell, H. L. Brackett, J. W. Austin, Jr., S. B. Aldrich, Daniel H. Payne, Henry J. V. Myers, William B. Tarleton, Joseph W. Piper, Felix T. Ferry, George T. Pinkerton, Thomas H. Tracy, Nelson W. Haskell, James Ruby, Charles D. Burke, James E. Coolidge, Michael A. Welch, Patrick J. McDermott, Thomas A. Slater, Hugh F. Kelly, Patrick Connolly, Thomas F. Macalief, Cyrus P. Austin, Andrew Agin, Matthew J. McGuire, John McHugh, Ed-

ward Butler, Patrick Mellady, John O'Brien, William W. Campbell, William Collopy, John McCabe, Frank M. Marden, George Richardson, Edward W. Griggs, Thomas Moley, Samuel D. Chamberlin, Alvin Stevens.

Alderman O'Brien—Mr. Mayor, I would like to ask if there is anything this Board can do to prevent a leading railroad corporation running their trains with incompetent engineers and firemen, and thus endangering the lives of their passengers. I know a number of gentlemen who live on the line of that road who feel that their lives are thus endangered.

Alderman Gibson—I think the Alderman is correct in his views. I have seen in the papers that some of the new engineers had burned their flues, and I know of the liability to explosion by such means. I passed by the depot and everything was quiet there. It is a public place, and it is a question whether any police have the right to turn these people out of the depot if they do not make any trouble. If we have a right to regulate the safety of the people in the depots, we have the same right to regulate the safety of the public in traveling.

Alderman Thompson—It seems to me that this Board have nothing to do with the internal arrangements of the road. That is beyond our power, and if the Board should attempt it, or volunteer any suggestions, they would probably be told by the corporation that they were responsible to a higher power.

Alderman Wilder—I do not see that this controversy has anything to do with the Aldermen. All we have to do is to grant this petition or not. It is not for us to say which side of the controversy is wrong. Although I might think one side or the other in the wrong, this is no place for me to express such an opinion. I regret that the passengers of the road have been so incommoded, but I do not think that the recording of my vote in favor of the appointments is any expression of opinion upon the merits of the question. I hope the petition will be granted.

The appointments were confirmed.

Adjourned.

## CITY OF BOSTON.

## Proceedings of the Common Council,

FEBRUARY 15, 1877.

Regular meeting at 7½ P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

Annual report of the Board of License Commissioners and quarterly report of the City Clerk. Severally placed on file.

Report inexpedient to take further action on subject of price charged for removal of night soil. Accepted in concurrence.

Report of reference to Committee on Finance of request of Directors for Public Institutions for an appropriation of \$5000 for Austin Farm Poorhouse. Accepted and referred in concurrence.

Order for contract for iron water-pipes, for next financial year, at a cost not exceeding \$65,000. Passed to a second reading.

Mr. Fraser of Ward 6—I would like to have this order passed tonight. It is of great importance to the Water Board that it should take its final reading tonight. Some of the pipe is sixty-inch and some forty-inch, and it will take a long time to have it made. It is important that the Water Board have facilities for advertising at once, in order to make advantageous contracts. If they cannot advertise at this time it is probable that the work will be hindered in the spring. I move a suspension of the rule, in order that the order may take its second reading tonight.

The rule was suspended. The order was read a second time and put upon its passage.

Mr. Thompson of Ward 9—This order was before the Board of Aldermen, and some reference was made to a change in the sum asked for—from forty-three thousand dollars to sixty-five thousand dollars. As far as the record of the proceedings there goes, there is no explanation given; and perhaps some gentleman on the committee can explain why that change was made.

Mr. Fraser—The chairman of the Water Board has notified me that there was a change. In making up the bill the clerk of the board made an error which put it back one week in the Board of Aldermen. The error was made in casting up the account. They estimated the price of the pipe at forty dollars a ton, and you will readily perceive that the whole will cost \$65,000.

Mr. Thompson—I understand the gentleman to say that it will require a certain number of pipe, at forty dollars a ton, and that the clerk of the board made an error which changed the amount from \$65,000 to \$45,000.

Mr. Fraser—The clerk notified me that the error was made in making certain figures \$2400 instead of \$24,000.

The order was passed in concurrence.

Subsequently Mr. Fraser moved a reconsideration, hoping it would not prevail. Lost.

## ABOLITION OF ASSISTANT ASSESSORS.

A report and ordinance came down to amend an ordinance concerning the assessment and collection of taxes, to abolish the second assistant assessors.

The question was on giving the ordinance a second reading.

Mr. Wilbur of Ward 20—As this is a very important subject, I would like to inquire of the honorable committee who have this matter in charge, what is the object of abolishing the office of Second Assistant Assessor? whether it is a matter of retrenchment, solely, or is it because of the inefficiency of the Assessors? I should like to

have some information upon that point before I can vote intelligently.

Mr. Webster of Ward 3—As one of the members of that committee, I will try to give the gentleman very briefly the information he desires. It seems to me to be a matter of public notoriety, and it is also confirmed by my own experience, and it is also confirmed by the testimony before the committee, from the chairman of the Board of Assessors, that these Second Assistant Assessors have not been, and are not likely to be, selected with a view to their peculiar qualifications for the place; that they are not always men experienced in real-estate valuations, but that the selection is a matter of local politics and a reward to party friends for services in electing members of the Common Council. It has been supposed that the First Assistant Assessors were chosen with a great deal of care, and therefore that this matter of electing the Second Assistants could be left in the hands of politicians without any very serious detriment to the public interest. In the Board of Aldermen the chairman of the committee quoted from a statement made by Mr. Hills, the chairman of the Board of Assessors, and Mr. Hills requested me to do him the justice to state wherein his ideas and those of the Alderman were not exactly in unison. The Alderman stated that Mr. Hills testified that nine of the Second Assistants were fair, nine were inefficient, and the rest were good for nothing. Mr. Hills said that nine were good, nine were fair, and the rest he did not wish to say very much about; but there was not a very essential difference between his remarks and those of the Alderman after all. He also testified before us that in case any reduction should be made in the department, that was the place to make it; and, in his opinion, if the Second Assistants were abolished, the Board of Permanent Assessors and the First Assistants, if the latter were carefully selected, would make a very efficient board. The change made last year, taking the Second Assistant Assessors out of the dooming board, was a saving of ten thousand dollars; and if we abolish that office and rely upon the First Assistant Assessors, it is a positive gain. The only qualification to this recommendation is that if the Board could appoint the First Assistants, or be sure that every man elected would be qualified for the position. If six or eight inefficient Assessors are elected, the custom has been to change them around and put them with First Assistants who could carry them along, and thus they could get along very well. I intended to offer an ordinance giving the Assessors power to appoint the First Assistants, but after talking with some members of the Council I could not find that they were in favor of it, and I concluded that it would be a waste of powder to offer it. But my idea would be to give them the power to appoint their assistants, so that they could secure good men for whom they would be responsible. But still, from what Mr. Hills testified before the committee, and from what we can learn, the committee thought it would be a saving and would not in any serious degree impair the efficiency of the department to abolish the office of Second Assistant Assessors. We have got friends that we may wish to see elected; I have two or three friends who I believe would make good Second Assistant Assessors, and I would work as hard for my friends as any one. But nevertheless, if we are going to purify the departments from politics, I will not consider the wishes of my friends, and will go for the policy of retrenchment first.

Mr. Sibley of Ward 5—If these Second Assistant Assessors have been useless all this time, it has been a pretty costly experiment for the time we have had them. But I am not a believer in the proposition of my friend from Charlestown. I do not believe in any man-on-horseback government. I believe this City Government is capable of electing a Board of Assessors; if not, why are we capable of electing those five First Assessors? But here is an appropriation bill of nine millions—that is the lowest I have voted on since I have been a member of the Council—and the money is to be raised by taxation. Now it seems to me that thirty-eight men are enough if we put in the best men that we can get. So far as my limited information goes I have always tried to vote for the best men, and I have not heard any great fault found. It is rather a ticklish business for people to go round with a pencil and put your name down and appraise your property. I do not expect that people will be satisfied. Some people want to appear

very rich except when the Assessors come round about the first of May. I want to vote intelligently upon this question, and if an expenditure is useless, whether it is \$10,000 or ten cents, I want to get rid of it. I do not want to vote one dollar for taxation unless it is necessary. It is only a question about the character of those men—nine are good, nine are fair, and the rest are not good for anything. Well, the rest might not want to speak of the board. I want all the light I can whether this measure is necessary.

Mr. Mowry of Ward 3—I wish to inquire, upon the consideration of this matter, if the Board of Assessors do recommend the abolition of the Second Assistant Assessors?

Mr. Wilbur—As my question has not been answered, there is just one point that I would like to know of the committee. It seems to me that it is not the mere saving of ten thousand dollars that we should look at in this matter. This ten thousand dollars is nothing compared with the complaints that we have of the valuation of property. Now, the gentleman says that one of the main reasons for abolishing the Second Assistant Assessors is that about ten are efficient, about ten more are ordinary, and the rest are good for nothing. Now if, as he says, in electing the Second Assistants it is a matter of politics rather than the qualifications of the men, I cannot see why the same rule does not work in regard to the election of the First Assistants. It does seem to me that if we have elected inefficient Second Assistant Assessors we might under the same rule elect inefficient Assessors. Now they say that a change should be made. I take it that two heads are better than one in the valuation of real estate. It seems to me that matters are constantly arising in that department in relation to the valuation of property, that it would be hard for one man to make up his mind, and he would have to run down to city hall to find out from the Principal Assessors whether he is right or wrong. It seems to me that if there were two assessors together—a first and a second—that are efficient, they could settle that matter, and it would be done better than if one were alone. Still I have not looked into the matter; but it is something that should not be acted upon hastily. I think it requires a good deal of study. I think there is something wrong. I introduced an order here, and it was passed and sent to the Board of Aldermen, looking to the establishment of some different system of valuation. It was discussed there, and they thought that it amounted to nothing. It seems to me that it does amount to something. If there could be a board outside of this City Government that could present a plan, and give us some of their ideas that could be presented to us here, we could get something out of it. I think it is admitted by the testimony given to us by this committee that the Principal Assessors feel that if they could have good assistants they would like to have them, but that, if they have got to rely upon the election by the Council, the chances are that they will not have good assistants. It seems to me that the matter might be arranged by statute law or ordinance, so that the assistants might be appointed by the Board of Assessors, so that we might get some good men as First and Second Assistants. It seems to me that the mere matter of saving in that department should not be passed upon hastily.

Mr. Day of Ward 4—I am rather inclined to doubt the wisdom or the expediency of dispensing with the services of these men. It seems to me that the same argument which has been applied for abolishing the Second Assistants would apply with equal justice to the First Assistants. The ordinance seems to be rather sweeping in its character, and I think we had better delay action in this matter, and see whether it is a good thing or not.

The order was declared passed to a second reading. Mr. Stone of Ward 3 doubted the vote. The Council divided—34 for, 27 against. The ordinance went over.

#### NOMINATION LAID OVER.

The nomination of James C. Tucker as Superintendent of Public Buildings came up as unfinished business.

Mr. Reed of Ward 17—I trust that as the Committee on Salaries and Expenditures intend to make a report next Monday, this nomination will lie over for one week, and I make that motion.

The motion prevailed.

## WAGES OF LABORERS IN PAVING DEPARTMENT.

Mr. McDonald of Ward 12 moved to reconsider the vote whereby the Council refused to send up the resolve in favor of allowing laboring men in the Street Department \$1.75 per day.

Mr. McDonald—When I offered the resolve at our last meeting, I refrained from speaking upon it for the simple reason that the resolve spoke for itself. In endeavoring to secure a reconsideration of the resolve tonight, it is not with the intention of rushing the matter or creating any heated discussion in our midst. Had it been any other subject, I assure you, gentlemen of the Council, that I should have let it pass and have forgotten all about it. On the contrary, being an important resolve, I wanted to ask the opinion of this sensible body in relation to the laboring men, and I could not let it pass by without calling your attention to it again. In offering the resolve I wished to have it go before the gentlemen who have jurisdiction over the matter, that they might see for themselves the predicament that these men are placed in. We could not call the work they have been doing charity, for if we reflect for a moment, we must come to the conclusion that there has been more work done for the past month than there has been for some time past; if there is plenty of work for these men to do, is it just and consistent to take advantage of these laboring men by calling it charity? It would be charity to send men to do work that is unnecessary to be done, and pay them for it every evening. But the gentlemen employed on the streets are obliged to wait a great deal longer than that for their pay. I trust that the resolve will be reconsidered, for if you take time to calculate, gentlemen, you will find that a dollar and twenty-five cents a day is too small pay for any laboring man. Suppose there are five in the family to rely upon this dollar and twenty-five cents for support; that is at the rate of twenty-five cents per head. Can any man live upon it? Allowing twenty-five cents for each individual, and some of the young ones will consume a great deal more than the old ones at the table—perhaps members of the Council are aware of that fact. There are three meals to be got for twenty-five cents a day, not including Sunday. How can a man live on it? Why, sir, it is already death to some of the working men. It is worse than cruelty to animals. Gentlemen of the Council, let us reconsider this resolve and pass it; and by so doing we will be living up to that good old maxim, "Render justice to all men if we would be just to ourselves." Let us encourage instead of discouraging the laboring man.

The reconsideration was lost by a division—30 for, 31 against.

## POWER TO CREATE BOARDS AND COMMISSIONS, AND ABOLISH THEM.

The Council took up the special assignment for 8 P. M., viz.:

Order for the Mayor to petition for an act to authorize the City Council to create or abolish boards of commissions, etc., as therein set forth.

The question was on giving the order a second reading.

Mr. Crocker of Ward 9—This order looks in two directions, both towards the creation of new commissions and towards the destruction of commissions already created. So far as it looks toward the creation of Boards of Commissioners, I believe in the passage of the order. I feel and have long felt the desirability of giving the different branches of the City Government into the hands of commissioners who shall be paid to attend to the work, and who shall make it their business to do so; and I believe that the work will be much better done in that way than by committees who snatch a few hurried moments from the cares of their private business, and come to the City Hall to look after things which they often do not very much care about. Besides, these committees are changing every year, while commissions are more permanent. It seems to me that so far as it looks to the creation of boards by ordinance, it is a very good order. It is desirable that we should have the power to create boards by ordinance, and to transfer to them any of the city business that we may see fit. And so far as concerns the question of having power to destroy commissions already created, I believe it would be well to have that also; but there is one point upon which I feel in doubt, whether this order is a desirable one as it stands. It seems to me we should ask for power to create commissions that, for the

time, would have a certain independence of the City Council; that we should not have power to set up commissions one day and destroy them the next. When a commission takes hold of any business and makes a special study of it, they may have to do things that are unpopular at first, they may have to make some radical reforms, and such reforms are generally unpopular at first, and it is not desirable that they should be liable to be overthrown immediately for doing any temporarily unpopular act. They should be somewhat free from the effect of popular passions and prejudices. The only amendment that I propose to this ordinance is to insert after the words "by votes passed," the words "in two successive municipal years." In that way a commission could not be overthrown immediately. They would be subject to the will of the City Council, but the verdict of the people would have to be passed upon the question before a commission could really be overthrown. It really seems desirable that we should have commissions, but that they should be made somewhat independent of popular passion in this way. I should feel very anxious for the order to pass, it amended in the way which I propose.

Mr. Ruffin of Ward 9—I am not at present perfectly satisfied with the amendment which has been offered. I believe in the democratic doctrine that the people are the source of all power, and I believe that the exercise of that power should be kept as near the people as possible. I believe that in legislating for the people, generally speaking—and I am now speaking of the whole order as it stands—this Council alone represents the people, and should do the general legislation; and, having that power, they should exercise it freely and fully, and in the interest of the people; and that this Council should be the judge of when it is necessary to exercise that power, whether by the creation of an office or by the demolition of one. Now, while I entertain that belief, still I am in favor of the appointment of commissions. I think they may become, and that they have become, a necessity even to carry out this general proposition which I have laid down. I think that the time has come when we should relieve ourselves, so to speak, of the power that is in our hands. I believe that it is impossible for the City Government as now organized to perform the duties faithfully which it has to do. It is no longer possible for gentlemen who are engaged in other business to come to City Hall and spend the time necessary to be spent in the performance of public duties. They cannot spare the time. I believe the duties which usually fall upon committees ought to be put in the hands of persons whose whole time is or should be devoted to that business, and that they should be paid for it; and there are very many reasons why that should be done other than those I have assigned. Having persons specially fitted for it, and giving their whole time to it, of course commissions of that character would be more conversant with a subject, and be better qualified to perform the duties than would any committee of the City Council. We have either to have these commissions perform the duties, or else we have got to make the Board of Aldermen salaried officers, in order that they may devote the whole of their time to their public duties. If the Aldermen were paid a sufficient salary, so that they could remain in session all the time and devote all of their time to the performance of their duties, why then that would be another thing. But we have not arrived at that point yet. People do not believe in that. I do not know how they may look at it in the future. The Aldermen are not paid for their services, and therefore we see the necessity for the appointment of those commissioners to perform the duties now done by joint committees of the Common Council and the Board of Aldermen. Hence I shall vote for the order. At the same time, as I heard the order read, I did not pay particular attention to one point, but I think it should be framed so that the power to frame these commissions should be given exclusively to the City Council and not by appointment by the Mayor, nor by any selection which he shall make to lay before the City Council; but that they should be elected by joint, concurrent vote of both branches.

Mr. Clarke of Ward 22—I would inform the gentleman that that is the way the order reads. The commissioners are to be appointed by the City Council.

Mr. Ruffin—I have not seen it in print and have

not read it. Those are my views, and I commend the serious consideration of this question to members. I think they will see that by the increase of this work it is necessary to put it in the hands of commissioners in order that it should be done faithfully.

Mr. Howes of Ward 18—Whatever advantage there may be in this order—and I imagine there may be some—I should certainly hope that the amendment proposed by the gentleman would pass. The difficulty in putting the power out of the hands of the Council, and carrying out a commission is, that the Council is very captious as to its use, and is very often apt to make trifles appear very large indeed. I could conceive, sir, that we might this year have had a chance to abolish the Fire Commission, for instance, on account of one gentleman's odium for uniforms, and to the views of another in regard to vacations. A very little feeling might change a very good thing, and I think it better to curtail the power of abolishing the commission within a short time; and on that account I hope the amendment will pass. I think we need to take a sober second thought on matters of this kind. Public bodies, like individuals, are apt to be carried away by momentary excitement. I know that immediately after the great fire a Boston man, who had a large amount of property destroyed, remarked that he would like to see the whole City Government hanged for allowing the department to get into such a condition; and possibly if some Alderman or Councilman had been there he would have been hanged to the nearest lamp post. It has been found necessary, in all deliberative bodies, to have two distinct chambers, in order to have one correct the other. We have nothing of that kind. Our Board of Aldermen and Common Council represent the same popular feeling; they are elected at the same time, and when prejudice or excitement carries away one, the other will not always correct it. As we cannot correct mistakes by different bodies, it is necessary to correct it by different spaces of time, and give the people an opportunity to express their views after deliberating on the subject.

Mr. Wilbur of Ward 20—I cannot say that I am in favor of the amendment. The gentleman [Mr. Crocker] says that the order looks in two directions; first to the creation of commissions, and second to abolishing them. The latter is the point about it that I like; that is the very thing I think we ought to have. The delegating of power out of the City Council, it seems to me, is a bad thing. It looks to me as though we were hardly capable of carrying on our business, and therefore we must go to the Legislature and have an act passed creating commissions and giving them power that this Government has no control over. It seems to me that we should keep that power in our own hands. It is a good deal like a family of children who get a little unruly and cannot govern themselves, and they have got to have somebody to govern them. I hope we have not got to that state yet. We have some commissions created, and I do not know that they are good, but I do know that we have very little control over them. I rather like the order, and I hope it will pass.

Mr. Clarke of Ward 22—I am opposed to the amendment for this reason: When we have no further use for commissions, I think they should be abolished by the City Council without compelling the city to go to the expense of fifteen or twenty thousand dollars of keeping them another year when we do not require their services. If the gentleman had a tree on his land with a dead limb on it, the time to cut it off is now, and not let it go till next year. The object of this order is to bring back to this City Government the control of city affairs that they had when the present charter was adopted in 1855, twenty-two years ago. It has been good enough for us to live under until within the last three years; and every gentleman who has been a member of this Council, knows that within the last three years there has been a strong and powerful pressure upon us to pass special recommendations to the Mayor to petition the Legislature for certain commissions. And for what purpose? Why, sir, to give certain men positions from which we cannot remove them under some three years, and we cannot change their salaries; but they must be kept along, and we have no power over them unless we go to the Legislature and ask permission to abolish them. Now, sir, the present city charter is remarkable for simplicity and common sense;

any schoolboy can understand it; and it gives the City Council absolute control of the management of city affairs. We have gone to the Legislature year after year with petitions and requests for power to appoint boards and commissioners and give high salaries, so that our old charter is literally gone, and soon we shall have very little power left except to pass appropriations and assess the citizens for those appropriations. The word "commission" is only mentioned once in our city charter, and that is where it refers to the Board of Health, and where it gave us power to place that department under charge of a commission. The first commission was established in 1846, when we introduced water into Boston, and I should like to call the Council's attention to the very careful manner in which that act was worded. In that act it expressly declared that when the Cochituate works were completed the services of the commission were to come to an end; and then, in section 5, page 888, it says—

"Whenever the said office of commissioners shall cease, either by the expiration of the said term of three years from the original appointment, or by the completion of the aqueducts and works mentioned in the preceding sections of this act, all the rights, powers and authority given to the city of Boston by this act, shall be exercised by the said city, subject to all the duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the City Council shall from time to time ordain, appoint and direct."

So that in the year 1846 our city fathers were careful not to lose control of their power vested in them by the city charter. Well, the works were completed, and the services of the commission expired, and then we went on under a Joint Special Committee on Water, and had entire charge of the works, and nobody complained that they had not been conducted properly and fairly, and they went on properly and right until we decided to introduce water from Sudbury River, and it was then proposed to appoint a commission to do that work. There were special orders introduced in the Council to authorize the Mayor to petition the Legislature to grant us power, but they were so hampered by amendments, such as the gentleman has proposed tonight, that the City Government looked upon it with such suspicion that they could not get a commission then. And when it was found necessary to have some commission, they established what is now the Boston Water Board, under this old act of 1846; and under that old act of 1846 the present Water Board is now acting, and they have no further powers, for they are limited by this section 4. We can take their powers away whenever we choose to do so; and that is what we propose to do with all of the commissions, when their services expire and they are of no further use to the City Government, then is the time we do not want them. We do not want to pass a vote this year and then have the matter go to the people and have to send members back to the City Council to confirm that action. The people do not send us here to do any such work as that. They send us here to use common sense and reason in passing orders, and they expect us to use good judgment. The gentleman gets up here and talks about abolishing commissions because a man does not wear a badge; such a remark as that is all nonsense. I believe that if such an order went to the Mayor he would veto it. Such kind of talk is all nonsense. Then, sir, in 1837, an act was passed establishing the Board of Directors for Public Institutions. Two years ago it was found out that that Board were employing criminals in the institutions upon sewing machines. Well, down at the North End they felt the effect of this system. Gentlemen connected with the North End Mission, a charitable institution in that section, came to the City Council and said that some other employment might be found for the persons then working on sewing machines at the institutions. The reason that they gave was that it was taking work out of the hands of poor women. There was no class of work that the women of the North End could do so well as that. Well, sir, we appointed a committee to investigate the matter. Our committee waited upon the Directors of Public Institutions, and were confronted by the fact that they were established by act of the Legislature, and were not working under a city ordinance.

They had the right from the authorities of the State to employ criminals as they pleased, and they put them to work on sewing machines. Well, we all know when a man comes out of a prison that he does not work on a sewing machine, and the trade is of no use to him. Well, the parties, feeling very strenuous in this matter, went to the Legislature and tried to get an amendment to the law. What was the result? The directors went there, the petitioners failed, and it remains as it is now; and we have no control over them, so far as the employment of criminals is concerned. Now, sir, in regard to the Board of Street Commissioners, which was established in 1870, and the members of which are elected by the people to serve three years. What is the position in which you are in today? We have a committee who have talked pretty strenuously upon retrenchment and reduction of salaries. In the act granting the city of Boston power to appoint the Board of Street Commissioners, it reads that the commissioners shall each receive an annual salary of not less than \$3000. Now, the Legislature can reduce the salaries of all its employes, and they made a great deal of talk last year about reducing salaries and saving four or five thousand dollars; but we have three commissioners, with a salary of three thousand dollars each; and I presume that when this committee on retrenchment looked over the laws, they found that they had to come to a stop, and they have no authority to reduce their salaries below \$3000. Now, I think the power should remain in the hands of the City Council to do what they think best. If we do not propose to make any great improvements during the present year, perhaps their salaries will be too high; but we cannot reduce their salaries below \$3000, although we may raise them to \$10,000. I do not think their salaries have been too high heretofore, but we have no control over them. Now, sir, in regard to the Registrars of Voters (page 238), section 16 reads that "they shall receive such annual compensation as the City Council may from time to time determine; but any reduction of compensation shall take effect upon such registrars only as shall be appointed after such reduction."

Consequently, I presume the Committee on Retrenchment found, when they came to look upon this matter, that they could get hold of only one of those men; they could go for him, but the other two would still draw the same pay for the next two or three years. Well, it seems to me to be hard to take one man and reduce his salary two or three hundred dollars, and the others draw the same pay. We have been giving our powers away under those special acts of the Legislature, and I propose to go to the Legislature and get an act that will give us power to make commissions and abolish them when we see fit. I should like to call attention to the act of 1871 establishing the office of Inspector of Buildings:

"There is hereby created in the city of Boston an executive department, to be known and designated as the Department for the Survey and Inspection of Buildings, which shall have charge of enforcing the several provisions of this act."

Now, sir, I want to call attention to the fact that this is an executive department. Whoever went to the Legislature and lobbied that law through, got just what he wanted—an executive department, with a chief equal in power to the Governor, and with greater power than the Mayor. He can go on without any control from us whatever, and if he chooses, he can condemn property, and can drag the city of Boston into a hundred lawsuits, to the extent of a million dollars. We have no control over him, and if we want to get hold of him, we must go to the Legislature and have the act modified. So far as we are a legislative body, we ought to have the whole power in our hands. Therefore, Mr. President, I think the idea of this amendment, that we may have power to create commissioners today, and shall not have power to abolish them, is not a good one. The gentleman thinks we have ability to create them, but not the ability to abolish them; and so we must have two councils, with their great ability and experience, to say whether we shall undo next year what we have done this year.

Mr. Reed of Ward 17—The Joint Special Committee on Salaries and Expenditures are already looking into this matter, and we have already under consideration a petition to the Legislature for certain rights which we do not now enjoy. I

therefore move that it be referred to the Joint Special Committee on Salaries and Expenditures.

Mr. Clarke of Ward 22—I do not see that they have anything to do with it. This is a matter that appeals to the common sense of the Council; and I would inform the gentleman that I don't object to the reference at all, for I do not propose to be captious, and should be glad to have it go to the committee and let them take all the time they please. But if we want to get this authority, it has got to pass both branches of the City Council, and be signed by the Mayor by the first of March. We have no time to spare. This matter was introduced last year on Dec. 7, and referred with other matters to this City Government. The Committee on New City Charter reported an order similar to this, and I give the gentleman offering the amendment credit for it as chairman of the committee; but it being the last month of the year, the Council had no time to consider it, and it was put over till this year. If it is going to be acted upon this year it must be passed now, as it must be acted upon by the Board of Aldermen and go to the Legislature within the time limited by them.

Mr. Thompson of Ward 9—The question raised by this order is so important that I think a few minutes can be well spent in discussing it. It seems to me that the question is not a political one, for, if I understand it, this is not a political body. The city does not constitute a true political unit; but it is a business corporation. We stand not as representatives of the political opinions of the inhabitants of the city, but as trustees delegated to attend to the business interests of the city. The question presented by this order is one of administration. It is in substance, How shall the business of the city be best managed? And the experience of other bodies, where large sums of money have to be handled, and important business transacted, tends to show that we must select and employ skilled men for the management of our business affairs. The old system of management under fluctuating committees of this ever-changing body—the City Council—presents a perfect example of power without responsibility as can be conceived of. If any one outside of the City Council should be asked tomorrow who compose the committees on Common, East Boston Ferries, or several other important committees, they would not know. They do know when some important measure is carried out; it may suit them and it may not, but unless they take the trouble to come to the City Hall and hunt out who is responsible for it, they will not know. In a small city or town a body like this may do very well, because all the members who compose a committee are probably known to every person in the town; in this body we are known to our immediate circle, and no more. These arguments are in favor of a government by some settled body—call them heads of departments, commissions or what you please, so that you have an independent body of men who have power and are responsible, and to whom you can look if anything bad is done. The question before us is, How shall the disposition of city affairs be distributed? Shall it be retained in this body, or shall it be vested in commissions who are always, to a great extent, under the control of this Council, but who shall be made, to a certain extent, independent of it. Now, it seems to me that the importance of their being independent is this, that their action will be more free. Take the heads of departments; every year their election comes round, and there is a scramble for office at the commencement of the year. Indeed, there have been so many people here that an alderman introduced an order to put some of them out of the building. Those officers know that there is a power coming here that will have an influence upon members of the Council. It was stated here the other evening that members of the Council went to the head of a department, and each asked for employment for his three men. What independence can the head of a department have, if members can go to him and say, If you do not do thus and so, I will vote against you? I do not believe that many Councilmen do it, but there is danger of it. I believe that the interest of the city, in the election of its officers, will be advanced by this measure. I support the order in part because I want to see the City Council have power to create commissions whenever they see a necessity for them, and I do not believe they will ever be in too great a hurry to do so, and when the time comes to delegate their power it is well that they should have authority to do so. When the time

comes for any of the commissions to pass away, the power should also lie in the same body to change them, or to assign them to different duties, and therefore I shall vote for authority to act in this matter. But I believe that this power requires a different limitation. I do not believe it is safe for us to receive these two powers under the same limitation. When we delegate powers, there is a constant temptation to take them back. The arguments of the gentlemen show that they have not introduced this order to create commissions, but to destroy those already created. There are two classes of danger: First, there is the political danger; it may be deemed necessary to destroy a department for political reasons. A City Government, fresh from an exciting contest, may be moved to destroy some valuable commission; and by this order that power can be exercised at once. What would be the difference in that case between commissions and our heads of departments? They know that in carrying out a necessary but unpleasant duty, they will incur the enmity of a body that can remove them. We all desire a form of government that will administer the business of the city well. You go to a mercantile establishment, and you find men selected for their peculiar qualifications, who know that their interest lies in protecting the interest of their employers. Men ought to know that their places will be sure to them so long as they do their duty. If we compare the salaries paid by the General Government with those paid by cities, we find that those paid by cities are smaller. Why? It is because of the feeling of permanence. They pass through the routine of service, and become of great value to the country, and yet receive comparatively small salaries. And why? Because they know that so long as their behavior is what it should be their pay is fixed. Now, what we want to bring into this City Government is that kind of feeling; to make a man honest because he belongs to the City Government. I hope to see the day that men will feel proud of being officers of the City Government; and that that fact will be a reason why they will take less salary. That is my argument why these commissions should be permanent. What does the order, as originally introduced, propose to do? It is that by the vote of two bodies, meeting within four days of each other, any commission can be destroyed. If any idea of permanence exists in the order, I cannot see it. The amendment does not go so far as I should like to see it; but perhaps it is far enough. It sends the question back to the corporators whom we represent. If they decide to send back representatives in favor of passing the order, then it can be done. No great delay is asked. If we pass the order with this addition we can send it to the Legislature with some hope that the act will be passed. But suppose you send it to the Legislature in its present condition. You cannot expect that a political body like the Legislature will give us an exceptional power such as we are now asking, and which is not to be applied to other cities of the Commonwealth. We must show substantial reasons for it. We say we have a large business here, and want to provide a body to administer it properly; that we want something more permanent and responsible, and ask for power to create commissions. But we may also know that, when we have created them, the contingency may pass away, and we also ask that the power to abolish them may be given us. The Legislature will see that the two powers are so entirely different that they should be given under different limitations. I think that, on the whole, the amendment will be fairly acceptable. If we refuse to adopt the amendment, in what position do we place ourselves? It shows that this is not asked for with the intention of changing this form of government to more permanent conditions; but we show that we ask for it in order to change such commissions as we have now; and the Legislature might not grant it. They would say that we should act on broader reasons in creating a Board of Charities, the Fire Commission and Registrars of Voters. Those are questions that affect the interest of the city, and I think that in acting upon this weighty matter—the most weighty that will come before this body this year, I think—we should proceed with great deliberation, and not be moved by hasty or careless views. We should try to discover the principle upon which the Legis-

lature might act if we ask it to give us this, and consider well what those principles are, and not be carried away by hasty or passing ideas. I hope the amendment will prevail, and if it does I hope the order will pass; for if it does not, I certainly could not give my vote for the order without it.

Mr. Sibley of Ward 5—The gentleman from Ward 9 (Mr. Thompson) has given us an able speech upon his theory of the City Government. Let us look back and see what we have been, where we are, and what conclusion we have come to. Our first charter was written by Judge Shaw, Harrison Gray Otis and the elder Quincy; better men never lived, and they will compare favorably in ability and knowledge with the rest of Massachusetts. We went on for fifty years under that plan of city government, with some alterations; but the plan generally was very good. The years have come and gone. We had the smallpox, a bad scourge; and we wanted a Board of Health. I have not a word of fault to find, or a word to say against the gentlemen that have composed that board, and this is the third year I have served on the Health Committee. I believe they are doing a great work; I believe the Board is useful, and I believe they are doing their work well. Then the great fire came. I know it burnt me out and all the business I had. Before the fire I had a hundred customers to do teaming for; but not one had a store fifteen hours after the fire started. It took away the accumulations of fifteen years. People thought something was wrong. I believe the Fire Commission has been successful; I believe it has been a good thing. We went on a year. Then came the Water Board. I talked with every member of the Mystic and Cochituate water boards, and I only found one man who thought there should not be a change. There is but one section in the act that I do not like, and that is, you cannot change the amount of their salaries while in office. I don't know that they get any too much, but I do know that any commissioner is a high-priced article, and I don't care whether you call him a commissioner or not, if he performs the duty he is worth the money. But the question is, Shall we go to the Legislature to get this power? I cannot see the use of it. Two-thirds of the City Council can put on every one of those men, and the Mayor can remove them for cause. They are created by ordinance. If we repeal the ordinances or do not vote them any money, they must stop. I am sure that what creates can destroy. I am not a lawyer, but it seems to me that that ought to be good law. Now, about this being a commission, and that political interest, and this political dodge. I don't suppose that we propose to be very bad. When I came here from the State of Vermont I did not expect to be a member of this great and glorious Council. I was honest when I came in here, and I hope I always will be; but I must say that I have learned something. We have put several departments under commissions. They had them in Philadelphia and New York, where they were not appointed, but elected, and I am sure I have read about something being wrong in New York. It is only a question as to what men you get, and it is all right if the men are honest. We have to ask a few questions, and vote for or against them. I dislike the amendment worse than I do the order, for I don't believe it takes but two sessions of the Legislature to change the constitution of Massachusetts. I think that the City Government might possibly handle this matter. Some gentlemen favor changing the duties of some of the departments, for instance, the Street Commissioners. We are not building many new streets, unless it be a public thoroughfare. It would have to be shown to be a great necessity before I would vote for it in these times. But I don't know how to get at it, and I move to lay it on the table.

Mr. Ruffin—I hope the order will not be laid upon the table, because I think, as has been said, that it is a very important matter, and one which we have got to meet; and we might just as well meet it and discuss it now as at any other time. I think we ought to discuss it to that extent that we can understand it thoroughly and be prepared to vote intelligently upon it. This order ought to pass. We ought to have the power to create these commissions, but with certain limitations. I think it should be limited as set forth in the original order, for reasons which I have already given, for I think they are



wise and judicious. If we have power to make these commissions, we should have power to unmake them. The same wisdom which creates commissions will, it is supposed, be used in unmaking them, if it is necessary. I can see no possible imaginary, no imaginary difficulties attending it. I do not believe the troubles would follow which some gentlemen seem to believe. We have had excited political contests heretofore, and quite as excited as will be seen hereafter; and yet I have never seen any great changes in the City Government. We have officers who have remained here all their lives, and have passed through all the political changes. Parties come and parties go; but the officials remain here. We have had political discussions; and political excitement has run as high as it will run in years to come; and still I have never seen this unseemly partisan feeling about the removal of officials from City Hall; and I do not think we shall have it when we remove the commissions. I think there is good sense and judiciousness in both parties, and they will not commit suicide in such a foolish manner as that, and they will not upset a department of the Government unless there is reason for it. I see a necessity for having this power in the hands of the City Government. I think we want some other qualities in those commissions besides independence. I don't believe in making them independent of the City Government. They might be so independent that nobody could reach them, and so permanent that they could not be removed when they became obnoxious or inefficient. What we want is efficiency; and I think this order will give it. We want men to do the special duties assigned them—not merely independence and permanency, but efficiency.

Mr. Clarke—In my remarks upon the Inspector of Buildings I omitted to state a very important matter the appointment of the chief officer of that department. Section 12, page 91, says—

“The chief officer of the said Department for the Survey and Inspection of Buildings shall be called the Inspector of Buildings. He shall be appointed by the Mayor, and confirmed by the City Council. He shall hold office for the term of three years, or until his successor shall take office, but may be sooner removed by the City Council for malfeasance, incapacity or neglect of duty.”

In the other commissions we have power to remove them if they are obnoxious; but we cannot remove this officer unless we can ascertain that he is malfeasant, incapable, or has neglected his duty. Now, sir, who is to judge whether he is or not? How are you going to do that? The City Council have not authority to draw the line. He may take exception to our opinion and go to the Supreme Court, and it may be three or four years before it is decided whether he is the right man or not. It seems to me that all our powers have been taken away, so far as that department is concerned. I introduced an order three or four weeks ago, which was referred to the Committee on Retrenchment, in regard to establishing a Department on Supplies. Now, sir, if such a department is established, instead of taking twelve and a half cents a day from the poor clerks, and making them reduce their expenses that amount, I say this Council can save \$200,000 a year. But the question is, how can it be carried out, except by a commission? If you put this matter off, we cannot go to the Legislature with it until next year. This order is in the interest of economy. We are keeping at the State House a gentleman connected with the City Solicitor's Department, at the rate of \$3000 a year, to advocate all our petitions before the Legislature. If we have this power, we need not send to the Legislature so often, and will save two or three thousand dollars in that direction.

The motion to lay on the table was declared carried. Mr. Pope of Ward 14 doubted the vote, and on motion of Mr. Ruffin the yeas and nays were ordered. The motion was lost—yeas 19, nays 45.

Yeas—Messrs. Barnard, Barry, Beeching, Brown, Day, Duggan, D. A. Flynn, Ham, Hibbard, Hiscock, Howes, Jackson, McDonald, J. H. Pierce, O. H. Pierce, Roberts, Sibley, G. B. Webster—18.

Nays—Messrs. Brintnall, Burke, Cannon, Clarke, Coe, Cox, Crocker, Cross, Danforth, Dee, Doherty, Fagan, Felt, Fernald, J. J. Flynn, Fraser, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, Morrill, Mowry, Mullane, Nugent, O'Connor, O'Donnell, Perham, Pope, Pratt, Reed, J. B. Richardson, Roach, Ruffin, Shepard, Smardon, Souther, Spenceley, Stone, Thompson, Thorn-

dike, Vose, Warren, E. R. Webster, Wilbur, Wolcott—45.

Absent or not voting—Messrs. Blanchard, Blodgett, McGaragle, Pearl, M. W. Richardson, Sampson, Upham—7.

The question was on the reference to the Committee on Salaries and Expenditures.

Mr. Flynn of Ward 13—I hope that motion will not prevail, for the reason that if the order is presented to the Legislature at all it must be done by next Thursday, the last day for receiving petitions.

The motion to refer was lost, and the question was on Mr. Crocker's amendment.

Mr. Pierce of Ward 24—There is one argument in favor of this amendment which has not been touched upon, but it seems to have been admitted by all who have spoken against it—that there are certain commissions which are important. If that is the case, and furthermore I do not doubt but any business will be put into commissions but what is important; and that being the fact it seems to me equally important that we should have the best men that can be obtained for those positions; and if we need such men I think we should not be in a fair way to obtain the services of some such men if they are liable to lose their positions at a week's notice, which will be the case if this order is passed; while, if the amendment is adopted, of course it will be otherwise. The gentleman from Ward 9 [Mr. Ruffin] said he thought the nearer we got to the people the better; and it seems to me that is an excellent argument for the amendment. We come here as representatives of the people; but we cannot always be supposed to know the views of our constituents; and we may consider that they are different from what they actually are. In such an important matter as the changing of commissions, it seems to me the people should vote directly upon it before the commission is abolished. If the matter is brought up and acted upon one year, then the people will have an opportunity to vote upon it, and express their opinion in some form by electing a Council that will carry out their views. The amendment does not clash in any way with what is desirable in the matter of salaries, which will still be left in the hands of the City Council. We can reduce or raise them, or stop them altogether, which would practically abolish the commission, unless the gentlemen were public spirited enough to serve without pay, feeling that such a vote was contrary to the wishes of the people. Therefore I think the amendment will do no harm and may do a great deal of good.

The question was put on Mr. Crocker's amendment. The President was in doubt. Mr. Pierce of Ward 24 called for the yeas and nays, which were ordered. The amendment was lost—yeas 23, nays 41.

Yeas—Messrs. Barnard, Beeching, Brown, Coe, Cox, Crocker, Danforth, Felt, Ham, Hibbard, Hiscock, Howes, Mowry, Perham, J. H. Pierce, O. H. Pierce, Pratt, Roberts, Shepard, Smardon, Thompson, Thorndike, Wolcott—23.

Nays—Messrs. Barry, Brintnall, Burke, Cannon, Clarke, Cross, Day, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, Morrill, Mullane, Nugent, O'Connor, O'Donnell, Pope, Reed, J. B. Richardson, Roach, Ruffin, Sibley, Souther, Spenceley, Stone, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur—41.

Absent or not voting—Messrs. Blanchard, Blodgett, McGaragle, Pearl, M. W. Richardson, Sampson, Upham—7.

Mr. Howes—It seems to me that if the order goes before the Legislature in its present shape it will seem as if there were a determination on the part of the present Council to do away with the present commissions. That is the view of it which members of the Legislature will probably be likely to take, whether it is correct or not. In order to correct this view, and that gentlemen who are so democratic in their ideas may show that such is not their intention, I move to amend the order by adding, after the word “thereof,” the words “and by a popular vote of the citizens, duly qualified, of this city.”

Mr. Ruffin—I do not know who in this body has authority to speak for the Legislature. I cannot gather that the Legislature will come to that conclusion from anything in the order, and I think that any member's perception must be very keen who does gather that idea. The position I have taken in this matter has been in good faith. I

think the proposition a good one. It is the view I have held for some time, since I have given the subject any examination. I think the commissions very desirable and if we are going to have them I think this is the better way to pursue. I think the Legislature would see that also. This is not conferring new power upon the City Council. The power is already with them, only it is exercised in a different way. We only ask for a different mode of exercising that power. This is no extraordinary thing. I may not be in a position to see what is the under-current of those who are the projectors of this movement; but from the standpoint that I view it I see nothing but good. I have an idea that commissions are favorably looked upon by a large majority of the thinking people of the city of Boston. It is something they have been aiming at a long time. They have been brooding over it and devising schemes for a new city charter, by which we might have this power. Now, the question comes as it is presented to us tonight. Gentlemen favoring the order are not prepared to take this step. It is nothing new. I see no cat in the meal, and if anybody does, I hope he will expose it, so that we may all see it. I am satisfied that if this matter is pressed in any way before the Legislature, they will see it as the majority of this Council see it.

Mr. Howes—I have no wish to impute wrong motives to any member, especially to the gentleman last up. My reason is, that a yea and nay vote has just been taken, and members who have heretofore voted in opposition to commissions are now anxious to establish them. I am at a loss to understand this conversion, which is quite as sudden as that of St. Paul. The only reason I can see is that the present commissions are to be done away with at any time. I hope the amendment I have offered will prevail. If members are desirous of having it done in a democratic way it can be done so.

Mr. Flynn of Ward 13—The gentleman says that members who have heretofore voted against commissions are now voting for them.

Mr. Howes—I meant the members of the last Council.

Mr. Flynn—He did not say that. We have never voted in this Council on that question before.

Mr. Clarke—The gentleman says those who voted against commissions are now voting for them; and as he looked at me I suppose he meant me. I have done so because the orders were so hampered by such amendments as the gentleman from Ward 9 proposed, that they could not be abolished without a two-thirds vote. I shall never vote for such a commission.

On motion of Mr. Sibley, the main question was ordered.

Mr. Howes's amendment was lost.

The order was read a second time, and Mr. Pratt of Ward 21 moved the yeas and nays on its passage, which were not ordered (a division being called for on a doubt raised by Mr. Flynn of Ward 13)—11 for, 46 against.

Mr. Flynn of Ward 13 moved a suspension of the rule, which was carried—41 for, 17 against.

Mr. Flynn moved a reconsideration. Lost. Sent up.

#### ADJOURNMENT.

On motion of Mr. Howes of Ward 18 it was ordered that when the Council adjourn it be to Friday evening, Feb. 23, at 7½ o'clock P. M.

#### PETITIONS PRESENTED.

By Mr. Ruffin of Ward 9—Petition of Bridget Griffin for compensation for injuries on Charles street. Referred to Committee on Claims.

Petition of James Fitzgerald for change in bond given for land. Referred to Committee on Public Lands.

Severally sent up.

Mr. Shepard of Ward 4 offered an order—That the Committee on Public Buildings be authorized to provide the requisite furniture for the new grammar schoolhouse, Florence District, West Roxbury, the cost not exceeding the sum of \$2000; the expense thereof to be charged to the appropriation for Schoolhouses, Public Buildings.

Ordered to a second reading.

Adjourned on motion of Mr. Duggan of Ward 12.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
FEBRUARY 19, 1877.

Regular meeting at four o'clock P. M., the Mayor presiding.

## EXECUTIVE NOMINATIONS.

Police Officers Without Pay—George R. Richards, Freeman's National Bank; Manus McLauthlin, Woodward avenue; Daniel Cowan, Howard Athenæum.

Police Officer—Patrick Lee.

Weighers of Coal—John Kelly, Jr., and G. P. Dodge.

## PETITIONS REFERRED.

To the Joint Committee on the Survey and Inspection of Buildings. B. & F. H. Jenney, for leave to erect a wooden building situated on West First street, corner D street, South Boston.

To the Joint Committee on Assessors' Department. S. W. Richardson, for abatement and remission of taxes on estate of the late William Richardson.

To the Joint Committee on Streets. T. F. Burns, for leave to occupy a portion of land at corner of Eliot and Pleasant streets for sale of fruit, etc.

To the Committee on Public Baths. John F. Newton *et al.*, for a bath house at Roxbury.

To the Committee on Streets on the part of the Board. Catherine Dolan, to be repaid for land taken on Porter and Jess streets, Roxbury.

To the Committee on Licenses. L. J. Jordan, M. D., for leave to open a gallery of anatomy in this city.

To the Committee on Health on the part of the Board. Petitions for leave to occupy stables by Louis M. Mahn, new wooden, three horses, Lamartine street, Ward 23; Michael Kenny, new wooden, one horse, corner Bennett and Market streets, Ward 25; George W. Parker, new brick, three horses, Olive place, Ward 17.

To the Joint Committee on Claims. Sarah Ross, to be compensated for personal injuries caused by a fall in Lincoln street.

To the Committee on Paving. Clement Willis *et al.* for the repaving of Washington street from Chester park to the old Roxbury line; J. S. Nickerson *et al.*, that Fourth street, between E and F streets, be paved with granite blocks; Pratt & Co. *et al.*, that Neponset avenue and Terrace street be put in condition for travel.

Metropolitan Railroad Company, for leave to construct a track on Atlantic avenue from tracks already located near Rowe's wharf through Atlantic avenue and Commercial street, to connect with tracks on Hanover street, with suitable curves and connections. Also, for a location of track across Dover street, to connect those already constructed on Harrison avenue, and for convenient turnouts on Harrison avenue between Dover and Warren streets, with curve tracks at the corner of Dover street and Harrison avenue, and Dover and Washington streets.

## N. W. DAY'S OMNIBUS ROUTE.

The order granting leave to N. W. Day to run coaches from Cambridge Bridge through Cambridge street, Bowdoin square, Green, Chambers and Cambridge streets, to Cambridge Bridge, was considered under unfinished business.

Alderman Viles—I move that the order be laid on the table until the Union Railroad Company have had a chance to be heard.

The motion prevailed.

Alderman Fitzgerald—This petition was referred to the Committee on Licenses; the Union Railroad appeared by counsel and had its witnesses—as did Mr. Day also. Mr. Day asked for a route through Court street down to State street. Both sides were heard, and we made the report which is now upon the table. Why the Union Railroad ask for a hearing after that I do not know, and am at a loss to discover.

Alderman Viles—I have a document here which has just been handed to me and which I will ask the Chair to read.

The Chair read the paper, representing that Mr. Day was heard before the Committee on Licenses on his petition to extend his route through Cambridge and Court streets. The Union Railroad Company appeared as a remonstrant against Mr. Day's coaches running over their coaches' route and especially through Cambridge streets and

Bowdoin square and Green street. Both parties appeared with counsel and witnesses. The remonstrants proposed and attempted to prove the impolicy of allowing the petitioners to run through Cambridge street and Court street on account of the crowded and blocked condition of the streets; but upon inquiries being made, counsel for Mr. Day said the remonstrants need not go into that; that Mr. Day would not press for a license to use those streets; that all he wanted was to get to State street in some way, and that the committee might give him some route not petitioned for. Mr. Day having abandoned his petition, the remonstrants offered no evidence touching those streets. The remonstrants supposed the committee would not grant permission to Mr. Day to use the streets which he proposed without having heard evidence which the remonstrants had to offer in relation to the crowded condition of those streets. The substance of the evidence at the hearing was this: First, Day had run from Cambridge street to Green street; he had run two coaches; the business paid; begins running at 6 $\frac{1}{2}$  A. M., and ceases at 6 $\frac{1}{4}$  P. M.; runs when travel is best, and takes the cream of the business, and does not run when travel is light; runs to make money and not to accommodate the public. Second, the Union Railroad Company runs from half-past five till midnight, whether it pays or not; runs many miles of road that do not pay; the best part of their lines is that over which Day proposes to run; there is no complaint that the Union Railroad fails in any manner to accommodate the public; there is no petition in favor of Day's line.

Alderman Fitzgerald—Whose name is signed to that document?

The Mayor—It has no signature.

Alderman Fitzgerald—It is very unfair for any member of the Board to present a document stating what occurred at a meeting of a committee without its being signed by somebody. It is an unfair way of getting it before the Board.

Alderman Viles—That was handed to me by the counsel for the Union Railroad, who asked to have a hearing before the Committee on Licenses last year, of which I had the honor to be a member, and we gave the subject four hearings, and were unanimous that the public do not need the coaches he proposed to run. He came from Saco, Me., with two coaches, and wanted to put them on the best route for passengers. The committee were unanimous in giving him leave to withdraw. Now, all that the railroad company ask is thirty minutes before the Board, and I guarantee that they will not take more than that time.

Alderman Fitzgerald—I have no objection to hearing the Union Railroad, but I think Mr. Day ought to have a chance to be heard also. He has two omnibuses and is not going to swallow the Union Railroad. If there is to be a hearing I hope Mr. Day will be notified.

Alderman Viles—I have no objections to his being heard.

Alderman Fitzgerald—I move that both parties be notified that they will be heard.

The motion to hear both parties prevailed.

## DUTIES OF HARBOR MASTER.

The order to accept chapter 64 of the act of 1862 to invest the Harbor Master with police powers and duties, was considered under unfinished business, and passed.

Later in the session the matter was called up by Alderman Robinson, who said that he was momentarily absent when the order was passed; that he had not time to look into the matter and desired an opportunity to do so. On his motion the vote whereby the order was passed was reconsidered, and the order was laid on the table.

## SINKING FUNDS.

The ordinance to amend ordinance in relation to finance, so that unexpended balances at the close of the financial year shall be carried over to the credit of the several appropriations for the next financial year, was considered under unfinished business.

Alderman Clark—This is quite an important matter, and contemplates quite a change in the method of conducting the Sinking Funds and the provisions for paying the debt of the city. I hope it will not be acted upon hastily, and I move that it be referred to the Committee on Finance.

Alderman Fitzgerald—This ordinance was reported by the Committee on Retrenchment. While I do not yield to the Alderman opposite in my desire to see the credit of the city of Boston, both at home and abroad, maintained up to that

standard which it has attained; while the other members of the committee who have acted with me think as I do about the credit of the city of Boston, and are jealous of it, yet, after mature deliberation, they have come to the conclusion that the unexpended balances, for this year at least, and for some time to come, instead of being turned into the Sinking Fund, should be turned into the treasury, and be part and parcel of the next year's appropriations, so that so much shall be deducted from the tax levy of the succeeding year. This commission was created, I believe, some time in December, 1870, and up to now very few persons have understood the operations of the Sinking Funds. After spending some four or five hours in the Treasurer's Department, looking over the amount of our indebtedness, I have here a list of the indebtednesses of the city of Boston; the amount paid into the Sinking Funds; the amount of matured debt which has been paid by the Sinking Fund Commissioners—in my judgment unnecessarily—for what purpose and for what object I do not know. But the taxpayers do not see that it is a direct tax on them of one per cent. each year for so much of the debt which has become matured. The whole indebtedness of the city on the first of January, 1877, was \$44,656,672.30; on the same date in the Sinking Funds were bonds to the amount of \$13,370,670, and cash to the amount of \$2,364,964.49 deposited in bank to the credit of the Sinking Fund Commissioners, and drawing four per cent., so that the total amount of cash and bonds in the hands of the Sinking Fund Commissioners was \$15,735,639.49, leaving a net outstanding debt on the 31st day of January last of \$31,286,997.30. During the last year the Sinking Fund Commissioners received from the Treasurer, from April 30, 1876, to Feb. 4, 1877—the same being revenue from betterments, sales of public lands, liquor licenses, sewer assessments—\$725,141. They have received from the interest on the bonds which they hold, and which is paid to them as it is paid to private individuals who hold the bonds of the city of Boston, from April 30, 1876, to Jan. 31, 1877, the sum of \$552,680. The amount which they will receive in April will be \$275,000. The amount which they will receive from the cash deposited to their credit from April 30, 1876, to Feb. 4, 1877, is \$39,643.34. The interest due them up to April 30, 1877, on the same amount of cash, we will say, is about \$15,000, and an additional amount from revenue for betterments up to the 17th of February, \$31,483.18; and the additional revenue up to the end of the year cannot fall short of \$70,000. So that the Sinking Fund Commissioners on the 30th day of April, 1877, will have received and paid to them as interest, and also to help pay the debts at maturity, the sum of \$1,708,948.35; and if the unexpended balances go in with that, it will amount to the sum of \$2,500,000 in round numbers. Last year the Sinking Fund Commissioners received from the same sources that I have enumerated here, and from unexpended balances, the sum of \$2,996,544.66. Now, last year the Sinking Fund Commissioners paid or cancelled, or bought in, \$539,000 of their own bonds which had twenty years to run, so that the people of Boston were taxed 100 per cent. upon those bonds which there was no need of being taxed for at all for the next ten or fifteen years. Now, the whole amount of bonds which the Sinking Fund Commissioners have bought and cancelled, and the amount of debt paid before maturity, since the organization of the commission in 1870, is \$2,223,072.92, an average of \$370,512 in each year most of which would have been necessary to meet the debt when it became due in the years 1890 and 1895. Why the Sinking Fund Commissioners have done this I know not, but this I know, that whatever this Board, whatever this City Government can do to lighten the burdens of the people who own real estate and pay taxes, should be done, without at the same time destroying the credit of the city of Boston. Now, sir, to my point. The committee hold that the amount of interest which is paid to the Sinking Fund Commissioners on the bonds of the city of Boston, which they hold, the revenue which they will receive during the whole of next year from betterments, liquor licenses, sewers, paving, and other things of that kind, will be more than sufficient to meet all the needs of the Sinking Fund Commissioners, and to provide the necessary amount to pay the debts of the city of Boston at maturity. I have here a tabular statement of the indebtedness of the city of Boston, based on the supposition that the city of Bos-

ton will contract no more debts; the time when the bonds become due, the amount which should be paid each year to meet the interest on the outstanding debts and to meet the bonds at maturity. On the 30th of April, 1877, the debt will be \$30,618,406.70. Eight hundred thousand dollars of the bonds will be bought in by the Sinking Fund Commissioners in the months of March and April, and it will be bought by cash, amounting to \$865,740 bonds will be payable; and in order to meet that, and to meet the amount which they are authorized to raise by statute, it will be necessary to raise \$3,909,850 this next year. In 1878 it will be necessary to raise \$2,918,423, with bonds maturing to the amount of \$936,000, and the debt lowered to \$29,682,406. In 1879 the debt will be \$28,419,701, with \$1,262,705 in bonds payable, and \$2,331,788 in cash to meet them. In 1880, the debt will be \$24,737,401.70, with bonds maturing to the amount of \$3,682,300, and the amount required to be added to the Sinking Fund that year, to meet that obligation, will be \$1,219,419; and so I go along down to the year 1896. As you will notice, sir, the amount necessary to be paid to the Sinking Fund Commissioners decreases year by year, as the debt decreases, until, in 1895, the amount paid to the Sinking Fund Commissioners will be \$189,034. In 1896 nothing will be payable to the commissioners; in 1897, nothing; in 1898, nothing; in 1899, nothing; in 1900, \$3,516,586 in bonds will become due and \$108,190 will have to be paid in; in 1891, nothing, the debt being only six millions and some odd hundred thousand dollars. In 1902 the debt will be \$6,582,715, but no bonds will become due; in 1903 the debt will be \$3,766,000, \$2,816,711 bonds will become due, and only \$55,715 will have to be paid into the sinking funds, they having already made provision for the payment of it. And so on down to 1907, when the last outstanding bonds of the city of Boston will be payable into the treasury, and nothing will have to be paid in—making the sum total \$20,410,164, paid in that fifteen years by the people of the city of Boston to meet the interest on the bonds maturing average \$1,360,677 for each and every one of the years, if a general average is made. So that if no more debt be contracted by the city, and if the citizens of Boston pay to the Sinking Fund Commissioners (and if they buy no more bonds which are not matured), \$1,360,677 each year, they will have sufficient to pay the interest on the bonds which they hold, and also a sufficient amount to pay in to meet the indebtedness when it matures and to pay it at its maturity. We paid to the Sinking Fund Commissioners last year \$2,900,000—\$3,000,000 in round numbers—to meet this indebtedness which requires only \$1,300,000 to meet it. This year, on the 30th of April, we will pay \$2,500,948, if the unexpended balances are given them; and without them we pay \$1,708,948 at the end of the year to the Sinking Fund Commissioners, or it is credited to them by the Treasurer; or, in other words, \$500,000 more than is absolutely necessary to be paid by the citizens of Boston in order to pay the interest on the bonds held by the Sinking Fund Commissioners, and not on the debt when it matures. I think I have made myself plain to every member of the Board of Aldermen so far as this is concerned. Now, next year we must pay this amount. How are we to get it? The Sinking Fund Commissioners will receive their \$800,000 interest precisely as any private individual receives the interest on bonds of the city of Boston which he holds. It needs but five or six hundred thousand dollars more to come within the amount necessary to be raised in order to meet this amount and to pay the debt at maturity; and also to pay the interest. How shall they receive it? This last year we received from betterments—1 understand that no public lands were sold in the city of Boston this last year, while the city is obliged to take care of a great deal of it and will be obliged to sell it very soon—\$725,000; from Feb. 4 to Feb. 17, \$39,000. The Treasurer tells me that \$70,000 more will be forthcoming before the 30th day of April. There is the interest on the cash in hand (\$800,000), which will be turned into bonds of the city before the 30th day of April next. Now, sir, it is safe to say that the city of Boston will receive at least as much next year as will amount to five or six hundred thousand dollars, or at least within two hundred thousand dollars of that received last year—sufficient to meet all the wants of the Sinking Fund Commissioners. Ought we to do it? Throughout

the city of Boston the cry comes up, from those who hold real estate, to do something to lighten the burden of taxation. The mortgages upon the real estate in the city of Boston represent the poverty of the people of the city of Boston. They represent the amounts of their property pledged for the payment of so much money. That is what they represent; nothing more and nothing less. I saw the other day, in a very respectable newspaper, whose editor is right in front of me, that a gentleman accounted wealthy was obliged to put a third mortgage upon his estate for the purpose of paying his taxes at City Hall. People hold on to their real estate and cling to it. And why? Because five or six years ago they gave a large amount of money for it, and all that they have in the world is sunk in real estate; they hold on to it in the hope that brighter and better days will come round in a short time, and they keep their property today at a loss. Now, the question is, with such a state of things, whether the city of Boston, when it has sufficient to meet all the wants of the Sinking Fund Commissioners, should not, for a year or two, at least, do something to lighten the burdens of taxation of those who pay taxes into the city treasury—for after all real estate mainly pays the taxes and supports the City Government. Two millions of dollars—more than twenty per cent. of all that is raised to carry on the City Government—are paid into the sinking funds every year. If we are to pay so much every year, let it appear upon the tax levy; so that it is seen that is to be paid to the Sinking Fund Commissioners. If it requires so much to nurse the babies that they have in charge, let us know it. Why have two millions of dollars been paid for debt that has not matured and was not payable for the next fifteen years? I understand that that is one of the great faults found with Mr. Boutwell, late Secretary of the Treasury. The Sinking Fund Commissioners say that you have so much money in this pocket; it is your pocket, but we have charge of it; we have a little money in that pocket, and the little you have we will take away from you. It is true they may be able to fill the other pocket for us, but they say they will not let up upon us now. I understand that the Sinking Fund Commissioners say they will call for eight hundred thousand dollars if we take this away from them. Nobody will more readily give the amount necessary to meet the obligations of the city of Boston, to meet the debt when it matures, and to pay the interest on the bond when it is due, than I will; and nobody will more cheerfully vote for anything of that kind than I will; but I cannot see, and I venture to say that the commissioners cannot say, why we shall want so large an amount if we take this from them. Sufficient should be raised to meet all their obligations, but not to buy bonds at par which do not mature for twenty years. Tomorrow \$51,000 of bonds will be bought at par which the city of Boston sold for ninety-six cents, if they are not sold, and with this same money. This Board is amply able to deal with this subject without its going to the Finance Committee. The sinking funds and the doings of the Sinking Fund Commissioners are matters which very few understand, and I doubt if some of the commissioners understand them themselves. I doubt, sir, if they do. There is one man in this City Hall who understands the subject, and he is not a member of the commission; and if he is brought before this Board I warrant that he will give such an explanation of this whole affair and the way in which the funds in the hands of the Commissioners are used—I do not say dishonestly. But it is their desire to pay the city debt that he will give an explanation of, and will show this Board conclusively that there is no necessity for taxing the citizens of Boston for money unnecessarily to put into the Sinking Funds. For that reason alone, and not because—as some papers have insinuated—we want to make political capital of it, this ordinance is reported. This is a matter that affects the taxpayers, and they are Democrats and Republicans. It is to lighten the burdens of taxation for the next year at least that we have reported this ordinance. I hope it will not be referred to the Finance Committee, and that the matter will be discussed here in open board, that each member will make up his mind and hear any explanation which can be given; let us hear one side and the other and come to a conclusion without referring it to any committee. Following are the figures in detail from which Alderman Fitzgerald spoke:

Whole amount of our indebtedness, Jan. 31, 1877.....	\$44,657,672.20
On the same date, amount in Sinking Fund.....	13,370,670.00
Cash in the Sinking Funds.....	2,364,964.49
<b>Total amount of cash and bonds.....</b>	<b>15,735,639.49</b>
<b>Outstanding indebtedness, same date..</b>	<b>\$31,286,997.30</b>
Amount which the Sinking Fund Commissioners received from the treasury from April 30, 1876, to Feb. 4, 1877, the same being revenue from betterments, sales of public lands, liquor licenses, etc.....	\$725,141.00
Amount which they have received from interest on bonds in Sinking Fund from April 31, 1876, to Jan. 31, 1877.....	552,680.83
Amount from same due April 1, 1877..	275,000.00
Amount received from their cash deposits in bank from April 30, 1876, to Feb. 4, 1877.....	39,643.34
Amount to be paid up to April 30, 1877, interest on same, say.....	15,000.00
Additional revenue from betterments up to Feb. 17.....	31,483.18
Additional revenue to end of year, say.....	70,000.00
<b>Total.....</b>	<b>\$1,708,948.35</b>
If you add the unexpended balances...	800,000.00
<b>Total amount to be paid into Sinking Fund.....</b>	<b>\$2,508,948.35</b>

From April 30, 1875, to April 30, 1876, there was paid into the Sinking Fund from the same source \$2,996,544.66.

Last year the Sinking Fund Commissioners cancelled \$539,000 of these twenty-years bonds, some of which were not due until 1890.

Amount authorized by statute to be raised on the \$31,286,997.30 outstanding would not be over \$1,118,210.92, an assessment on an average percentage of 3.55-100 per cent.

The following table shows the decrease of the Sinking Fund in detail as above outlined:

	Debt outstanding April 30 of each year.....	Amount to be paid to April 30 of each year.....	Amount required to be added to Sinking Fund April 30 of each year to redeem debt.....
Jan. 1, 1877..	\$31,484,147	.....	\$4,365,740
Apr. 30, 1877..	30,618,406	\$865,740	3,809,850
" 1878..	29,682,406	936,000	2,918,423
" 1879..	28,419,701	1,262,705	2,331,788
" 1880..	24,737,401	3,682,300	1,219,419
" 1881..	23,962,901	774,500	1,048,278
" 1882..	23,276,401	686,500	929,953
" 1883..	22,492,401	784,000	820,178
" 1884..	21,740,401	752,000	732,217
" 1885..	21,297,401	443,000	688,037
" 1886..	20,599,401	698,000	627,751
" 1887..	20,262,401	337,000	602,234
" 1888..	20,108,401	154,000	591,910
" 1889..	19,982,901	125,500	584,402
" 1890..	19,727,401	255,500	570,664
" 1891..	19,293,401	434,000	540,571
" 1892..	18,745,401	548,000	525,388
" 1893..	12,693,797	6,051,603	281,751
" 1894..	11,067,797	1,626,000	221,817
" 1895..	10,099,297	968,500	189,034
" 1896..	10,099,297	.....	.....
" 1897..	10,099,297	.....	.....
" 1898..	10,099,297	.....	.....
" 1899..	10,099,297	.....	.....
" 1900..	6,582,711	3,516,586*	108,190
" 1901..	6,582,711	.....	.....
" 1902..	6,582,711	.....	.....
" 1903..	3,766,000	2,816,711	55,715
" 1904..	3,720,000	46,000	55,014
" 1905..	3,663,300	56,700	54,089
" 1906..	2,005,000	1,658,300	28,751
" 1907..	.....	2,005,000	.....
			15,204,410,164

Average amount to be raised each year and paid into Sinking Fund to meet debt at maturity.

\* Of this amount \$8000 is required to be paid in each year until 1900, the cost of which is not included in the third column.

Thirty years, payments of interest, per annum will pay of principal and save in interest,....\$531,510 8 0

Original loan, £800,000 0 0  
531,510 8 0  
£268,489 12 0 of debt not paid or saved in interest.

The amount of debt paid before maturity since the organization of the Sinking Fund, Dec. 24, 1870, was \$2,223,072.92—averaging about \$370,512 in each year, most of which would have become due in the years of 1890 to 1895.

Alderman Clark—It is for the very purpose of getting information upon this important subject that I ask to have it referred to the Finance Committee. I am willing to confess that I do not sufficiently understand this subject to vote or talk upon it intelligently, and I doubt very much whether the Alderman who has just taken his seat—with all the eloquence he has displayed—understands it as well as those who have made it a study and have had the care of it for the last ten or fifteen years. It is all very well for a man to get up here with an array of figures which he has been getting up to suit his own side of the case. He may understand it very thoroughly, but I doubt very much if the other members of his committee understand it as he understands it. It is an unusual thing to act upon a question involving what this does—an entire change in the system of managing the funds which are appropriated to pay the debts of the city of Boston as they will become due, without its being referred to the committee who are supposed to know and to understand something about the operations of the Sinking Funds. It is, furthermore, an unusual thing for a member of the Board of Aldermen to charge the Sinking Fund Commission, composed as it is of the Mayor, the City Auditor, and other gentlemen supposed to be possessed of a reasonable amount of intelligence and honesty; and I say it is an unusual thing for a new member of the Board of Aldermen to charge upon that commission what has been charged here this afternoon—dishonesty and fraud, for that is what it amounts to. Now, all I ask is that this subject shall be referred to the Finance Committee, consisting of the Mayor and other members who ought to be possessed of a certain amount of honesty and intelligence. I do not propose, and I am not prepared, to discuss the merits and demerits of this change. I supposed that would come when the report had been made by the Committee on Finance; and it is the first time I have heard of opposition being raised against referring a subject of so much importance as this to a committee to investigate such questions as are proposed by the Alderman himself, and as come from this third party who is not a member of the Sinking Fund Commissioners, the Committee on Finance or the Board of Aldermen; and I do not know that he is an employe of the city of Boston. But, Mr. Mayor, it seems to me that this Sinking Fund Commission was established by men who understood the city finances; who understood the importance of providing the ways and means of paying the debts of the city of Boston; and it seems to me, with the little light that I have upon it, that it has served a good end in the past. I do understand that there will be some eight hundred thousand dollars unexpended appropriations this year, in all human probability. I do understand that if these balances are carried forward, you have got to assess directly upon the citizens of Boston eight hundred and fifty thousand dollars to comply with the statutes of the State to keep up this fund for paying the debts of the city. I do not intend to discuss this matter at present. I ask this Board of Aldermen to refer this matter to the Finance Committee to investigate and report back to this Board. I hope the Board will not refuse the common courtesy of referring this matter, as is done with subjects of not a hundredth part of the importance that this is.

Alderman Fitzgerald—To be sure I am a new member; but it is still more terrible for a man to be an old member of this Board and know nothing about that which he ought to know something of. I am a new member of this Board, and the chairman of this committee which reported this ordinance, and I claim to know something about it, even if the gentleman does not know anything about it after spending four years here. I did not charge the gentlemen who have charge of this fund with being dishonest or fraudulent; not a single sentence which I uttered covered a charge of that kind. On the contrary, I said they are honest men. I know them; I know Mr. Denny is honest; I know that Mr. Turner is, and I know that Mr. Talbot is. But I say that in their anxiety to cut down the debt, in their anxiety to take charge of the funds they have to care for, and pay the city debts—because the Sinking Fund is the *omnium gatherum* of everything which does not go into the City Treasury—in their anxiety to do that, they have

lost sight of the fact that real estate and the taxpayers can better afford to pay two millions four years from now than they can one quarter of it now. Cut it off. If they can show to me how they want this \$800,000 in the tax levy, I shall go for it. I shall not allow the Alderman to speak for me for the Sinking Fund Commissioners. I believe them to be honest. If I am a new member I have some right to speak about things which I know as much about, and perhaps more than he does.

Alderman O'Brien—I have no objection to referring this matter to the Finance Committee, only from the fact that it might possibly delay our action. We have not much time to consider this matter before we shall be called upon to make our annual appropriations, and I believe this Board of Aldermen can discuss this question and understand it as well as they can before it goes to any Finance Committee. It is very easy to understand the object of our Sinking Funds—simply to provide ways and means for paying the debt of the city at maturity. When this is done all the conditions of the statutes and the ordinances are complied with. Now, it appears to me, and I feel confident I speak the sentiments of all taxpayers, there has been a disposition to increase our Sinking Funds more rapidly than the law requires—that we are forcing on our taxpayers of today the payment of debts that belong to another generation. For instance, ex-Mayor Cobb, in his address at the close of his Administration, congratulated our citizens that the net debt of the city had—

Decreased in three years.....\$580,297.26  
The Sinking Funds had increased..2,587,171.89

Or, in other words, we have paid during these three years all our obligations—reduced our debt and increased our Sinking Funds by taxing our people \$3,167,469 more than they ought to be taxed, and this is called splendid financiering, when every one knows that these three years were years of the greatest depression in business ever experienced, or is likely to be experienced for the next fifty years—when almost every citizen has found it a difficult matter to pay taxes and current expenses, and when thousands of small estates were forced off by auction for non-payment of taxes. This may be good legislation for the next generation, but it is hard on the taxpayers of the present day. Again, it has been asserted by our late Mayor that the Sinking Fund and its accumulations will pay our debt in eight years. Now, I do not believe that the taxpayers of this city desire to pay this debt in eight years—a debt that will average fifteen years before it matures—and it appears to me that if our Sinking Funds are so arranged as to pay this debt in fifteen years, we do all that is required of us to keep up the credit and standing of the city; to attempt to do more is only adding to burdens that are already considered oppressive. Our Sinking Fund is a mystery to almost every one in City Hall. We have had in the City Council, for some years past, gentlemen of considerable financial ability and reputation as bankers, and they have found these funds complicated and difficult to understand. There is scarcely a man in City Hall that understands them fully, and I will not even except the Sinking Fund Commissioners. We only know that, with unexpended balances, interest, betterments, etc., they are growing rapidly, far more than sufficient to take care of our debt; but, in looking at this rapid accumulation, we are apt to forget that it is all at the expense of our taxpayers. Mr. Peabody, who was chairman of a committee last year to simplify these funds, remarked “that they were exceedingly complicated, and it is very important that some simplification should take place. If any one should go down there and see the amount of book-keeping required to keep the accounts of eight sinking funds and four revenue funds, he would be amazed and say that a simplification was very desirable.” This is the opinion of one of our most prominent bankers. Mr. Jaques, another member of the Council and largely interested in banking institutions, remarked “that our present system of the Sinking Funds not only adds nothing to the security of the debt, but that its machinery is clumsy and liable to misconstruction, and that, in fact, it does not well answer the purpose for which it is intended.” This also appears to be the opinion of almost every one of any financial ability who has given the matter any attention. Now, if we take a common-sense view of the matter, outside of the red tape and circumlocution by which these funds are surrounded, we know that our Sinking Funds now amount in round numbers to \$16,000,000, to pay a debt of \$31,484,000,

which averages due in fifteen years. Now every one knows who has given the accumulation of money any consideration, that a Sinking Fund of \$16,000,000, with its accumulations of interest will pay our debt in fifteen years, to say nothing of the additions from other sources. These additions are very considerable, and embrace all the revenue derived from liquor licenses, all betterments, the surplus earnings from the Mystic water, the sale of public lauds and the instalments from other property sold by the city. With the accumulations of interest and the additions enumerated, our debt is already provided for. There is no necessity whatever of adding these unexpended balances to these funds, balances that are taking the life blood from our taxpayers. There is no necessity whatever for taxing our people eight per cent. for loans of ten years, 3½ per cent. for loans of twenty years, or two per cent. for loans of thirty years, because the ordinance provides that when, "in the judgment of the Sinking Fund Commissioners, any sinking fund is sufficient, with its prospective accumulations and additions, to meet the outstanding debt to which it is applicable, all further taxation on account of such debt shall cease." It appears to me that we have now reached that point—that our Sinking Funds are sufficient to take care of our debt, and that no further taxation on this account is necessary. The bondholders are secured beyond all question; the credit of the city is fully provided for; our debt will be paid at maturity; and having accomplished so much, let us turn and take a look at our taxpayers and have some mercy for them. The unexpended balances this year will be about \$800,000, and it will be a great relief to taxpayers if this amount is left out of the tax levy and carried over to next year's appropriations. If everything were prosperous it would not be a matter of so much importance; but now when taxation is so burdensome, any relief is desirable. Besides, departments are disposed to over-estimate their wants, and it is very frequently remarked that it makes no difference, because all unexpended balances go into the Sinking Fund. The Fire Department and fire alarms over-estimated their appropriations the last financial year \$137,000, and our taxpayers were taxed for just so much more than was necessary because our Fire Commissioners blundered. This is looked upon by some in City Hall as good financiering, but it every department over-estimated in the same proportion, to what a condition it would reduce our taxpayers. They might as well surrender their property at once to the city. Now, I believe that instead of the Sinking Funds swallowing up everything, a direct tax of 8, 3½ and 2 per cent., as provided for by law, would be far better for all new loans, because then we would know what debts we are called upon to pay. The debts maturing during the next thirteen years, not including water loans, also show that we are in a strong position financially to meet all obligations. These debts (they are a little different from the figures given by the Alderman from Ward 21, but they will perhaps do to include in the statement), as taken from the Auditor's report, are as follows:

Year ending April 30, 1878.....	\$1,222,500
" " " 1879.....	1,242,795
" " " 1880.....	3,018,300
" " " 1881.....	724,500
" " " 1882.....	660,500
" " " 1883.....	1,442,000
" " " 1884.....	1,118,000
" " " 1885.....	442,000
" " " 1886.....	1,306,000
" " " 1887.....	363,000
" " " 1888.....	265,000
" " " 1889.....	1,828,500
" " " 1890.....	309,500
Total for thirteen years.....	\$13,942,505

Or a little more than an average of \$1,000,000 per year. A debt of about \$14,000,000 due in thirteen years, with a sinking fund of \$16,000,000 and its accumulations of interest and additions to meet it! I do not think that any mercantile house in Boston, or any banking house, would think of resorting to balances or taxation with such material in their hands. Allowing a reasonable increase in valuations, a tax of about one dollar in a thousand would pay the entire debt maturing during the next thirteen years, to say nothing of the accumulations of our Sinking Fund during that time, which should not be allowed to increase and multiply beyond actual requirements. It appears to me clear that there is no necessity for these balances going into our Sinking Funds, now or here-

after; that our debt is already provided for, and that the taxpayers should have a rest. I hope that this order will pass, because it will reduce taxation the coming year at least \$800,000, and because it can be done without impairing in the least the standing of our securities or the credit of the city.

Alderman Clark—I can see in the argument which the Alderman has just made a greater reason than I supposed to exist for asking to have this referred to the Finance Committee. Members of the same committee do not agree in their figures. One represents the debt at \$33,000,000 and the other at \$44,000,000—a slight difference of only ten or twelve millions.

Alderman Fitzgerald—We agree substantially. Alderman Clark—They should not agree substantially, but entirely.

Alderman Fitzgerald—We do. Alderman Clark—Now the water works have got to be provided for; they do not take care of themselves. The Cochituate water works have not paid the interest on the water debt and the cost of carrying them on by over a million of dollars; so that the water works will not take care of the bonds when they become due. The fact is that we have had this Sinking Fund accumulating on our hands, that we have been enabled to obtain money when we want it and at a very low rate, and it is from that fact that our bonds were taken during the past year at such favorable rates, five per cent. bonds bringing twelve and fifteen per cent. premium in the market. We are paying our debts, and it is the first time that I have heard that it was discreditable to a city or an individual to pay his debts, or to anticipate them if he chooses to do so. All I ask is that this matter shall be referred to the Finance Committee, so that it can be investigated, so that the figures of the committee can be made to agree, if necessary, and so that their views can be made harmonious, if possible. It is a very fortunate thing that there are such large balances of appropriations to go into the Sinking Funds, as is shown this year; and if the Fire Commissioners, in running their department in such an economical manner, have been able to turn a hundred and thirty or fifty thousand dollars into the Sinking Funds, it shows the wisdom of the commissioners who have charge of that department. It has been an unusual year in the Fire Department, and their expenditures have been unusually small; hence their ability to turn a very much larger amount into the Sinking Fund than perhaps they will be able to do for some years to come. I believe that, if these appropriations are carried forward, it will be necessary to tax the people by a direct tax for the amount required by law to be turned into the Sinking Funds. I hope that the Board will not vote upon this question unadvisedly, without knowing fully whether such is not the fact, and whether we are not required to do so by statute; whether, if these appropriations are carried forward, we shall not be required to lay a direct tax upon individuals to create this amount. The reference will make only a short delay of a few days; and it certainly can be acted upon much more intelligently than it can if we pass upon it this afternoon, when only three members of the Board have had an opportunity to investigate it.

Alderman Fitzgerald—The gentleman opposite labors under a misapprehension if he thinks there is any difference between myself and the other gentleman who is a member of the committee. We thoroughly agree that the gross debt of the city on the 31st day of January was \$44,000,000. He and I agree upon that. On the 31st day of January the outstanding debt of the city, minus the cash and bonds they hold, was \$31,289,937.30. He and I agree upon it; only he may perhaps have got his figures on the 1st of January and I had them on the 31st of January. If that be the only additional reason which the gentleman sees for referring the report to the Committee on Finance, it is a very poor and flimsy one. I agree with the Alderman upon the committee that if this matter is to be discussed, here is the place to discuss it, and here is the place to get information. You may have it locked up till doomsday in a committee room, and when it is reported on, the members of this Board will be just the same as regards information on the subject. I question whether they will get as much information as the Committee on Retrenchment did.

Alderman O'Brien—The fact is settled that we have a Sinking Fund of sixteen million dollars. The debt of the city outside of the water debt is about thirty-one millions. The water debt would



increase our gross indebtedness to about forty-five millions. Now, with a Sinking Fund of sixteen millions, any gentleman here, any member of this Board, can count up the amount, how much it will increase and multiply in the course of thirty years. A large portion of this water debt does not come due for thirty years, and I believe that with our present Sinking Fund, with its accumulations and interest, in the course of thirty years we can pay not only our debt for general purposes, but also our water debt. With this Sinking Fund I cannot see the necessity for a dollar of taxation. The interest on the gross debt has to be raised every year—that is, we have to raise by taxation every year the interest on forty-five millions of dollars. Our general Sinking Fund of sixteen millions of dollars is drawing interest at six per cent. Then again, all the accumulations from licenses, sales of public lands and from the sales of other property, etc., are swallowed up in these funds and go into them. In fact, I do not see any necessity for taxing our citizens one dollar, if there are no extraordinary expenses, to meet our debt for the next thirty years.

Alderman Clark—I fully agree with the Alderman that this is the proper place to discuss this question, but this is not the proper time. It is not sufficiently understood. It is only this afternoon that the programme and the reasons are given why there should be a change made in the mode of conducting the Sinking Funds of the city. It is a fortunate thing, Mr. Mayor, that these balances of appropriations have been turned in to make up the Sinking Fund; for, if they had not we should have had only a Sinking Fund of five or six millions instead of sixteen. That system has proved detrimental to the cities of New York and Philadelphia—this carrying forward the unexpended balances. I do not propose to discuss the merits and demerits of this question now; but I simply ask the Board to give me an opportunity to look over this subject, and perhaps by the next meeting we shall have agreed that this is the best thing to do. I do not understand that the views of the members of the Council differed as to the importance of a Sinking Fund; it was simply in regard to the method of keeping the accounts of the Sinking Fund. That I understand to have been the views of Mr. Jacques and Mr. Peabody. It was simply as to the keeping of the accounts of the Sinking Fund, and not to the fund itself.

Alderman Fitzgerald—I want the members of this Board to understand this matter thoroughly. I agree with the Alderman opposite that it is an important matter; it is a matter of saving one million dollars this year or not, and I have no desire, as chairman of the committee, and certainly none of the other members of the committee have any desire, to press this to a vote unless the members of the Board can vote upon it intelligently. But I am decidedly opposed to referring this matter to any other committee. They have received all the information from this committee that they will obtain themselves. I have no objection to postponing it for one week more, so that members can vote intelligently upon it. So far as the Alderman referred to some other gentleman connected with the Sinking Fund Commission and the Finance Committee last year, I would state that one of the gentlemen, who is a prominent financier in this city, has stated—and his statement is in writing before the proper persons now—that certain sections in the present ordinance in relation to Sinking Funds were put into it without his knowledge, and that he thought there were certain sections put in there which would prevent the Sinking Fund Commissioners from buying up bonds before they matured. The Alderman opposite says that is a good plan. It may be, sir, that is, if a man a million dollars to spare; but if I have my carpet mortgaged it is not a good plan for me to buy a piano. If I am short of money today, it is not a good plan to buy up my note at par that does not become payable six years from now, when I feel that I can meet that note without disturbing myself. You would not say that a man was a wise man to buy up his note today, and give for it all he had. It is a mere question as to the policy, and not of the necessity, of the Sinking Funds.

Alderman Clark—I think the Alderman is mistaken in regard to the views of the eminent banker. I was present at the last meeting of the Finance Committee when this matter was brought up, and his desire was to simplify the method of keeping the accounts of the Sinking Funds, reduc-

ing them from twelve to six, but not with any intention of curtailing the funds or changing anything to prevent their accumulation. As I understood it then, and understand it now, it was his desire that the accounts should be consolidated and reduced in number from twelve to six; but at no time did he ever express any desire that any measure should be taken looking to the abandonment of this system of sustaining and creating the Sinking Funds for the redemption of the city debt. I think I am right about that, and I think that if he were questioned upon that point he would state that to be a fact.

Alderman Fitzgerald—My point was that he objected to that section of the ordinance, because under it the Sinking Fund Commissioners could buy bonds before they had matured.

Alderman Clark—I take issue with the gentleman that that is not the point which Mr. Peabody makes in regard to the Sinking Funds of the city of Boston. Now, if we take issue on such important questions, let it be referred to the Finance Committee, to learn whether we are right or not.

Alderman Viles—This is a question of vital importance, and in order to allow time for further consideration, I hope it will not be acted upon before next Monday. I believe in a Sinking Fund, and I have been trying to organize one for the last thirty years. Every thousand dollars I lay away, I think my note is worth just so much more. I hope it will go to the Committee on Finance.

Alderman Fitzgerald—I move that the report be laid upon the table.

Alderman Clark—I hope that motion will not be carried. I think the best thing to be done is to refer it to the Finance Committee, and they can make their report, and then will be the time to go into the argument of the merits of the measure.

Alderman O'Brien—In the remarks I made I said not a word against maintaining the Sinking Fund. I believe it ought to be maintained. But my point is this: That our Sinking Fund has already reached the point when taxation must cease, and I believe that every sensible financier will say the same thing. With our present Sinking Fund of sixteen millions, we ought to put our feet down and say that taxation should cease.

Alderman Clark—I agree with the Alderman fully, if we have arrived at that time. Let it go to the Finance Committee to find out if we have reached that time. It is no way to find out those things by going to an assistant bookkeeper. There has been such a thing as an assistant bookkeeper making mistakes. Let it go to the proper committee to be investigated; let them make inquiries of the bookkeeper. That is the proper course for it to pursue.

Alderman Thompson—If I understand this question I do not see why we cannot settle it this afternoon as well as to have it referred to the Finance Committee and have it brought back and then discussed. It is simply that what we have left unexpended at the end of the financial year shall go towards the appropriation for the next year. A great deal has been said about the funds. Now, I don't see that we propose to touch the funds at all. That Redemption Fund will continue just as it is now without any reference to particular appropriations. There is a disadvantage in having so large an amount to be placed into the hands of the Trustees of the Sinking Funds for the reason that they are known to be desirous of investing the funds, and when they go into the market they are obliged to pay a large premium to get satisfactory security. Now, as a taxpayer of the city—and I might say the same of other taxpayers, for they do not care to go into the market and pay this six, eight or ten per cent. premium when taxes are so oppressive; and that is the result of doing this thing every year—I don't profess to know much about this question, but so far as I understand it, it is simply a problem whether we have paid our debts this year, and have got so much to pay next year, and we shall leave the Sinking Fund to take care of itself. The present amount of the Sinking Fund will take care of what we have already out.

Alderman Clark called for the yeas and nays.

The motion to lay on the table was carried.

Yeas—Aldermen Breck, Fitzgerald, Gibson, O'Brien, Robinson, Slade, Wilder—7.

Nays—Aldermen Burnham, Clark, Dunbar, Thompson, Viles—5.

Later in the session Alderman Thompson moved to take the ordinance from the table.

Alderman Clark—I hope that motion will not be carried. It seems to me it was laid on the table

in order to give the Board of Aldermen an opportunity into the merits of the question.

Alderman Thompson—I rise to a point of order. The question is not debatable.

The Mayor—The question is not debatable.

Alderman Clark—It has been customary to give members of the Board an opportunity to give reasons for not taking a subject from the table. I shall rely upon the honor of the Board of Aldermen to let this matter remain upon the table in order to give me, as a member of this Board, an opportunity to investigate this matter.

Alderman Thompson—When this matter is taken from the table I will give the reasons.

The Mayor—The question is not debatable.

Alderman Clark called for the yeas and nays. The motion to take from the table was lost—yeas 4, nays 8:

Yeas—Aldermen Breck, Fitzgerald, Slade, Thompson—4.

Nays—Aldermen Burnham, Clark, Dunbar, Gibson, O'Brien, Robinson, Viles, Wilder—8.

#### CITY REGISTRAR AND BOARD OF HEALTH.

The order for a petition to the Legislature for an act to place the City Registrar under the Board of Health was considered under unfinished business.

Alderman Burnham—Mr. Chairman, it seems to me we should be somewhat cautious in taking any steps to inaugurate the change contemplated in this order. Boston has a system of registration of vital statistics taken as a whole of great excellence. It is the best known in any city. It is so acknowledged. It has grown up along with the existence of our city, for nearly two centuries. This order, if I understand it, is the germ from which radical changes are to come. I suppose the order to be put forth in the interest of economy—and I have no question of the sincerity of those who think it may wisely be done—but from what attention I have been able to give to the matter it seems to me to be an unwise and a false economy to carry the Registry Department to the Health Department. Now, Mr. Chairman, why should it go to that department? The work of registration is not a sanitary one. It does not come within the domain of medicine or surgery, and physicians, as such, have no more knowledge of the subject than any well-informed person who has given thought to the matter. In this matter of registration I can see no more connection with the health of the city than the thermometer has with the weather. The thermometer indicates the temperature of the weather, that is all. This registration exhibits the number of deaths and their character, but in no way suggests any measures whatever for the removal of disease. Now, to claim that the Board of Health, in order to discharge their duties, or to gain facilities to enable them the more easily to perform their duties, need the merging of the Registration Department into that of the Board of Health, is pure assumption—and I cannot concede that such a claim can be made where one has sought to properly inform himself—for even if it be necessary to ascertain where death occurs, when the fact is learned the health authorities can have no further need from this source of information. If it be advisable that the Board of Health should be put in possession of the names and character of the diseases, and where death occurred, a copy of the returns made to the City Registrar's office could be furnished the Board of Health daily. It could be made the Registrar's duty, and would create no additional expense. Boston has had a system of registration for 240 years; outside of New England there is no complete registration of vital statistics—the registration of deaths only being complete. Boston and Providence are the only two cities in the United States that are conceded to have full and accurate records of births, marriages and deaths—and in neither of these places does a board of health have charge of the registration;—and if boards of health have the matter in their hands in other places, it is simply the result of accident, and not because there is any necessity for it. The Board of Health of New York city is acknowledged to be the most thorough in its workings of any outside of New England. It is a department like ours. It was created in 1866. And allow me a few comparisons: From its first annual report we learn that, although the city's registration of deaths reaches back to 1798, not a birth or marriage was registered until 1847. That report spoke of the registry of New York city from 1847 to 1866, as

almost valueless, because of its manifest incompleteness. Since then we have its annual reports, and quoting from these reports we find it proves its incompleteness by a comparison with the registration of Boston. For instance, the birth rate of Boston for a given period was one in 32 69-100 of the population, while in New York in the same period, it was one in 69 6-10 of the population. Again, the report quotes the marriage rate of Boston, in 1864, at 15 31-100 marriages for 1000 population, or 3062 in 100,000 population, while in New York the reported marriage rate for the same period was 1129½ in 100,000 population, and in such a contrast the report says, and well it may, "the incompleteness of our registration of births and marriages requires no comment." In the report of the Board of Health of New York for 1867, we read, "The number of births registered in the city of New York in the year ending September, 1866, was 12,569, not quite half the number of births that must have occurred in that period," i. e., by comparison with the carefully maintained birth records in Boston. There is also another comparison of the marriage rate of the two cities, admitting a corresponding discrepancy in the records of that city as compared with Boston.

Again, in the New York Board of Health records of 1870 it is said, "The records of marriages are extremely imperfect, and for all practical purposes wellnigh useless." The New York report of 1872 says, "The number of births recorded does not by any means represent the actual number of births which occurred in this city [New York]. The birth rate was but 23 42-100 in a 1000, while the birth rate of Boston, which is probably as accurate as any other American city, was 34 98-100 per 1000." The report further says, "This comparative discrepancy in the returns between Boston and our city is very marked, and is mainly due to the laxity of enforcement of law, and the want of proper facilities for the collection of the returns."

Now, Mr. Chairman, with our Registry Department no such laxity has ever been; and here we find a strong argument for a continuation of our present admirable system, so much better than others, that I feel we should be slow to make a change. And, Mr. Chairman, the Board of Health for New York city do not improve upon the record I have given in this comparison; for in reports since I read—"The actual birth rate and ratio of marriages yearly to the population in this city [New York] cannot be stated with entire accuracy because of incompleteness in the returns of these two branches of record." Again, "The registration of births in this city still continues to be unsatisfactory, not more than sixty-five per cent. of the total that actually occur annually are reported to the bureau." Now, Mr. Chairman, I have given you in these quotations you have allowed me to make the record of the Board of Health work in the matter of registration of vital statistics for New York city. This is the best Board of Health record we know of outside of New England. Ought we to inaugurate a change that might result in such a style of registration for Boston? What proof that more efficiency can be expected of a Board of Health in Boston than from that of New York city—the latter has had eleven years' experience—and our Health Department but three years, and that with deaths only. Our Board of Health satisfactorily performs its duties. Why add to it what in so large a measure is foreign to its work? There can be no saving to the city treasury by the change, for to maintain our system there will be no less clerical force required to do the work after being merged into the Health Department. If we have too many clerks in either department let them be discharged. In conclusion I would say it is an undeniable fact that Boston's registration of vital statistics, taken as a whole, is superior to that of every other city in the United States, except it may be the smaller city of Providence. Now, is it not unwise—is it not a false economy, to run the risk of a change from our tried and proved system, which has grown up, as I have said, along with our city for more than two centuries. Whatever may be said in favor of changes in other directions, I believe, Mr. Chairman, we should refuse to make a change in this direction, for we certainly can do better than to uproot this old Boston tree.

Alderman Wilder—I offered the order which has just been read, and in doing so I had no purpose to express my opinion upon the propriety or feasibility of merging the City Registrar in the Board

of Health. I offered the order for the purpose of having legislation to enable us to do so if we saw fit. I do not presume that I shall be ready to vote for such a measure, but I believe that it is well for the city of Boston to have authority to do so if they find it expedient, and the time in which to obtain such legislation is very limited. When I offered the order I took occasion to express no opinion upon the subject. I presume I should agree with Alderman Burnham; and yet I believe that legislation on the subject is desirable.

Alderman O'Brien—It would be surprising if the City Registrar's Department did not come up for consideration. It has been a scapegoat for every City Council for some years, and it is believed by some that the City Government will never advance one step towards economy and retrenchment until this department that has quietly registered our births, marriages and deaths for seventy-five years is blotted out or absorbed by the Board of Health. Everybody knows, who has given the matter the least attention, that not one dollar could be saved by this change. On the contrary, everything that the Board of Health touches is largely increased in cost by the red tape by which it is surrounded in that department. In the hands of the Board of Health I guarantee to say that it would cost three times as much to run the Registrar's Department as it now costs. Nearly the whole expense is for clerical work, and the work is done for comparatively small pay, mostly by ladies. Now, I would ask the Board not to be deceived by this movement. There are wise heads in City Hall, where their own interests are concerned, and this matter of the City Registrar's Department is thrown in here to distract your councils. I do not mean to say that the Alderman who introduced the order had any hand in it, but I do say that it has been used for that purpose for some years past. Important changes are about to be introduced. A large reduction in expenditures is proposed, but if the wise heads of City Hall can induce the Aldermen to waste their time on the Registrar's Department, it may divide our councils, and induce us to overlook other more important matters.

If you want to economize, why not strike at the Board of Health, instead of the Registrar's Department? I guarantee to say that if this department was placed in the hands of the Superintendent of Health \$50,000 per year could be saved our taxpayers, and the work more efficiently performed. If the name of Superintendent is not high-toned enough, call him Commissioner of Health; or if Commissioner of Health is not high-toned enough, call him the Honorable Commissioner of Health. We could afford to give him a title if we saved our taxpayers \$50,000 per year. If you must have a three-headed commission make your Superintendent of Health, the City Physician and the Registrar your commissioners, and you save at once \$12,000 per year and other expenses, or more than twice as much as the cost of the Registrar's Department. If you want to economize why not strike at the steamer Samuel Little, known in the harbor as the pleasure boat of the Board, which has cost the city \$55,279 the past few years, almost as much as it has cost the Registrar's Department during the twenty-five years of its existence, with no corresponding benefit—with scarcely one vessel arriving now where ten vessels arrived a few years ago.

Last year this question, I supposed, was finally settled. After two years' discussion, a committee of which Alderman Burrage was chairman, who, when they first commenced their inquiries, believed that the change was a desirable one, reported unanimously against it, and this report was unanimously adopted by the board. This committee says—

"The duties of the Board of Health relate only to the sanitary conditions of the city, and it is invested with all the authority necessary to enable it to perform those duties effectually. It is of course necessary that it should be enabled to obtain the most reliable statistics relative to death and disease, but its power to obtain the desired information already exceeds that of the City Registrar, and it is not at all dependent upon him for it. With the facts relative to births and marriages it does not appear that the Board of Health has any concern, nor is it apparent that its efficiency would be increased were the duty of registering those facts placed under its control. It would seem, therefore, that the effect of placing the City Registrar under the control of the Board of Health would defeat the purpose of

the statute relative to the registration of births, marriages and deaths, by divesting him of the personal responsibility which is contemplated by law, while at the same time it would burden the board with duties which do not legitimately belong to it. Believing, therefore, that the registration required by law is better provided for under the present system than it would be if placed under the control of the Board of Health, your committee would respectfully report that no action is necessary on the part of the City Council."

Alderman Burrage also remarked, in presenting this report—

The records of the Registrar furnish a brief but authentic history, as far as it goes, of every person born within the State. In many cases it is the only history available. Hence their preservation and correctness may involve the only proofs obtainable of the legality of marriages, the legitimacy of children, and consequently the descent of property and the distribution of estates. In my opinion it would be highly injudicious, if it were practicable, to make an office of such great importance an adjunct to an office whose functions are of an entirely different character. But I doubt the practicability of putting an officer who, from the nature of the case, is an agent of the Commonwealth, and responsible thereto, under the direction and control of a board which, under the statutes, is only accountable to the municipal corporation by which it was established. There is high authority for the opinion that "no man can serve two masters." \* \* \* It seems to me essential that the registrar's office should be a distinct department, with no other function besides that of registering births, intentions of marriage, marriages and deaths, and making the returns required by statute; and that the department should occupy premises separate from those of any other department, easy of access, with the records so arranged that any one can at any time consult them in regard to the birth, marriage, children or death of any person whose name appears therein. In the matter of economy, there would be little if any saving by transferring the work of recording to the health office. The amount of work would be the same and the same number of clerks would be required to do it. The only chance to save would be in the possibility of dispensing with one of the two clerks now employed by the board to issue permits for burials, give duplicate certificates, register them, and inquire into correctness of returns of physicians and undertakers. I understand the board is satisfied with the manner in which the matter is now arranged, and do not desire to take charge of a work which is not in their province.

This settled the matter last year so far as our City Council was concerned, but outside parties, not satisfied with the decision, brought it before the Legislature, and the Legislature wisely refused to make the change. Is it necessary for us to go over the same ground again? I repeat, the City Registrar's Department has been used as a sort of scapegoat, and is now thrown in to interfere with your schemes of retrenchment and economy—to direct attention from other and far more important matters. In this department not a dollar can be saved, and if the men who control large expenditures of money can induce the Aldermen and Councilmen who are here only for one or two years to discuss and fight over it, and thus divide their councils, it is one point gained. This department has quietly pursued its work since the duties were transferred from the City Clerk, some twenty-five years ago, and would still be performing its work faithfully and quietly were it not for the meddlesome Board of Health, who believe they have a right to supervise every department of the city. This dignified body could not go to the Registrar's Department to obtain a report of deaths, this was altogether too much to ask of this high-toned commission, notwithstanding its records have been sought after and used by every distinguished physician and medical journal in the country. It is in fact the most perfect department of the kind in the country. In births, marriages and deaths the correctness of names is of full as much importance as the correctness of the date of death, the date of marriage, or the disease of which we die, and the following list will give some idea of the corrections made by the Registrar and not made by the Board of Health, so far as deaths are concerned:

Rebecca Caldwell died March 2, 1876—Reported Ellen Cowell.

Antonio Chiesa died March 7, 1876. Reported Tony Church.

Nellie Cross died May 18, 1876. Reported as Delma Cross.

Giovanni Battista Cunio died June 19, 1876. Reported Gianbatista *Qunio*.

Angelina M. Biggio died May 25, 1876. Reported as *Jane Mannine*. Father reported as *Joseph*, should be John B. or Giovanni B.

Peter J. Steffen died July 4, 1876. Reported as Peter J. *Stepher*.

Herbert McEnally died July 12, 1876. Reported as *Hugh McAnally*. Birthplace Dorchester. Reported as *Boston*.

Agnes Gumprich died July 28, 1876. Reported as *Gunbericht*.

Bridget Venullom died July 30, 1876. Reported as *Harrington*.

Pietro Sartarlasci died Aug. 7. Reported as *Santalasi*.

Lydia Ann Smith died Aug. 7. Reported as *Johnson*.

Jenuie Estelle Clark died Nov. 27. Reported as *Estelle Goodridge*.

Thomas McCuen died Nov. 8. Reported as *McKowen*.

Peter De Bouna died Nov. 12. Reported as *De Boun*.

Edbert M. Pehrsohn died Dec. 17. Reported as *Pearson*.

Annie Burkhardt died Aug. 22. Reported as *Maria A. Burkard*.

Elizabeth Zimmer died Aug. 26. Reported *Cem-er*.

In relation to this department it would be well to observe that there is no law or ordinance that enjoins the Board of Health to keep a correct record of deaths. Such a record does not assist in the remotest degree that body, in caring for the public health, as such records are for statistical purposes alone, and are not and never have been regarded as matters belonging to hygiene. Mortuary records have a relation to the public health analogous to that which exists between the thermometer and the temperature of the weather; they indicate the existence of disease, but in no way suggest the mode or means of cure. Epidemics like smallpox, are provided for by special laws, and are met by means wholly independent of mortuary registration. If it were desirable for the Board of Health to have a record of deaths, a faithful transcript could be made daily, in the Registrar's Department, without any extra cost to the city. Now, I want to say that after the City Council so decidedly refused to make the change last year—after the Legislature refused to make the change last year—when not a dollar can be saved by it, with every probability that it will cost three times as much if the change is made, I hope this Board will give the City Registrar's Department a rest by refusing to pass that order.

The order was rejected.

#### BETTERMENTS ASSUMED.

The order for the city to assume a betterment of \$900 laid on the Roxbury Grammar School estate for laying out of Swett street was considered under unfinished business. Passed.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Order for the Mayor to petition the Legislature for an act to authorize the City Council to create boards of commissioners for the transaction of any municipal business, or by vote of the City Council to take from any board already created any of its present powers, or to abolish such board entirely; and that the salaries of such commissioners, once fixed, shall be unchanged. Passed in concurrence.

#### INVITATION ACCEPTED.

An invitation was received from the Faneuil-Hall Temperance Reform for the Mayor and Aldermen to attend the first anniversary meeting of said club at Tremont Temple, Feb. 19, at 7<sup>1</sup>/<sub>2</sub> P. M. Accepted, on motion of Alderman Clark.

#### HORSE RAILROAD HEARINGS.

*Metropolitan*. The Board took up the petition of the Metropolitan Railroad Company for permission to lay down tracks on portions of Lexington, Prescott and Liverpool streets, on which a hearing had been ordered.

C. A. Richards, president of the Metropolitan Railroad, explained the location asked for. It has been put in at the express wish of citizens of East Boston who think they are not sufficiently accommodated now.

No one appeared to object.

The matter was recommitted to the Committee on Paving, on motion of Alderman Fitzgerald.

*South Boston*. The Board took up the petition of the South Boston Railroad Company for leave to run cars from the southern to the northern depots over certain tracks of the Metropolitan, Middlesex and Cambridge railroads, on which a hearing had been ordered.

Benjamin Dean appeared for the petitioner, explaining the location asked for. The object is to enable the South Boston people to reach the northern depots without change of cars and for only one fare.

Mr. Richards asked how many cars they proposed to run and what was the route.

Mr. Crosby, the president of the road, said they desired to pass from Cornhill through New Washington, Haverhill, Causeway, Portland, Merrimac streets back to Washington street, and thence to South Boston by the usual route. The people of South Boston had long desired this accommodation. Heretofore the policy of the City Government has been to stop the cars at Scollay square; but the Middlesex cars are allowed to run beyond that, and the people of South Boston desire the same accommodations that the people of Charlestown have. [To Mr. Richards]—Should think they ought to be allowed to run sixteen cars per hour, as the Middlesex run twelve per hour to accommodate 40,000 people.

Mr. Richards called attention to this as one more encroachment upon the rights of the Metropolitan road, to offset the encroachment action of last year in granting the Middlesex the right to go to the Old Colony depot. The Metropolitan is crushed between the upper and nether millstones. This road bought the Suffolk road to get to the northern depots, and did not get the tracks as is now proposed. He did not remonstrate against the petition as a whole; but asked that the cars allowed to go to the depots be drawn from those now running on the overcrowded circuit. This whole system is an encroachment upon the commutation system adopted by the wisdom of a former Board. Citizens of Boston ride to the depots by paying only two cents extra. The Board should either repeal the commutation system or enforce it. Although he considered this an encroachment, he would not remonstrate against granting the petition; but the Board should put in the resolution. [To Mr. Dean]—We run probably twenty cars an hour to the depots over our own tracks.

Mr. Dean read communications from the officers of the Fitchburg, Old Colony, Lowell and Albany roads, representing that there is an increasing desire for additional horse-railroad facilities, and expressing a desire to have the petition granted. He also presented petitions of 1278 citizens, 1508 ladies, 227 people doing business in the vicinity of Summer and Beach streets, 1527 patrons of the Old Colony, 809 patrons of the Albany road, and 939 patrons of the Fitchburg Railroad, in aid of this petition. The South Boston road, he said, had been more zealous than any other in giving effect to the transfer system, and had never thrown any obstacles in the way, and had not favored the increased cost. He called attention to the law of 1862, allowing the South Boston company to enter upon and use the tracks of the Suffolk road (now owned by the Metropolitan) on condition that the Suffolk could run cars to the Old Colony depot. A year ago, not only had the cost of transfer been increased, but the Middlesex road was allowed to go to the Old Colony depot, which the Metropolitan road did not object to, for their own convenience, and by which they get substantially the same thing as was provided for in the legislation of 1862. He supposed the Board would from time to time regulate the passage of the cars in the streets. To show the extent of the calls for this accommodation he would call a few witnesses.

Policeman McDonald, stationed at the Albany depot, said he had applications every day from people for information how to get to the northern depots, and in the summer time a great deal more. Some take the South Boston cars and get a transfer check; others walk to Washington street.

Policeman Foster, stationed at the Old Colony depot, gave the same testimony in regard to passengers at that depot.

Policeman Foster had applications in the same way near the Old Colony depot; he corroborated the statements of the other witnesses.

Mr. Prescott, an employé of the South Boston road, stationed near the Old Colony and Albany

depots, corroborated the previous statements. The applications are more numerous in summer than in winter.

Mr. Dean said the road was really compelled to ask for this accommodation to its patrons.

The subject was recommended to the Committee on Paving, on motion of Alderman Clark.

MIDDLESEX RAILROAD LOCATION IN HAYMARKET SQUARE.

Alderman Robinson submitted a report from the Committee on Paving, to whom was recommended the petition of the Middlesex Railroad Company "for the location of the track in Haymarket square given to the Metropolitan Railroad Company, June 29, 1874," recommending the passage of the following:

Ordered, That in addition to the locations heretofore granted to the Middlesex Railroad Company in several of the streets of the city of Boston there is hereby granted and confirmed to said company the location of a track commencing at a point on Washington street, at the intersection of the southerly line of Merrimac street, and extending across Haymarket square to the tracks of the Middlesex Railroad near the Boston & Maine Railroad station; said track being shown by red lines between the points "A" and "B," on a plan drawn by Barbour & Hodges, civil engineers, dated June 22, 1874, and deposited in the office of the Superintendent of Streets. This location is granted upon condition that the said Middlesex Railroad Company shall accept the same, and shall file said acceptance in writing with the City Clerk within thirty days after the date of the passage of this order; otherwise, it shall be null and void.

Read twice and passed.

SALARIES OF CITY OFFICERS.

Report of Joint Special Committee on Retrenchment. Alderman Fitzgerald submitted the following (City Document No. 20):

The joint special committee appointed to investigate the various departments of the City Government, with a view of reporting what reduction in salaries and clerical hire may be made in each department, without detriment to the public service, and also whether any department can be abolished or consolidated with any other department, beg leave to report in part, at this time, by submitting herewith ordinances fixing the salaries of the several city officers for the ensuing year.

The tables appended to this report show the amounts now paid for salaries, the amounts paid in former years, and the amount which will be saved in each department, in the item of salaries, if the ordinances are adopted. An examination of these tables will show that salaries have been steadily increased during the past ten years. Within that period the cost of living has materially decreased, a general retrenchment of expenses in all kinds of business has taken place, and rates of pay have been considerably reduced. At the present time the employes of the city are, with some exceptions, receiving larger salaries than would be paid in other corporations for like services, and, in the opinion of your committee, it would work no injustice if the salaries were to be reduced in accordance with their recommendation.

In considering the question of salaries, your committee have endeavored to inform themselves of the duties of the several officers, and to fix a salary commensurate with the services rendered. Heretofore only the salaries of the heads of departments have been fixed by the City Council, the salaries of subordinate officers, clerks and employes being fixed by the head of the department, or the committee. In many instances it is provided by ordinance that this shall be done. Your committee believe that the City Council should fix the salaries of all persons, other than day laborers, who are employed in the public service; and they, therefore, submit their recommendation in the form of an ordinance, which, if adopted, will have the effect of amending such other ordinances as may conflict with it in this respect.

As the election of city officers is at hand, it is expedient that the question of salaries should be determined. Your committee, therefore, in this report confine themselves, except in one or two instances, to that subject, and report salaries for the several positions as they now exist. Later on they will report on the question of reducing the number of employes, and on the other matters which they are directed to consider.

They respectfully recommend the passage of the following ordinances.

Respectfully submitted.

JOHN E. FITZGERALD.  
LUCIUS SLADE.  
HUGH O'BRIEN,  
WILLIAM BLANCHARD,  
ROBERT VOSE, JR.  
CHARLES H. REED.  
GEORGE B. WEBSTER.  
JAMES FAGAN.

Committee.

Following is the amount of reduction in each department: City Clerk, \$2250; Clerk of Common Council, \$100; Treasury Department, \$3100; Auditor's Department, \$2350; Collector's Department, \$6900; City Engineer's Department, \$2521.50; Law Department, \$2300; Surveyor's Department, \$3324; East Boston Ferries, \$8258; Harbor Department, \$100; Sealers of Weights and Measures, \$500; Mt. Hope Cemetery, \$300; Registrars of Voters, \$300; Public Building Department, \$1450; Bridges, \$1942; Superintendent of Printing, \$500; License Commissioners, \$11,845; Markets, \$705; Overseers of the Poor, \$2070; Department for the Survey and Inspection of Buildings, \$2150; Lamp Department, \$500; Police Department, \$400; Fire Department, \$5738.75; Sewer Department, \$638.75; Health Department, \$8980; Assessors' Department, \$5790; Park Department, \$750; City Hospital, \$760; Common and Public Grounds, \$570; Street Department, \$4463.25; City Registrar, \$840; Public Institutions, \$3560; Public Library, \$2874; Water Department, \$6334.25. Total, \$95,164.50.

City Clerk's Office.

	1876-77.	Reductions.
City Clerk.....	\$5,000	\$1,000
Assistant City Clerk.....	2,000	200
1 clerk.....	2,000	400
1 clerk.....	1,800	300
1 clerk.....	1,500	150
Other clerks.....	4,200	200
<b>Total.....</b>	<b>\$16,500</b>	<b>\$2,250</b>

Treasury Department.

	1876-77.	Reductions.
Treasurer.....	\$6,000	\$1,000
Cashier.....	3,000	500
Bookkeeper.....	2,800	400
Teller.....	2,000	200
Debt and interest clerk.....	2,000	300
County clerk.....	1,700	100
Draft clerk.....	1,600	100
Paymaster.....	2,500	300
Paymaster.....	1,800	200
<b>Total.....</b>	<b>\$23,400</b>	<b>\$3,100</b>

Auditor's Department.

	1876-77.	Reduction.
Auditor of Accounts.....	\$6,000	\$1,000
Chief Clerk.....	3,000	500
Second Clerk.....	2,100	300
Third Clerk.....	1,800	200
Fourth Clerk.....	1,800	200
Fifth Clerk.....	1,600	150
Sixth Clerk.....	800	...
<b>Total.....</b>	<b>\$17,100</b>	<b>\$2,350</b>

Collector's Department.

	1876-77.	Reduction.
Collector.....	\$5,000	\$1,000
Chief Clerk.....	3,000	200
Cashier.....	2,600	...
Department Clerk.....	1,800	200
Teller.....	1,700	1,700
Tax Clerk.....	1,600	200
Dept. Coll. Clerk.....	1,600	200
Bookkeeper.....	1,600	200
16 Dep. Collectors at \$1,600...	26,000	3,200
<b>Total.....</b>	<b>\$44,500</b>	<b>\$6,900</b>

The committee believe that the duties of cashier and teller can be performed by one person, and have so provided in the ordinance fixing the salaries for this department.

Public Building Department

	1876-77.	Reduction.
Superintendent.....	\$3,600	\$400
1 Assistant.....	2,000	200
1 Assistant.....	1,800	200
1 Assistant.....	1,500	250
Clerk.....	2,000	200
Office boy.....	360	...
City Architect.....	3,000	200
1 Draughtman.....	1,200	...
1 Draughtman.....	1,000	...
1 boy at \$1 per day.....	313	...
<b>Total.....</b>	<b>\$16,773</b>	<b>\$1,450</b>

Markets.		1876-77.	Reduction.
Superintendent.....		\$2,500	\$300
Deputy Superintendent.....		1,500	300
Weigher.....		780	60
Supt. Fanenil Hall.....		500	...
Asst. Supt. Fanenil Hall.....		156	...
1 Day Watchman.....		1,140	45
2 Night Watchmen at \$3.....		2,130	...
Total.....		\$8,766	\$705

*License Commissioners.*

License Commissioners.		1876-77.	Reduction.
3 Commissioners at \$2,500..		\$7,500	\$4,500
1 Clerk of Board.....		1,700	200
1 Asst. Clerk.....		750	50
1 Clerk in office of City Clerk.		1,200	1,200
1 Clerk in Collector's office....		1,200	1,200
5 Commissioners Police at \$3 estimate.....		4,695	4,695
Total.....		\$17,045	\$11,845

The committee recommend that the services of the clerks in the offices of the City Clerk and Collector, and also those of the Commissioners of Police, be dispensed with.

*Law Department.*

Law Department.		1876-77.	Reduction.
City Solicitor.....		\$6,000	\$1,000
First Assistant.....		3,500	500
Second Assistant.....		3,000	400
Third Assistant.....		2,500	400
Fourth Assistant.....		2,000	..
Clerk.....		1,500	..
Total.....		\$18,500	\$2,300

*Inspection of Buildings.*

Inspection of Buildings.		1876-77.	Reduction.
Inspector of Buildings.....		\$3,000	\$200
Clerk.....		2,000	200
Assistant Inspectors, seven at \$1500 each.....		10,500	1,750
Assistant Clerk.....		1,000	..
Total.....		\$16,500	\$2,150

*Fire Department.*

Fire Department.		1876-77.	Reduction.
3 Commissioners, at \$4000....		\$12,000	\$3,000.00
Chief Engineer.....		3,300	300.00
1 Clerk of Board.....		1,500	150.00
2 clerks, at { \$1500 } { \$1100 }		2,600	250.00
11 Assistant Engineers, at \$1600.....		17,600	1,100.00
<i>Fire Alarm.</i>			
Superintendent.....		2,500	200.00
4 operators, at \$4 per day ..		5,840	365.00
3 repairers.....		4,380	273.75
1 battery man.....		720	...
1 repairer, West Roxbury.....		200	...
1 Chief's Messenger.....		1,000	100.00
3 hostlers, at \$720.....		2,160	...
Assistants.....		....	....
Total.....		\$387,820	\$5,738.75

The committee also recommends that the fire boat be dispensed with, thereby effecting a saving of \$14,000 a year.

*Health Department.*

Health Department.		1876-77.	Reduction.
Board of Health, three members, at \$4000 each.....		\$12,000	\$3,000
Clerk of board.....		2,500	300
City physician.....		3,000	300
Assistant city physician.....		1,200	100
Inspector of Provisions.....		2,000	500
1 Clerk.....		1,500	100
2 Clerks, \$1000.....		2,000	...
1 Inspector of Nuisances.....		1,700	200
1 Inspector of Nuisances.....		1,400	200
3 Inspectors of Nuisances, \$1,300..		3,900	600
2 Inspectors of Nuisances, \$1,200..		2,400	300
2 Inspectors of Nuisances, \$1,100..		2,200	200
1 Assistant Inspector of Nuisances.		1,000	100
6 Keepers of Urinals, etc., from \$450 to \$720 per annum..		3,256	....
Total .....		\$40,056	\$5,900

In the departments of quarantine and internal health a reduction of \$3080 has been recommended as follows: Port physician, \$100; assistant port physician, \$50; overseer at Gallop's Island, \$100; captain of the quarantine boat, \$140; engineer, \$110; mate, fireman and cook, \$300; superintendent of internal health, \$300; clerks, \$100; inspector of milk, \$150; twelve foremen, \$1410; three drivers of prison carriages, \$120.

*Public Institutions.*

In this department reductions are recommended as follows: In the directors' office \$650, as follows: Clerk of board, \$300; bookkeeper, \$200; assistant clerk, \$150. Of \$400 in the pauper expenses, as follows: Settlement clerk, \$200; driver

of carriage, \$150; agent, \$50. In the Lunatic Hospital, \$280, as follows: Assistant superintendent, \$150; second assistant, \$100; general attendant, \$30. In the House of Correction, \$850, as follows: Master, \$400; deputy waster, \$200; chaplain, \$200; clerk, \$50. In the House of Industry, \$600, as follows: Assistant superintendent, \$100; chaplain, \$150; physician, \$150; clerk, \$50; engineer, \$100; farmer, \$50. In the House of Reformation, \$300, as follows: Superintendent, \$150; teacher of music, \$150. In the almshouse at Deer Island no reduction is made.

The salary of the captain of the J. Putnam Bradlee is reduced from \$1380 to \$1200, and that of the engineer from \$1200 to \$1050.

The committee recommend that the number of persons employed in the department and the rates of pay be subject to the approval of the Committee on Public Institutions.

*The Public Library.*

The Public Library.		1876-77.	Reduction.
Superintendent.....		\$3600	\$300
Assistant Superintendent.....		2,500	300
Principal Assistant.....		1,600	150
Office Secretary.....		1,800	200
Despatch Clerk.....		1,200	100
Assistant Office Secretary .....		700	50
Anditor and Cashier.....		800	50

The committee further recommend that the salaries of the following officers be reduced: Proof Reader, \$200; Assistants, \$100; Keeper Patent Room, \$50; Assistant, \$50; General Cataloguer, \$50; First Cataloguer, \$50; Curator, \$50; Chief Receiving Clerk, \$50; Assistant, \$50; Custodian, \$100; Keeper Bates Hall, \$100; Assistants, \$100; Keeper Lower Hall, \$100; Assistant Keeper, \$500; Registration Clerk, \$100; Chief Janitor, \$100; Assistant \$50; Foreman of the Bindery, \$100; First Assistant, \$94; two Assistants, \$80; total, \$2874.

*The Water Department.*

The Water Department.		1876-77.	Reduction.
Three Commissioners.....		\$10,500	\$500
Clerk of Board.....		2,000	200
Water Registrar.....		3,000	200
Superintendent Western Div.....		3,000	300
Superintendent Eastern Div.....		3,500	500
Water Registrar, Mystic Dept....		2,500	250
Superintendent .....		1,800	200

The committee also recommend the reduction of salaries in the following cases: First Collection Clerk, \$30; five Clerks, \$1400; Inspector of Meters, \$100; Management, \$100; eight Inspectors, \$626; Clerk in shutting-off department, \$200; Assistant Superintendent eastern division, \$200; Chief Clerk, \$100; Engineer at Roxbury, \$150; Assistant, \$80; three Foremen, \$450; Assistant Registrar and Clerk, \$200; Assistant Superintendent, \$200; Foreman, \$78.25; total, \$6334.25. The committee is of opinion that inasmuch as the statute under which the board is organized provides that the salaries of the members shall not be diminished during their terms of service, it would be for the best interests of the city if the statute could be so amended as to give the power of fixing salaries unqualifiedly into the hands of the City Council.

*Miscellaneous Departments.*

The salaries in the department of Overseers of the Poor have been reduced \$2070, as follows: Secretary, \$200; Settlement Clerk, \$150; Bookkeeper, \$100; Clerk, \$20; Visitors, \$1000; Engineer, \$150; Janitor, \$150; Temporary Visitors for winter, \$300.

A reduction of the salary of the Superintendent of the Lamp Department has been made from \$3300 to \$2800.

A reduction of the salary of the Chief of Police is proposed from \$3500 to \$3300, and that of the Deputy from \$2500 to \$2300. The committee are of the opinion that no reduction, except as shown above, should be made in the pay of the present members of the force; but they recommend that the pay of all patrolmen appointed after this date be fixed at \$2.50 per day for the first two years' service, \$2.75 per day for the third year, and \$3 per day for succeeding years. If this recommendation is adopted it is believed that the item of salaries will be reduced about \$20,000 or \$30,000 per annum.

In the Sewer Department a reduction of \$638.75 is recommended as follows: Superintendent, \$300; Assistant Superintendent and Draughtsman, \$165; First Foreman, \$100; Clerk, \$73.75.

In the Assessors' Department a reduction of \$5790 has been recommended as follows: Chairman, \$300; four Assessors, \$1200; thirty-three First Assistants, \$1650; thirty-three Second Assistants, \$2640.

A reduction in the salary of the clerk of the Park Department has been recommended from \$1800 to \$1150.

In the City Hospital the salaries of the officers have been marked down \$760, as follows: Superintendent, \$300; Steward, \$200; Head Cook, \$200; Baker, \$60.

In the Department of Common and Public Grounds a reduction of \$570 has been advised, as follows: Superintendent, \$300; Assistant Superintendent, \$150; foreman and gardener, \$60 each.

In the Street Department a reduction of \$4463.25 has been recommended, as follows: Three commissioners, \$1500; clerk of board, \$200; Superintendent of Streets, \$400; chief clerk, \$200; office clerks, \$421.25; ten foremen, \$1742.

In the City Registrar's office a reduction of \$840 is proposed, as follows: City Registrar, \$500; principal clerk, \$200; three clerks, \$140.

The amount allowed for clerk hire in the office of the Clerk of the Common Council is reduced from \$1200 to \$1100. No change is made in the office of Clerk of Committees, and none in the City Messenger's office.

The salary of the City Engineer is reduced from \$5000 to \$4500; principal assistant from \$3300 to \$3000; and the salaries of engineers, clerks, etc., a sufficient amount to effect a total reduction of \$2521.50.

In the Department of Bridges a reduction of \$1942 is recommended, as follows: Salary of Superintendent of Mt. Washington-avenue Bridge reduced \$200; Federal street, \$300; Broadway, \$300; Meridian street, \$100; Charles River, \$150; Congress street, \$400; Warren, \$150; Cambridge, West-ern-avenue and North Harvard-street, \$50; Malden, \$100; Chelsea, \$192.

The salary of Superintendent of Printing is reduced from \$2500 to \$2000.

The City Surveyor's salary is reduced from \$3600 to \$3100; the assistants from \$2300.55 to \$2000; and other reductions are made amounting to \$3324.

The salary of the Superintendent of East Boston Ferries is reduced from \$2500 to \$2200; clerks from \$3000 to \$2700; Assistant Clerk from \$1200 to \$1050, and other reduction in salaries of ferry employes, amounting to \$8258.

The salary of the Harbor Master is reduced from \$1800 to \$1700, and the report says the committee are of the opinion that the Harbor Master should be invested with police powers and placed in charge of the police boat.

The only change proposed in the salaries of sealers of weights and measures is a reduction of \$500 in the salary of one sealer now receiving \$2000.

The salary of the Superintendent of Mt. Hope Cemetery is reduced from \$2000 to \$1700.

The salary of the Registrars of Voters is reduced from \$2500 to \$2400.

Appended to the report are ordinances establishing the salaries as indicated in the report.

The ordinances were read once.

*Report of Joint Standing Committee on Salaries.* Alderman Dunbar submitted the following (City Doc. 22):

The Joint Standing Committee on Salaries beg leave to submit herewith orders establishing the salaries of the several city officers for the year beginning on the 1st day of April, 1877. The committee, in compliance with the third section of the joint rules and orders, have confined themselves to the consideration of the salaries of elected and appointed officers, and have not attempted to fix the salaries of subordinate officers and employes, believing that the committees in charge of the several departments are competent to deal with that question.

In considering this subject, the committee have held several meetings, and, after taking up each office separately, and thoroughly discussing its duties, they have endeavored to arrive at a just decision regarding the amount of salary appropriate therefor.

In some cases it was manifest that a reduction might be fairly made, and without detriment to the public service, and in such cases it has been so recommended in this report. In a great many instances, however, it appeared to your committee that the different amounts at present allowed could not justly be reduced, as the compensation was only moderate, taking into consideration in each case the duties and responsibilities attached to the office. In numerous departments these duties and responsibilities have been very largely increased within a few years, and the advance in salaries has not been out of proportion to such increase.

With a view of ascertaining whether the city is

paying larger salaries to its officers than private corporations for corresponding services, the committee have made inquiries, the result of which has satisfied them that salaried officers of the city are receiving no more, and in some instances not so much, as the officers of such corporations.

In the Mayor's inaugural address for the present year occurs the following:

"I am not for a niggard economy—an economy which is mean and unworthy a community refined, educated, liberal and cosmopolitan, such as we claim and boast to be. I know the wauts, spirit and policy of my native city. The pride and patriotism of her sons will supply whatever her safety and well-being require; whatever the defence of her commercial, manufacturing, educational, sanitary and other great and vital interests may call for; whatever her honor demands."

Your committee think that it is pertinent to apply this view to this very subject of salaries, as well as to other important measures under consideration by this City Government. The high and almost unlimited credit which the city of Boston everywhere enjoys is certainly due, in no small degree, to the well-known ability and integrity of its city officers. In passing upon this question of salaries, it should be borne in mind that this standard should be maintained, and that in its selection of officers the aim of the city should be now—as it has been in the past—to insist on getting the *very best*.

Your committee believe it would be mistaken economy for the city to enter upon a general and radical reduction of the salaries of officers of recognized ability and tried integrity, and thus, perhaps, open the field to a grade of men who might, through their inability and inexperience, should they obtain responsible positions under the City Government, occasion a loss to the city greater than the amount saved by the reduction of salaries.

The general depression of all kinds of business and the recognized fact that business men are not making the profits of previous years, being sometimes urged as reasons for a general reduction of salaries, it is to be remembered that this state of affairs must, of necessity, prove but temporary; and that when business revives, and money is again being made, salaried officers continue at routine salaries, and do not partake of the general prosperity. These salaries have not been, and your committee believe are not now, considered to be excessive by citizens best qualified to judge of the question. The changes proposed in the salaries and allowances for clerk hire, established during the last salary year, are as follows: Increase of \$250 in the salary of the clerk of committees; \$200 in the salary of the assistant clerk of committees; \$200 in the salary of the Third Assistant Solicitor; \$200 in the salary of the Superintendent of Public Lands. Total amount of increase, \$850.

Reductions—\$500 in the salary of the City Clerk; \$100 in the allowance for clerk hire in the office of the City Clerk; \$1000 in the salary of the Auditor of Accounts; \$1000 in the allowance for clerk hire in the office of the Auditor of Accounts; \$500 in the salary of the Collector of Taxes; \$800 in the allowance for extra clerk hire in the office of the Collector; \$100 in the salary of each Deputy Collector; \$500 in the salary of the City Solicitor; \$300 in the salary of the First Assistant Solicitor; \$200 in the salary of the Second Assistant Solicitor; \$200 in the salary of the Fourth Assistant Solicitor; \$400 in the salary of the Sealer of Weights and Measures; \$500 in the salary of Inspector of Buildings; \$250 in the salaries of the Assistant Inspectors of Buildings; \$500 in the salaries of the Board of Fire Commissioners; \$250 in the salary of the Inspector of Provisions; \$500 in the salaries of the Board of Health; \$300 in the salary of the Superintendent of Health; \$500 in the salary of the City Registrar; \$860 in the allowance for clerk hire in the office of the City Registrar; \$300 in the salary of the Superintendent of Sewers; \$300 in the salary of the Superintendent of Faneuil-Hall Market; \$250 in the salary of the Deputy Superintendent of Faneuil-Hall Market; \$500 in the salary of the Superintendent of the City Hospital; \$250 in the salaries of three of the members of the Board of Assessors.

Total amount of reduction.....\$16,360.00  
Net reduction.....\$15,510.00

Respectfully submitted

GEORGE DUNBAR.  
JAMES H. DANFORTH.  
JOAQUIN K. SOUTHER.  
ISAAC P. CLARKE.

Appended to the report are the usual orders establishing salaries for the year 1877-1878. The orders were read once.

Subsequently, Alderman Fitzgerald offered an order—That five hundred extra copies of the report of the Joint Special Committee on the Retrenchment of Municipal Expenses be printed for the use of the City Council.

Alderman Clark moved to amend by authorizing the printing of the same number of extra copies of the report of the Joint Standing Committee on Salaries, which Alderman Fitzgerald accepted, and the order as amended was passed. Sent down.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Miuors' Applications Granted—Twenty-two newsboys.

Wagon Licenses Granted—George W. White & Co., 64-66 Union street; Edward Pierson, 600 Broadway; John Sweeney, 280 Third street; William H. Reynolds, 2 and 4 Faneuil Hall square.

Pawnbrokers Licensed—Ezra S. Bliss, 273 Hanover street; Lewis Myers, 6 Howard street (transfer from S. S. Thorner).

Pawnbroker's License Refused—S. Silber, 325 Hanover street.

Hack Licenses Granted—L. A. Noyes, Park-square Hotel; B. W. Nelson, Milk street, at lower end of the post office; Hiram Stearns, in front of Second Church, Boylston street.

Billiard License Granted—Henry Schoindorf, 19 Boylston street.

Junk Collectors Licesued—Frank B. Stark, 1 Hovey's court; Thomas Gentile, 140 Merrimac street.

Dealer in Second-hand Clothing Licensed—Henry Phillips, 156 East Dover street.

Innholder's License Granted—Bell & Johnson, Quincy House.

Severally accepted.

#### STONY BROOK IMPROVEMENT.

The following was received, read and laid on the table and ordered to be printed:

To the Honorable Board of Aldermen—The Board of Street Commissioners beg leave to respond herein to your order of April 24 last, requesting a report upon the matter of deepening and straightening the channel of Stony Brook from Tremont street in Roxbury to Forest Hills, with an approximate estimate of the cost of such improvement, the amount likely to be realized in betterments, etc., etc.

They looked first at the legislative acts authorizing the work and the steps already taken under them by the former town of West Roxbury. They found that an act of 1868 permitted the town of West Roxbury and the city of Boston, each acting independently of the other, and within the limits of its own territory, to take the fee of land required to widen and straighten the channel and deepen the bed of Stony Brook, and to assess not in excess of one-half the cost each upon the basis of its own expenditures and within its own municipality. This did not satisfy the city of Boston, and it declined to proceed under the act. A further act of 1870 allowed the town and city to contract together that a part of the expense in one might be paid by the other, and the sum so paid used, with the amount expended within the boundaries of the municipality so paying, as a basis for the assessment upon the lands benefited of the cost of the alterations in the course of the brook therein. Under the latter law the city still remained inactive, but West Roxbury elected for herself a board of three commissioners to exercise the powers granted for the improvement of the brook by both acts referred to. Surveys were made, and by the several votes of Jan. 9, 1871, Dec. 10, 1872, and Dec. 11, 1873, strips of land covering the entire length of the course of the brook within the town, from the Boston to the Hyde Park boundary, were condemned by these commissioners for the uses specified. The damages to estates under these proceedings have been quite generally settled by the town or by the city since annexation. The total expenditure to this time, including the construction of the new channel under Washington street at Forest Hills, the Street Commissioners find to be about \$69,000. Since the annexation of West Roxbury to Boston, an act of 1874 allows the city to go on with this work in substantially the same way provided for in the previous acts, with the difference that the stream shall not be made or used as a sewer, and that the whole expense of the improvement may

be assessed to the benefited lands, if they can be shown to have received such an extent of benefit.

With this information the Street Commissioners thought it advisable to learn from the interests upon the stream just what course in their opinion the improvement of it should take, and how much of the burden of its cost the improved lands would bear. A meeting of the land owners was called. A large number presented themselves, including, however, but a very few whose properties would be the most directly benefited by the reduction of the injurious overflows. Little of importance could be gathered from those who did come. They complained of the culverts through which the stream passes in Roxbury as insufficient for the volume of water in the spring and after long rains. Their enlargement was the needed remedy. Changing the course of the brook above them, would help nothing if it were not widened. This change of course would injure land owners, taking valuable land and leaving the naked bed of the old stream traversing their estates, which, if discontinued to them, would not be worth the cost of filling. Others doubted if upon the completion of the new course the fall would be sufficient to accomplish the intended object. Upon the question of betterments they appeared to be of the united opinion, reached by various methods of reasoning, that the difficulties were of a kind that should be removed by the city at its own expense. A remonstrance from one owner against any assessment of his property is transmitted to you with this statement.

The Street Commissioners were not encouraged to hold further meetings with the proprietors upon the brook.

Leaving the matter as it was arranged by her Board of Commissioners within the former township of West Roxbury, the Street Commissioners have looked at the course to be pursued in helping forward the flow of water from there to its outlet. Upon its arrival at Pynchon street, nothing better could be recommended than its transfer to that street, but for its almost complete pre-occupation with water and gas pipes and sewer. Even a reasonable widening of this street would not make room for the brook under it. The next best way seems to be to take it from New Heath street through the estates on the west side of Pynchon street at midway between that street and the Boston & Providence Railroad. In point of construction this is the cheapest. Estimation of land damages by this route is difficult. It divides the estates it passes through into two equal parts, and the city taking the fee of the lands the owners of the estates would be shut off from that part of their properties between the brook and the railway. If, however, the brook could be run under arches, with rights in the property holders to use their surface subject to an uninterrupted flow of water beneath and the entrance of the city for necessary repairs, undoubtedly satisfactory terms could be made with them. The only alternative the Street Commissioners suggest is the improvement of the present channel on the westerly side of the same estates where it now runs beside the Boston & Providence Railroad. The building damages are much larger by this line than by the first mentioned.

The land and building damages, in default of negotiation with owners, which the commissioners estimate for the remainder of the brook to be improved between West Roxbury line and the Metropolitan Railroad stable on Tremont street, and which are all damages of that nature remaining to be paid on the course of the stream above the last named point, are about \$53,000. The cost of construction on the part yet to be relocated, as well as what remains unfinished of the part condemned in West Roxbury, the Superintendent of Sewers places at about \$80,000.

The figures, then, are—

Already paid for land damages and construction in West Roxbury.....	\$69,000
Additional land and building damages in Old Roxbury.....	53,000
Completion of construction from Hyde Park to Tremont street.....	80,000
	<u>\$202,000</u>

The betterment to be returned is scarcely a matter to be now determined. The interested parties, as the commissioners are not unapt to find in their legitimate province of street widening, can imagine only the minimum conceivable, if any. The interdependence of the empowering acts is such that the commissioners judge a legal opinion nec-



essary upon the amounts chargeable and their distribution over the territory. At any rate, the completion of the enterprise and the final and effectual relief of the lands upon the brook from overflow at stages of high water would enable a better judgment to be formed of the benefits conferred.

As to the great benefit to that portion of the community gathered within its influence of the removal from among them of so patent a source of discomfort and disease as an overflowing water-course, the commissioners do not suppose your honorable Board needs the slightest suggestion.

The question of the diversion of the water in the brook to a long distance from its present course, and through another town, the Street Commissioners think rather one of State legislation and engineering than for their consideration.

By order of the Board of Street Commissioners.

J. H. JENKINS, Clerk.

#### COMMERCIAL STREET WIDENING.

The following was received, read, laid on the table and ordered to be printed:

BOSTON, Feb. 19, 1877.

To the Honorable City Council—The Street Commissioners have received, since their board was established, a yearly supply of petitions for the widening of Commercial street. Some also descended to them from the unfinished business of the honorable Council when the board succeeded it in laying out and widening streets. These petitions are uniformly representative of the best commercial class. Their object is to obtain the completion of the marginal avenue begun in the construction of Atlantic avenue, in 1868, continued by the widening of Broad street after the great fire of 1872, and now needing only this Commercial-street widening to provide the city proper with a useful thoroughfare along almost its entire water front. Such petitions were reinforced in 1876 by others from the people actually engaged in business on the street and owners and occupants of the tenement buildings. They are urgent in their demands for relief from the existing conditions there. The freight railroad, with its increasing traffic, amounts to an almost total exclusion of the private trucking, upon which their business depends, while it is impracticable for the railway to serve many of the wharves itself on account of the very limited spaces it has in which to turn upon them. The injury to the inhabitation of so narrow a street from the constant passage of daily and nightly steam-power trains is not overstated in the petitions.

During all the time that this subject has been under consideration the commissioners have come much in contact with all the varieties of interest in it.

In July last they thought a proper time had come to call all these together by public advertisement for a first expression of opinion as to the amount and manner of such a widening. A plan of the street with abutting estates was prepared to assist them. They could fix no line upon it at that time, but the wharf owners present generally desired that their property should be spared in the cutting, and the larger number were for a hundred feet of width. The meeting was adjourned until the commissioners could digest the opinions they had received and determine from them upon a line they could offer for the abutters' approval. This was ready by November and another meeting was called for its exhibition. It was a modification and blending of the various views first obtained. The beginning was at Eastern avenue, where it intersects Commercial street, gradually reducing from one hundred feet wide to eighty by the time the cutting reached Clark street, and continuing through at that width. For that continuation an alternative was offered, one line cutting entirely upon the water side, and the other widening upon the water side only so far as was necessary to overcome the projection at Eastern avenue, then changing to the land side where it remained till it reached the gas works, there crossing again to the wharves and thence going through to the Charles River Bridge. Estimates submitted with the plan made the cost on the wharves \$750,000, and on the land side \$800,000, including no grade damages. The plan met with little favor. The wharf owners who saw it were quite united against any absorption of their wharves for street purposes. They were already too shallow for the present business and could ill spare

anything if a widened street was to increase it. There was no division upon the needful width. It should be 100 feet.

The commissioners with this repetition of the testimony in support of the greater width cut from the inland side of the street, took the matter into a second and serious consideration. They are, upon review of it, more and more inclined to the almost united public opinion upon it. Its commercial value is its strongest support throughout, and an increase in that would certainly be found in the widest street with undiminished wharfrage.

Looking to that, the commissioners have sketched a fresh line upon their plan, by which they get a hundred-feet avenue, in continuation of Atlantic avenue, cutting, except in the immediate vicinity of Eastern avenue, entirely upon the southwesterly or inland side of the street till Charter street is reached. For the time being, it is thought prudent to reduce it here to sixty feet, to avoid the costly buildings of the Gaslight Company in this part of the street. Other occupation of this land, there being at present no wharves to be entered from the street between Charter street and the bridge, will admit of a cheaper expansion of the street to the full 100 feet than is now possible.

This widening of Commercial street, in continuation of the marginal street already found in Atlantic avenue, to one hundred feet on the inland side to Charter street, and thence to sixty feet on to the Charles River Bridge, including the grade damages that will occur from the widening on that side, the Street Commissioners have approximately estimated at a round million of dollars.

They have conferred with the wharf owners and understand them to be willing to state to the board, after agreement among themselves in the matter, what proportion of the estimated cost they will pay the city in the form of betterments to their properties. Such information can be conveyed to the honorable Council, or the properly-designated committee, upon the receipt of the commissioners. It has been intimated to these land owners that one-quarter of the above-mentioned estimate would be a proper proportion for them to return in that form.

The commissioners would prepare themselves to report favorably upon this project to the honorable Council, with their order for widening the street, for your concurrence, if it were advisable that the expensive surveys and preliminary exact estimation of the damages should be undertaken before your opinion had been obtained upon the propriety of raising such a sum of money at this time as is required for this purpose.

Expressing themselves, then, as of one mind that the best interests of the community generally, and the great needs of that particular locality, require, in their opinion, the action they have herein proposed, they respectfully inquire of your honorable body if you will so appropriate such money, and desire the commissioners to send to you their order for widening this street.

The Street Commissioners wish to impress upon the Council their opinion that the rights of the inhabitants imperatively demand that the proper steps be taken, if the Council deems it unadvisable to widen Commercial street, to relieve the residents and business people there of the presence of the railway that now oppresses them.

By order of the Board of Street Commissioners.  
J. H. JENKINS, Clerk.

#### AUSTIN FARM BUILDINGS.

Alderman Clark submitted a report from the Committee on Finance on report and request in relation to Austin Farm buildings, etc., recommending the passage of an order—That the Auditor of Accounts be and he hereby is authorized to transfer from the appropriation for House of Correction to that for Austin Farm the sum of \$5000. Read twice and passed—yeas 12, nays 0. Sent down.

#### THE PROPOSED PARK ON BACK BAY.

Alderman Clark submitted a report from the Joint Committee on Streets, That the petition of Samuel N. Brown, Jr., *et al.*, that the lot between Huntington avenue and St. James avenue be laid out as a public street or square, be referred to the Committee on Common and Public Grounds. Accepted and referred accordingly. Sent down.

#### CROSS-DAM.

Alderman Clark offered an order—That the Joint Standing Committee on Streets be authorized to

arrange with the Commissioners of Public Lands of this Commonwealth for the conveyance to the city of the cross dam, otherwise known as Parker street, as provided in chapter 286 of the acts of the year 1874, upon such terms and conditions as the said committee may deem best for the interest of the city.

Read twice and passed. Sent down.

REQUEST FOR ADDITIONAL APPROPRIATION.

Alderman O'Brien submitted a report from the Joint Committee on Printing, representing that the March draft will exhaust their appropriation.

Items of extraordinary expenditure have been—

For 1000 copies of Revised Ordinances.....	\$4,548.02
For 3000 copies of Park Report (second and third editions).....	2,116.97
Report of Record Commissioners.....	842.46

\$7,507.45

The committee request an additional appropriation of \$4500 to meet the deficiency.

Alderman O'Brien briefly explained that the extraordinary expenditures were ordered by the City Council and were not contemplated by the committee when the estimates were made up.

Referred to Committee on Finance. Sent down.

UNLICENSED DOGS.

Alderman Clark offered an order—That the Committee on Ordinances be requested to report an ordinance requiring that all dogs running at large shall be muzzled.

Alderman Fitzgerald moved to amend so that the committee would consider the expediency of reporting such an ordinance.

Alderman Clark accepted the amendment, and the order as amended was passed. Sent down.

STATE ALLOWANCE FOR ARMORIES.

Alderman O'Brien offered an order—That his Honor the Mayor be requested to petition the

General Court at its present session for a further allowance of \$3300.36 for the year 1875, and \$6856.44 for the year 1876, for rent of armories, in addition to the sums which have already been paid to the city on that account. Read twice and passed. Sent down.

LANDS FORFEITED.

Alderman O'Brien, from the Committee on Public Lands, submitted orders to declare forfeited to the city for non-fulfilment and breach of conditions of sale, the lot of land on Bristol and Albany streets, shown on plan of city lands sold, recorded in book 2, folio 211, which was bargained and sold to Joseph F. Paul, Aug. 14, 1871, and for the Superintendent of Public Lands to take possession of the same, and to cancel bond No. 2448 given for said land. Severally read twice and passed. Sent down.

MARKET.

Alderman Slade submitted a report from the Committee on Market recommending approval of transfer of lease of cellar 100 New Faneuil Hall Market by Cheney, Upham & Co. to L. E. Pierce. Accepted.

PERMITS FOR STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board—That leave be granted on the usual conditions to occupy stables by F. D. Osgood, Cedar street, Ward 21; John McNelly, Downer street, near Tremont; S. & R. J. Lombard, corner Canal street and Frothingham avenue. Severally accepted.

NOMINATIONS.

Alderman Dunbar submitted a report from the Joint Special Committee to nominate Inspectors of Lighters, recommending the election of Edward Hatch, chief; John Kenney, John G. Cadigan, William Dolan. Accepted. Sent down.

Adjourned, on motion of Alderman Clark.

The first part of the document  
 discusses the importance of  
 maintaining accurate records  
 and the role of the  
 committee in this regard.  
 It is noted that the  
 committee has been  
 working closely with  
 the relevant departments  
 to ensure that all  
 necessary information  
 is collected and  
 analyzed in a timely  
 manner. The results  
 of this work will be  
 presented in the  
 following sections.

The second part of the document  
 provides a detailed overview  
 of the findings of the  
 investigation. It is  
 clear that there have  
 been several areas  
 where improvements  
 are needed. These  
 include the need for  
 more frequent  
 communication between  
 the committee and  
 the relevant  
 departments, as well  
 as the need for  
 more comprehensive  
 data collection. The  
 committee believes  
 that these changes  
 are essential for  
 ensuring the  
 accuracy and  
 reliability of the  
 information used  
 in decision-making.

## CITY OF BOSTON.

## Proceedings of the Common Council,

FEBRUARY 23, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

Reference to Committee on Finance of a request of the Committee on Printing for an additional appropriation of \$4500. (City Doc. No. 23.) Concurred.

Report of reference to the Committee on Common, etc., of petition of Samuel N. Brown, Jr., *et al.*, that a certain lot of land be laid out as a public square. Accepted in concurrence.

Order for Mayor to petition for further allowances of \$3336 for 1875, and \$6856.44 for 1876, for rent of armories. Read twice and passed in concurrence.

Orders that the lot of land of Joseph F. Paul, on Albany and Bristol streets, be forfeited to the city, and for Collector to cancel the bond for said lot. Read twice and passed in concurrence.

Order to print 500 extra copies each of the reports on Retrenchment and Salaries. (City Docs. 20 and 22 respectively). Read twice and passed in concurrence.

Order to consider expediency of reporting an ordinance requiring dogs running at large to be muzzled. Read twice and passed in concurrence.

Report nominating as Weighers and Inspectors of Lighters, Edward Hatch (Inspector in Chief), John Kenney, John J. Caddigan and William Dolan. Accepted in concurrence.

Order to arrange with the Commissioners of Public Lands for conveyance to the city of the Cross Dam, otherwise known as Parker street. Read twice and passed in concurrence.

Report and order for a transfer of \$5000 from the appropriation for House of Correction to that for Austin Farm. Order passed to a second reading.

## UNFINISHED BUSINESS.

Order to provide furniture for Grammar School-house, Florence District; cost not to exceed \$2000. Passed. Sent up.

## SECOND ASSISTANT ASSESSORS.

The ordinance to amend an ordinance concerning the assessment and collection of taxes, to abolish the Second Assistant Assessors, was considered under unfinished business.

Mr. Day of Ward 4—Mr. President, last week, when this order came before the Council, I expressed a doubt in regard to the wisdom of such a measure, and since that time I have made some inquiries upon this subject and the impression I have since got fully confirms that opinion; and I think, sir, that this order is one of doubtful expediency and would have a tendency to impair the efficiency of the Board of Assessors, and instead of being a measure of economy, would have an entirely different result than that contemplated by the originators of the order. Now, sir, the principal argument that has been used in favor of this project is this: "That these men, being chosen by the City Council, are of inferior quality so far as ability is concerned." Well, sir, they are chosen in the same way that the First Assistants are, and the same committee make the nominations. Now I submit this question: Is not that an acknowledgment that we are able to select a good board of First Assistants, but we are *not* able to select a good board of Second Assistants? Certainly we do not exhaust the list of able men by selecting thirty-three for these positions. Now, sir, I take it that is not a reasonable statement, and that we can procure just as good men on one board as on the other. In talking with some of the First Assistant Assessors (and I believe they are men well qualified to judge the merits of the case), I find they do not hold to the same views that the Principal Assessors are quoted as having expressed (and *they* claim that they have been misrepresented in the matter); they take the ground that if two good men go together they are more apt to secure an equitable assessment, and are less liable to make mistake, besides a person *might* be chosen who would be unduly influenced in valuing property if it depended entirely upon his judgment; in

support of this theory we have but to look at the law passed by the last Legislature in regard to the investment of the funds of the savings bank. It provides that not less than *two* officers of the bank shall examine the property before a loan is effected, showing the opinion of the Legislature upon this very point, and commends the system we now have in vogue. If it is desired to reduce the expenses of that department \$10,000, why not make a general reduction in the salaries as in the other departments, and not by the adoption of such radical measures as this, especially where there is the least doubt of the wisdom of the proposed change? This department is one of the most important ones; from its source is derived nearly our entire revenue, and the city cannot afford to adopt any experimental change which might involve the efficiency of the department in the least. I hope the ordinance will not pass.

Mr. Crocker of Ward 9—Before this ordinance is passed it ought to be referred to the Committee on Ordinances in order to determine whether it is in proper shape or not. It is the general understanding that all ordinances shall be submitted to the Committee on Ordinances before they are passed. If the Council is going to refuse to pass the ordinance, it would save all question on that point; but I move that it be referred to the Committee on Ordinances.

Mr. Wilbur of Ward 20—It seems to me that it is hardly necessary to have this matter referred, and that we can decide it now and here. I think it can be clearly shown that it is not expedient to do away with the Second Assistant Assessors, and for many reasons. I can cite one point which has come under my own observation in my ward. For instance, last year we had two men as First Assistant Assessors who were assigned to Ward 20—one a man living in South Boston, the other in Ward 19—and the Second Assistant Assessor for that ward was a gentleman who has been connected with that office for the last five years. As a rule—and, I believe, in fact, it has always been—the Second Assistant Assessor has been a resident of the ward or district to which he has been assigned; and for that reason it seems to me that he would have a better knowledge of the property in that ward than a First Assistant Assessor would have who is a resident of a distant ward. Then there is another point; it is not entirely the assessing or valuing of real estate that we are dependent upon for our revenue; it is largely made up of personal property, and in the various trades, and many of the Second Assistant Assessors have a knowledge of many of those trades in their wards. It seems to me that they are of value on that account, and would save perhaps three times—perhaps ten times—the amount of the salaries that they receive. Then there might be one Assessor going through the ward alone, and an undue influence might be brought to bear upon him; he might be influenced to favor some; but if he had a Second Assistant with him that would not be the case. I do not accuse any Assessor of doing anything wrong, but it seems to me that it would be a check upon the First Assistant to have a Second Assistant with him. The citizens of Boston pay forty-two per cent. of the whole taxes of the State; for that reason the valuation of property is a matter of vital importance to the people of this city, and I believe it is not a matter of economy to do away with these Second Assistant Assessors. We should see that the most efficient men that could possibly be got are elected, not only for the First, but for the Second Assistants. I do not believe in the present system of valuing property; but I believe that the Second Assistants are of great value if we have got to have that system. I hope we shall not do away with the Second Assistants. There are many other points that I might cite, but I think I have cited enough, for I think members of the Council have looked into the matter enough during the past week to say that the abolition of the Second Assistant Assessors should not take place.

Mr. Crocker of Ward 9—In order that we may determine whether the Council is desirous of passing this ordinance or not, I will withdraw the motion to refer to the Committee on Ordinances, and move that the ordinance be indefinitely postponed. If the Council votes not to indefinitely postpone I will renew the motion to refer.

The motion to indefinitely postpone was declared carried. Mr. Webster of Ward 3 doubted the vote,

and on motion of Mr. McGaragle of Ward 8 the yeas and nays were ordered.

The motion to indefinitely postpone prevailed—yeas 43, nays 21:

Yeas—Messrs. Beeching, Brintnall, Brown, Burke, Cannon, Clarke, Coe, Cox, Cross, Day, Dee, Doherty, Duggan, Felt, Fernald, D. A. Flynn, Fraser, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mullaue, O'Connor, O'Donnell, Perham, Pope, Pratt, Roach, Roberts, Sibley, Smardon, Souther, Stone, Upham, Vose, Warreu, E. R. Webster, Wilbur—43.

Nays—Messrs. Barnard, Barry, Blanchard, Blodgett, Crocker, Danforth, Fagan, J. J. Flynn, Ham, Hibbard, Howes, Nugent, J. H. Pierce, O. H. Pierce, Reed, J. B. Richardson, Ruffin, Shepard, Thompson, Thorudike, G. B. Webster—21.

Absent or not voting—Messrs. Hiscock, Mowry, Pearl, M. W. Richardson, Sampson, Spenceley, Wolcott—7.

ELECTIONS.

*Superintendent of Public Buildings.* Mr. Beeching of Ward 1 moved that the Council proceed to an election for Superintendent of Public Buildings.

Mr. McGaragle of Ward 8—I should like to ask if the gentleman intends to go into a general election tonight? If not, I shall oppose making any special favor and electing any special person tonight. I think it is best to lay all those nominations upon the table till the Committee on Retrenchment make their report.

Mr. Beeching—I am in favor of going into a general election and getting rid of all these ballots on our desks.

The Council voted to proceed to an election. Committee—Messrs. Shepard of Ward 4, Kelley of Ward 6, Barnard of Ward 24.

Whole number of ballots.....	62
Necessary for a choice.....	32
James C. Tucker.....	59
Charles Jenkins.....	1
John M. Marston.....	1
John H. Lee.....	1

And Mr. Tucker was declared elected. Sent up.

*Assessors.* Mr. Flynn of Ward 13 moved to take from the table the nominations of city officers.

Mr. Howes of Ward 18—Is a motion of that kind proper at this time under the rule?

The President—It is not exactly in order at this time.

Mr. Flynn of Ward 13—Then I move a suspension of the rule, that I may make the motion at this time.

The rule was suspended, and on motion of Mr. Flynn of Ward 13 the nominations were taken from the table.

On motion of Mr. Flynn of Ward 13 the Council proceeded to an election of Assessors.

Committee—Messrs. Felt of Ward 18, Smardon of Ward 10, Reed of Ward 17.

Whole number of ballots.....	64
Necessary for a choice.....	33
Thomas Hills.....	46
Benjamin Cushing.....	52
Benjamin F. Palmer.....	64
Horace Smith.....	31
Thomas J. Bancroft.....	49
Edward F. Robinson.....	31
Joshua S. Dunklee.....	27
George S. Pendergast.....	13

And one ballot containing six names, not counted.

Messrs. Hills, Cushing, Bancroft and Palmer were declared elected, and a ballot was ordered to fill the vacancy.

Whole number of ballots.....	63
Necessary for a choice.....	32
Horace Smith.....	32
Edward A. Robinson.....	18
Joshua S. Dunklee.....	7
George S. Pendergast.....	5
Edward Dunklee.....	1

And one vote containing two names not counted.

Mr. Smith was declared elected. Sent up.

Mr. Beeching of Ward 1 in the chair.

*Superintendent of Streets.* Committee—Messrs. Flynn of Ward 13, Perham of Ward 23, Cox of Ward 15.

Whole number of ballots.....	62
Necessary for a choice.....	32
Charles Harris.....	39
Ernest P. Bowditch.....	7
Ernest Bowditch.....	4
E. W. Bowditch.....	1
George A. Shaw.....	2
John Williams.....	1
Blank.....	2

And there were three votes cast for ineligible persons; also, one for Superintendent of Common

and one for City Surveyor; also, one ballot with two names on.

Mr. McGaragle of Ward 8—Who is ineligible for the office of Superintendent of Streets?

Mr. Flynn of Ward 13—Members of the Common Council.

Mr. Harris was declared elected. Sent up.

*City Engineers.* Committee—Messrs. Blodgett of Ward 8, Roach of Ward 7, Ham of Ward 14.

Whole number of ballots.....	63
Necessary for a choice.....	32
Joseph P. Davis.....	60
George A. Shaw.....	1

And one blank and one for an ineligible candidate.

Mr. Davis was declared elected. Sent up.

*Superintendent of Public Lands.* Committee—Messrs. Ruffin of Ward 9, Barnard of Ward 24, Wilbur of Ward 20.

Whole number of ballots.....	57
Necessary for a choice.....	29
Robert W. Hall.....	52
George A. Shaw.....	3
Thomas J. Bancroft.....	2

And Mr. Hall was declared elected. Sent up.

*Superintendent of Common Sewers.* Committee—Messrs. Webster of Ward 1, Day of Ward 4, Fraser of Ward 6.

Whole number of ballots.....	62
Necessary for a choice.....	32
Wm. H. Bradley.....	30
Samuel L. Minot.....	15
M. F. Wells.....	6
Stephen H. Tarbell.....	2
John J. Short.....	8
C. H. W. Wood.....	1

There being no choice, a second ballot was ordered, on motion of Mr. Blodgett of Ward 8.

Whole number of ballots.....	63
Necessary for a choice.....	32
William H. Bradley.....	32
Samuel L. Minot.....	30
John J. Short.....	1

Mr. Flynn of Ward 13—Before the result is announced I wish to state that when I was on the committee to count votes on the election of Superintendent of Streets there were but sixty-three ballots cast, and since then some gentlemen have left the room to my certain knowledge—Mr. Upham for one. I now move that the roll be called to verify the ballot.

The roll was called, with the following result:

Present—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Burke, Cannon, Clarke, Coe, Cox, Crocker, Cross, Danforth, Day, Dee, Doherty, Duggan, Fagan, Felt, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Hibbard, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mullaue, Nugent, O'Connor, O'Donnell, Perham, J. H. Pierce, O. H. Pierce, R. Pope, Pratt, Reed, J. B. Richardson, Roach, Roberts, Ruffin, Shepard, Sibley, Smardon, Souther, Stone, Thompson, Thorndike, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur—63.

Absent—Messrs. Hiscock, Mowry, Pearl, B. Pope, M. W. Richardson, Sampson, Spenceley, Upham, Wolcott—9.

Mr. Bradley was declared elected. Sent up.

*City Solicitor.* Committee—Messrs. Reed of Ward 17, Smardon of Ward 10, Thorndike of Ward 2.

Whole number of ballots.....	60
Necessary for a choice.....	31
John P. Healy.....	30
George L. Ruffin.....	18
George Ruffin.....	2
George A. Shaw.....	3
Edward J. Jenkins.....	2
P. A. Collins.....	1
Patrick A. Collins.....	1
Timothy J. Dacey.....	1
Abbie W. May.....	1
George Sennott.....	1

And there was no choice.

The Chair—What is the pleasure of the Council?

Mr. Ruffin of Ward 9—I take it that it would be right for me to say something just at this time. Not that I am called upon to make any explanation, for if any explanation is to be made some other person must assume that duty. But still I do not want to be put in the attitude of having greatness thrust upon me. Now, it looks to me as though this was a put-up job. I think I know some of the parties who have engineered it, and I hope to get even with them some time. For this manifestation

of kind feeling on the part of the gentlemen of the Council I am extremely grateful, and I hope the time will come when they will express it in a different way, and that it will be of some benefit. I will simply remind gentlemen that a vote for me at this time is thrown away, as under our charter no one can hold an office and be paid out of the city treasury while a member of the City Council. Therefore I hope that, when we proceed to ballot for City Solicitor, you will cast your ballots for some one who is eligible.

Mr. Thompson of Ward 9 raised the point of order that under Rule 69 the ballots cast for George L. Ruffin, an ineligible person, cannot be counted, and that Mr. Healy, having a majority of the ballots properly cast, is elected.

The Chair—The point is not well taken. The Council must proceed to another ballot.

Mr. Clarke of Ward 22—I desire, on behalf of Mr. George A. Shaw, to withdraw his name.

A second ballot was ordered, with the following result:

Whole number of ballots.....	60
Necessary to a choice.....	31
John P. Healy.....	37
P. A. Collins.....	9
George A. Shaw.....	8
George E. Shaw.....	1
G. A. S.....	1
Mary J. Blake.....	1
Edward J. Jenkins.....	2
J. L. Stackpole.....	1

One ballot with two names not counted.

Mr. Healy was declared elected. Sent up.

Mr. Pratt of Ward 21—I move that the remaining nominations be laid upon the table. There are several other nominations, the hour is late, and there is probably some other business to come before the Council.

Mr. McGaragle of Ward 8—I hope the gentleman will not press that motion. There are but four other nominations, and the elections will take but a very short time.

The motion to lay on the table was lost.

Clerk of Committees. Committee—Messrs. Coe of Ward 23, Danforth of Ward 10, Roberts of Ward 4.

Whole number of ballots.....	60
Necessary for a choice.....	31
William H. Lee.....	56
Joseph O'Kane.....	3
George A. Shaw.....	1

Mr. Lee was declared elected. Sent up.

Superintendent of Public Grounds. Committee—Messrs. Brintnall of Ward 5, Fagan of Ward 10, Pierce of Ward 24.

Whole number of ballots.....	59
Necessary for a choice.....	30
John Galvin.....	48
Augustus P. Calder.....	7
George H. Gordon.....	2
W. A. Simmons.....	1
W. H. Spooner.....	1

And one ballot for City Solicitor.

Mr. Galvin was declared elected. Sent up.

Water Registrar. Committee—Messrs. Clarke of Ward 22, Dee of Ward 5, Stone of Ward 3.

Whole number of ballots.....	54
Necessary for a choice.....	28
William F. Davis.....	43
George A. Shaw.....	6
P. A. Collins.....	4
P. O'Doherty.....	1

Mr. Davis was declared elected. Sent up.

City Surveyor. Committee—Messrs. Burke of Ward 1, Brown of Ward 23, Jackson of Ward 16.

Whole number of ballots.....	53
Necessary for a choice.....	27
Thomas W. Davis.....	46
George A. Shaw.....	6
E. W. James.....	1

Mr. Davis was declared elected. Sent up.

ADDITIONAL APPROPRIATION FOR PUBLIC GROUNDS.

After the election of Superintendent of Streets, Mr. Howes of Ward 18 moved a suspension of the rule to enable him to submit a report which must go to the Committee on Finance so that the Auditor can pay certain laborers on the public grounds this month.

The rule was suspended, and Mr. Howes submitted a report from the Joint Committee on Common and Public Grounds, representing that in order to met the expenses of the department under their charge during the remainder of the present financial year, an additional appropriation of \$6000 will be required. This sum will be needed principally on account of extra expense in the item of labor, caused by the removal of an unusual

quantity of snow and ice from the Common, public grounds, etc., during the present winter. The Committee request that the above amount be added to the appropriation for Common and Public Grounds, and recommend that the subject be referred to the Committee on Finance.

Mr. Howes—I have merely to add to that, that when the appropriation was made up, about a year ago, for the Committee on Common and Public Grounds, I understand that the item for labor was based upon the idea that the wages to be paid would be \$1.50 a day. After that, the Council passed a resolve that the committee be instructed to pay \$1.75, which has since been done. On that account the appropriation has been exceeded sooner than it would otherwise have been, and the committee call for an additional amount.

The report was referred to the Committee on Finance. Sent up.

SCHOOL COMMITTEE.

A request was received from the School Committee for an additional appropriation of \$28,000, viz., \$13,372 additional for fuel and salaries, \$8000 for gas and water, and \$8874 for school books, to meet the requirements of the schools and enable them to close their accounts for the remainder of the financial year. Referred to Committee on Public Instruction. Sent up.

PETITIONS PRESENTED.

By Mr. Smardon of Ward 10—Petitions of James Kimmett, for compensation for injuries received by reason of a defect in West Springfield street, and of Levi W. Shaw, to be allowed the full compensation of a Second Assistant Assessor. Referred to Committee on Claims. Sent up.

By Mr. Dee of Ward 5—Petition of T. A. Splaine for a hearing on his petition now before the Committee on Common, etc., in relation to the placing of boats on the Public Garden Pond. Referred to Joint Committee on Common. Sent up.

CLAIMS.

Mr. Ruffin of Ward 9 submitted a report from the Joint Committee on Claims, That by the payment of \$64 they have settled the claim of Eugene Geary for compensation for personal injuries caused by defect in the corner of Shawmut avenue and Camden street. Accepted. Sent up.

CITY PUBLICATIONS FOR SOCIAL LAW LIBRARY.

Mr. Pierce of Ward 24 submitted a report from the Committee on Printing on the order to furnish copies of Revised Ordinances and Supplements, and bound city publications to the Social Law Library. That they consider this order open to the following objections: It provides for the supply of the proprietors of the Social Law Library not only with the Revised Ordinances and their annual Supplements, but for a perpetual supply of all the bound publications issued by the city or any board or department thereof until revoked by order of the City Council. Should this order pass there is apparently no reason why a similar order should not pass in favor of numerous other institutions, making a similar application. The introduction of such a system of distributing the city publications would probably soon become objectionable and embarrassing, involving a considerable increase of the expenditure. The committee have only to add that they would take pleasure in meeting the wishes of the Social Law Library proprietors so far as the present system may be applicable. The publications of the School Department are beyond the power of the order referred to, they being at the exclusive control of the School Committee. The committee have voted that two copies of the Revised Ordinances of 1876, and also, until otherwise ordered, two copies of the Annual Supplement Ordinances be sent to the Social Law Library, and they, therefore, respectfully report that they consider further action by the City Council unnecessary. Accepted. Sent up.

OVERSEERS OF POOR.

Mr. Blanchard of Ward 21 submitted a report from the Joint Special Committee on the subject, nominating Thomas C. Amory, Samuel B. Cruft, George Curtis and Liverus Hull for Overseers of the Poor for three years. Accepted. Sent up.

Mr. Brintnall of Ward 5 moved a suspension of the rule, that the Council might proceed to an election.

Mr. Burke of Ward 2—I hardly think it advisable to ballot for Overseers of the Poor at this moment. There don't seem to be much more than half of the Council. I hope gentlemen will see the propriety of letting it lie over.

The Council refused to suspend the rule.

## COMMON COUNCIL REFRESHMENT BILLS.

Mr. Felt of Ward 18 offered an order—That all bills for refreshment or carriage hire incurred by the Common Council, the standing committees of the Common Council not having charge of any appropriation, or by individual members of the Common Council while engaged in the discharge of official duty, give the names of the persons incurring the same, and, after having been approved by the committee or certified to by the members who incurred the same, the President of the Common Council is authorized to approve the same as provided in the annual appropriation under the head of Contingent Funds, Common Council; and the Auditor of Accounts is authorized to allow the same for payment; provided that no bill shall be approved by the President unless it shall be presented to him for approval before the end of the month next succeeding that within which the expenses covered by such bill were incurred.

The order was read twice and put upon its passage.

Mr. Flynn of Ward 13—I do not see why that order should be put in at this late hour. I think the joint rules provide for that. But there are portions of the order which I object to, and that is that the names of members of the City Council shall be put upon the bills every time that they are obliged to go to eat dinner when they are doing the work of the city. In other departments of the City Government—the Trustees of the Public Library, the Water Board, and all those different departments—they are not obliged to put their names upon a bill before it is approved; and there is no reason why members of the City Council should be selected and required to have their names put upon those bills before they are ordered paid. It is a matter that I think will be as well to lie over, and I think that after the members of the Council have looked into it they will not pass it. I do not know what the reasons for it are, and I move that it lie upon the table.

Mr. Crocker of Ward 9—I do not desire to object to the order lying over, if any gentleman wants information. But I would state that the order is exactly the same as that passed last year, and it seems to me that so far as the mention of any names is concerned we ought to be willing, and it is desirable, that the names of parties who incur expenses should be put down in the records; that if we incur reasonable and proper expenses we will not be ashamed to have our names appear; while if any man would incur a large expense and keep his name out of sight we do not want it possible for him to do it. Therefore I hope the order will pass, though if any gentleman desires to postpone it for further consideration I do not object.

Mr. Flynn of Ward 13—I understand that this is already provided for in section 20 of the joint rules and orders:

“No bill for refreshments or carriage hire furnished to any member of the City Government shall be paid, unless such bills shall specify in detail the names of the members to whom such refreshments or carriages were furnished, the dates of furnishing the same, and have been approved by the presiding officer of a board, or chairman of a standing or special committee of the City Council, or of either branch thereof, duly authorized by vote of such committee or board, at a regular meeting; such bills, when so approved, shall be paid from the appropriation to which they are incident; and the Auditor of Accounts shall not receive or pass any such bill for the approval of the Committee on Accounts, unless it has been approved, as provided in this and the preceding section.”

I thought that there was some provision made for it, and I do not know why the order was put in at this late hour. I move that it be laid upon the table.

Mr. Crocker of Ward 9—I would state that the order passed last year may be found on page 57 of the Transcript Report of the proceedings. I think the gentleman will find that there is occasion for such an order, notwithstanding the rule which he has read. There was the same rule last year, and yet this same order was considered necessary in addition to the rule of the Council. There was the same necessity then, and it was no more or less necessary then than now.

Mr. Ruffin of Ward 9—I suppose that order was intended to cover the expenses of committees having no appropriation under their control. If that is so I can see a necessity for passing such an

order as that, whether the names be inserted or left out.

Mr. Felt of Ward 18—In regard to the lateness of the hour, I would say that it was unintentional. It has been introduced in the regular order of business, and at the first opportunity.

Mr. Flynn of Ward 13—I meant to say late in the session. I thought it was provided for in the joint rules and orders.

Mr. Felt—It came to me from the Auditor of Accounts. It is the first time it has come to my knowledge.

The order was laid on the table.

## BEACH-STREET WIDENING.

Mr. Flynn of Ward 13 offered an order—That his Honor the Mayor be and he hereby is authorized to release and convey to Moses Williams a parcel of one hundred and ninety square feet of land more or less—being a portion of that taken from said Williams's estate on Beach street to widen it by an order of the City Council of June 12, 1868, and discontinued from said street by an order of the Board of Street Commissioners of this 23d of February, 1877; and release and convey a further parcel of four square feet, more or less, lying under the wall adjoining the first-mentioned land, which was deeded by said Williams to the city with that taken and laid out as part of said street and widening in 1868. The conveyance of these parcels of land to be upon the receipt from said Williams of a release and acquittance and discharge satisfactory to the City Solicitor of all damages occasioned him by the city on the discontinuance herein referred to.

Mr. Crocker of Ward 9—Has that order been before any committee?

Mr. Flynn—It has been before the Committee on Streets.

Mr. Crocker—And approved by them?

Mr. Flynn—The order comes from the Committee on Streets.

The order was read twice and passed. Sent up.

## INVESTIGATION OF CONSTABLES.

Mr. Flynn of Ward 13 offered an order—That the Committee on Ordinances consider the expediency of providing by law the maximum number of constables to be appointed by the Mayor for the service of civil processes, and what rules and regulations are necessary to protect the public from the frauds and impositions practised by a few of these officials; and the said committee have power to send for persons and papers. Read twice and passed. Sent up.

## ALDERMANIC COMMITTEES TO BE JOINT COMMITTEES.

Mr. Brintnall of Ward 5 offered an order—That his Honor the Mayor be requested to petition the General Court at its present session for the passage of an act authorizing the following-named committees to be joint committees of both branches of the City Government, and be called joint standing committees of the City Council, as follows: Committee on Armories, Bridges, Committee on County Accounts, Committee on Faneuil Hall and County Buildings, Lamps, Licenses, Market, Weights and Measures, Committee on Paving, Committee on Police, Committee on Sewers, Committee on Steam Engines and Committee on Streets.

Referred, on motion of Mr. Brintnall, to the Committee on Legislative Matters. Sent up.

## SECOND ASSISTANT ASSESSORS.

Mr. McGaragle of Ward 8 moved a reconsideration of the vote indefinitely postponing the ordinance abolishing Second Assistant Assessors, hoping it would not prevail.

Mr. Thompson of Ward 9—I hope the Council will see the propriety of not acting upon this motion at so late an hour when so few members are present. The question is an important one and should receive due consideration from the Council. The right to move a reconsideration is an important one, and the moving of a reconsideration and hoping it will not prevail is an exception to our ordinary rules, and I hope it will not be practised; I hope it will not be pressed at this late hour.

Mr. McGaragle of Ward 8—I did not happen to be here at the last two meetings of the Council, but after reading the minutes of the proceedings I think this subject has been thoroughly considered, and I think the Council are pretty well sick of it; therefore I hope it will be settled tonight, and I hope the reconsideration will not prevail.

Mr. Richardson of Ward 10—I hope that motion will not be pressed to a vote tonight. This matter

of doing away with the Second Assistant Assessors is a new departure. That office has existed for a great many years. This ordinance was introduced two weeks ago tonight, and I think it has been discussed very little. The only argument that I have heard for the abolition of that office was that it is filled by incompetent men. It occurred to me that that was a very poor reason. I am not certain but that I shall vote for the abolition of that office. But it is an important matter. One branch of the City Council have voted in favor of it, and it is due to that branch, I think, that their views in the matter should not be disposed of in a summary way that it seems to be desired to do here. For one, I hope to have an opportunity to go over it again and further investigate it. It is a matter of importance, and I say it is due to the other branch that before we dispose of it in this summary manner, we shall have an opportunity to discuss it. I am not fully convinced that it ought to be abolished, and I am not certain that it ought not. I desire to investigate it, and I should like to hear some further argument in favor of it. I hope the motion will not be pressed tonight.

Mr. Thompson of Ward 9 moved to lay the motion on the table. Lost.

Mr. Pratt of Ward 21—A motion to reconsider is sometimes successfully used by a majority to hold the minority down. Where all the members of the Council are present that may be a fair way, but it does appear to me that when two-thirds of the members are gone, at this late hour of the evening to force a reconsideration upon the Council would be unfair upon that part of the Council who have gone away. Therefore, I hope the motion to reconsider will not prevail, simply to give fair play to those who have gone away.

On motion of Mr. Flynn of Ward 16, the main question to reconsider was ordered.

Mr. Burke of Ward 2—I voted for the indefinite postponement of the ordinance, but at the same time I am perfectly willing that this question should be tried upon its merits. I do not see the necessity for moving a reconsideration at this late hour. I believe the City Council will sustain the Second Assistant Assessors, but I think the question should be tried when we have a full house here.

On motion of Mr. Thompson of Ward 9, the Council adjourned.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
FEBRUARY 26, 1877.

Regular meeting at 4 o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE APPOINTMENTS.

Police Officers for Special Duty—G. W. Chick, Branch Chapel, 2029 Washington street; Edward E. Foster, Old Colony Freight Depot; Edward C. Mitchell, Chester square; James Brennan, Oakland Hall, Mattapan; Joseph Baker, Thomas Langdon, Charles A. Currier, office Massachusetts Society Prevention Cruelty of Animals.

Weigher of Coal—Ottswell J. Wood.  
Severally confirmed.

## PETITIONS REFERRED.

*To the Committee on Armories.* Company C, Ninth Battalion Infantry, to change location of their armory to Concord street.

*To the Committee on Licenses.* John Carr, for a hack stand at the Providence Railroad station; Boston Society of Natural History, against petition of L. J. Jordan for license for anatomical museum.

*To the Joint Committee on Assessors' Department.* William L. Shearer, mortgagee, for remission of certain taxes assessed erroneously in 1874 and 1875.

*To the Joint Special Committee to Nominate City Registrar.* Rev. P. F. Lyndon *et al.*, in favor of the reelection of N. A. Apollonio as City Registrar.

*To the Joint Committee on Claims.* Catherine McGaffigan, for damages for personal injuries received by falling on an icy sidewalk near the corner of Salem and North Bennet streets; Mary McNamee, for damages on account of the death of her husband, caused by an alleged defect in Commercial street; Ann Hemmings, to be compensated for personal injuries sustained by a fall in Fayette street; James Deshon, to be refunded an amount paid for an invalid tax title on an estate of W. E. Woodward; James Brennan, to be paid for personal injuries caused by a defective covering of a coal-hole in a public sidewalk.

*To the Joint Committee on Fire Department.* Fitchburg and other railroad companies, against the proposed discontinuance of the fire boat "W. M. Flanders."

*To the Fire Commissioners.* E. O. Shepard *et al.*, that the telegraph poles on Marlborough street be removed.

*To the Committee on Lamps.* William Thornton *et al.*, for lamps in the passageways in rear of Beacon street, south from Dartmouth street; Julius A. Palmer for lamps in Court street, rear of 42 Pitts street; James C. Tucker, that the locations of the lamps on Blossom street, Ward 8, be rearranged; Bernard Silk *et al.*, that Cherry street, Ward 20, may be lighted.

*To the Committee on Sewers.* Fabius Rose, that a certain brook running from the Harris estate into the Blue-Hill avenue sewer may be used for drainage purposes.

*To the Committee on Paving.* Joseph Arnold *et al.*, that Arnold street and a part of Weld street in Ward 23 be known as Corey street, of which they are a continuation, and that it be not called Westery avenue; James Rollins *et al.*, that said street be called Westery avenue; Thomas Cunningham *et al.*, that Chelsea street in Charlestown be repaved; Louis N. Tucker *et al.*, that Park street in Ward 23 be put in order for public travel; James A. Tilden *et al.*, that South, Centre and Spring streets in Ward 23 be provided with sidewalks, and be put in order for public travel; John Gallagher *et al.*, that Kneeland street be renumbered between Washington and Federal streets; Rev. Patrick O'Beirne, for abatement of sidewalk tax on two estates on Circuit street; Alan-on W. Beard and fifty-six others, to have Columbus avenue repaved with wood, and Henry S. Potter and twenty-six others in aid of the same; Bernard Silk *et al.*, that Cherry street be graded; Sylvester Richards, to move a wooden building from Canal street, Ward 4, to Canal street, near 80 Eden street.

*To the Committee on Armories.* Colonel of Fifth Cavalry, for an allowance for furniture of headquarters.

*To the Joint Committee on Survey and Inspec-*

*tion of Buildings.* Noah Mayo, for leave to erect a wooden building on Maverick wharf, Ward 2.

## PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

A report of the School Committee for an additional appropriation of \$28,000 for salaries, etc., came up. Referred to Committee on Public Instruction. Concurred.

Report nominating Thomas C. Amory, Samuel B. Cruft, George Curtis and Liverus Hull as Overseers of the Poor. Accepted in concurrence.

Order for Committee on Ordinances to report on the expediency of limiting the number of Constables to be appointed by the Mayor and Aldermen, and of enacting additional regulations for the government of those officers. Passed in concurrence.

An order proposing an application to the Legislature for authority to place all matters now under the control of the standing committees of the Board of Aldermen in the hands of the joint committees of the City Council came up. Referred to the Committee on Legislative Matters. On motion of Alderman Thompson, the subject was indefinitely postponed.

Report of inexpedient for any further action concerning the deposit of copies of the ordinances in the Suffolk Law Library. Accepted.

Order for a release to Moses Williams of a portion of land taken to widen Beach street, and which has been duly discontinued. Passed in concurrence.

Report that the claim of Eugene Geary for personal injuries received on Shawmut avenue had been settled for sixty-four dollars. Accepted in concurrence.

A request of Committee on Common for an additional appropriation of \$6000, to pay for labor in removing ice from Common, came up referred to Committee on Finance. Concurred.

Order for Committee on Public Buildings to provide furniture for the new schoolhouse at West Roxbury. Passed in concurrence.

## ELECTIONS LAID OVER.

A certificate came up of the election by the other branch of William H. Bradley as Superintendent of Sewers.

Alderman Fitzgerald—I move that it be laid on the table until the salaries of all these officers be established. I do so, as Chairman of the Committee on Retrenchment, for the same reason that I have previously stated.

Alderman Clark—I hope that motion will not prevail. The other branch of this Government have elected the heads of departments; their salaries will be established sooner or later, either at the same rate as now, at a reduced rate, or at an advanced rate. It is doing these heads of departments a great injustice. We may not act upon the salary bill for three months, and the proper course is to elect the officers. If their salaries are cut down, and they do not want to serve, they can resign and we can elect others in their places.

Alderman Fitzgerald—I make the motion now without repeating the reasons offered before, when the elections of Assessors came up. The argument made then—and which seemed to meet the approbation of the Board—is the same argument for doing it today, and I do not care to repeat it. If you elect all these heads of departments, you will have a lobby around the Council and the Board of Aldermen that will utterly prevent you from cutting down their salaries, but will rather tend to make you increase them.

Alderman Clark called for the yeas and nays. The motion to table prevailed—yeas 8, nays 4:

Yeas—Aldermen Breck, Fitzgerald, Gibson, O'Brien, Robinson, Slade, Thompson, Wilder—8.

Nays—Aldermen Burnham, Clark, Dunbar, Viles—4.

Certificates came up of elections of the following-named officers: Assessors—Thomas Hills, Benjamin Cushing, Thomas J. Bancroft, Benjamin F. Palmer, Horace Smith; City Solicitor—John P. Healy; Superintendent of Public Buildings—Thomas C. Tucker; Superintendent of Public Lands—Robert W. Hall; Superintendent of Common—John Galvin; Clerk of Committees—William H. Lee; City Engineer—Joseph P. Davis; City Surveyor—Thomas W. Davis; Superintendent of Streets—Charles Harris; Water Registrar—William F. Davis.

Alderman Fitzgerald moved that these several elections be laid on the table.

Alderman Clark—I protest, Mr. Mayor, against this course of proceeding; but my protest is of no use, I suppose, as the vote stands eight to four.

The elections were laid on the table.

#### JAIL EXPENSES.

A requisition was received from the Sheriff for \$1766.97, for expenses at Suffolk County Jail for February. Ordered paid.

#### MIDDLESEX RAILROAD.

The Board took up the special assignment, viz.—Hearing on petition of the Middlesex Railroad Company, for the construction of tracks in Lincoln street between Beach and Kneeland streets, thence through Kneeland and South streets, to the station of the Old Colony Railroad.

Charles E. Powers, President of the company, said the petition was for the right to go to the Old Colony depot, as they are now running to the Albany. The petition was presented in view of the petition of the South Boston road to go to the northern depots. If the South Boston cars go to the northern depots, it is but right that the Middlesex cars should go to both the Old Colony and Albany depots. He read a letter from the Superintendent of the Old Colony road indorsing the petition and stating that it would be a great convenience to passengers coming in on that road. There was no objection to the location, even the South Boston road agreeing to it. Mr. Powers explained the route proposed. None of the abutters owning the fee in Lincoln street, between Beach and Kneeland streets, object to it. If the South Boston road desired the Middlesex to use their tracks, the latter would not object.

Mr. Crosby, for the South Boston Railroad Company, said that if the Middlesex road is willing to go over the South Boston track in Beach, Kneeland and South streets, the latter would not object; but they do oppose a continuation of the track in Lincoln street.

Mr. Powers said he accepted the offer, and Mr. Crosby said he would not object.

The subject was recommitted to the Committee on Paving.

The following petitions were presented and were referred, in connection with the above:

Middlesex Railroad Company, for a curve track at the corner of Lincoln and Beach streets, connecting with tracks of the South Boston road on Beach street; also for the right to enter upon and use the tracks of the South Boston road on Beach street, between Lincoln street and Federal street; also the right to enter upon and use the tracks of the Metropolitan road on said Federal street, between Beach street and Kneeland street; and to use the South Boston road's tracks in Kneeland and South streets.

South Boston Railroad Company, for leave to unite their Federal-street tracks with the Kneeland-street tracks of the Metropolitan Railroad.

#### ASSESSORS' DEPARTMENT.

Alderman Wilder submitted the following from the Joint Committee of the Assessors' Department:

Report of leave to withdraw on petition of Glendon Company, that tax on estate No. 4 Walden park be refunded. Accepted. Sent down.

Report of leave to withdraw on petition of corporation of Beth Eil to be relieved from payment of tax assessed on their church edifice in Gloucester place. Accepted. Sent down.

#### WOODEN BUILDINGS.

Alderman Wilder submitted the following from the Joint Committee on Survey and Inspection of Buildings:

Reports and orders authorizing a permit to erect wooden buildings by B. F. Teeling on Canal street, and A. Zeigler on Decatur avenue, Ward 21. Orders read twice and passed.

#### HORSE RAILROAD HEARINGS.

Alderman Robinson submitted the following from the Committee on Paving:

Report and order for a hearing on Monday, March 19, at four o'clock P. M., on petition of Metropolitan Railroad, for location on Atlantic avenue and for a track across Dover street.

Report and order for hearing on Monday, March 26, at four o'clock P. M., on petition of Union Railroad Company, for permission to go to the southern depots by Court, Washington, Summer and Beach streets, etc.

Order passed.

#### POLICE.

Alderman Robinson submitted the following from the Committee on Police:

Report recommending the approval of the by-laws adopted by the Boston Police Relief Association. Accepted, and said by-laws were approved.

Report that Thomas Dixon have leave to project a lantern at 15 Brattle square, provided it is secured in a manner satisfactory to the Inspector of Buildings. Accepted.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Minors' Applications Granted—29 newsboys, 1 bootblack.

Wagon License Granted—Daniel Lynch, Brattle street; Frederic Jones, corner Brewster and Seventh streets.

Auctioneer's License Granted—George R. Sneaden, 857 Washington street (renewal).

Common Victuallers Licensed—Kenfield & Dix, 475 Tremont street; James W. Peacock, 1075 Tremont street; O. H. Woodbury, 357 Warren street.

Billiard License Granted—John Agnew & Co., 382 Hanover street.

Severally accepted.

Report of leave to withdraw on petition of John Quinn, for leave to stand with one or more hacks at the Boston & Providence and the Old Colony railroad stations in this city. Accepted.

#### CLAIMS.

Alderman O'Brien submitted reports from the Joint Committee on Claims as follows:

Claims Settled—William Shea, for personal injuries caused by a defect in Ruggles street, by payment of \$150; Matthew O'Brien, for injuries received by his son caused by defect in Washington street at the corner of Avery street, by the payment of \$75; Ann McLaughlin, for personal injuries caused by defect in Pleasant street, by the payment of \$200. Severally accepted. Sent down.

Report of leave to withdraw on petition of Edward T. Spurr, to be compensated for personal injuries sustained by his wife from a fall on the sidewalk of Mead street. Accepted. Sent down.

#### PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Report on petition of Thomas W. Carter, for reduction of rent of wharf on Albany street. That the committee find upon examination that the wharf in question was leased to said Carter Jan. 1, 1875, for a term of eight years at an annual rental of \$32.50, payable quarterly; that he has expended a large amount in permanent improvements; but owing to the extreme depression in business since the lease was given by the city, he has found it very difficult to meet the payments upon said lease as they become due, and is obliged to ask the city a reduction of rent. The committee, in view of the facts herein set forth, are unanimous in the opinion that his request ought to be granted, and they recommend the passage of an order—That the collector be and he hereby is authorized to deduct from the amount due upon the lease, as given by Thomas W. Carter, dated Jan. 1, 1875, for the wharf on Albany street, the sum of \$16.25, upon condition that the amount of \$812.50 which will be due April 1, 1877, is paid on or before that date. Order read twice and passed. Sent down.

Alderman O'Brien—This matter came before the Board last year, and we made an abatement to the extent of the same percentage that is now made. Mr. Carter is very much embarrassed, and unless this abatement is made, in all human probability the wharf will be thrown upon our hands, and it will be impossible to rent it even at the rate he is to pay for the balance of the year. We only re-lease it for one year; at the end of that year he pays his regular rent, unless something else turns up that will prevent it.

The order was read twice and passed. Sent down.

Report and order, That there be allowed to Ella Wyman the sum of \$150, in full compensation for her loss of right in a passageway on Ludiana place conveyed by the city to another party, and that the Collector be and he is hereby authorized to give credit to said Ella Wyman for the said amount on the sum due on her bond to the city of Boston dated Dec. 16, 1871. Read twice and passed. Sent down.

Report and order, That upon the petition of the St. John's Universalist Parish, his Honor the Mayor be and he is hereby authorized to execute to the said parish a confirmatory deed, drawn satisfactory to the City Solicitor, of the land intended to be conveyed by deed of the city of Boston dated May 5, 1875, and recorded with Suffolk Deeds lib. 1268, fol. 7—in accordance with the prayer of said petition. Read twice and passed. Sent down.

Ordered, That there be allowed and paid to Mary A. Rosemeyer the sum of \$102, the same being the adjudged value of the parcel of land situated on Brown street, in the Northampton-street District, containing 204 square feet of land, which was taken in the name of Jonas B. Hildreth, under an order dated Nov. 29, 1876, as shown upon a plan made by Thomas W. Davis, City Surveyor, dated Nov. 18, 1876, the said lot being marked "K" on said plan, upon the said Rosemeyer giving to the city a deed of said land made satisfactory to the City Solicitor; the said amount to be charged to the appropriation for the Northampton-street District. Read twice and passed. Sent down.

#### STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board, on petitions for leave to occupy stables, as follows:

Permits to Occupy Stables Granted—Louis M. Mahn, Lamartine street, Ward 23; Michael Kenuy, corner Benuett and Market streets, Ward 25.

Permits to Occupy Stables Refused—Fraucis C. Creber, Dennis street, Ward 20.  
Severally accepted.

#### BRIDGES.

Alderman Thompson offered an order—That the Committee on Bridges be authorized to contract for such lumber as may be required for repairing the several bridges in this city during the year 1877, to be delivered at such times and in such quantities as said committee may direct. Read twice and passed.

#### ACCOUNTS.

Alderman Clark offered the following:

Ordered, That the following bills be allowed for payment by the Auditor of Accounts:

Of J. E. Noyes, chargeable to House of Industry.....	\$195.79
Of George Curtis, chargeable to Paving.....	24.60
Of George Curtis, Northampton-street District.....	12.19

Read twice and passed. Sent down.

Ordered, That the Chairman of the Board of Aldermen be authorized to approve bills for expenses incurred by the Board of Aldermen and the standing committees of the Board not having charge of any appropriations; also by individual members of the Board while engaged in the discharge of official duty. The amount of said bills to be charged to the appropriation for Contingent Expenses of the Board of Aldermen.

Read twice and passed.

#### SALARIES OF CITY OFFICERS.

Under the head of unfinished business the Board considered the report of the Committee on Retrenchment of Municipal Expenses, with thirty-nine ordinances establishing the salaries of the several city officers and employes in the public departments. (City Doc. No. 20.)

The question was upon passing the first ordinance fixing the Mayor's salary at \$5000, etc.

Alderman Clark—I move to substitute the report of the Joint Standing Committee on Salaries (City Doc. 22) for the report of the Committee on Retrenchment (City Doc. 20).

Alderman Fitzgerald—I hope that motion will not prevail, though I take comfort from it, that my friend will even go so far. I thought he would oppose any retrenchment in salaries, for since he became a member of the Board of Aldermen he has been rather in favor of princely salaries, and of increasing, rather than decreasing, them. I accept it as a mark of a change of heart, although he does not go so far as the Committee on Retrenchment. Without making any argument upon the merits of either report, I shall await the vote of the Board upon the motion, which, if it passes, will simply mean that this Board is opposed to curtailing expenses to a certain extent, and you might as well leave things as they are. I feel so certain that the Board will not pass the motion that I will not waste any argument upon it.

Alderman Clark—I have various objections to the report of the Retrenchment Committee, and one of the principal is that it proposes to establish all the different salaries by ordinance. That is a very serious objection. In order to change the salary of a single individual an ordinance will have to be changed. Then again, while I am disposed to cut down expenditures to the lowest possible point compatible with the best interests of the city, I think the report is too sweeping, and that they have entered upon duties which they were not called upon to perform, such as declaring what amount of help is needed in the City

Clerk's department, and the various other departments. If they are desirous of cutting down the salary of the City Clerk—which I consider very small for the services rendered the city, and I think my views are concurred in by ninety per cent. of the citizens of Boston—they can do so; but I say they have no right to go into his office and say he needs only so many clerks, and that they are worth only so much per year. It has been his prerogative to fix the salaries of his employes from time immemorial, and that prerogative should be allowed him henceforth and forever. The City Clerk knows better than any joint committee of the City Council what is required to do the work of his department, and I am perfectly willing to trust him to say what is required; and so in the other departments. Take the City Engineer's department; the committee go there and say, You require so many men, and these men are worth only so much money. Now, if we have an Engineer who is competent to run that department, he is competent to say how much help he requires, what class of employes he wants, and what their services are worth to the city. The amount it is proposed to reduce his own salary is of perhaps small moment to him; but we ought not to lose sight of the fact that two of the most important works in which the city of Boston has ever been engaged—procuring an additional supply of water and preparing a plan for a system of improved sewerage—are being carried on by that department. If his salary is cut down I do not suppose he is going to resign his position; but it is a notorious fact that this department is run at much less expense than is the same department in any other city in this Union of the size of Boston. A former Engineer of this city is now the engineer of Chicago; he receives \$6000 a year, with the privilege of earning twice that outside. The city of Boston last year paid Mr. Chesbrough \$3000 for a little job of investigating the subject of sewerage. Our City Engineer has no such privilege. We pay him the insignificant sum of \$5000, not the fee of a first-class lawyer in the city of Boston for conducting a single case. We ought to consider that we have an able Engineer. We should not go into his department and say, Mr. Engineer, you shall be allowed so much help and no more; you shall be allowed to employ a draughtsman at \$5 a day, instead of \$6, when the draughtsman has been offered \$6 a day by private corporations. I think, Mr. Mayor, that principle is wrong. I believe the true policy of this Board is to adopt the report of the Standing Committee on Salaries, then take up each department by itself and discuss the salaries of the various departments. It will be a ridiculous idea, for instance, if we employ a deck hand in the Ferry Department, to declare by ordinance that John Murphy shall receive for compensation as a deck hand in the employ of the city in East Boston the sum of \$1.35 per day; or that Bridget O'Flanagan shall receive 37½ cents a day for washing towels, or something of that description. It seems to me that the course to pursue is to fix all the salaries by order, as heretofore, and not by ordinance. There has been a great deal said about the retrenchment recommended by this committee; but they do not recommend so large a saving as the Salary Committee did last year, and that was not a reform City Government either. They recommended a reduction of \$200,000.

Alderman Thompson—Did you go for it?

Alderman Clark—I did not think it my duty to do so. I believe in employing first-class help and paying a living salary. That has been the policy of the city of Boston. We have honest heads of departments, and the result has been no stealing, no defalcations, or anything of that kind. The committee last year recommended a reduction of \$200,000, but this committee recommended only \$95,164.50. Last year a large part of the reduction came from the Police Department. I object to reducing the pay of the police. I object to going as far as the Retrenchment Committee do, and pay new men \$2.50. If such new men are selected as should be, they will be of much greater service to the city than the men who have become too old to do the service the city ought to expect of them. I am not in favor—and I want it distinctly understood that it is not for political effect either—of a reduction of the pay of the police and firemen. But my great objection to the report is that it is embodied in the shape of ordinances. Another objection is that they have entered the departments

and undertaken to say how much help shall be employed and at what pay. Therefore I hope the report will not be adopted, and that then we shall take up each department separately, and reduce or add to the salaries as the Board may determine.

Alderman Fitzgerald—I suspected the gentleman meant that he is in favor of no retrenchment at all; that he means to give them the retrenchment report. That is the sum and substance of the gentleman's argument. Why don't he come out flat-footed and say he is not in favor of cutting down the salary of a single officer in and around City Hall? He says he does not speak for political effect. I have n't either. I have no aspiration to be Mayor of Boston. I don't intend to be a standing candidate for that position. I was made chairman of this Committee on Retrenchment; I have carefully considered this matter. Our committee unanimously reported this ordinance. Some of the committee had been in the City Government two or three years. Now, the objection of the gentleman is, first, that we ought not to cut down the salary of the City Clerk. Let me state it to the credit of the City Clerk that he is the only head of a department around City Hall who asked that his salary should be cut down; he seemed to have a more just estimate of the shrinkage of real estate and the poverty of the times than the Alderman; and he asked the committee to cut down his salary twenty per cent., and the salaries of his clerks ten per cent., because he thought the times demanded it; and he said, in addition, that the fact that the registration of voters had been taken away from him was worth more than that to him in his peace of mind and freedom from care. The City Clerk has been faithful to the city and its interests, and he says that the times demand that persons in and around City Hall shall share alike with the tradesmen, the mechanics, the workmen, the real-estate owners and everybody else in the shrinkage of wages. He asked for it, and we report that the salary of the City Clerk should be four thousand dollars, in accordance with his own request, and because, also, we saw that it was proper. So much for the City Clerk's Department. Now, the gentleman says we must pay persons liberally. I agree with him. I agree that we ought to pay a living salary to every man in City Hall, a decent salary; but the salary must be in accordance with the salaries paid to other people. Look around the city of Boston today and what do you see? Real estate lying idle; the taxes which go to pay for the salaries of the officials in carrying on the city government coming mainly from property which I venture to say today, without fear of contradiction, does not pay an average of three to four per cent. on the investments throughout the city of Boston. The laboring men and mechanics—you see them applying for work; men who received from three to four dollars a day, skilled mechanics who have considered it an insult if you suggested that they go to work on the streets at a dollar a day, coming and asking you for such work; and when they get any work in their trades they receive only half the amount they did three or four years ago. Now I ask, with this great decline in wages and in property, with the scarcity everything around, why should not the members of the City Council, who are the trustees of the funds of the people of the city, take into consideration all these facts and come to the conclusion that the officials who are working here shall at least come down to the salaries that they received five and six years ago, which were high at that time? Laborers in the departments have been brought down to the salaries received before the war. The other officials, the heads of the departments—I had occasion to look this matter up, and found that in some cases the increase had been 100 per cent; while the average increase had been seventy per cent. over the salaries received six years ago. You have a tabular statement of the salaries received in 1860-61, 1865-66, 1870-71, 1876-77; and the committee, after carefully investigating everything, reported these ordinances to cut down the salaries in accordance not with a scale of ten per cent., but with what they thought right and proper; some are decreased twenty per cent., some ten per cent. They investigated all the departments through the heads. The gentleman objects to this on the ground that it is an ordinance; that is not an objection at all. His objection is that he does not want the whole thing; he wants no decrease. But then one of the arguments used to cover his real objection is that we have no business to go into the departments—the City Clerk's, the Engineer's and the Auditor's—and say to them

you have clerks there whom you pay a salary of \$1600 or \$1800 today, and we want you to cut them down to \$1200 or \$1400, because from what we have learned outside of what men received in the same kind of business, we are under the impression that you must come down also. If you have clerks receiving \$2500 a year, and have forty applicants for the position who are able and honest enough to work for a little less, you must come down in accordance with the lowered scale of prices throughout the city and the country. That is simply what we have done; we have done nothing more, and we have a right to do it. Every employe at the State House today, down to the colored messenger in the Governor's chamber, if he wants an increase of salary, must go to the Legislature for it. Why should it not be so here? Why should not this City Council fix the salaries of all employes of the city? Why is it not as competent to judge of the salary which should be paid to those people as anybody who is at the head of the department?

Alderman Thompson—Does the gentleman understand that he argued that the salaries at the State House were reduced?

Alderman Fitzgerald—I understand so. Why should not we do this? Are we not as competent as the heads of the departments? You go to the head of any department and ask him, Can you cut down anything in clerk hire? He would say, No, I cannot do it. I noticed that in New York a committee of citizens waited upon the mayor, and requested him to retrench. He called the heads of the departments together and asked them all, and they all answered, We cannot cut down anything. We can make no retrenchment. Now, in such a state of things the only thing we could do is just what we have done. Why did we report in the shape of ordinances? If it is an order it will have no binding force. It is only a suggestion. The Board will notice that of the salaries under a thousand dollars we have touched nothing. We have not reduced the laborers, the police, the firemen—except the Assistant Engineers; clerks receiving six, seven or eight hundred dollars we have not touched. We have done differently from the committee of last year, because of the sad fate which befell their report, which was a warning to this committee. We simply report that which would meet the approbation of this Council, which we thought was feasible and could be carried through. We report it in the shape of ordinances, so that no head of a department, even if he wanted to do it, could make a salary any higher than we fix it. We don't say that John Jones shall be employed. We simply say that one clerk shall be allowed at so much salary; that another clerk shall be allowed and receive such and such a salary. If it was in the shape of an order, one man's pay might remain as it was, and another man's pay might be allowed to suit the values of the head of the department, and that we don't want to occur. For that reason, after looking at the salaries received five or ten years ago—and the same persons are in the departments now that were here then—we came to the conclusion that the salaries placed opposite the different clerks in the statement of the committee are the proper salaries to give, and that is the reason why we report in the shape of an ordinance—so that the heads of the departments cannot put one clerk up and another down, and so that there shall be a fair and equitable adjustment of the salaries. At the proper time I shall ask that the section in regard to the Overseers of the Poor shall be laid over for future consideration, because we have no control of the salaries in that department.

As the motion of the gentleman is not intended to be in the direction of the report, and as he is opposed to a retrenchment of any kind, or the cutting down of salaries, I hope it will not prevail.

Alderman Thompson—Last winter I did all in my power to bring about some reduction in the expenses of the City Government. We had a Salary Committee in favor of retrenchment, and they reported. In one branch of the City Council their report was adopted, but in this branch it was always 7 to 5. A majority of the City Council were in favor of reduction, but in consequence of non-concurrence of the two branches there was no reduction in salaries last year. Now, as the question is upon the adoption of the report of the Standing Committee on Salaries, or that of the Retrenchment Committee, it seems to me we should consider the amount of time devoted by

the latter to these duties, and that to ignore them now and throw their report aside—when they probably have spent ten times the amount of time on it that the Salary Committee did—will not be treating the committee with proper respect. In regard to the committee going into the departments, I take it that their judgment is better than that of any member who has not gone into them and investigated their business. That is the only way you can reach this question. I have had the honor of being connected with the several committees, and none of the heads of those departments have admitted that they could make any reduction. When we consider that the city is paying over two million dollars for salaries of teachers in the public schools, and that the city of Philadelphia is paying only \$900,000, how long are we going to thrive with such expenditures in comparison with other cities? When the question came before the School Committee last year, no reduction was made because the City Council had refused to reduce salaries; and if we refuse to do so they will not reduce salaries this year. I hope we shall take this report up and adopt it as a whole, and if any injustice is done we can right that hereafter, and we shall have accomplished something. When the gentleman comes forward and advocates these high expenditures, and realizes the amount of taxable property thrown back upon the city every year because people cannot pay their taxes, what are we going to do? Are we going to stand up here and refuse to reduce salaries? I venture to say that the Committee on Public Instruction is as respectable a committee as any in this city, and have recommended a retrenchment of over \$100,000 in the salaries of teachers. Are we going to make a reduction in the salaries of teachers and none in the other employes? I hope the report of the Retrenchment Committee will be adopted.

Alderman Gibson—I looked over the report of the Retrenchment Committee very carefully from beginning to end. I should have cut down more than they do, but I am willing to take the report as it is, provided there are no mistakes in it. It is travelling out of the usual course. It is the duty of the fathers of the city to enter into every department. I don't believe in letting every head of a department pay his clerks what he pleases; we give them free latitude to pay what they please; and we have no regard for the taxpayers. I presume there is not a member of this Board but has had complaints from moderate taxpayers. They are numerous and their property has depreciated. Is there any justice in paying these high salaries when our taxpayers are not earning enough to pay their taxes? I say there is not employment enough in the city for the people at ten cents a day. According to the statistics ninety-five per cent. of the business men of the city have failed. A man drawing a salary of three or five thousand dollars a year has a safe investment, and he can lay up his thousand dollars a year, and has not to trust to the chance of losing his capital, of which millions upon millions have been lost by parties in this city. Those who draw salaries from the city should share a part of this burden. I hope we shall pass this as it is, for I should like to go the whole bill if there are no mistakes in it.

Alderman Clark called for the yeas and nays. The motion to substitute was lost—yeas 4, nays 8: Yeas—Aldermen Burnham, Clark, Dunbar, Viles—4.

Nays—Aldermen Breck, Fitzgerald, Gibson, O'Brien, Robinson, Slade, Thompson, Wilder—8.

The ordinance fixing the Mayor's salary was passed.

The several ordinances in the bill were then read and passed seriatim, discussion ensuing as reported below.

*City Clerk.* \$4000.

Alderman Clark moved to make the salary \$4500, and called for the yeas and nays. Lost—yeas 3, nays 9—Alderman Burnham, Clark and Dunbar voting yea.

*City Engineer.* \$4500.

Alderman Burnham—I move to amend section 1, which reduces the salary to \$4500, so that the amount will be \$5000. I do that from a sense of sheer justice. Every member of the City Council knows that the burden resting upon the City Engineer is very great, and especially so this year, he having charge not only of the water works, but the system of improved sewerage. They require an amount of time and attention for which even \$5000 is very limited compensation.

Alderman Thompson—I will accord to the City Engineer all that my friend claims for him, but

that is no reason why his department should be made an exception from the other departments. Last year it was stated that the water works were in such a condition that it would not be safe to make a reduction, for if the City Engineer should resign, the city's interest in that department would suffer. Well, sir, so far as the different parts are concerned, the water works are about finished. Last year it was stated that it would not be safe to reduce the salaries of the License Commissioners; that they would resign. But they were reduced \$1000, and not one resigned, and I do not see but that the city has been the gainer by \$3000. We desire to be consistent, and I hope we shall not reduce one head of a department and leave another unreduced.

Alderman Gibson—The amendment would crack this whole thing all to pieces. I hope it will go through as a whole. The committee have done the fair, square thing as between receiver and payer. I don't believe we are so short of timber in this city that if the officers should see fit to resign some one could not be got to take the place. If so, we stand upon a very delicate foundation. I should be the last to withhold any man's income, but they have had those salaries four or five years, and why should we continue them any longer? After the times get better we can put salaries back where they were. Give them an equal pull with the rest of us. The committee have done splendidly; I don't know how they could have done better.

Alderman Clark—I fully agree with the Alderman offering the amendment. We ought not to lose sight of the fact that it has cost the Engineer many years of hard labor at a low salary to become an efficient engineer. It is admitted that we have a competent man; that his labor is vast and that a single mistake would cost the city more than his salary for ten years to come. He is managing two important works. I presume that if his salary is cut down he will not resign, for he is too much of a gentleman to do that, even if he is treated unhandsomely by the city authorities. But there is no justice in the argument that if you do not touch one salary you must not touch the others. If injustice is done by the committee to any city employe it should be righted as we pass these ordinances. Doubtless there are a great many engineers who consider themselves competent to perform the duties of City Engineer, and would be glad to let themselves at any price you may choose to pay, anywhere from \$1000 up. The city is paying for the mistakes of a former engineer, by rebuilding the bridge over Huntington avenue at an expense of \$30,000; and other bridges will have to be rebuilt for the same cause. The most thriving corporations in Boston and New England are those which have the most efficient men at their head and pay them large salaries. The Alderman's [Alderman Thompson] agent at Harrisburg has a salary of \$25,000 a year, instead of a small pittance of \$2500. One of the most thriving corporations in Boston paid its treasurer \$50,000 a year for many years, and it paid dividends through good and evil report. The gloomy picture drawn by the Alderman from East Boston, of so many men being out of employment, does not hold good in all cases. Able managers, who are honest men, as a general thing, never have any trouble in finding good salaries. I hope the amendment will be adopted, and that the Engineer will receive the same salary he has received since he has been employed by the city of Boston.

Alderman Fitzgerald—The Alderman [Alderman Clark] always looks at salaries with the spectacles of Colonel Sellers, "There's millions in it. I hope the board will not be misled by him. Talking about corporations being the best managed who pay the highest salaries calls to my mind the Eastern Railroad, which paid \$20,000 to its president, and went into bankruptcy; it has one now who gets less than half that and it is doing a great deal better. I was not surprised that people smiled when the Alderman said that honest men always get good salaries. We looked upon the Engineer's Department in a different light from any other. He is a professional man; if he had not been he would have been cut down to \$4000. In 1871 he received \$3000. About that time both he and the City Surveyor received \$3000. Now he receives \$5000 and we thought we would not be taking off an enormous amount, as he will receive \$1500 more than in 1871. He is a man of ability; I shall not detract from that; but he must come down with the rest.

Alderman Burnham—I have no particular desire to prolong this discussion. It is not difficult to



know how we stand in a vote of 9 to 3. I made the amendment as an act of justice, and I pity the man who, if he has a knowledge of the amount of labor the City Engineer is doing this year that the City Government has put upon him, will lift his voice here to cut down that officer's salary. You, sir, did me the honor to make me chairman of the Committee on Improved Sewerage. That duty has brought me in contact with the City Engineer, and for the past four weeks I have gone over the ground and seen the labor that man is performing, with an earnest determination to reach bottom, and give us the facts and figures. In my opinion he is doing a work in that alone with at least a saving of \$10,000 a year to the city. I do not ask that his salary be raised; but I do see the injustice, with an engineer of capacity, of cutting down his salary the paltry sum of \$500. I cannot vote for it.

Alderman Fitzgerald—It brings to my mind the fact to which everybody must bear witness who is associated with an official in any department. It is utterly impossible for a member of the City Government, in his capacity as a legislator, to clear away from his mind the partiality which will come over it when the particular department with which he is specially connected comes up for retrenchment. That was the difficulty which the members of the committee had to contend with. It was the case with myself; my friend acknowledges it is the difficulty he is in. Each one is apt to think that the head of the department he is connected with should not be cut down because he is doing a great work. We cut the Engineer down only \$500 because of his ability and profession.

Alderman Gibson—The Alderman speaks of Huntington-avenue bridge. It is well known what our former engineer was. That bridge was built for the Coliseum; they worked on it night and day, and the work was shabbily done. I know several parties who made considerable money out of it.

Alderman Burnham—If we put the salary at \$4500, and discharge our City Engineer, it is said we could easily find another. That is very true. We have already spent \$100,000 for a new draw in Broadway bridge, and the Committee on Bridges have already under contemplation another large expenditure. That is the kind of engineering we shall have if we discharge this able engineer and put in his place a man at four or five thousand dollars.

Alderman Burnham's amendment was lost—yeas 5, nays 7.

Yeas—Aldermen Burnham, Clark, Dunbar, Viles, Wilder—5.

Nays—Aldermen Breck, Fitzgerald, Gibson, O'Brien, Robinson, Slade, Thompson—7.

*City Solicitor.* Alderman Fitzgerald offered an amendment to correct a clerical error, so that the salaries given to the Third and Fourth Assistants should be reversed. It was adopted.

Alderman Clark moved to amend by making the City Solicitor's salary \$6000, the First Assistant's \$3500, as now. There is no occasion, he said, to speak of the qualifications of our City Solicitor, who has been the legal adviser of the city for so many years, or of the First Assistant. Mr. Stackpole, who was the First Assistant, resigned last year and entered upon private practice, probably because he finds it much more lucrative than to remain in the employ of the city. He is employed by the city now, and attending to matters at the State House, and will probably be paid as much as he used to receive for the whole year. If we want a competent legal adviser, he is entitled to receive \$6000 a year. If he is not worth that he is not the man we should have for City Solicitor. I have no doubt the Second Assistant deserves all he receives at present. I know that first-class lawyers can hardly come before the Committee on Streets and ask for an abatement of betterment or an increase of damages unless he gets \$100 or so for a few minutes. I am informed by Alderman Thompson that the corporation of which he is a member has an agent in Harrisburg—where it costs nothing to live compared with Boston—who receives \$10,000 a year, and that they only turn out about \$4,000,000 worth of steel rails a year; and that the agent of that company receives \$5000 a year for work that does not take him an hour a day. Now, you propose to pay our City Auditor, Treasurer and Collector less than is paid the agent of that corporation, when they have greater responsibility.

Alderman Thompson—I think the gentleman's remarks are a little ironical.

The amendment was rejected—yeas 4, nays 8—Alderman Burnham, Clark, Dunbar and Viles voting yeas.

*City Surveyor.* This ordinance was amended, on motion of Alderman O'Brien, by striking out the section relating to Assistant City Surveyor, as there is no such office.

Alderman Fitzgerald said it was merely a clerical correction.

*East Boston Ferries.* Alderman Clark asked for an expression of opinion from Alderman Gibson on the proposed reductions in this department, saying he would be guided by his judgment in this matter.

Alderman Gibson said the directors had intended to take hold of the matter and cut down, but had waited for the committee to report. He did not like all the reductions, and some were not reduced enough, but he would not object. He thought the captains were cut more in proportion than the captain of the J. P. Bradlee, as they are on duty night and day and have greater responsibility.

*Superintendent of Printing.* \$2000. Alderman Clark—It seems to me that an injustice is done here. I understand that the present Superintendent saves the city some \$15,000 or \$20,000 a year. The department is very economically run. I move that the salary be \$2500.

Alderman Thompson—I wish to inform the Alderman that although the Superintendent of Printing saves the city a great deal of money, the Directors for Public Institutions propose to save a great deal more by having the printing done at Deer Island. Under those circumstances I don't think the change will be wise.

Alderman Clark—I should like to hear from the Chairman of the Committee on Printing. He is unusually quiet this afternoon. I am inclined to think that he will agree with me that the Superintendent is an efficient and faithful public servant, and that \$2500 a year is small enough.

Alderman O'Brien—I can bear testimony to the faithful service of our Superintendent of Printing. He accomplishes a great deal of good work for the city, but no more than fifty other gentlemen can who have made application to him for that position, and would be perfectly willing to take it at \$2000 a year, which I will say is a pretty good salary for a printer. Although I have the highest respect for the Superintendent, I think that \$2000 will be ample salary for any man who fills that position. As to the remark made by the Alderman from Charlestown, he would state the printing is to be done hereafter at Deer Island. I have no doubt that very fine printers of the highest type often effect an entrance into Deer Island. Good printers very often get there. But I doubt very much whether the directors will have accomplished what the Alderman says.

Alderman Thompson—In visiting the institutions last week, I was very much pleased to be notified by the president of the Board of Directors that they were going to introduce that trade down to the island, and they are going to educate the boys in the printing trade, and the president had no doubt that during the coming year all the printing of the city would be done down there. That is my authority for making the remark.

Alderman O'Brien—In relation to the remark that I am unusually quiet this afternoon, I would say that I have fought all these matters in committee, and having introduced the report I am not going to stand up in any other way than to defend it. Of course not. When I went into that committee I went bound by its decision. There are many things in this report that I do not like; many that I would like to alter; quite a number I would like to reduce; but I fought all these things in committee and I am not going over it again in this Board.

Alderman Clark—I withdraw the amendment after the explanation of the Chairman of the Committee on Printing.

*License Commissioners.* \$1000. Alderman Clark—I should like an explanation from the committee why such an enormous reduction has been made in the salaries of the License Commissioners?

Alderman Fitzgerald—I happened to be a member of the Council when the salaries of the License Commissioners were first established, and any member who was present will bear testimony that no man did more than I to make the salaries of the License Commissioners what they were. I was under the impression that the work would be arduous, that there would be continual hearings

before them in regard to revoking licenses which they had granted, and I thought their time would be occupied from morning till night. It has been in operation two years, and I must confess that I have come to the conclusion that the man who can be a banker, a commission merchant, and go for a few hours in a day and perform the duties of a License Commissioner besides, will be sufficiently paid at \$1000 a year. I think I can get three responsible men in the city of Boston to take that position for that sum, and you will get better men without any salary. They are not like heads of departments; they can attend to their own business besides performing these duties. It will be an honorable position even if it is an autocratic one. The salary is more in proportion than others receive, when you consider the hours they work. I should cut them down to nothing; but as Alderman O'Brien said, we are a compromise committee. Every member had his ideas about salaries, and it was only by mutual concessions that we made this report. I should not give a cent to the License Commissioners if I had my way.

Alderman Clark—That is just the explanation I wanted. It has been suggested that the city take charge of the matter, appoint their own commissioners and fix their pay. I know that the License Commissioners have turned into the City Treasury a large amount of money, and if they have discharged their duties as employes of the city and been enabled to run their own business besides, they must have been men of unusual ability, and I trust that in the future we shall be able to find men as efficient as they have been. If, however, we can find men to take that duty for nothing I shall be glad of it.

Alderman Fitzgerald—I wish to correct the gentleman's impression that they are men of great ability from the fact that they discharge their duties as commissioners and attend to their own duties. Their duties occupy them only a few hours a day, and they can give up their time substantially to their own ordinary occupations. The committee were not in favor of abolishing this office, but of retaining it. They were not in favor of giving this duty back to the Board of Aldermen, but they thought the Commissioners can perform their duties efficiently under this ordinance, and that we can get men to do them for this salary. The duties are not severe, and they have not been, except for one or two months in the year—May and June.

*Overseers of the Poor.* On motion of Alderman Fitzgerald, the ordinance in relation to Overseers of the Poor was indefinitely postponed, he stating that the statutes gave that Board power to fix the salaries of the employes.

*Police Department.* Alderman Clark—I hope no discrimination will be made in the salaries of the old and new patrolmen. I move to strike out section 8 [fixing pay of new patrolmen at \$2.50 per day]. I can see no reason why men who are appointed by you, sir, shall not receive the same pay as those appointed by your predecessors. If such men are put into the department as should be I see no reason why they should not receive the same pay as the old men. It will create ill-feeling in the department. There may be a good many discharges, and of 1000 men one half may receive \$2.50 a day and the other half \$3. I hope they will all receive what they honestly earn—\$3 a day.

Alderman Gibson—The new men are apprentices, so to speak. A man appointed today is not able to perform the same duty that those are who have had years of experience. An apprentice should not get first-class pay. I think this department ought to be reached in some shape or the other. I had a different way, but will compromise in order to carry this through. Some new men are timid when they get a uniform on; some are proud, and some don't work into the harness like the old men do. I think \$2.50 is enough for the new men, and the old men are not worth half they get. There are many old men in the department who are good for nothing, and the city continues their salaries; yet no one speaks of the worn-out laborer in sympathy.

Alderman Burnham—I am inclined to favor the amendment, because from the uncertainty that hangs round this matter. We may not be doing the right thing. The only legal gentleman at this Board confesses that he made the greatest mistake two years ago that he ever made by advocating a certain salary for the License Commissioners.

Alderman Fitzgerald—No, I did not.

Alderman Burnham—I beg pardon. Still he

made a great mistake. There seems to be so little evidence that we are doing right in this matter that I shall favor the amendment.

Alderman Fitzgerald—We should be governed by experience. My action in regard to the commissioners was based on the supposition that they were to perform an immense amount of work, which in reality they never performed. Experience has shown that I was wrong. The law of supply and demand governs the Police Department as well as everything else; a new man draws the same pay as an experienced officer, when he cannot perform the same duty. The school teachers receive \$600 the first year, \$700 the next and \$800 the third; and so of the ushers, sub-masters and masters. Why should it not be so of the police? Is it not an injustice to pay a newly-appointed man who knows nothing of the business, as much as one who has had years of experience? I think the conclusion is a wise one. The salary of new men will be \$17.50 a week the first year—not a very bad salary. I would take a contract to supply the whole Police Department at that rate with good, efficient, intelligent men.

Alderman Clark—And that is the class of men he proposes to pay \$2.50 while he pays men who have been in the department six or twelve months \$3 a day. I agree that there never was a time when you could get so many intelligent men as at present. I contend that if a man has brains enough to entitle him to an appointment on the police, he can learn his duty in sixty days so as to be perfectly conversant with it and become as able and efficient as the generality of those in the department. It is doing a great injustice to make this discrimination when you propose to fill up the department with the class of men spoken of by the Alderman.

Alderman Clark called for the yeas and nays, and the amendment was rejected—yeas 3, nays 9—Alderman Burnham, Clark and Dunbar voting yeas.

*Superintendent of Public Grounds, \$2200.* Alderman Clark—I move to make this salary \$2500. This salary has never been as high in proportion as those of other superintendents. He has a large property to look after, especially during the spring, summer and autumn months, and he is constantly employed. His salary has never been over \$2500 a year. If the officer is competent it is a great injustice to reduce his salary.

The amendment was lost—yeas 3, nays 9, as before.

All the ordinances were passed.

A motion to reconsider, by Alderman Fitzgerald, was lost after a brief discussion by Alderman Clark in favor, and Alderman Thompson opposed.

#### SINKING FUNDS.

On motion of Alderman Fitzgerald, the Board took from the table the report and ordinance to amend ordinance in relation to finance, so that unexpended balances at the close of the financial year shall be carried over to the credit of the several appropriations for the next financial year.

The question was on the passage of the ordinance.

Alderman Clark—At the last meeting of the Board I endeavored to have this subject referred to the Committee on Finance, because I believed it too important a subject to be passed over lightly without being thoroughly understood. I did not succeed in having it referred to the proper committee, but it was laid upon the table, and during the week I have had an opportunity to look into the subject. I still believe that it is a proper subject to be referred to the Finance Committee; but as the Board has declined to do that, I have prepared a few remarks which I propose, with the permission of the Board, to read.

The question involved in the repeal of that portion of the ordinance on finance which provides that the unexpended balances of appropriations shall annually be paid to the Sinking Fund Commissioners, and to be by them used in lieu of direct taxation of the percentages on the debt required by law, is whether there will be sufficient moneys received from betterments, sales of land, etc., by the commissioners, for that purpose, during the coming financial year, provided the commissioners cease paying debt before maturity with said revenue. I shall show, further on, that it will not, and that the commissioners will require a direct tax to fulfil the requirements of the law.

#### The Debt of the City.

Before proceeding to show this fact, I ask the Board to pause a moment and give their attention

to the following exhibit of the condition of the debt of the city of Boston at this date, compared with that of the same April 30, 1867, ten years since; also as applied to the valuation and population of the city at the respective dates:

Funded Debt.	
1867.	1877.
\$14,011,656.91.	\$44,590,672.30.
Valuation.	
1867.	1877.
\$444,926,100.	\$748,878,100.
Population.	
1867.	1877.
192,324.	341,919.

The funded debt, less the means on hand for paying the same, was, in 1867, \$8,812,287.19; in 1877, \$27,977,573.48. The means in 1877 consists of, Sinking Funds, \$15,735,964.40; bonds in the hands of the Collector, the payment on which is to go to the Sinking Fund Commissioners, \$877,134.42.

The gross debt to each inhabitant in 1867 was \$72.85.

The gross debt to each inhabitant in 1877 was \$131.41.

In 1867 the valuation of the city was 31 75-100 times as much as the debt. In 1877 the valuation of the city was 16 75-100 as much as the debt.

The debt, less the means on hand for paying the same in 1867, to each inhabitant, was \$45.82. The debt, less the means on hand for paying the same in 1877, to each inhabitant, is \$81.82. In 1867 the valuation of the city was 50½ times as much as the debt, less the means for paying the same.

In 1877 the valuation of the city is 26 79-100 times as much as the debt, less the means for paying the same. Total amount of debt then existing, and created since the organization of the Board of Sinking Fund Commissioners in 1870, to this date, is \$51,780,032.51; paid and extinguished during the period of six years, \$7,189,360.21. Total gross debt outstanding, as before stated, \$44,590,672.30.

These are stubborn facts, and show that, notwithstanding the paying off of debt before maturity at par, and not at a premium, by the Sinking Fund Commissioners, as set forth by my friends on the Retrenchment Committee, a great debt is to be paid, and well may be a cause for careful watchfulness on our part as to impairing in the least the means for paying the same.

I do not wish to be understood, however, that the indebtedness incurred during the past ten years was not necessary and called for. It was incurred for demanded improvements, some of which, while holding a seat at this Board, I have voted for, such as the improvement of the streets on the burnt district, the extension of Washington street, and for an additional supply of water; but the figures which I have given I think show most conclusively that the Board of Sinking Fund Commissioners have acted wisely in reducing our indebtedness by purchasing and cancelling debt at par before maturity, with revenue received and set apart for that purpose, and which formed no part of the Sinking Funds.

Now, as to paying the debt before maturity, I wish to say a few words: That policy was inaugurated by the establishment of the present Board of Sinking Fund Commissioners, by the ordinance of the City Council of December, 1870, going into effect in January, 1871. Before that date the means for the redemption of the debt were in charge of the Committee on the Reduction of the City Debt, consisting of the Mayor, President of the Common Council, and the chairman of the Committee on Finance on the part of the Common Council, with the Auditor as its secretary.

The establishment of the present board by its advocates was for the very purpose that the debt of the city should be lessened as revenue came in from betterments and all other sources, rather than from the interest on invested funds and the percentages taxed. The reasons for so doing, and they appear to me sound, were that in all cases of street improvements and those of a like nature the city had to borrow a larger amount of money for each improvement than its actual cost in purchasing surrendered estates and whole estates, when only parts were needed for the widening of streets, and that in consequence of these improvements made, betterments would be assessed; therefore that the moneys received from these sources should in each case purchase and cancel the debt of each specific loan, instead of swelling the Sinking Fund and leaving outstanding an enormous debt for years, which in each case would not represent the actual cost of the improvement. The fact is, the city only advanced the money, and

as fast as the commissioners received it they paid it back.

Possibly it might have been better to have only issued a loan for a long term of years for the cost of an improvement, less the estimated receipts from betterments and sales of surrendered estates, and then borrowed the remainder only for a short term to cover so much as could be estimated to be received from those betterments and sales of lands. But as these sums are so indefinite at the time of borrowing the money, we do not see that the policy which has been pursued of cancelling the long bonds has not met the case equally as well. Be it remembered that the revenue so received forms no part of the Sinking Fund, but is money received and immediately paid out for the purpose of cancelling debt. Mark well the point, —the moneys so received formed no part of a sinking fund, but as soon as received by the commissioners were applied to purchasing and cancelling debt.

This is the principal debt which has been paid before maturity, and cancelled with the aforesaid revenue, and not from the Sinking Fund means, and to illustrate I may mention the following amounts paid and cancelled since 1870:

Burnt District.....	\$704,500
Suffolk-street District.....	698,000
Washington-street Extension.....	215,000
Sundry street improvements.....	700,000

\$2,317,500

a saving annually to the taxpayer of \$139,050 on interest account.

At this point I will proceed to give a brief history of the several Sinking Funds as established at the present time.

*The City Sinking Funds.*

These funds are now known upon the books of the Commissioners of the Sinking Funds as the "Old Sinking Fund," "The Consolidated Street Improvement Sinking Fund," "The Cochituate Water Sinking Fund," "The Mystic Water Sinking Fund," "The Burnt District Sinking Fund," and "The New Sinking Fund."

*The Old Sinking Fund.*

This is the first fund established by the City Council, and with the exception of the Consolidated Street Fund, was the only one in existence up to the close of the year 1870. Its sources of income were the annual tax of three per cent. on the gross debt, the proceeds of sale of all city lands, all betterments from street widenings, all unexpended balances of appropriations, and all excess of revenue over estimates at the close of each financial year. Thus, if any part of the appropriation for Paving, Schools, Police, or any other department of the city, at the beginning of the financial year is unexpended at the close of the year, such sums are called "unexpended balances." The City Council at the beginning of each financial year also makes an estimate of the amount that will be received from unpaid taxes of previous years, rents of buildings owned by the city, the receipts of departments doing work for individuals, etc., the items of which are to be found in the Auditor's estimates, and the sum so estimated is deducted from the tax levy; but, if any excess over such estimates is received, it is called "excess of revenue over estimates," and up to the close of 1870, these sums were paid into the Sinking Fund, which is now called the "Old Sinking Fund," which was established by an ordinance of 1843.

At the close of 1870 it was thought by those who had examined the subject, that the Sinking Fund thus created was growing much too fast, and a new ordinance was passed, which will be touched upon hereafter.

When this ordinance of 1870 was passed, and which has since been supplemented in all its essential particulars, so far as creating a Sinking Fund is concerned, by a State law, the city debt, exclusive of the water debt, was \$14,166,789.80, to which there has been added, by the annexation of Charlestown, West Roxbury and Brighton, and by the city loans previously authorized, but not negotiated, \$2,680,940.06, making the total, April 30, 1876, which has not been since changed, \$16,847,729.86, to be paid from the old Sinking Fund. In the division of that existing Sinking Fund, \$8,199,154.73 belonged to this fund, \$1,100,000 to the Cochituate Water Sinking Fund, and \$212,244.26 to the Consolidated Street Improvement Sinking Fund.

The proceeds of the sale of city lands and street betterments upon improvements that are paid for directly from taxation, and the interest on its in-

vested funds, go to this fund, and will be sufficient to pay the debt as it matures without the assistance of direct taxation. This fund has not, since 1870, been aided by direct taxation, neither has any money been raised in that way to pay maturing debts chargeable to it. This fund has a large amount of debt to pay, maturing within three years.

*Consolidated Street Improvement Sterling Sinking Fund.*

In 1869 the City Council authorized a foreign loan of £800,000, thirty years to run, to carry out the contemplated widening of Hanover street, laying out of Atlantic avenue, improvement of Fort Hill, and raising the Church-street district. By the terms of this loan all the betterments and proceeds of sales of remainders of surrendered estates collected from these works were to be set apart and invested as a Sinking Fund to redeem the debt. The terms of the contract with the Messrs. Baring Brothers of London were that £8000 should be redeemed annually, at a price not exceeding par; and, further, that the city should pay the full interest upon the whole sum borrowed for the entire term of thirty years, thus making the annual interest £40,000; but that portion of the interest paid upon debt cancelled is to be used in purchasing and cancelling debt. The amount which will have been paid at the maturity of the loan in this way will be some £240,000 in instalments and about £250,000 in interest. The Sinking Fund, after paying the required instalments, now amounts to \$1,219,929.29, to which, under the terms of the Barings' contract, \$200,000 to \$300,000 more will be added. The fund will be greater than its purposes require, but there seems to be no proper method of diverting its natural accretions from it, as the terms of the contract with the lenders would not seem to allow such action on the city's part. The experience of this contract and loan, with the other causes before mentioned, led to the ordinance of 1870. Taxation on account of this fund has ceased.

*Mystic Water Sinking Fund.*

This fund has been created up to this time by the excess of revenue over expenses, and until this year has been sufficient to meet the debt as it matured. During the past year it became entirely exhausted, and the Sinking Fund Commissioners have had to aid it to the extent of \$25,152.96, to meet maturing loans. The future earnings of the Mystic Water Works are somewhat uncertain, but it is probable that the excess of revenue over the expenses of carrying on the works and paying the interest on the outstanding debt will with its accumulations be sufficient to meet the debt hereafter at maturity. The commissioners will not ask for taxation for this fund this year.

*Sinking Funds under Ordinance of Dec., 1870.*

These are the Cochituate Water, Burnt District, Sterling, and New Sinking Funds, which last comprises all the loans made since for street improvements (except those in the Burnt District), public buildings, raising Suffolk and Northampton street districts. The Burnt District Fund was separated from that of the New Sinking Fund on account of the implication in the negotiation with the Messrs. Barings of London that it should be a separate one.

The processes by which the three last-mentioned funds are accumulated are entirely different from those employed with the funds first noted. It is by direct taxation. No revenue has, as yet, been received from the Cochituate Water Works. By the 1870 ordinance the city was required to raise annually by taxation one and a half per cent. of the amount of a thirty-year loan, three per cent. of the amount of a twenty-year loan, and six per cent. of a ten-year loan, for payment to the Sinking Fund Commissioners. These amounts, with the interest on them, properly invested, were deemed ample to pay the debt at its maturity. By this method the burden of the taxation for it was evenly distributed over the entire term of the loan. The recent State law fixes the rate at eight per cent. on the amount of a ten-year loan, and allows the Sinking Fund Commissioners to adjust the percentages for the twenty and thirty-year loans, which have been established by them at three and a half per cent. on the former and two per cent. on the latter class of loans. It will be seen by this process that the revenues from betterments and surrendered estates are not made a part of the sinking funds, but, as soon as paid into the treasury are used directly in reducing the debt. And this is the radical difference between us in the discussion of this question.

If I have made myself understood, it will be seen that these several funds have been based upon entirely different principles. The ordinance that existed when a loan was created became a part of the contract between the city and its creditor. But it would seem from the data upon which the Committee on Retrenchment base their reasoning, that their course would be in violation of these contracts as well as the statute law, to pool all these funds in one. They seem to be striving after a process by which the whole city debt can be paid as it matures without further burden to the taxpayer, assuming assets of an entirely problematical nature, for the receipt of which the future gives no certain promise or security. Does any mind fail to perceive the advantages of following in the well-ascertained path in this matter, which has to show the careful and successful administration of the city's finances attained by these commissioners of these funds, to turning to a course of what is, as yet, a questionable and merely theoretical line of action?

*The Requirements of the Sinking Fund Commissioners.*

Having briefly as possible given a plain statement of the workings of our financial system as applicable to the redemption of the debt of the city, I proceed to the question immediately before us. Taking it for granted, for the sake of the argument, that the policy of the Retrenchment Committee will be adopted, of using the balances to relieve taxation, and directing all moneys received from betterments, etc., to be paid into the Sinking Funds, thereby stopping the paying and cancelling debt before maturity, will there be a sufficient amount of income received by the commissioners from those sources to enable them to give the funds the per centages required by law?

The percentage requirements of law are as follows:

Burnt District Sinking Fund.. .. .	\$206,958.00
New Sinking Fund.....	400,135.00
Cochituate Water Sinking Fund.....	230,854.00

Total for the three funds..... \$837,947.00

It will be seen that only three of the six funds require taxation. The committee, in their report, say that the average annual requirements of the Sinking Funds is \$1,511,868, of which \$800,000 will be derived from interests on investments. The difficulty with the report of the Committee on Retrenchment is that they have treated the subject in the aggregate, instead of taking into view the wants of each fund separately. The largest portion of this interest belongs to the Old Sinking Fund.

Now, the question is, how is this amount of \$837,947 to be raised for the commissioners, without the balances of appropriations of this year, and the commissioners not using the proceeds from betterments, etc., to purchase and cancel debt before maturity.

There will be received by the commissioners from excess of license revenue over expenditures at the close of the year, say, \$125,000, and the City Council, by order, have expressly directed that it shall be used for purchasing and cancelling debt.

It is estimated by the Auditor, that it will not be safe to calculate on more than \$75,000 from the excess of income and taxes over estimated income and taxes, April 30, 1877; it may, however, exceed that sum.

The whole amount of outstanding bonds and betterment assessments, the proceeds from which are to be paid to the Sinking Fund Commissioners, is included in the following table:

*Public Land and Street Improvement and other Bonds.*

Due.	
1864.....	\$11,919.75
1867.....	500.00
1870.....	250.00
1871.....	1,228.00
1872.....	5,944.00
1873.....	10,798.25
1874.....	15,013.25
1875.....	25,771.67
1876.....	95,128.53
1877.....	110,511.45
1878.....	314,546.49
1879.....	90,546.56
1880.....	66,257.81
1881.....	54,709.13
1882.....	50,966.28
1883.....	19,327.95
1884.....	1,590.45
1885.....	1,204.45
1886.....	920.45

\$877,134.42

Of the bonds there are pledged as follows:

To the old Sinking Fund, Public Land and other bonds.....	\$314,999.31
Consolidated Street Improvement Sterling Sinking Fund.....	239,575.50
Cochituate Water Works Sinking Fund..	3,088.00
	<u>\$557,562.81</u>

Leaving \$319,571.61 belonging to the Sinking Funds requiring taxation, viz.: the Burnt District Sinking Fund and the New Sinking Fund. Of this amount not more than one-half can be relied upon to be paid during the coming year.

Betterments, Feb. 1, 1877.

	Outstanding.	In suit.
Old Sinking Fund.....	\$117,705.48	\$55,437.36
Burnt District Fund....	417,756.39	307,233.37
Street improvements...	438,091.57	315,903.37
Consolidated Street improvement.....	187,021.34	28,900.00
	<u>\$1,160,574.78</u>	<u>\$707,474.10</u>

Of the above amount there has been apportioned to be paid in the several years mentioned below—

	Outstanding.	In suit.
1876.....	\$95,312.25	\$68,084.36
1877*.....	165,152.50	71,653.43
1878.....	7,601.35	
1879.....	1,378.01	
	<u>\$269,444.11</u>	<u>\$139,737.79</u>

\*Probably will not be paid until after the close of the financial year 1877-78.

These tables show that the total amount of revenue to be derived from the source of betterments, the payment of the same covering several years, amount to \$1,160,574.78, and of that amount \$707,474.10 is in suit at law, leaving only \$453,120.68, from which receipts are to be depended upon for the coming year.

These sources of revenue are very uncertain, as my friend, the Alderman from Ward 21, who is Chairman of the Committee on Public Lands, well knows; for through his committee land bonds to a large amount, received from sales of public lands and estates in the Suffolk-street District, have been cancelled and the land taken possession of by the city. There have been no sales of land by the city for two years past of any amount.

The amount which the commissioners can rely upon for a certainty as being the receipts from these sources, outside of those pledged to the Old Sinking and Consolidated Street Improvement Sterling Fund during the coming financial year 1877-78, for the percentages required by law, should not be placed at more than \$300,000; this sum, with the \$75,000 from the excess of income and taxes, will give \$375,000 to meet the requirement, \$837,947—leaving \$462,947 to be met by taxation.

Having been at much pains to ascertain the actual facts in the case, I deemed it of the utmost importance that they should be laid before the Board to guide us in our action, as we all believe that our credit should be maintained. That is the point, Mr. Mayor. If these balances are carried forward and deducted from the appropriations for the coming year, it leaves \$462,947 to be raised by taxation to keep up the Sinking Fund as required by the statutes of Massachusetts, and to meet the obligations we have entered into with the parties from whom we have borrowed money. No member of this Board will go further than myself in relieving the taxpayer, at this time of continued depression, of any burden that I can rightfully, and at the same time comply with the law and preserve the credit of our city. I think I have clearly shown that if the commissioners do not receive the balances of appropriation this year, and they are required to stop the purchase and cancellation of debt before maturity, with revenue not belonging to the Sinking Funds, they will require taxation to meet the deficiency in the moneys which they will receive from the betterments, as before mentioned.

I therefore do not think, as I have before indicated, that a change should be made at this time in the policy which has been pursued since 1834, of closing up the annual appropriation accounts and paying the balances into the Sinking Funds for the redemption of the debt of the city. This closing of the annual accounts and disposing of the balances has also been considered a barrier to extravagance in expenditures.

By making a change a benefit does not always follow, and in this case I think it will be a change merely for a change, with no commensurate benefit. This is to be deprecated at all times. I trust

that the ordinance will not pass—it ought not to pass.

Thus, Mr. Mayor, I have endeavored to give a history of the Sinking Funds and a statement of their present condition. If the city can judiciously and wisely turn the balances of this year into the appropriations of next year, if it can be done with safety, and thereby prevent a direct tax of \$800,000, which is about the amount of the balance of the appropriation, I certainly shall not object to it. I have given a statement of the facts as I believe they exist, precisely; and it seems to me that there is no question but, if the order is adopted, that a direct tax of over \$460,000 will be required this year to keep the Sinking Funds up to the amount required by law. Therefore I still hope that the ordinance will be referred to the Finance Committee, or that it will not be adopted.

Alderman Fitzgerald—I am glad to know that not \$800,000 will be required, but \$400,000. That is so much saved. Now, sir, the Alderman said that in the report of the committee we gave the aggregate amount of the debt, and upon that aggregate based the amount which should be raised yearly; and that we did not take separately each and every one of the funds, and credit to each of them the amount which is necessary to be raised on each to pay the interest on the debt and also a sufficient amount to meet the debt at maturity. He said in addition that the cancellation of bonds was an excellent thing. The debt cancelled the past year is as follows;

Statement of the Debt Cancelled from May 1, 1876, to Feb. 21, 1877.

\$4,000 .....	Due in .....	1882-83
12,000 .....	" .....	1885-86
9,000 .....	" .....	1890-91
369,000 .....	" .....	1891-92
62,000 .....	" .....	1892-93
9,000 .....	" .....	1893-94
271,000 .....	" .....	1894-95

\$736,000

We have paid this year \$736,000 of debt that will not be payable till fifteen or twenty years from now; and in addition to all that, you have paid interest into the Sinking Funds to meet all the other immatured debt. If that could be done in the three months of this year that have elapsed, I ask, Why cannot the Sinking Fund Commissioners do without \$800,000 next year, and not cancel any debt, and allow it to run, so that for the next twenty years the people who live in 1893, 1895 and 1897 shall bear their proportionate share of the taxes to meet this debt at maturity? I go further and say that the Sinking Fund Commissioners have no authority in law to cancel any of the debt; that what they have been doing is in violation of law; that there is no authority vested in them to cancel a single cent of the debt of this city; and in order to confirm my ideas about it, here is a letter from the City Solicitor:

CITY SOLICITOR'S OFFICE, }  
2 PEMBERTON SQUARE, }  
BOSTON, Feb. 26, 1877. }

Sir—In reply to the question you proposed to me, namely, "Whether the Sinking Fund Commissioners have authority in law to buy and cancel bonds of the city of Boston, either before, at or after maturity; and if so, does the law require the Sinking Fund to be in any, and in what condition?" I respectfully submit the following opinion:

The Sinking Fund Commission was originally established, and its powers and duties defined, by ordinance. There being then no statute requiring such a commission, or the providing of such a fund, it was competent for the City Council to create, in its discretion, a Sinking Fund Commission, and to invest it with such powers, not contravening any law, as it should deem expedient. In the year 1870 the City Council did establish by ordinance a Sinking Fund Commission, and among the powers conferred upon it was that of purchasing or paying with the funds in its possession any part of the capital of the debt of the city, in the manner it might from time to time deem expedient. This ordinance stands now unrepealed by any action of the City Council.

But in the year 1875 the statute was enacted, entitled "An Act to Regulate and Limit Municipal Indebtedness," which requires the establishment of a Sinking Fund Commission, and a Sinking Fund or funds; provides for the election of commissioners, and defines their powers and duties. This statute and the said ordinance are not in entire harmony, and the provisions of the ordinance

are annulled by the statute so far as they are in conflict with it. The statute provides in section 5, that "the commissioners shall receive all sums contributed to a sinking fund and invest and re-invest the same, and the income thereof as it shall accrue, in the name of the Board, in the particular scrip, notes or bonds for the redemption of which such Sinking Fund was established," or in other securities which are therein enumerated; and the ordinance provides that "whenever any debt to be paid from the Sinking Fund becomes due, the commissioners shall furnish the treasurer, from the funds in their care, for said payment, the sum required, or so much as shall be to the credit of said debt or loan."

The commissioners then, in my judgment, have no right to pay and cancel any bond of the city at any time. If a bond matures in their possession, their duty is to collect it and reinvest the amount. They are trustees to hold and manage the funds put into their care, but have no power of appropriation. When a fund is needed for the purpose for which it was created, they are to pay it to the treasurer, and can have no further control or direction of it.

The payment of the city bonds, or of any of them, can be anticipated only by the action of the City Council.

I am, very respectfully,  
Your obedient servant,  
J. P. HEALY.

The act referred to is the one under which they claim the right to tax the citizens of Boston 8 per cent. on 10-year bonds, 2 per cent. on 30-year bonds, and insist that it shall be done. That is the act they have been violating. So that, sir, the Sinking Fund Commissioners have been accumulating this money received from all sources. It was, as I said, the *omnium gatherum* into which everything went. They have been paying interest on the debt, to be sure. Everything went along so swimmingly, so much money has gone in, that they do not see how they can get along now in the way the law provides. We simply made this report so that for next year at least—while real estate yields no more than four per cent. on the original investment—we shall get along as economically as possible; and so that the Sinking Fund Commissioners shall cancel no more debt and shall take no more from the citizens of Boston than is actually necessary to pay the actual interest on the debt, with a sufficient sum laid aside from year to year to pay the debt at maturity. Now to my point: The gentleman said that we had not given the Sinking Funds separately, and the amount required for each fund. I have here a detailed statement of each fund, amount necessary to be raised each year in order to pay the interest on the outstanding indebtedness, and the amount required by law to be laid aside to meet the debt at maturity.

*Statement of the Sinking Funds on the 31st day of January, 1877. This Estimate of receipts does NOT include Revenue from Betterments, Sales of Public Lands, Liquor Licenses, and Rents, for February, March, and April, 1877, and from April 30, 1877, to April 30, 1878, Old Sinking Fund:*

Debt, average due in eight years.....	\$13,402,270.60
Less Bonds held by this Fund.....	8,914,675.00
Balance of Debt to be provided for....	\$4,578,595.60
Sum sufficient, with its accumulation, to extinguish the debt at maturity, for 15 months, to April 30, 1878.....	\$597,220.47
Cash on hand Jan. 31, 1877, and estimated amount of interest to be received up to April 30, 1878.....	\$1,789,574.72
<b>Consolidated Street Improvement Sinking Fund (Hanover Street, Atlantic Avenue, and Fort Hill):</b>	
Debt, average due in 22 years.....	\$3,516,586.86
Less Bonds held by this Fund.....	1,114,000.00
Balance of Debt to be provided for....	\$2,402,586.86
Sum sufficient, with its accumulation, to extinguish the debt at maturity, for 15 months, to April 30, 1878.....	\$84,317.76
Cash on hand Jan. 31, 1877, and estimated amount of interest to be received up to April 30, 1878.....	\$214,996.14
<b>Burnt District Sinking Fund:</b>	
Debt, average due in 17 years.....	\$5,935,103.73
Less Bonds held by this Fund.....	636,000.00
Balance of Debt to be provided for....	\$5,299,103.73
Sum sufficient, with its accumulation, to extinguish the debt at maturity, for 15 months, to April 30, 1878....	268,260.07
Cash on hand Jan. 31, 1877, and estimated amount of interest to be received up to April 30, 1878.....	\$361,549.42

<b>New Sinking Fund (Street-improvement Sinking Fund, Suffolk-street District and Public Buildings):</b>	
Debt, average due in 14 years.....	\$8,915,000.00
Less Bonds held by this fund.....	1,276,000.00
Balance of Debt to be provided for....	\$7,639,000.00
Sum sufficient, with its accumulation, to extinguish the debt at maturity, for 15 months, to April 30, 1878.....	\$501,977.79
Cash on hand Jan. 31, 1877, and estimated amount of interest to be received up to April 30, 1878.....	\$760,278.74
<b>Cochituate Water Sinking Fund:</b>	
Debt, average due in 22 years.....	\$11,548,711.11
Less Bonds held by this Fund.....	1,430,000.00
Balance of Debt to be provided for....	\$10,118,711.11
Sum sufficient, with its accumulation, to extinguish the debt at maturity, for 15 months, to April 30, 1878.....	\$355,110.00
Cash on hand Jan. 31, 1877, and estimated amount of interest to be received up to April 30, 1878.....	\$716,016.23
*This amount includes premium on sales of Water Loans, Oct. 1, 1875, \$1,000,000; April 1, 1876, \$552,000; Oct. 1, 1876, \$2,000,000—\$363,456.80; which now stands to the credit of Additional Supply of Water and Water Works, Wards 17 and 19.	
<b>Mystic Water Sinking Fund:</b>	
Debt, average due in 11 years.....	\$1,249,000.00
Sum sufficient, with its accumulation, to extinguish the debt at maturity, for 15 months, to April 30, 1878.....	\$112,567.12
Cash on hand Jan. 31, 1877, and estimated amount of interest to be received up to April 30, 1878.....	\$67,259.00
†This amount includes the estimated revenue from Mystic Water Works, April 30, 1877, \$65,000. No debt due on the fund after April 30, 1876, till 1881.	
<b>Liquor License Revenue:</b>	
No debt.	
Cash on hand Jan. 31, 1887, and estimated amount of interest to be received up to April 30, 1878.....	\$203,354
Total amount required to extinguish the debt at maturity, to April 30, 1878....	\$1,919,453.21
Total amount of accrued interest to be received up to April 30, 1878.....	\$3,908,877.79
Excess of funds over amount required, April 30, 1878.....	\$1,990,424.58
If a Tax was levied, as fixed by the Ordinances, it would be as follows:	
January 31, 1877.	
10-year Loans, \$4,091,590.60 at 8 per ct.	\$327,327.24
20-year Loans, 14,737,903.73 at 3½ "	515,826.62
30-year Loans, 12,457,502.97 at 2 "	249,150.04
	\$31,286,997.30
	\$1,092,303.90
In addition to this I have also a	
<i>Statement of the Receipts and Disbursements of the Sinking Funds from Jan. 31, 1877, to April 30, 1878, NOT including Revenue from Betterments, Sales of Public Lands, Liquor Licenses and Rents.</i>	
Cash on hand Jan. 31, 1877.....	\$2,364,964.49
Receipts from Jan. 31, 1877, to April 30, 1877—	
Interest on bonds, premium on sale of water loans and revenue from Mystic Water Works, estimated.....	720,281.80
	\$3,085,246.29
Disbursements from Jan. 31, 1877, to April 30, 1877—	
Debt due and overdue, including premium on gold.....	684,000.00
Cash on hand April 30, 1877, will be....	\$2,401,246.29
Receipts from April 30, 1877, to April 30, 1878—	
Interest on bonds.....	824,631.50
	\$3,225,877.79
Disbursements from April 30, 1877, to April 30, 1878—	
Debt due in 1877-78, including exchange and premium on gold.....	1,005,700.00
Cash on hand April 30, 1878, will be....	\$2,220,177.79
Cash April 30, 1878.....	\$2,220,177.79
Estimated revenue from betterments, sales of public lands, liquor licenses and rents, for fifteen months, to April 30, 1878.....	600,000.00
	\$2,820,177.79

The Alderman opposite said it has been a poor year for the sale of land; yet, notwithstanding all that, \$700,000 and more have been received from these revenues, and it is fair to say that as much will be received next year as last, although we put it down to \$600,000. I think I have shown this Board that, if the Sinking Fund Commissioners will only look at it in a calm light and with a view of lessening the taxes, and not with a view of carrying out their own ideas, despite the City Council, there will be no need of receiving one cent of taxes to meet the interest on the debt, and it will also place a sufficient amount to the credit of these funds to meet the debt at maturity. There is no need of raising one cent by taxation, and in the depression of the times, in the interest of economy, the commissioners ought not to ask for one cent. It is for that reason we reported the ordinance before the Board. I hope it will not be referred to the Committee on Finance, but pass this Board and go to the other branch, so that the appropriation bill for the ensuing year can be cut down accordingly.

The motion to refer to the Committee on Finance was declared lost. Alderman Clark doubted the vote and called for the yeas and nays. The motion was lost—yeas 4, nays 8.

Yeas—Aldermen Burnham, Clark, Dunbar, Viles—4.

Nays—Aldermen Breck, Fitzgerald, Gibson, O'Brien, Robinson, Slade, Thompson, Wilder—8.

The ordinance was passed.

A motion to reconsider, by Alderman Fitzgerald, was lost.

Sent down.

MASSACHUSETTS CHARITABLE MECHANIC ASSOCIATION EXHIBITION AND THE COMMON.

Alderman Clark submitted the following:

The Joint Standing Committee on Common and Public Grounds, to whom was referred the remonstrance of W. H. Whitmore and others, against permitting the Massachusetts Charitable Mechanic Association to erect a temporary building on the Common, has given a public hearing, extending through two days, to the remonstrants, and now begs leave to report to the City Council that the reasons urged at these hearings do not seem to be sufficient to alter the opinion of the committee as expressed in its previous report. The arguments made favoring the erection of such a building on the Common are mainly based on the belief that in our present depressed state of business a stimulus in the form of a large and thoroughly organized industrial exhibition would go far to revive the various industries on which the prosperity of our city depends. The grounds taken by the remonstrants are, that there are other vacant tracts of land that would answer the purpose equally well, and, further, that to erect a building on the Common is to establish a bad precedent. The first of these objections does not appear to be well founded, as no land of equal accessibility has been pointed out; and more than this, it would be impossible to find a spot in this city possessing so much natural beauty, a feature, which, in all past exhibitions, has been found to be a most valuable auxiliary to their success. The question of precedence is a very indefinite one, which admits of a great deal of argument on both sides; and it is therefore only necessary to say here that the committee are certain that the City Council would be justified, by the action of various city governments in years gone by, in granting the petitioners the right they now ask for. To the question as to what purposes the Common may be put, the committee is inclined to give a liberal construction. The eagerness which the other great cities in this country have shown to advance at any cost their material interests, has not been exhibited in Boston to half the extent that its importance deserved. In consequence of this neglect we have allowed our rivals to go far in advance of us in those material advantages which have so much to do in making a city great and prosperous. If by this slight grant we can do something to counteract our past neglect, it seems to the committee that the balance between gain and loss to the city is included greatly in favor of the former; the committee, therefore, recommend that the order as originally reported be passed.

The order granting the permit attached to the original report was read.

Alderman Thompson—This subject has excited a great deal of interest in the public mind. A large number of persons signed the petition in fa-

vor, and a large number signed the remonstrance. Unfortunately for the remonstrants, that hearing was before the committee, and members of the Council know little of the evidence or feelings manifested at these hearings. It seems to me, as an act of justice to the remonstrants, that the report of the committee and the report of the evidence at the hearings should be printed, so that the members of this Board and the other branch can act intelligently upon this matter. I presume that very few members of the City Council were present at the hearing, and know very little of the objections introduced. For that reason I hope the Board will have the matter printed.

Alderman Clark—I am very glad the Alderman has made the request because we have a large amount of testimony on the one side and on the other, and I was about to ask permission of the Board to have all of the evidence which was taken down by the short-hand reporter printed for the information of the City Council. It seems to me, sir, that the report should be laid upon the table and printed, together with the testimony taken before the committee.

Alderman Fitzgerald—What is the need of that? I presume nearly every member has made up his mind, and that the evidence will not change it. We have all particular ideas about the Common, and we all have ideas about whether the petition should be granted or not. What John Jones or John Smith said on one side or on the other would not change my opinion. I would not make a very great objection if it is not going to be voluminous.

Alderman Clark—It will be quite a voluminous document. We occupied two days in taking testimony. I think there is no question about the minds of the members of the Board being made up, and if they are ready to vote on it tonight I shall be glad to have it come to a vote. The association desire to know whether they can have permission to use a part of the Common or not, as, if they are, they wish to be making arrangements. I will withdraw the motion that the document be laid upon the table, and move that the order take its second reading.

Alderman Thompson—I made the motion previous to the Alderman and I make the same motion now in regard to the order going through tonight. It seems to me that as a matter of justice to these remonstrants, the evidence should be printed for the benefit of the other branch, if not for this. These gentlemen asked for the hearing, and it was suggested that the hearing be before the committee. Now it seems to me that they were entitled to a hearing before this Board, but as we have had a great deal of business for the last two or three weeks, I presume that it was thought best to have the hearing before the committee. The remonstrants have evinced a great deal of interest in this matter and have displayed a great deal of energy, and I say, in justice to the large and respectable number of the remonstrants, that they are entitled to this, that they may feel that they have had a fair hearing before the City Council. When we consider that the committee had made up their minds, when this remonstrance was presented to them, to grant the prayer of this association, it seems to me that it is not giving the remonstrants a fair show to pass this snap judgment at this time without allowing the other branch at least to know what the objections are. As a matter of justice to the large and respectable portion of our citizens who are much interested about this thing, I say that they are entitled to this courtesy at our hands.

Alderman O'Brien—I would not urge action on this matter tonight, but it appears to me that printing so voluminous a document is altogether unnecessary. There is not a paper in the city of Boston that has not published a brief or a full abstract of all the testimony taken before the committee. There is not a member of this Board but understands this matter thoroughly and perfectly, and I doubt if many members of the Board will read the evidence after it is printed. Members of the City Council must be pretty well posted about it now.

Alderman Thompson—It seems to me that the reports in the papers have been very brief. All the reports I have seen in the papers in relation to the hearing referred to the hearing; but I have seen nothing full.

Alderman O'Brien—All the reports in the morning papers gave a good idea of the evidence of each of the parties who appeared as remonstrants and also the evidence on the other side. So far as

I can see, I think with the Alderman from the Highlands [Alderman Fitzgerald] that the subject is sufficiently understood to act upon it without any unnecessary expense. The document we propose to print will cost a considerable sum of money, and I think that should be saved.

Alderman Clark—A petition came here from the President and Board of Government of the Charitable Mechanic Association for the use of a certain portion of the Common. There was no opposition to it whatever. In aid of that were petitions signed by Leopold Morse and a good many other active merchants of the city; another signed by Charles G. Greene and other gentlemen of the South End, and another by Otis Norcross, George C. Richardson and a good many others. The committee took it into consideration. There was not a particle of opposition, and from the evidence which the committee could gather, they had partially made up their minds, and in fact had reported to the Board of Aldermen. But a remonstrance came in, and the Board of Aldermen directed that the report be recommitted, with instructions to give the remonstrants a hearing. An opportunity was offered to them, if they had asked for it, to have a hearing before this Board. The parties who had the management of the opposition stated that it would suit them to have a hearing before the committee. The committee gave the remonstrants an opportunity to be heard; they devoted two days to hearing both the remonstrants and the petitioners, and they would have given them another day had they required it. Both sides were ably presented, and the committee have come to the same conclusion after hearing every objection that could be raised to it. There were objections from every source that objectionable could come from, and still the committee are of opinion that the prayer of the petitioners should be granted. Now, Mr. Mayor, I claim that it is not fair to call this a snap judgment of the Committee on Common and Squares. There was nothing else for the committee to do but to make up their minds and report. Their first report was presented to the Board of Aldermen, although it was not read; the committee had considered it thoroughly, and there was no opposition to it. When the opposition came, a fair opportunity to make out a case was given to the petitioners, as my associates upon the Board will testify; and notwithstanding all that they have heard, the committee came to the conclusion they did before. We took the precaution to have a short-hand reporter, so that in case the Board desired to have the evidence on both sides printed, they could have it. If the members of the Board are ready to vote upon this subject tonight I shall be glad of it. If the opponents of this measure desire delay, the committee will cheerfully acquiesce in it, and have all the papers connected with the matter printed. If, on the other hand, the Board are ready to vote tonight, it will undoubtedly be desirable on the part of the institution, because they wish to know as soon as possible whether or not this request is to be granted or denied. If granted, they commence arranging for the erection of the building immediately; if denied, they abandon the idea of having any exhibition this year. Those are the facts, and if the Board are ready to vote upon them, I shall be glad to have them do so.

Alderman Wilder—I am quite ready to act upon this question now. I believe the newspapers published all there was of substantial interest that occurred before the hearing, and it has been fully and freely discussed. I am not particular about acting on it this evening, although I think it best to do so; but I am decidedly opposed to spending any money for printing a document so voluminous and expensive as that will be, and that will not contain any information that is of use to anybody. I desire to say that I am opposed to spending any money for printing.

Alderman Robinson—At this late hour I don't wish to take up any time, but simply to confirm what the chairman of the committee has said. We had the petition presented to us, we gave it careful consideration and we submitted our report, and the first that we knew of any opposition was when the remonstrance was about to be read. Most of the remonstrants are gentlemen whom I highly respect, many of them are personal friends of mine; but the arguments that they used are mostly of a sentimental character. We felt, or I have felt, that the Exposition at Philadelphia established what exhibitions have got to be in this country in order to in-

sure success. The remonstrants pointed out no suitable place, although it will probably be argued that sufficient ground can be obtained that is easy of access. Within the last week, since the hearing, I have seen an article in the papers signed by some of our best men of Boston, many of them my strong personal friends, and almost all the signers of that paper are gentlemen I know by acquaintance or reputation; and they request that the exhibition shall not be held on the Common. The petitioners asked as a favor that the remonstrants would find or point out a place that would be suitable, and there was no answer except in regard to some place about Fort Hill, which would not give them as much space as they had before in Faneuil and Quincy halls. In order to insure the association some remuneration for the outlay in erecting this building, it should be placed in a spot easy of access, where gentlemen can go not once or twice, but probably a dozen times; where our own working people, for the moderate price of twenty-five cents, can go with their families, and see and enjoy almost everything that was exhibited at Philadelphia without the expense of travelling to that city. There are a great many articles now packed, intended—

Alderman Thompson—I rise to a point of order. The gentleman is not speaking to the question. My motion is that the report and the evidence be printed. I don't propose to discuss the question of holding the exhibition there, at this time. We are speaking upon the question of printing.

The Mayor—The Chair decides the point well taken. The question is upon laying upon the table and having the evidence taken by the committee printed.

Alderman Thompson—I desire to have this printed because I insist that the remonstrants have not had a fair hearing. They petitioned for a hearing before—

Alderman O'Brien—Is this question debatable?

The Mayor—The motion to lay upon the table is not debatable, but the question of printing might be debated.

Alderman Thompson—These gentlemen have not—

Alderman Robinson—I rise to a point of order. The gentleman is not speaking to the question.

Alderman Thompson—I was giving my reason why it should be printed.

Alderman Robinson—I was giving my reason why it should not be printed.

Alderman Fitzgerald—I raise the point that the Mayor did not understand the point of order; that the motion included the printing, which is debatable.

Alderman Thompson—Mr. Mayor, I believe I have the floor.

The Mayor—Alderman Thompson has the floor.

Alderman Thompson—The remonstrants asked for a hearing, and one of them happened to be here, and he said that if the committee desired it he would have a hearing before the committee; but a majority of the remonstrants desired to be heard before this Board, and they earnestly request that this evidence taken at the hearing may be printed, not only for the benefit of this Board, but of the Council, that an intelligent conclusion can be arrived at upon this question. In justice to those gentlemen who comprise a large and respectable portion of our citizens, I think this request should be granted. If it is a matter of expense, I have no doubt those gentlemen will bear the expense. At any rate, I will see that that part of the bill is provided for. It seems to me that it is nothing more than just to a large portion of our citizens.

Alderman O'Brien—I hope the Alderman from Dorchester will now be allowed to go on with his remarks by general consent.

Alderman Robinson—I will say nothing more.

The Mayor—The Chair takes the liberty to say that he retracts his ruling in reference to the gentleman being out of order. The question of laying on the table is not debatable, but coupled with the motion is a proposition to print, which is debatable, and any discussion that is germane to that would be in order.

Alderman Robinson—It was not my intention to say anything more when I was called to order. I was simply speaking about the treasurers of the mills and the merchants who signed that paper, some of the best men in the city, and most of them are my personal friends, and I know by reputation almost every one who signed that paper. They said it would be impolitic to put it on Boston Common, and therefore they know all about it,



although they were not present at the hearing. It is too late to go into the discussion of this question now.

Alderman Clark—It is a fact that the party most interested in the opposition asked for a hearing before the committee and I wish to say this, that out of seven of the remonstrances presented to the Board of Aldermen and the committee, Mr. W. H. Whitmore's name appears upon every single one of them. So I submit whether or not Mr. Whitmore was not the prime mover in this remonstrance; and I submit that whatever Mr. Whitmore requested in regard to the hearing was granted. Every one of those remonstrants was signed by Mr. Whitmore and by some other parties. I only state this because it was at the request of Mr. Whitmore that this hearing occurred before the committee and not before the Board of Aldermen.

Alderman O'Brien—Mr. Whitmore was present at the meeting of the Board when that hearing was granted, and he stated distinctly to me that the hearing before a committee would be satisfactory.

Alderman Clark—I make this explanation because it is well known that I am in favor of this measure, and because I am not opposed to the present investigation. If the parties opposed to granting this petition are willing to act upon the matter tonight, I shall not object. If, on the contrary, members desire to have all the evidence printed, I have not the slightest objection.

Alderman Gibson—I am prepared to vote upon this question tonight, and I hope it will not be deferred. The Alderman from the Bunker Hill District gives as a reason why it should be printed, that it will throw light upon the question. It will be a costly document; it will be a waste of money, and only fill up our shelves at City Hall without being of any public benefit. It strikes me that the gentlemen occupying these chairs need no more light. Certainly, I shall be pleased to settle the question tonight.

Alderman Thompson—Does the Alderman realize that the question has got to go to the other branch and be acted upon there?

Alderman Gibson—That is so, and it may come back again if we act tonight. We will put it ahead as far as we can.

Alderman Thompson called for the yeas and nays upon the motion to lay upon the table.

Alderman Fitzgerald called for a division of the question.

The Mayor—The order under the rule would lie over as of course, and the question should be upon taking it up and considering it at this time.

Alderman Wilder—Is not the question before the Board on the motion of Alderman Thompson? The Chair stated that as he understood the rule this order would of course lie over, and that the question would be upon taking it up and considering it at this time. The motion made by Alderman Thompson is that it lie upon the table to be printed, with such evidence as the committee took in the matter, and that is the proposition which has been under consideration. Now a motion is made for a division of the question. The Chair rules that the first part of the question is laid upon the table as a matter of course, and the motion then would be upon printing.

Alderman Clark—I move that the order take its second reading at the present time.

Alderman Thompson—I raise the point of order that the motion to lay upon the table and print has not been disposed of. That question must be disposed of first.

The Mayor—If the order is upon the table, and not before the Board, the Chair is unable to see how it can be laid upon the table.

Alderman Thompson—My motion was to lay upon the table and print.

The Mayor—It is now upon the table. The Chair suggests that the order be taken from the table.

Alderman Fitzgerald—In deference to those who are opposed to this measure—I do not know how many there are, as it seems to be a foregone conclusion that it will go through this Board—I think sufficient time should be given to them to state their objections. Judging from what has been said, I have no doubt it will pass this Board.

Alderman Clark—I will endeavor to give the opposition all the opportunity to express their views if they see fit, even if it take seven days. It is a question we can settle tonight, even if we do not want to have this evidence printed. Upon the passage of the order any member who is opposed to it can have the amplest opportunity to express his views against its passage. Therefore I hope

the order will take its second reading at the present time, unless it is desired to have it printed.

Alderman Thompson—The original report of the committee and the order have never been read.

Alderman Clark—I call for the reading of the first report.

Alderman Thompson—I desire to conclude my remarks. I was going to say, Mr. Mayor, at this late period, it was my desire that the report of the committee and all that they had to say upon the question might be printed, together with the report of the hearings, so that we could act upon this matter intelligently; but, if the matter is to go through tonight, I am not prepared to act, and shall not be any better prepared if the report and the evidence is not printed. It is not only on account of myself, but I think that I have some regard for the other branch of the City Council. I am sure from the reports I have seen in the papers that we could not arrive at an intelligent opinion upon the subject. The gentleman referred to what was said in the hearing of the petitioners in regard to Fort Hill being the only place where they could go to; I would state that they were also referred to the lower part of Commonwealth avenue, where there is plenty of land. I don't know but some other place might have been referred to. That is the very thing we shall know if the evidence is printed.

Alderman Robinson—Is the gentleman in order?

Alderman Thompson—That is what I desire to arrive at. Now when you consider the gentleman's friends in the same line of business, the people who would be expected to exhibit their manufactures at this exhibition, are opposed to holding anything of that kind upon the Common; and a majority of the manufacturers of domestic goods are opposed to it, as has been published in the papers. Why, if the evidence is not to be printed I shall be in no better condition to vote next week than I am tonight. My desire is to have it printed, that the other branch may understand it thoroughly. If am compelled to vote tonight, I shall vote against it.

Alderman Clark—The Alderman who has just taken his seat was present at both hearings and heard about everything that was said.

Alderman Thompson—At the last hearing I was present from half-past seven to half-past eight. The Committee on Public Instruction were in session until seven o'clock. I was present at the last part of the hearing. I heard the closing remarks of Mr. Joseph F. Ropes and the arguments in favor of the petition.

Alderman O'Brien—I would like to say that because I am opposed to the printing of the document I don't want any inference drawn from that that I am in favor of the report, because, as I now feel, I am decidedly opposed to it.

At the request of Alderman Clark, the Mayor read the original report as follows:

The Joint Standing Committee on Common and Public Grounds, to whom was referred the petition of the Massachusetts Charitable Mechanic Association, for the privilege of erecting a temporary building upon the parade ground on Boston Common, for the purpose of holding therein their thirteenth triennial exhibition of industry and art during the months of September and October next, and also the petition of Otis Noicross, and others, in aid of the same, having carefully considered the subject, beg leave to submit the following report:

In 1837 the Massachusetts Charitable Mechanic Association commenced to hold those exhibitions of invention and progress in mechanics, manufactures and useful arts which have hitherto been so successful. Twelve exhibitions have been given in Faneuil and Quincy halls, each exceeding the previous one in interest and attractiveness, and in the quality of goods displayed.

The last exhibition, held in 1874, demonstrated that the halls, even with such appurtenant buildings as could be erected without interfering with the business or travel of the neighborhood, were entirely inadequate. Although the area in square feet was larger than was ever before devoted to the purpose, only about two-thirds of the goods offered could be accepted. The articles exhibited were necessarily huddled and cramped together, while all opportunity for studying the results of New England industry by comparison was virtually lost.

The liability of injury by fire or from the peculiar nature of the business carried on in the vicinity rendered the owners of many choice goods and works of art unwilling to place them on exhibition. The growth of market business in the

neighborhood made access to the building in the day time disagreeable and inconvenient, while the crowded condition of the interior of the halls necessarily prevented a careful study of the exhibits.

Notwithstanding, however, the disadvantages under which the exhibition was held, so great an interest was aroused that at its close assurances were given by the representatives of the leading industrial interests that, if the association would erect a suitable building, they would at the next exhibition make a display of their goods unequalled before in New England. Of these industries, those of textile fabrics, the product of our own mills, stood foremost. The request was seconded by the shoe and leather and glass and crockery interests. The products of these several industries require light and space to be exhibited to advantage; and these could not be obtained except by the erection of a building especially adapted to the purpose.

The period has now arrived for another exhibition of the association, and there being no hall in the city capacious enough to meet its requirements, it has deemed it advisable to erect a temporary building for the purpose. Hence the petition for leave to occupy a portion of the parade ground. The place is selected for the reason that the firmness of the earth will allow the placing of heavy machinery without the necessity of pile-driving; and also because it is convenient of access, and with pleasant surroundings which can be maintained so by the city. If permission is granted, the association will erect a building of iron and glass, or of iron, wood and glass combined, of symmetrical proportions and of architectural beauty, and will put it up and take it down without work being necessary on the grounds, it being all planned and adjusted before the parts are borne to the site. No injury will be done to the trees, nor will the landscape be disfigured. It is desired that the building should stand for about two months, and upon its removal the association will place the grounds in as good a condition as at present.

The association expressly ask that all regulations and conditions shall be prescribed by the City Government, so that the rights of citizens shall be maintained, promising, on its part, to furnish an exhibition which will redound to the honor and good name of the community, and be in itself an educator, a stimulant to invention, and a promoter of taste and utility in every department of industry and art.

The great Centennial Exhibition has aroused a most salutary interest in displays of this character. Only about one-eighth of our population witnessed that exhibition. On a smaller scale, it is true, but with the same system, and by the same classes of goods, that exhibition can be duplicated in this city, giving pleasure and valuable instruction to thousands of our citizens. Coming midway between the Philadelphia and Paris expositions it will undoubtedly have, in an unusual degree the cooperation and good will of the leading business men of New England.

The Massachusetts Charitable Mechanic Association has contributed largely to the welfare and renown of our city. Organized in 1795, with Paul Revere as its first president, and with many other men illustrious in our town and city annuals as his successors, it has, from the first been promotive of invention and the development of the mechanic and useful arts. It has taken an active interest in various memorials, such as the Bunker Hill Monument, the Franklin statue and other works of public character. It early began the system of awards for skill in workmanship, and it has frequently been granted the use of the State House and Common for the purpose of presenting those awards to the recipients. At its last exhibition it distributed gold, silver and bronze medals for meritorious inventions, designs and products, at a cost of upwards of \$5000. Since that exhibition it has distributed in charity, to its indigent members, mainly our own citizens, over \$15,000. It has aided the Institute of Technology liberally; and in various other ways demonstrated its usefulness and public spirit.

If the proposed exhibition is pecuniarily successful the association will not only be enabled to continue to dispense its means as hitherto, but will, possibly, contribute to the adornment of the city by the erection of a permanent building for exhibition and other purposes. Should it not be favored with the location asked for? It is understood that the association, which takes all the risks and bears all the expenses of the undertak-

ing, will not feel justified in going on with it, and it will be abandoned.

Your committee have consulted with the City Solicitor in regard to the legality of granting the desired permission, and find that there is no objection in that direction. They are conscious of the general desire of our citizens to have no inferior exhibitions or purely money-making shows on the public grounds, and, were this association other than a charitable and industry-promoting one, they feel they would not be justified in giving the request consideration. They are, however, unanimously of the opinion that, aside from the laudable purposes of the association, the amount of instruction and pleasure which the public will derive from the exhibition, and the benefit which will accrue to business from the large number of visitors who will be attracted hither, renders it desirable that the petition should be granted, and they would therefore respectfully recommend the passage of the following order:

Ordered, That the Massachusetts Charitable Mechanic Association be and hereby is authorized to erect a temporary building on the parade ground of Boston Common for its triennial exposition of industry and art, to be occupied for that purpose during the months of September and October next, upon such terms and conditions as the Committee on Common and Public Grounds shall prescribe, and to be erected, maintained and removed without expense to the city of Boston.

Alderman Clark submitted the following, in connection with the subject:

CITY SOLICITOR'S OFFICE,  
2 PEMBERTON SQUARE,  
BOSTON, Feb. 24, 1877.

Dear Sir—In my opinion, permission may be granted to the Charitable Mechanic Association to occupy a portion of the Common temporarily for such an exhibition as is proposed, without the violation of the legal rights of the public or of individuals. The only question involved in the case is a question of expediency only.

Yours truly, J. P. HEALY.

John T. Clark, Esq., Chairman, etc.

Alderman Thompson—I move that the subject be laid upon the table and printed with the testimony taken by the committee.

The motion was lost.

Alderman Fitzgerald—To give the gentlemen opposed to it time, I move that it be especially assigned to the next meeting of the Board at half-past four o'clock.

Alderman Clark—I trust that motion will not prevail, unless it is desired to have the evidence printed. I hope the order will be put upon its passage tonight. There is no excuse whatever unless members desire further information, and that further information can be obtained, by having all the evidence printed.

The motion to especially assign was lost by a rising vote—3 for, 9 against.

Alderman Fitzgerald—Although I think it is going to pass this Board, as I see plainly from the action of the Board, I want to place on record my opposition to the passage of this order granting a portion of the Common for uses of that kind. My friend, the Alderman from the Dorchester District, said that it was simply a gratification of the sentimental part of the community. Well, sir, I have a great deal of respect for the sentimental part of the community, or for that sentiment which actuates the community. There is a very honorable sentiment, or feeling, in the minds of the community that the Common ought to be touched for no purpose save and except that which is common to everybody. That feeling prevails in this city of Boston, and so strong is it, sir, that when the city of Boston a few years ago found what appeared an absolute necessity for cutting off a part of the Common on Tremont street, the Legislature of Massachusetts took it out of the power of this Board to touch one inch of that Common, except by vote of the citizens of Boston. Not only are the people of Boston, but the whole State of Massachusetts is jealous of any encroachment upon that Common. Nobody will go further than I in respect due to the gentlemen who have asked that this privilege be granted them. Grant that it will be a grand object, and the purpose a grand purpose; but I say that the expediency is a very doubtful one that will grant this privilege to that corporation. I venture to say that if it were put to the votes of the people of Boston tomorrow, the prayer of the petitioners would be refused by a vote of ten to one. The people don't want any encroachment upon anything that will take away from them the rec-

reation they have upon the Common. I understand that the building is going to cover four acres; that it will at least extend 600 feet on the mall, or more than half the length of the Common on one side. It is going to take up a large portion of that playground there, or rather that which was. Out of respect to that sentiment which pervades the people, I cannot find it in myself to vote for this worthy object, grand however it be and encouraging though it be to all the material progress of the city. We are the trustees of that Common for the benefit of the citizens, and as I am fully convinced that the citizens will under no consideration vote to grant the petition of this corporation, I cannot find it in myself to vote for it. If you grant it to one it will be a precedent established for granting to a second and a third. The worthy object will be urged; it may be religious or musical, something like our grand peace jubilee, or a grand religious movement of some kind or other; and if we are justified in keeping a building there three months, we will be justified in keeping it six, eight or twelve months, because it will be but a temporary structure. I saw the name of Paul Revere mentioned in that report of the committee, and I venture to say that if Paul takes any interest in the proceedings of the Board of Aldermen, his vote would be cast against putting a building upon the Common. I rise simply to protest, for I know it is going to pass the Board of Aldermen.

Alderman Robinson—The Alderman who has just spoken says he believes if it were put to a vote that five to one would vote against it. I have had as much conversation with gentlemen of the city as he has, and I came to exactly the opposite conclusion. There is no intention, no expectation, no desire, to make a precedent in this case. It is only whether they shall hold an exhibition this year or not. The gentleman says he likes sentiment, but I know that sentiment does not butter any parsnips.

Alderman Clark—I wish to give the Alderman some information. The place asked for is what was known for the last ten years as the boys' play ground, which had not been sodded down for a great many years up to last autumn. The building will not cross a single path, except that which leads from Boylston street towards the lull. It does not go within fifty feet of the settees on the Common; it does not touch a single tree, it does not interfere in the least with the rights of a single citizen of Boston. On the contrary it is proposed to make this exhibition second only to the great Centennial which we have all passed through and to give the poor people an opportunity to see, upon a small scale to be sure, for twenty-five cents what it cost most of us fifty cents or a hundred dollars to see in Philadelphia. It was stated by one of the remonstrants that you propose to take away the rights of the people and prevent them from taking recreation on the Common. It is not in the place where men, women or children go. The association would not go to the city and ask this if they could find another spot large enough to hold the exhibition. They want a space 500 feet long and 100 feet wide. There is no place in the city proper that will answer their purpose. At their last exhibition they occupied 48,000 square feet, including Faneuil Hall, Quincy Hall and the space they were allowed to occupy over the street, and they were obliged to turn away one-third of the material offered for exhibition. Now, there is another place which has been mentioned, the little square on Fort Hill, which is less than 40,000 feet. Gentlemen, the only place upon which they can hold this exhibition is upon the boys' play ground upon the Common, and it is a question for this City Council to decide whether they will allow an exhibition of this kind which is educational to a certain extent, and which will have, I think, attractions sufficient to induce people from all over New England, and the West and the Canadas to come here and visit it. It is my opinion that it will attract half a million of visitors here if it is carried out upon the plans proposed. So far as this being an entering wedge. I would state that in 1837, when Samuel Eliot was Mayor, Thomas Richardson, Samuel Quincy and Thomas Whitmore were members of the Board of Aldermen, this same association was granted permission to hold their exhibition upon the Common, but the society decided that it would be better to go to Faneuil Hall. They did go to Faneuil Hall and have held their exhibitions there ever since; so that since 1837 they have never come here and

asked for the use of the Common, and perhaps they will never come again. The Common has been used for various purposes where money was taken for admission. Some years ago, as you, Mr. Mayor, will remember, there was a grand railroad jubilee. The floor was laid and an admission fee of twenty-five cents was charged. This association has never come here since 1837, but they have erected a magnificent hall at the corner of Bedford and Chauncy streets. So far as the character of the institution is concerned, it needs no indorsement from me; it is too well known. Their exhibitions always attract a great many people to them. The stimulus created at Philadelphia has caused them to desire to make an exhibition upon a much larger scale than ever before, and if they go upon the Common they propose to erect a building of iron and glass that will be very attractive. They will have to spend a hundred thousand dollars in getting ready for this exhibition, and it will make a difference of twenty-five to thirty-five thousand dollars in their receipts whether they are allowed to go upon this spot, or are compelled to hold it upon another one. But they have decided that if no permit is given they will abandon the exhibition this year. Other localities have been looked for. I have looked myself. One of the remonstrants stated that there is a six-acre lot on Columbus avenue especially adapted to this exhibition. There is a piece of land there of less than two acres and the shape of a flatiron, and not at all adapted for putting up such a building. So far as using it is concerned, that is utterly impossible. The street has been graded, and it will undoubtedly be put in order, and it is not likely that the city of Boston will allow its public thoroughfare to be used in this way. Furthermore, it is in a bleak and barren place, and I doubt whether any gentleman would allow his fabrics to be exhibited there. It is simply a question whether they will be permitted to go there, or whether the whole exhibition shall be abandoned. I know that some parties who came before the committee as remonstrants, testified that they were mistaken in regard to the character of the exhibition. My own family physician, a gentleman for whom I have the highest respect, stated, as I am informed, that it would be very detrimental to the public health to have a building extending from Boylston street to Beacon street, thereby preventing the children from going to the Common. I asked him on Saturday, and he said that Mr. Wadsworth said that they wanted nine or ten acres. I pointed out the location, and asked if he thought the location of the building there would have the slightest effect upon the health of the community, and if so, I would not advocate the measure. These are the facts. I know that the remonstrants came here honestly, and asked that permission should not be granted. The most active men in the opposition are not practical business men. They are born to large fortunes, and they do not know the necessity of doing anything to attract business to Boston, to advertise Boston, and bring people here from all over the country. We who are in business know the necessity of advertising our business as extensively as possible. I believe there is nothing that would have such an effect upon business as this exhibition upon the Common.

Alderman Thompson—I do not propose to occupy much of the time of the Board. Nobody objects to what has been said about the exhibition. It is all right. It will be a good thing for Boston, and so far as the association is concerned it is one of the most honorable in Boston; and if this privilege is to be granted to anybody, it should be to that association. But we do know that there is a sentimental feeling, as the gentleman opposite has stated, in the minds of the citizens of Boston in regard to any encroachment upon the Common. We are here as representatives of the people of Boston, and we must respect that feeling. If it is granted in this case it may be granted in any other case, and probably three years hence the Common will be occupied for the same purpose.

Alderman Gibson—I hope the order will prevail. We want something to stir up business here. It seems to me it will be one of the things to start up business here during the coming year. A hundred thousand dollars will be spent for labor and materials that would not be spent here if the building is not erected. That is what members of the City Government desire. I do not see any harm in it. I know the tenacity with which our old residents cling to the Common, but I guarantee that there would not be ten of those remon-

strants put a foot upon the Common if the building does not go there. It will bring from sixty to a hundred thousand people here. The Common is common; it is common for the best interests of the public, and I want to know why it is against the interest of the city to allow this exhibition to be held on the Common? Every branch of industry will be aided; it will roll in business. We are dead to all intents and purposes. There was actually more business done in 1862-63 than there is in Boston today. They are going upon a barren piece of ground to occupy it for two or three months, and then move the building away. I remember that I was instrumental in taking away the sidewalk from the Common on Tremont street. It was entirely valueless, and there was a continual stream of cars going up and down. We carried it after two years, and many of the old residents, who begged of me not to advocate that measure, have since said they were glad of it. It will be precisely so in this case. I believe that many who oppose it now will come and say they are very sorry they tried to prevent it. It is the only thing I can see to help business during the coming season. It appears to me there should not be any opposition to it. From what I hear of the talk among business men, I find very little alarm in regard to its injuring the Common, and a very large majority are in favor of putting the building there. I really think it ought to have the unanimous vote of the Board. If it is put there it will help the landlords and all classes of mechanics, and our people will pick up half a million of dollars, at least.

Alderman Clark—The parties who oppose this are the same who came here for two years and opposed the cutting down of the Paddock elms. I have no doubt some of them will say that is a mistake.

Alderman Thompson—I do.

Alderman Clark—I am surprised to hear the gentleman say that it is a mistake. I believe that it is admitted by every single individual, except one that I have in my mind and the Alderman from the Bunker Hill District, that it is one of the greatest improvements ever carried through without cost. I should not object to putting a building upon Commonwealth avenue or any other avenue, but I believe it is right and just that we should grant this petition.

Alderman Gibson—I did not quite finish my remarks in regard to the sidewalk in Tremont street. We never took away any land there at all. I have had a hundred people who opposed it come to me and say it was a great improvement. There was a perfect stream of teams in that street, and the sidewalk was of no use at all. I guarantee that you could not get a petition signed by the citizens of Boston today to have it put back. The Common is common, and why should it not be used?

Alderman Thompson—If another horse railroad wanted another track, would you give them a piece of the Common?

Alderman Gibson—No, sir.

Alderman O'Brien—When my attention was first called to this matter it struck me favorably, because I then believed that the manufacturers and machinists of our city, through the agency of the Charitable Mechanic Association, wanted to exhibit their workmanship upon the Common; and it certainly struck me as a very favorable place for such an exhibition. But that is not the case. The manufacturers oppose it and the workmen do not ask for it; they even remonstrate against it; and if we grant this petition we shall make the Mechanic Association a house divided against itself. Every gentleman here must have seen during the week a remonstrance representing two-thirds of the New England mills. The great Pacific Mills remonstrate against it, and no mill in the country could show such an exhibit of goods as they; it is the largest mill in this country, and its exports go to almost every quarter of the globe. From the fact that the Pacific Mills remonstrate against it, it is evident that they will not be represented at that exhibition. It is also very evident that the other manufacturers who remonstrate against this use of the Common for that purpose will not be represented there; and instead of a united exhibition of all our mills and workshops it will be a house divided against itself. I am not so sensitive about encroachments upon the Common as many of the remonstrants to the petition are. I do not believe in driving our boys from it, either for skating or ball playing; I do not

believe in many other matters in connection with the Common, and if we go on I do not know but we will put up "no admittance" at every entrance, and be compelled to view our Common from the adjoining streets. When the Mechanic Association asks for this privilege, we want them indorsed by the men they represent; by the mills and workshops of the city; and they are not so endorsed, because the mills and workshops remonstrate against it. It is for this reason that I shall vote against this order. It is an encroachment on the Common, and might prove embarrassing in the future. If there was no doubt about it on their part, it would do away with many of my objections. When the aldermen consider this question I hope they will also reflect how poor we are in all the material that constitutes a great city. Here is the Mechanic Association, of only eighty years' standing, that has outgrown all our public improvements; there is not a place large enough for them to hold an exhibition. I say it is discreditable to the City Government in the past to have such an assertion made public as has been made for some weeks. I believe that even now if the scheme for a park was proposed, such as Fairmount Park in Philadelphia, or Central Park in New York, the very men who would grant the association the privilege of using the Common, would vote against a park. There is where we fall short in all great public improvements; and when this association of eighty years standing asks this privilege, we are afraid to grant it because it is a dangerous precedent. I believe it would be a dangerous precedent. In relation to other places, I believe the end of Commonwealth avenue could be utilized very well for an exhibition of that kind, and I do not believe the travelling public will ever say one word against it. There is not only land enough there, but I believe the people of the city would find their way there just as easily as the people of Philadelphia found their way to Fairmount Park for five or six months. I believe that if the exhibition was given in a locality where there was plenty of room, it would draw just as large a crowd of the citizens of Boston and people outside of Boston as it would if it were placed on Boston Common. I do not believe that the Mechanic Association are going to be driven from this exhibition. If they do not get the Common, I do not believe they will not locate in some other quarter. It is all well enough to say now that they will not have the exhibition if they cannot get the Common, but if we refuse to give them the Common you will find that they will locate themselves before many weeks in some other locality; and they may possibly locate themselves permanently, because I believe that has been under consideration for some time. For these reasons I shall feel obliged to vote against the order.

Alderman Robinson—If the Alderman who has just spoken supposes that those same mills will not exhibit on the Common he is mistaken. I have been to them myself, and one of the parties who signed it told me he would make a fine display of dress goods. I have not seen Mr. Little, but I saw the agent of the Washington Mills, and he said he would be happy to exhibit. There is George C. Richardson, who is one of the largest manufacturers, and he is heart and soul in the enterprise. Where I have talked with business men—and I see them every day—they are ten to one in favor of holding it upon the Common.

Alderman Clark—The Alderman from Ward 21 [Alderman O'Brien] made a first-rate argument in favor of public parks, but no argument against granting the prayer of the petitioners; and I trust, Mr. Mayor, that under your administration we shall inaugurate a system of public parks that will give this institution all the space they want three years hence. Who are these remonstrants? They are all respectable men. Only four of the signers among the agents of the mills have ever made an exhibition, so that it does not make a great deal of difference whether they attend it or not. But, allow me to say, that Mr. George C. Richardson, who represents probably a larger number of mills than any other man in Boston, is the third signer of the petition in aid. Mr. Erastus Bigelow, one of the largest manufacturers and one of the greatest inventors of the age, not only signed this petition, but is very earnest indeed that the prayer of the petitioners shall be granted, because he will make such an exhibit of carpeting as was not made in Philadelphia, besides setting up one of his looms, which alone is worth five dollars

to see. Among the petitioners are a great many mechanics, manufacturers and others, all well-known public-spirited citizens. The boot and shoe interest is very anxious that this exhibition should be held on the Common; they say they will make an exhibit almost equal to that made by them in Philadelphia; and they will want 30,000 feet—almost as much space as could be obtained in Quincy Hall. The shoe and leather interest is the great interest in Boston today, and we should bring people from the North, South, East and West to see what can be done in New England in that line. I wish to correct the Alderman from East Boston in regard to the ball ground. After the boys had almost killed two or three men, the Committee on Common decided to put it down into grass; it was seeded down in oats, and undoubtedly will be covered with grass this year, instead of being a dust-hole as formerly. Several serious accidents occurred there, and one of our own men had a shoulder broken by the boys playing ball. This proposed building does not require the driving of a single pile or the digging of a single trench, and the gas main and sewer are there. They will take the building away and put the ground in order at their own expense. They do not ask the city to contribute a single dollar, and they intend it shall be for the benefit of the people. Now, Mr. Mayor, it is not for us to decide whether it is going to be a success so far as this corporation is concerned. The Board of Government ask for permission to put the building there; and it is for them to say whether it will be profitable or not. In my opinion, the exhibition at Philadelphia created a desire in the minds of all who were not able to go there, and those who were, to see such a display here; and I believe it is a good time to hold one while the exhibition at Philadelphia is so vividly before the people.

Alderman Robinson—I wish to add a little something to the remarks of Alderman Clark. I am informed that a great many articles that were exhibited at Philadelphia are boxed up to be sent to the Paris Exposition in 1878; and if this exhibition is held in a proper place this year we shall have the privilege of seeing those articles at our own doors. The remark was made that there will be no exhibition this year, if the permit is not granted. It will go by two years, for most of our people will go to Paris next year, to attend the exposition which is to be held on the Champ de Mars. If the building is put in a proper place, where the statuary can be loaded and unloaded without injury, we can have a great deal here that was at Philadelphia. That is something of itself. Although there are a great many fine paintings in Boston—and perhaps some even better than was exhibited at Philadelphia—still there were a great many articles brought from the other side which the owners will be glad to exhibit here.

Alderman Gibson—We shall have the Common clear in May, June and July, the pleasantest months in the year, and after that people go out of town, so they will not be disturbed by it. I

have been in Boston a great many years, and have never yet seen the Common crowded, and never expect to, though I have seen as large parties there in the last forty years as any man. You hardly ever see any one on the ground they propose to occupy except the military.

Alderman Thompson—I am sorry my motion to have this matter printed did not prevail, as it would have saved all this eloquence. As a member of the Committee on the Monument, I think it will be a great disadvantage to grant this permit. It is said the monument will be completed this year, and that the event will be celebrated on the 17th of September. I don't know how much of a celebration it is proposed to have, but if the Grand Army associations are invited, as was proposed, the occupation of the Common will interfere with the celebration.

Alderman Wilder—I am happy to learn that there is some prospect of completing the monument. A week or two since the committee discussed the question of going to London or Philadelphia to see some models, and I am glad if there is the slightest prospect of its completion.

Alderman Thompson—I have seen a letter from the artist, who says he will be ready in four months. We found that we could not accomplish anything unless we went all over the world, and that has started up Mr. Millmore.

Alderman Robinson—That very objection was raised and the parties said they wanted to have it there because the monument would draw a great many people here.

Alderman Fitzgerald—I hope gentlemen will keep on talking, as we may get more votes on the other side.

The order was passed—yeas 9, nays 3:

Yeas—Alderman Breck, Burnham, Clark, Dunbar, Gibson, Robinson, Slade, Viles, Wilder—9.

Nays—Aldermen Fitzgerald, O'Brien, Thompson—3.

A motion to reconsider, by Alderman Clark, was lost.

Sent down.

#### CHARLES RIVER EMBANKMENT.

Alderman Fitzgerald asked if the Committee on Public Parks had taken any action relative to a petition before the Legislature to authorize the building of a sea wall in the vicinity of Charles River.

Alderman O'Brien said the committee had considered the matter last Saturday, and it had been thought best to obtain the necessary legislative authority.

Alderman Fitzgerald—Is it intended to give the power to the Park Commissioners without coming to the City Council?

Alderman O'Brien—Certainly not. It is merely to open the matter before the Legislature, so that if it is decided to build the Charles River Embankment the City Council will have the necessary authority. The commissioners cannot move a step without the sanction of the City Government.

Adjourned, on motion of Alderman Wilder.



## CITY OF BOSTON.

Proceedings of the Common Council,  
MARCH 1, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

Reports (leave to withdraw) on the petitions, viz.: of the corporation of Beth Elie, for abatement of tax on their church edifice in Gloucester place; of the Glendon Company, that tax on estate 4 Waldron park in 1873 be refunded; of Edward T. Spurr, for compensation for personal injuries to his wife from a fall in Mead street; Severally accepted in concurrence.

Reports that claims for compensation have been settled, viz.: Of Matthew O'Brien, for injuries to his son from a fall on Avery street, \$75; of Anne McLaughlin, for injuries from a defect in Pleasant street, \$200; of William Shear, for injuries in Ruggles street, \$150. Severally accepted in concurrence.

Reports and orders for permits to build to be issued: To Benjamin F. Teeling, on Canal street, Charlestown; to A. Zeigler, on Decatur avenue. Orders read twice and passed in concurrence.

Reports and orders, viz.:

To allow to Ella Wyman \$150 in payment for loss of right in passage way on Indiana place. Read twice and passed in concurrence.

To deduct \$1625 from amount due on lease of Thomas Carter for wharf on Albany street. Ordered to a second reading.

To issue a confirmatory deed to St. John's Universalist Parish, of land intended to be conveyed by deed of the city, as in said order set forth. Read once.

Order to allow and pay \$102 to Mary A. Rosemeyer, for a parcel of 204 square feet of land on Brown street, Northampton-street district, as therein set forth. Read once.

## BILLS FOR FURNISHING SUPPLIES.

An order came down to allow certain bills of Increase E. Noyes and George Curtis against the city.

Mr. Clarke of Ward 22—I do not particularly object to this order tonight; in fact, I shall vote for it. But, sir, during the last year, almost every month, a bill came into the Council to pay Mr. George Curtis for certain supplies furnished the city. That gentleman holds the position of Overseer of the Poor; consequently he cannot be paid for supplies furnished the city without a special order by the City Council. I presume, sir, that in the matter of lumber, or articles of that kind, the Committee on Streets can purchase of many other lumber dealers, and I don't see why every month we should be obliged to vote upon bills for parties who are officers of the City Government. If it were a matter of philosophical instruments or something that could not be obtained anywhere else, I should not object to it. I simply call the Council's attention to it, because last year, almost every month, there were orders to pay bills of Mr. George Curtis. It seems to me that if we have an ordinance upon our books prohibiting this thing, we ought to enforce it.

Mr. Sampson of Ward 17—I heartily agree with the remarks of the gentleman from Ward 22. I believe that during almost every month bills for furnishing supplies to the City Government are presented to the City Council for approval where the parties are holding offices under the City Government. While we have an ordinance prohibiting the City Government from furnishing supplies to the city, and it ought to go out from the City Council tonight that we shall approve no more bills of that kind.

Mr. Crocker of Ward 9—Did I understand the gentleman to advance a proposition that it should be understood that the Council cannot approve any more bills for supplies furnished by any gentlemen who are officers of the City Government, or simply the bills of Mr. Curtis?

Mr. Sampson—Not at all. I mean all bills of that kind. It should be distinctly understood that the departments should not purchase supplies from officers of the City Government.

Mr. Wilbur of Ward 20—I do not understand that this is anything more than is provided for by

the ordinance. As I understand, the ordinance it provides that any member or officer of the City Government cannot furnish supplies unless the bills are approved by vote of the City Council. When I was here two years ago it was very often the case that orders for the approval of Mr. Curtis's bills came here. He is an officer of the City Government, being an Overseer of the Poor, and I believe he fulfils the duties of the office faithfully and gives a good deal of his time to it. He is called upon to furnish lumber for various other departments, and it seems a little hard, if the lumber is purchased as cheap of him as of other individuals, and the bills are approved regularly as the ordinance provides, for I cannot see any harm in still having them in the same way as it is now. I cannot see any great harm in his furnishing supplies and materials as he now does. They are none of them large bills; they are small lots of lumber that are wanted in that vicinity. I should hope that no vote be passed here, so that any other bills would be audited and approved by the City Council, so long as it is done in the regular course that the ordinance provides for.

Mr. Stone of Ward 3—I think there are other dealers in the city from whom lumber can be purchased as well as Mr. Curtis. As has already been stated, there were many orders of this kind last year, and I think it is about time that we should put a stop to it. I hope that we shall not approve these bills.

Mr. Sampson—It is in direct violation of the statutes of Massachusetts. There is no such provision in the ordinance as the gentleman [Mr. Wilbur] indicates. So long as we have that statute we ought to live up to it. It is only violating in this small way, but in the aggregate it amounts to a great deal. Any gentleman who accepts office in the City Government understands the law in relation to furnishing supplies to the City Government. I object to approving bills for supplies furnished by any gentleman connected with the City Government.

Mr. Wilbur—I stand corrected. It was a little misapprehension, and I withdraw all objection.

The order was passed to a second reading.

## SALARIES.

A report of Committee on Retrenchment of Municipal Expenses came down with thirty-nine ordinances establishing the salaries of the several city officers and employes in the public departments. (City Doc. No. 20.) Specially assigned on motion of Mr. Flynn of Ward 13 to the next meeting at 8½ o'clock P. M.

## SINKING FUNDS.

A report came down with an ordinance to amend the ordinance in relation to finance, providing that the balances of appropriations at the end of the financial year shall be carried forward and credited to the appropriations for the next year.

The subject was first considered in the regular order of business. The question was upon giving the ordinance a second reading.

Mr. Pratt of Ward 21—I move that the ordinance be referred to the Committee on Finance. It relates to a very important matter. It is a matter to which I have given, since it was first reported to the other branch of the City Council, many hours of thought and investigation, and I believe that several other members of this branch of the City Government have given it considerable thought. There is a diversity of opinion in respect to the expediency of passing such an ordinance. When any small matter comes up in this or the other branch in relation to the expenditure of a hundred, or a few thousand, dollars, it is referred at once to the Committee on Finance. The singular course of this report and ordinance is that the report is made by a committee which has duties enough for five committees to perform in the course of six months, and they have secured its passage through one branch of the City Council without referring it to the Committee on Finance or the Committee on Ordinances. More than this, Mr. President, if I am rightly informed, it has been reported and passed through without special consultation with the Board of Commissioners on the Sinking Funds, and without special consultation or conference with the Committee on Finance. I therefore ask that it may be referred to the Finance Committee for their careful consideration and opinion. I think the judgment of that committee—most of whom are accomplished financiers; which certainly cannot be said of the committee who reported this ordinance—would be a great aid to us in passing intelligently upon this question. I will not now

go into the merits of the question, because I hope to have the judgment of the Finance Committee before I do so.

Mr. Flynn of Ward 13—As this matter will probably create no little discussion tonight, and also the report of the Committee on Common in favor of the passage of the order authorizing the Charitable Mechanic Association to put up a building on the Common, and also the report of the Committee on Retrenchment, I move that these matters be laid upon the table for the present, in order that the Council may have time to go through their regular business; and, if that motion prevails, I will make a motion so that they will come up in the regular business and be discussed.

Mr. McGaragle of Ward 8—Does the gentleman propose to take it from the table this evening and refer it to the Committee on Finance?

Mr. Flynn—I intended to lay it upon the table in order that the regular business may be disposed of.

Mr. Stoue of Ward 3—Instead of laying it upon the table, I think it would expedite business more to refer it to the Committee on Finance. That committee does not delay matters generally that are referred to them. I think it had better be referred to them, and I believe it will expedite business. I hope the motion to lay upon the table will not prevail.

Mr. Flynn of Ward 13—Do I understand that it can go to the Committee on Finance without debate here this evening? If so, I will withdraw the motion.

Mr. Stoue—I supposed, sir, that it would go to the Committee on Finance this evening, and that the debate would come up on the other report.

Mr. McGaragle—I certainly hope that the motion to refer will not prevail, as I propose to debate it, and am opposed to its going to the Committee on Finance.

Mr. Flynn of Ward 13—If there is to be a debate here this evening, I shall insist upon the motion.

Mr. Sampson of Ward 17—I hope that motion will not prevail. If it is to be debated, I think it would be better to act upon it before the suburban members have gone home. I think it ought to go to the Committee on Finance without debate.

The motion to lay upon the table was lost by a rising vote—33 for, 33 against.

Mr. Ruffin of Ward 9—I move that the matter be especially assigned for the next meeting at half-past eight o'clock.

Mr. Wilbur of Ward 20—I hope that motion will not prevail. It seems to me that it is pretty well understood that the Council is in favor of sending this important matter to the Finance Committee, where it properly belongs: and I hope the motion to assign will not prevail. I hope it will be referred without discussion.

Mr. Thompson of Ward 20—I think this matter ought to go to the Committee on Finance, and I don't think there will be any harm in having some discussion on the reasons for the reference. I propose to offer three reasons why it should go to the Committee on Finance. First, that this matter comes to us now not on the report of a committee charged with the investigation of this subject, but it is the report of a committee charged with an entirely different subject. My second reason is that the ordinance as reported will not accomplish the object that it is intended to accomplish. It is evident from the question submitted to the City Solicitor that the gentlemen who introduced this ordinance are desirous of putting a stop to the payment of debt not yet due. We all know that for some time past debt not yet due has been paid in advance every year, and this ordinance is introduced with the idea that it is going to prevent that. Now, my point, gentlemen, is, that instead of preventing that object, the actual result of the passage of this ordinance will be that instead of paying off \$300,000 of debt not yet due, the Sinking Fund Commissioners may pay \$850,000 of our debt not yet due; and the citizens of Boston may be taxed by direct taxation to make up the deficiency of \$500,000 in the Sinking Fund. So far as I can find by examining the report, the gentleman who introduced this ordinance has never understood the fact that the City Council has established two funds for the payment of its debt; and that the City Council has the right to establish such funds will readily be seen by the statute of 1875, section 8, which reads:

Sect. 8. Nothing contained in this act shall be construed as prohibiting the inhabitants of towns, or city councils, from paying or providing for the payment of any municipal debts at earlier periods

than is herein required, or from renewing the same in securities payable within the period required for the final payment of the debt, or from adding to any sinking funds, or funds for the extinguishment of any debt, the excess of municipal appropriations over the amounts required for the purpose thereof, or any sums derived from taxation or special assessments, or other sources, which are not required by law to be otherwise expended; and such additions may be made for the purpose of reducing the entire debt for the redemption of which the sinking fund was established, or of reducing the amount to be raised by taxation for such fund. [Ordinances 1876, page 307.]

That seems to me to give power to the City Council to create two different classes of funds for the payment of debt—one, the Sinking Fund proper, which will provide the money for the payment of debt when it matures; the other for providing revenues for the payment of debt at any time when money may come into possession of the City Government. Now, by the ordinance adopted at the time this edition of the ordinances was passed, in 1876, provision is made in section 22 to comply with the requirements of the statute of 1875. There is a certain percentage of the outstanding municipal debts which shall be raised by taxation for the purposes of the Sinking Fund. Section 23 provides that certain funds, money received on account of real estate and from other sources, shall also be put into the Sinking Fund. Section 24 reads:

"All excess of revenue from estimates and of appropriations over expenditures, at the close of each financial year, shall be set apart and paid by the Treasurer to the Commissioners on the Sinking Funds created by this ordinance, when the residue of the full amount required, as specified in section 22, shall be raised by taxation next succeeding the close of each financial year; and the amount so required shall be certified by the City Commissioners and the Auditor of Accounts, and become a part of the amount to be raised by taxation, without further vote of the City Council."

This section contemplates that the balances of appropriations and the other funds set apart will not be sufficient to meet the requirements of the statute, for it provides that any balances necessary shall be raised by taxation. Section 25 looks towards the creation of an entirely different fund, after the requirements of the Sinking Fund had been complied with. It reads—

"Section 25. All revenue derived from undertakings for which loans may be created shall be used for the purchase of the debt of the city. All excess of revenue over estimates, and of appropriations over expenditures at the close of each financial year, after the requirements of section 24 are fulfilled, and all revenue from any other source than the Sinking Funds, shall hereafter be placed to the credit of the said commissioners, to be used by them for the purchase of the debt of the city, or to cover the deficit in any sinking fund, except the sinking fund for the Water Debt, when the debt to which it is applicable matures; and the scrip so purchased shall, so far as practicable, be that issued for the shortest term of years, and when purchased shall be cancelled."

Another fund is to be created, and that fund is to be expended by the Commissioners on the Sinking Fund in "the purchase of the debt of the city, \* \* \* and the scrip so purchased \* \* \* shall be cancelled." This fund may be called the "Revenue Fund," and forms no part of the Sinking Funds, although it is administered by the Sinking Fund Commissioners as trustees of the City Council.

Now, the ordinance, as introduced, provides for the repeal of section 24, and for a new section in place of that established, substantially the same as section 24, but leaving out the provision that the balances of the appropriation shall be "set apart, and paid to the Commissioners on the Sinking Funds," and leaving section 25 the same as before.

Now, in my opinion, the result of passing this ordinance will be that the entire balance of appropriations must be paid into the "Revenue Fund" created by section 25, and it will be at the discretion of the commissioners either to use it "to cover the deficit in any Sinking Fund" or to use it for "the purchase of the debt of the city," which "shall be cancelled." If, then, the commissioners exercise their discretion in favor of paying off debt and stopping interest, the result of passing this ordinance will be that our Sinking Fund Commissioners will have \$850,000 with which



to pay off unmaturred debt, instead of \$350,000, as they will have if you let it alone. It seems to me that a committee who have not considered ordinances more carefully than that have no right to expect us to pass their ordinance without submitting it to the Finance Committee. I have another point which might be discussed if necessary, but if my points are well taken, as I think they are, I think the Council will see the necessity of referring this ordinance to the Finance Committee.

Mr. Crocker of Ward 9—It seems to me that to send this ordinance to the Committee on Finance will merely result in delay without accomplishing any good purpose. An order was introduced here, a month or six weeks ago, relating to the Sinking Funds and referred to the Committee on Finance, and they have been studying it ever since, but have never reported.

Mr. Stone of Ward 3—The committee will report on that subject tonight.

Mr. Crocker—I am happy to hear from them at last. If this matter goes to the committee and it takes them as long to make up their minds, it will be too late for any action to be taken. This matter should be acted upon before proceeding to the appropriation bill, and it is important that we should have early action. Besides, the Finance Committee is composed of two or three members of the Sinking Fund Commission, who have the management of the great and complicated machine of the Sinking Fund, and they do not like to have that machine simplified or reduced in size. The commissioners and the Finance Committee stand by each other, and we know substantially what the committee will report. The chairman of the Board of Aldermen, who is a member of the committee, has given an elaborate statement of facts and figures, which is all the information we are likely to get from the Finance Committee if we wait for it to make a report. So it seems to me that there is nothing to be accomplished by reference to the committee except delay. I think we have before us all the important facts, and we can discuss the matter as well now as at any other time. I do believe, however, that the ordinance, before being passed, should go to the Committee on Ordinances, that they may see that it is in proper shape; and I proposed myself to make a motion to that effect at the proper time. It is the business of that committee to see that ordinances are in proper shape, and all ordinances ought to be submitted to them. But that we can get from the Finance Committee any particular light or further information than what has been presented in the other branch, I very much doubt. I am willing to grant that the Committee on Finance will report against the proposed change in the ordinances, and whatever weight that report will have, I am willing, for one, to allow to the opponents of the change. This proposed ordinance makes the Sinking Fund a less mysterious and magnificent affair; it tends to simplify that great and complicated machine so that everybody can understand it, and of course it is natural that the Sinking Fund Commissioners should rather like to keep the machine so that only they can understand it, and so that it cannot be meddled with by outside parties. I believe that the whole object of transferring balances of appropriations to the Sinking Fund is simply this: By this means larger sums of money have been transferred into the Sinking Fund than the State law has required. Some gentlemen may say that the more you get in, the better; but in these times, I doubt if it is better. I doubt if anything is to be gained by putting in any more than the law requires. It seems to me that if we fulfil the requirements of the statute law in regard to the amount to be raised by taxation and paid into the Sinking Fund, we do all that we ought to try to do. But this transfer of balances of appropriations has been a contrivance for hejuggling us into paying more into the Sinking Fund than the law requires. It is claimed on the one hand that we are putting into the Sinking Fund over \$800,000 more than is required by law, and, as I read the speech of the Chairman of the Board of Aldermen, it admitted that the present ordinance is going to require us to put in this year \$400,000 more than the law requires. Now, if we can save even \$400,000 in taxation this year, it is certainly a great gain. It seems to me we should not be taxing ourselves more than the law requires to get ourselves out of debt in these hard times. It seems to me that the whole thing is a simple story. Do we want to continue this method of putting balances of appropriations into the Sinking Funds? As it

has been going on, it is a means by which we ordinarily pay each year more into the Sinking Fund than the law requires. If we stop the present method, we have got to put in what the State law requires, any way, which is pretty fair proportion. The State law requires us to do as much as we ought in reason to do; and I think we ought to put our ordinances in such shape that we shall not do more. Then, again, I believe it is plainly better that the money required to be raised by taxation to meet the principal of our debt should be distinctly and avowedly raised for that purpose, and not raised nominally for one purpose and then shoved around to be used in some mysterious way for some other purpose. Our regular appropriation bill should show in plain terms,—so much money required by law to be raised on account of the principal of our debt. Another reason for the change is that if these balances of appropriations are not paid into the Sinking Fund, every department of the City Government will, as it seems to me, be induced to be more economical; for then these balances will go to the credit of the different appropriations for the next year. According to the present arrangement, a department feels that everything they save is to go into some mysterious Sinking Fund; they do not understand exactly what is to become of it, and they think they might as well use it up, as to let it go into the Sinking Fund. This really encourages extravagance. It encourages each department to use all its appropriation, whether it needs it or not. If, however, the balances are going over to the next year, the department can say we saved so much last year, and we ought to have credit for that and it ought to pass to our credit next year. They would have this inducement to economy in each department. For these reasons it seems to me that there is everything to be gained, and I cannot conceive of anything to be lost by this change. I have not heard anybody say how anything is going to be lost by the change. The only possible loss is that the Sinking Fund Commissioners are going to lose chances of getting more money than the law requires to be paid to them. They are going to lose a chance to require us to raise by taxation more than the law requires. I defy any one to say that there is anything else to be lost; and this is a loss that the public generally will consider to be really a great gain.

Mr. Mowry of Ward 11—It seems to me we are rather drifting from the question at issue. The question is, Shall we or shall we not refer this to the Finance Committee?

Mr. McGarragle—I raise the point whether the question is not on the special assignment to the next meeting at half-past eight.

The President—That is the question.

Mr. Flynn of Ward 13 moved the previous question.

Mr. Pratt of Ward 21—I hope the previous question will not be moved, because if it is carried it will shut off not only debate upon this subsidiary question, but also upon the main question.

Mr. Spenceley of Ward 19—Do I understand that this will cut off the debate upon the main question?

The President—Only upon the motion of the gentleman from Ward 9 [Mr. Ruffin].

The main question was ordered.

The motion to assign to the next meeting at half-past eight was carried by a rising vote [Mr. Stone of Ward 13 raising a doubt]—33 for, 27 against.

The subject was again discussed later in the session.

Mr. Crocker of Ward 9—I move to reconsider the vote by which we assigned to the next meeting of the Council the ordinance relating to the Sinking Fund; and if that motion is carried, I shall move that the matter be referred to the Committee on Finance. I find that many gentlemen think it is desirable that it should be so referred, and the Committee on Finance desire to take it into consideration. It seems as though it would be as well to have the Committee on Finance consider that matter as any other during the next week. I understand the chairman says they will in all probability report at the next meeting of the Council, and if the motion to reconsider is carried I shall move that it be so referred.

Mr. McGarragle of Ward 8—I hope the motion will not prevail. If I understood the gentleman when he was last on the floor speaking to this question, he told us what the report would be—that they would report against it. I hardly think

it is fair, or that there is any reason for assigning it. I think if the members have time to consider it themselves, they can make a better disposition of it than the Committee on Finance can.

Mr. Reed of Ward 17—As one of the Joint Special Committee which has reported this order, as it has been laid over until next week, I should have no objection to a reconsideration and a reference of the order to the Committee on Finance, with the understanding that they shall report one week from this evening. I have no objection to an investigation; so far as I am personally concerned, I would rather court it. We should know the whole story, and if there are any new ideas to be brought out I should be glad to vote for it.

Mr. Sampson of Ward 17—I think the gentleman spoke without authority when he gave the information to the Council how the committee would report. Certainly, I am in favor of the spirit of the ordinance, for one. I do not know how the other members of the committee feel. Perhaps the gentleman can tell us how he forms his opinion.

Mr. Ruffin of Ward 9—My object in making the motion to assign this to the next meeting was that the Council might have the control of this matter and that the members might know when it was coming up for discussion and have ample opportunity to prepare for it by getting information from the Auditor's office or from any other source. I was opposed to sending it to the Finance Committee because I had heard in a roundabout way that they would vote against it; and I know that to send a measure like this, and of such importance, to a hostile committee, would be putting it to sleep forever. We should not hear of it any more. It is a favorite method of disposing of a matter when you want to get rid of it. I oppose sending it to the Committee on Finance, because I think that would be the result. If I knew that it was not a device of the enemy, I should favor the proposition that it should be submitted to them, if they would give a faithful report at the next meeting. But I do not know how we can control that committee. There are a variety of ways in which they could avoid making a report. I do not know about that. I am not so sure. I do not know of any safer place for it than upon the Clerk's table; because, if it is to be called up at half-past eight o'clock, the members of the Finance Committee, if they want to throw any light upon this motion, which we do not possess, they can do so, although they do not have it under their control. They know what is there, and they can give us the benefit of their experience and examination. The matter is to be discussed, and we can get their views from that discussion quite as well as from any report; and besides, it would not be hampered by any unfriendly criticism in the shape of a report. If anything is to be said, let it come from individual members of the Council. It does not sound so formidable, coming from individual members, to some people, particularly in regard to financial matters. I think it would be just as well to let it remain where it is, with the general understanding that the Committee on Finance and every member shall come here at the next meeting to discuss and dispose of it. I think a great many of us have made up our minds. We have read the discussion elsewhere, and some of us have read what was done last year, and some of us are prepared to vote for nothing else. I think on the whole I should prefer to let it remain on the table.

Mr. Crocker of Ward 9—It seems to me, as has been said by members of the Committee on Retrenchment, that this is a matter which we want to have investigated fully, and in the ordinary course of business it is a matter that would properly go to the Committee on Finance. We lose no great amount of time in letting them consider it during the next week, and members of the committee represent that their minds are not made up, as some of us have supposed, and that they are prepared to treat it as an open question and can consider it fairly. As it is not to cause any particular delay, I hope we shall let it go to that committee and give them a chance, as they want to have it come before them. It is treating them fairly and properly, in the ordinary course of business, to let it go to them.

Mr. Wilbur of Ward 20—I do not suppose there is any one here who does not wish to dispose of this matter, and is even prepared to vote tonight. I cannot say I am prepared to vote intelligently.

The gentleman from Ward 9 who has just taken his seat, in the early part of the evening, when this matter was up, was then rather against having this matter referred to the Committee on Finance, and before he took his seat, while this was under consideration, or at least previous to his speaking, the matter was brought up in relation to the ordinance as framed in this report, and he thought there was something wrong; and the gentleman, in referring to the ordinance, thought it was a proper matter to send to the Committee on Ordinances. It strikes me that he has changed his mind now, and I query whether he has not thought of that; whether he has not thought that this ought not really to go to the Committee on Finance, out of courtesy, just as he would like to have the matter of the ordinance referred to the Committee on Ordinances. That is the position I am placed in; if the report does not come from them, if they detain it and kill it, or whether there is any disposition to kill it there. I am ready to vote for it as it is now. I only want to have proper courtesy shown to the Committee on Finance. I think it is due to this Council that we should have the information of the Committee on Finance on this matter, that we may stand right. I find that the gentleman from Ward 9 thinks that he has pretty well made up his mind that the gentlemen of the Council understand it. I must say that I have been following this thing for the last month, and I am about as much in a muddle as I was when I first started out. I have a document here with figures enough to make quite a book; but the fact is the more I look at them the more I am muddled. I would like to have the committee investigate it and present it here in proper shape.

Mr. Pratt of Ward 21—I offered the motion to lay on the table and to refer to the Finance Committee; and as the spirit of that motion has been called in question I wish to say it was not offered for the purpose of killing the order or for any purpose of delay. I think it will be apparent. If we were discussing the merits of it I think I could show in five minutes that the report and the ordinance are not in harmony; that the ordinance does not accomplish what the report suggests. I was on the point, when the previous question was moved, of adding to my motion to refer the words, "with instructions to consider and report as soon as practicable," and if the reconsideration prevails I will add those words.

Mr. Spenceley of Ward 19—I shall vote to have this subject reconsidered tonight, and to have it sent to the Finance Committee. It seems to me we do need some light about our Sinking Fund. I never read of it here; it never comes before this Council but what I always think of the sea serpent. It is seen once a year by somebody, never twice in the same place, nor twice by the same man. It seems to me this Sinking Fund is in a like condition. You read a long account from this Alderman about it, or a long account from this committee, but it is never seen alike in two places, and it is never seen alike by two men. I think as the gentleman has said, we are pretty well fuddled about it. I would like to see somebody who could really tell us something about our Sinking Fund so that we could wholly understand it and vote intelligently upon it. I hope it will go to the Committee on Finance. I hope if they can find this sea serpent they will bring it up here next Thursday night and show us what it is.

The question was taken on the motion to reconsider the vote to specially assign, and it was declared carried.

Mr. McGaragle of Ward 8 doubted the vote, and called for the yeas and nays.

The yeas and nays were not ordered, and Mr. McGaragle of Ward 8 asked to have the vote verified by a rising count.

Fifty-seven gentlemen voted in the affirmative, and the motion to reconsider prevailed.

The question then came on the motion to refer to the Committee on Finance.

Mr. Pratt of Ward 21 moved to amend the motion by adding the words "with instructions to consider and report as early as practicable."

Mr. Reed of Ward 17—I would ask whether the committee can be instructed to report at the next meeting.

The President—It would be in order.

Mr. Sampson of Ward 17—I hope gentlemen will not vote to instruct the Committee on Finance this way. His Honor the Mayor is chairman of the committee, and it will depend somewhat upon what time he is able to give to the matter whether

we shall be able to make a report at the next meeting. As far as the members are concerned, I will say they will be willing to report next Thursday if it is possible to do so.

Mr. Ruffin of Ward 9—Just one word. I think we are hardly living up to the terms of the gentleman who moved this reconsideration. I think he did so with the understanding that if the motion to reconsider prevailed it would be referred to the Committee on Finance, with instructions to report at the next meeting. I think that was the strongest argument in favor of reconsideration. "At the earliest moment practicable" is a little too general. I do not know but that is just where the device that I alluded to comes in. It may be a long time before it will be practicable for this committee to report. Now, while the motion is here before us, before it is disposed of I think we had better fix the time when we may meet this motion and dispose of it one way or the other; and I would suggest that at the next meeting we have a report, and I will renew that motion if nobody else will. I hope the amendment will be that the committee be instructed to report at the next meeting of the Council.

Mr. Pratt of Ward 21—I have respect enough for the Committee on Finance to believe that when this matter is referred to them, with instructions in substance to consider and report as soon as practicable, they will do it. But the point which I want to suggest, without arguing the matter, is this: that the object of referring it to the Committee on Finance is to obtain their consideration and report on the facts. I should expect them, under these instructions, if possible, to report at the next meeting. I think we ought to do that committee the courtesy of giving them the usual instructions, and especially considering the fact that his Honor the Mayor is chairman of that committee, and is at present out of the city, if I am rightly informed.

Mr. McGaragle of Ward 8—I do not do it from any personal consideration, but the members of this Council know as well as anybody else that last Monday, in the other branch of this government, this very same object was tried and failed of accomplishment. The gentleman who makes the motion was there and heard the debate, and he knows as well as anybody else that the Aldermen will never agree to it. It is only an effort to gain time, to have it referred to the Committee on Finance. After that it must come back to the Council. It is delay they are after. They made a test vote of it at the last meeting of the Aldermen.

Mr. Sampson of Ward 17—I would ask the gentleman, if it comes back next Thursday night if there would be any delay about it?

Mr. Ruffin of Ward 9—I am not wanting in courtesy to and high appreciation of this committee; but I understand they feel pretty strongly upon this matter, and they might take advantage of every parliamentary right and privilege which is legal to defeat this object. Now, then, somebody has said that the committee are opposed to this measure. We are just on the verge of having the appropriation bill come in. The heads of departments are making up their estimates of how much money is needed for the various departments this year. We cannot act intelligently upon these appropriations unless we know what is to be done with this matter. We may have some notions in our minds of what we think ought to be done, but until that matter is settled we cannot act intelligently upon these requests which come in. As has been suggested, the appropriations are always too large, or have been heretofore. We would scan them a little more closely this year than we have ever before done. Now, with this ordinance unsettled, and in the hands of the Finance Committee, how can we act intelligently upon this matter which is coming before us? I say we have got to dispose of this matter. We must know what we are going to do with this \$800,000—whether it is going into the Sinking Fund or is to be carried over. We want to know what is to be done with it before we make the appropriations. Hence you see the importance of having this matter speedily disposed of. I still insist that at the next meeting we ought to have the report of the Finance Committee on this matter.

Mr. Pierce of Ward 24—I would like to know who is kind enough to speak for the Finance Committee and give their opinions on this subject. As a member of this committee, certainly no one has

ever had any authority to state my views. I have no decided views upon this matter. I have tried pretty hard this past week to make up my mind on this subject, but so far have been unable to do so. I have no knowledge of the sentiment of any member of the committee excepting the chairman on the part of the Board of Aldermen, who stated his opinion publicly at the last meeting of the Board.

Mr. Coe of Ward 23—Gentlemen seem to be inclined to have a knowledge of the views of the Finance Committee. Now, I would say for myself that this is a matter on which I have not made up my mind, and I would like to have time to look the thing over. I do not know how they assume that we shall report against it unless they assume that it is so absurd that sensible men cannot help it.

The President—The question is on the motion to substitute the words "to report at the next meeting of the Council."

Mr. Crocker of Ward 9—I hope that amendment will not prevail. I think we should treat the committee with more consideration than to tie them up in this way. We find that they all represent that they are open to argument on the subject, and are prepared to treat the subject fairly; and I think the Council should treat the committee fairly; and instructions to report as soon as practicable are all that we should make.

Mr. Spenceley of Ward 19—I think the gentleman last up is almost in the same category with the sea serpent. A little while ago he said he wanted this Finance Committee to get light on this subject and bring it here next Thursday night. That was one of the reasons why I voted for the reconsideration. Now he goes back on that, and we shall not know where to find him pretty soon.

Mr. Sampson of Ward 17—I only want to say to the Council that so far as I am concerned as a member of the committee I will do all in my power to have the report here next Thursday. But of course it is known that his Honor the Mayor is chairman of the committee, and we shall have to be governed by the time he can give to the matter. I understand he will be back Monday, and I see no reason why we cannot report next Thursday night.

Mr. Crocker of Ward 9—I desire to say I have not changed my position on this subject at all. My position is this: that the committee report at the next meeting of the Council if it is any way possible. I prefer to take their word for it. I do not think it is exactly courteous to the committee to doubt them when they say they will do it. I think we should take their word for it.

Mr. Pierce of Ward 18—I move the previous question.

The main question was ordered.

Mr. Ruffin's motion to substitute "at the next meeting of the Council" for "as soon as practicable," was declared lost.

Mr. Kelley of Ward 3 doubted the vote, and it was verified by a rising vote, 28 voting in favor of the substitution and 37 against.

The question was then upon Mr. Pratt's motion to refer, with instructions to report as soon as practicable, and it was carried. Sent up.

UNFINISHED BUSINESS.

Order for a transfer of \$5000 from the appropriation for House of Correction to that for Austin Farm. Passed—yeas 65, nays 1, Mr. Fernald voting nay. Sent up.

Motion to reconsider vote whereby was indefinitely postponed an ordinance to amend an ordinance concerning the assessment and collection of taxes. The motion to reconsider was withdrawn by Mr. McGaragle.

ELECTIONS.

Before proceeding to the elections which were in order the President read the following:

CITY OF BOSTON, }  
CITY HALL, March 1, 1877. }

Benj. Pope, Esq., President Common Council: Dear Sir—I noticed, and with much regret, that at the last meeting of the Council my name was used and balloted for for office, without the least authority, knowledge or intimation to or from me to use the same in any way whatever.

While I am aware that I have a large number of good friends in the Council who would rally to my support were I a candidate, I trust that they will not, under any other circumstances than with my approval, use my name.

I write this at this time because it has been intimated to me this evening that many members of

your body would vote for me, with my consent, for one of the offices now under consideration; but as I am not a candidate, I desire to say that I hope no one will make use of my name. You will do me a favor by reading this to the Council.

I am, very respectfully,  
Your obedient servant,  
GEO. A. SHAW.

The elections proceeded.

*Weighers and Inspectors of Lighters.* Committee—Messrs. Ham of Ward 8, McGaragle of Ward 8, Duggan of Ward 12.

Whole number of ballots.....	65
Necessary for a choice.....	33
Edward Hatch (Inspector in chief).....	62
Timothy E. Hughes " " ".....	2
John Kenney.....	64
John J. Caddigan.....	64
William Dolan.....	63
George A. Shaw.....	2
M. Barr.....	1
T. E. Hughes.....	1

And two ballots for ineligible persons; and Messrs. Hatch, Kenney, Caddigan and Dolan were declared elected. Sent up.

*Overseers of the Poor.* Committee—Messrs. Felt of Ward 18, Wilbur of Ward 20, Kelley of Ward 3:

Whole number of votes.....	64
Necessary for a choice.....	33
Thomas C. Amory had.....	62
Samuel B. Cruft.....	32
George Curtis.....	44
Liverus Hull.....	32
James A. McDonald.....	29
William Gorman.....	45
William Gorham.....	1

Messrs. Amory, Curtis and Gorman were declared elected, and a ballot was ordered to fill the vacancy.

Whole number of ballots.....	67
Necessary for a choice.....	34
Samuel B. Cruft.....	9
Liverus Hull.....	26
James A. McDonald.....	31
George A. Shaw.....	1

There being no choice, a third ballot was ordered.

Whole number of ballots.....	67
Necessary for a choice.....	34
Samuel B. Cruft.....	7
Liverus Hull.....	30
James A. McDonald.....	30

There being no choice, a fourth ballot was ordered:

Whole number of ballots.....	68
Necessary for a choice.....	35
Liverus Hull.....	36
James A. McDonald.....	32

Mr. Hull was declared elected. Sent up.

A PERSONAL EXPLANATION,

Mr. Pratt of Ward 21—I rise to make a little personal explanation, from the fact that our usually accomplished and accurate reporter has reported me as saying at the last session, "I hope the motion to reconsider will not prevail." What I did say was that I hoped the motion would not be reached at this meeting, my object being to prevent taking a vote upon the motion to reconsider when one-third and not two-thirds of the Council had left the chamber. I simply state this to put myself right upon the record, for I don't wish to have the motion to reconsider passed upon at this late hour of the session, for I thought it was unfair to those members who had gone away.

COMMUNICATIONS FROM CITY OFFICERS.

*School Committee.* Requests were received from the School Committee as follows: To have the yard of the Bennett School paved or otherwise put in good condition; to provide means for establishing two summer vacation schools, one for boys and one for girls, in 1877, at an estimated expense of \$2000, for 200 pupils during vacation; to enlarge the yard of the Gordon-street School by the addition to it from the rear of the portion of the old Franklin-street School lot; to provide suitable school accommodations for Eggleston square; to select a location and a building for the use of the Anstin School.

Severally referred to the Joint Committee on Public Instruction.

Also a request that the windows in the Dorchester Schoolhouse be changed. Referred, on motion of Mr. Wilbur of Ward 20, to the Committee on Public Buildings.

MARCELLA-STREET TRUANT HOME.

Mr. Sampson of Ward 17 submitted the following, which was read and referred to the Joint Committee on Public Institutions. Sent up.

BOSTON, Feb. 28, 1877.

To the Honorable the City Council of the City of Boston: Gentlemen—In compliance with an order of the City Council dated Dec. 11, 1876, the Committee on Public Buildings have surrendered the Marcella-street Home to the Board of Directors, who have proceeded with the work of fitting up the institution, until now it is nearly ready for the reception of its inmates.

Under the present laws and ordinances the truant and vagrant children are committed to the House of Reformation, and the pauper and neglected children are sent to the Pauper School, which is a branch of the City Almshouse located at Deer Island. This school building was erected in 1869, to effect a distinct classification of the pauper boys apart from the adult paupers. In 1873 the City Council repealed the ordinance under which neglected children were committed to the House of Reformation, and by a new ordinance designated the pauper school as the place to which these children should be sent. This was done at the earnest request of the directors, and was the means of placing in one department all the children who, owing to poverty or neglect, should require the care of the city.

In preparing the estimates for the financial year 1875-76, desiring to advance a step further in this work of classification, the directors requested the City Council to make an appropriation for the purpose of erecting at Deer Island a building similar to that occupied by the pauper boys, to enable them to make a proper classification of the boys in the House of Reformation, by separating the truants and vagrants from the boys committed for minority for juvenile offences. The appropriation was not granted, and in the annual report of the board for that year (see City Document No. 67, 1875, pages 30 and 31) the reasons for this request and the necessity of classification were set forth in such terms as to engage the attention of the City Council. The result was that in November, 1875, the City Council adopted an order directing the Committee on Public Buildings to fit up the Marcella-street Hospital for a home for the truant and vagrant children.

Pending the preparation of this building, the subject has engaged the attention of the Board of Directors, who have, in its consideration, become convinced that it will be for the best interests of the city to remove the male pauper and neglected children to this new institution instead of the boys sentenced to the House of Reformation as truants and vagrants.

When this subject was under consideration by the City Council in 1875, the truants and vagrants comprised about half the number under sentence in the House of Reformation, or 155 in all. The number in the pauper school was only seventy-two. Since that date, however, the number of truants has materially decreased, the present number being 112—truants eighty-one, vagrants thirty-one; while the number of inmates in the pauper school building has constantly and steadily increased, the present number being 154—pauper boys, seventy-nine, neglected boys, 75—with a prospect of still further increase. The building occupied by them is already over-crowded, and if they remain at Deer Island will soon be inadequate for their proper accommodation. By removing them to Marcella-street Home, the expense of providing more room will be obviated, as the accommodations at that place will be ample for a considerable time. The truant and vagrant children can then be transferred to the present pauper school building at Deer Island, and thus a distinct classification can be effected. This plan seems to be more in accord with the policy of the City Council to remove the pauper class from Deer Island. The building at Austin Farm is approaching completion; the female paupers will soon be transferred to that place, and the removal of the pauper and neglected boys to the new home will relieve the Deer Island institutions of all the pauper class, and place the truants and vagrants in a separate building some distance from the House of Reformation, and in a class by themselves. The increased number at the new home, will add but little, if anything, to the expense of maintaining the institution, and as an economical measure, to say nothing of the great advantage to the pauper boys, com-

mends itself to the good judgment of the Board of Directors.

The School Committee of this Board, having devoted much time to the consideration of this subject, submitted, in September last, a report containing among others, the following recommendation:

"The rapid growth of the Boys' Almshouse School, and the prospect that the present building will soon be inadequate for it, has forced your committee to consider whether the City Government, if its attention were called to it, would not consider that its general wishes and designs were not better carried out by placing the pauper boys in the Marcella-street buildings, and the truant school in the Almshouse school buildings. Your committee, believing such to be the better course, and that such will be the decision of the City Government, recommend that the Board apply for authority to make these changes." This report has been carefully considered by the Board, and at the last meeting (Feb. 23), it was unanimously voted, That the President address a communication to the City Council requesting the Council to authorize the removal of the pauper and neglected boys to the Marcella-street Home, instead of the truants and vagrants as previously contemplated.

In compliance with that vote, this communication is respectfully submitted, with the earnest wish that the request be granted.

Respectfully,  
SAMUEL LITTLE,  
President.

PETITIONS PRESENTED.

By Mr. Smardon of Ward 10—Petition of Julia McAvoy to be paid for personal injuries received at the corner of Washington and East Canton streets. Referred to Joint Committee on Claims.

By Mr. Flynn of Ward 13—A petition of Hiram Johnson, that the city would take thirty cents on a dollar on a bond of \$800, toward the completion of Swett street; petitioner is unable to pay his debts, and most of his creditors have compromised on thirty cents on a dollar. Referred to the Joint Committee on Streets. Sent up.

PUBLIC INSTRUCTION.

Mr. Pearl of Ward 1 submitted the following from the Joint Committee on Public Instruction:

Report on request of School Committee for a site for primary-school purposes in Gaston District—That the city owns a suitable lot on Broadway in said district, upon which a primary-school building can be erected when required; and that no further action is necessary on said request. Accepted. Sent up.

Report on request of School Committee for additional appropriation of \$28,000—That they are in favor of granting the same, and that the subject be referred to the Committee on Finance to provide the means. Accepted and referred accordingly. Sent up.

CLAIMS.

Mr. Sampson submitted the following from the Committee on Claims:

Report of leave to withdraw on petition of Clinton White for compensation for injuries on Charlestown street, as, if the petitioner has any claim, it is against the Middlesex Railroad. Accepted. Sent up.

Report of leave to withdraw on petition of Isabella Jordan for compensation for injuries received by a sled on Boston Common. Accepted. Sent up.

Report and order—That there be allowed and paid to Louise Woodworth Foss as compensation for personal injuries received by her on, caused by defect in, Warren avenue, the sum of \$1250, upon her giving to the city a release and discharge satisfactory to the City Solicitor for all costs and damages and expense incurred in consequence of said injuries.

Mr. Stone of Ward 3—I would like to inquire of the Committee on Claims in regard to the circumstances of this matter.

Mr. Ruffin of Ward 9—As the chairman on the part of the Council was absent at the last meeting when this matter was considered, by his leave I will make a statement of what I know about it. This fall was occasioned by ice on the sidewalk, as I understand, on Warren avenue, not far from Rev. Mr. Wright's church. Mrs. Foss is a well-known public reader, a lady whose profession is elocution. She was passing along one Saturday evening in January; I think it was a few days after the fall of snow and after the thaw, and there was ice upon the sidewalk; she fell, and her arm was broken. Her injury was

examined by her own physician, by the city physician and the physician at the hospital. She received permanent injuries. I believe that her wrist or arm is disfigured, as the evidence went to show, for life. She can use her arm for general purposes, and the physician testified that it would be as strong, possibly, as ever. She will do certain kinds of work as well as she ever could, but in her profession she could not use the arm as is desired; the suppleness is not there; besides, there is a protuberance on her arm which disfigures it. It was given mature deliberation, and some gentlemen who had seen very many such cases tried in court were of the opinion that if such a case as that were put before a jury she would recover larger damages than we have awarded her. That was the opinion of a majority of the committee. You remember there was a lady who fell in this passageway which leads by City Hall out into School street a year or two ago, and the case has just been tried at the last term of the Supreme Court. She received injuries not unlike these possibly a little more severe, and she recovered damages in the sum of six thousand dollars. There are many other instances of a like character. The committee thought if it could be settled at this time it would be wise. Of course it is to get the sanction of the City Solicitor, who understands this case thoroughly. He has had many to try and has tried many of them. He admits that it is wise to make settlements this way.

Mr. Stone of Ward 3—I think that \$1250 is a large sum to pay for disfiguring an arm. It seems to me the total amount of damages is in injuring the wrist; but at the same time if the lawyers thought she would obtain more in the court, I have no objection to the order.

The order was passed to a second reading, and Mr. Ruffin moved the suspension of the rules in order that it may take its second reading.

Mr. Crocker—I hardly see any reason why this should be hurried through this evening. It is a matter that will wait just as well as not. As a general rule it is not desirable to suspend the rules. They are made for good purposes, and to give gentlemen an opportunity to look into these matters.

Mr. Ruffin—My reason was simply this: The damages in this case were laid at \$10,000, and we at first offered something less than \$1250—to wit, \$1000—and they refused to take it, and a lawsuit was threatened. The attorney who has the matter of this lady in charge has been anxious for a settlement and wanted and got an up and down answer; he has been pressing the committee, and at the last meeting he intimated that he should bring his writ right away; and hence the committee had to make their report.

The rule was suspended and the order read a second time and passed. Sent up.

FINANCE.

Mr. Sampson of Ward 17 submitted the following from the Committee on Finance:

Report that it is inexpedient to pass the order for the Mayor to petition the Legislature for authority to cancel bonds held by the Sinking Fund Commissioners, so far as such cancellation may be consistent with the obligations which the city may have assumed towards the holders of its bonds.

Mr. Crocker of Ward 9—As I suppose the Council does not want to discuss this matter this evening, I move that the consideration of it be specially assigned to the next meeting at nine o'clock.

The motion prevailed.

Mr. Sampson—I would explain to the gentleman that there was no intention of delay on the part of the Finance Committee. They were ready to act upon it, but his Honor the Mayor desired to confer with the gentleman who offered the order [Mr. Crocker], and the order remained with the committee until the Mayor had conferred with him.

Report and order—That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund to the appropriation for Common, etc., the sum of \$6000. Order passed to a second reading.

Report and order—That the Auditor be and he hereby is authorized to transfer from the Reserved Fund to the appropriation for Printing and Stationery the sum of \$4500. Order read twice and passed—yeas 65, nays 0. Sent up.

Report that the Auditor of Accounts represents that the Contingent Fund of the Board of Aldermen is exhausted, and they recommend the passage of an order—That the Auditor of Accounts

be and he hereby is authorized to transfer from the Reserved Fund to the Contingent Fund of the Board of Aldermen the sum of \$500. Order passed to a second reading.

THE MECHANICS' FAIR AND THE COMMON.

The report came down with an order granting the use of a portion of the parade ground to the Massachusetts Charitable Mechauc Association for their triennial exhibition. It was first considered among the papers from the Board of Aldermen.

Mr. Flynn of Ward 13—I move that the report of the Committee on Common be laid upon the table, with the understanding that after the regular business of the Council has been gone through with I shall move that the report be taken from the table in order that it may be passed tonight.

Mr. Wilbur of Ward 20—I think it unfair to bring the question up at a late hour of the evening, when it is well known that many members of the Council leave and when a good many are absent. I think this subject requires a full Council and careful consideration. There are many points of merit in the question, and I hope that it will not be taken up at a late hour. I have no objection to the report being laid upon the table at present.

Mr. Spenceley of Ward 19—It seems to me it would be an incentive to keep the members here. The motion to lay upon the table was carried—43 for, 13 against.

Later in the session, on motion of Mr. Flynn of Ward 13, the subject was taken from the table. The report was read by the Chair.

Mr. Clarke of Ward 22—I understand there are about seventy pages of the evidence set up in type, and the balance can be printed at very small expense. I would therefore move that this matter be specially assigned for next Thursday evening at eight o'clock, and that the report and evidence be printed.

Mr. Howes of Ward 18—I do not think it is necessary to postpone the subject any longer. The report, though in type, has been pretty thoroughly given through the city newspapers. I think gentlemen must have made up their minds one way or the other by this time. To put the matter on paper will cause some additional expense, and down in the Board of Aldermen it was not considered feasible to do that. If the gentleman wishes it particularly, I have no personal objections, but I hardly see the necessity of it. I should certainly await the view of the Council in that matter. I merely say it seems as though sufficient evidence had been given through the daily papers to warrant an action of the Council this evening.

Mr. Pierce of Ward 24—I would move as an amendment to the motion that the expense of printing be charged to the appropriation for Common and Squares. In explanation of that amendment I will state that the order for printing came from that committee, and it was worded that the expense should be charged to the appropriation for Common and Squares. In order to have it conform to that order I move this amendment.

Mr. McGaragle of Ward 8—I certainly hope the report will be laid on the table and the testimony printed. During the discussion through the papers I happened to be away from the city, and unfortunately I did not see the reports as I would like to. It can cost but a trifling amount, as they have already a large part of it in type.

Mr. Clarke of Ward 22 accepted the amendment.

Mr. Wilbur of Ward 20—I would like to inquire of the Committee on Printing if there has been any expense incurred so far in printing this report.

Mr. Pierce of Ward 24—I understand seventy pages of this evidence is already in type. Of course that expense will have to be paid. It will not be so much, I suppose, as if the whole should be printed.

Mr. Howes of Ward 18—I would like to suggest to the gentleman who last sat down that the appropriation for Common and Squares is about exhausted. I do not know that they have any money; while the Committee on Printing have just received an appropriation this evening for just such purposes. Possibly it might be better if the expense is to be met, that it should be met by the Committee on Printing, or by the appropriation for that purpose.

Mr. Clarke of Ward 22—I hope the gentleman will not be very captious about it. He is very well aware that when the Committee on Common and Squares comes up and asks for an appropria-

tion, we are always ready to pass any appropriation they ask for.

Mr. Howes of Ward 18—It might be well, if this motion is to be passed, to make some amendment as to the number of copies to be printed. The Committee on Printing have an established number, but the Committee on Common and Squares have not.

Mr. Spenceley of Ward 19—It really seems to me that this is all unnecessary. I do not think there is a gentleman in this Council who has not fully made up his mind how he is going to vote upon this measure. I think the last week we have been pestered enough, hustled enough and talked to enough to get pretty fully informed about this matter. It occurs to me if this has already been put in type, by whose authority was it done? By the authority of the Committee on Common and Squares I suppose. If they have got the game let them have the name. It seems to me we are delaying action on a matter that we are well informed upon.

Mr. Crocker of Ward 9—I call for a division of the question.

The motion was divided and the question was upon specially assigning the matter for next Thursday evening, and the motion was lost.

The question was then taken on ordering the evidence printed, and the motion was lost.

The question then came on the acceptance of the report.

At the request of Mr. Howes of Ward 18 the President read the order.

Mr. Howes of Ward 18—It is to me rather an unpleasant task to report and urge the acceptance of an order which meets on one side with a very large amount of support from the gentlemen on this side, who I think are both honest and loyal in their attachment to our city, and which on the other hand meets with the opposition possibly of almost an equal number of men who I imagine are equally honest and equally loyal. The question is one of expediency. That is the ground which must be taken for voting for or against this motion. To one who is accustomed at times to look at both sides of a question, it is somewhat unfortunate to be placed in the position that I am. For in advocating the order in this way I may perhaps be charged with not being partisan enough, and, therefore, incur neither the approval of the friends nor of the enemies of it. Nevertheless, as I have said before, it is a question which can be narrowed down to a single sentence like this: Is it policy to attempt to accomplish a great public good by a possible contingent evil? We are all of us, I think, of the opinion that the Charitable Mechanic Association is a very worthy institution. It has done for years past a great deal for the city and for the citizens. For the past forty years it has been more or less under the protection of the city in holding its triennial festivals. The city has awarded it without cost the use of Faneuil Hall, and the exhibitions held there have redounded greatly to the credit of Boston. They have grown beyond that, and the Association now comes before us and asks for the temporary use of the Common, which, by the statutes and laws of the State, is held by this city under the same regulations that govern Faneuil Hall—that is, the grounds there cannot be leased or sold for any purpose, neither can Faneuil Hall be sold or leased, except by express permission of the citizens of Boston. If the association succeeds in getting this right they propose to erect a very handsome building there, and hold an exhibition which in the extent and thoroughness of classification will not be surpassed by any held in this country, with the single exception of the one held in Philadelphia. The managers, as I understand, have received assurance from the leading manufacturers and business men throughout New England that they will contribute very largely to its support. They are confident of the assertion that the exhibition will be equal, in most respects, to the American Exhibition at Philadelphia. Now, the plan as proposed is certainly an admirable one. I do not think any one can find objection to the plan in itself. Now, what are the objections? Quite a number of these, as I fancy, amount to very little. It is said, for instance, that the association is to occupy half the Common. Now, this is mere gross exaggeration. The ground to be occupied will hardly be more than four acres; it may not be even that. It is also said that it will be a very great nuisance to the people living on the surrounding streets, on account of having lumber and other things piled up

on the Common during the process of the erection and taking down of the building; but that argument would hold equally well if the association were to locate its building in almost any other part of the city. Other objections have been urged in the hearings that the committee have had, but to my mind the arguments are very weak; one of them was that the garbage and refuse matter that would be scattered around the Common by the various persons coming to visit the exhibition, who would picnic on the Common, might create some disease in the city. On that point I trust that the sanitary regulations which the commissioners or the Committee on the Common would be sufficient to guard against that. Another objection is that the ground to be covered by this building is needed to purify the air of Boston. Now I submit to any candid person whether he supposes that the air we have been breathing today, that comes from the northwest, five hundred miles away, would be purified or vitiated one way or the other by blowing over any building or over four acres of land on the Common! Why, the mere statement shows the absurdity of any such assertion. There is, however, one argument which has a great deal of force with me, and I think it must have with any one else, and that is the matter of precedent. I assume that it will establish to a certain degree a bad precedent. We cannot get over that, and we may as well recognize it at the start. But, as I might add, there have been precedents of a somewhat similar kind established on the Common since 1794, when a ropewalk was put up there and continued for some time. Down as late as three or four years ago we had a rhododendron show on the Common. All of these are bad precedents. I think that the city should be very careful as to what use it puts the Common to. But we are now living in a very peculiar time. If this association had come to the city and I had been a member of the City Government, four or five years ago, and made this request, I should have certainly opposed it. Should the character of our business interests be improved during the next three years, and the association should come here three years later and ask to renew this privilege that they now ask, I, for one, should oppose it then. But just at the present time, when trade throughout Boston is languishing, when workmen are either thronging the corridors of this City Hall, or are staying at home, some of them at the point of starvation; and when, with very few exceptions, every business man is complaining that his losses are growing larger and larger, it seems to me that the city of Boston should do something, if it can, as a relief for these troubles. It is admitted, I think, that exhibitious of this kind are of great material advantage to the people who hold them. Two of them have been held in England, two in France, and it is now thought that the French Government, at a very large expense—some millions—will hold another one. The advantage is not in drawing people to Boston who may incidentally buy one or two things in the stores. I did not know until within a day or two that the argument was made at the time of the Peace Jubilee that that would produce an immense impetus to trade in Boston by having it here. I was not aware before that Bostonians were in the habit of courting the muses for mercenary purposes; but it seems in that case they were.

But these cases are in no way analogous. This is purely a business matter. It is instituted for the business accommodation of New England by affording manufacturers an opportunity to compare the quality of their goods with that of others, by affording merchants an opportunity to find out where they can purchase cheapest, and by affording mechanics and inventors an opportunity of seeing whether some improvement cannot be made in various modes and methods of manufacturing our products. It seems to me that at this time an exhibition of this kind would redound greatly to the credit of Boston, and would also largely augment our business prosperity. It is for this reason, and for this alone, that I favor it; and I think my sentiments, to a very large extent, are shared by the members of our committee, who have reported unanimously in favor of it. We therefore trust that this matter will meet with the approval of the Council, and will pass as soon as possible for the purpose of allowing this association to make its

plans and send out to the various manufacturers and those on whom it is dependent, to find from them the amount and character of the exhibits they intend to contribute.

Mr. McGaragle of Ward 8—Was the chairman of the committee on the part of the Council present when the remonstrants appeared?

Mr. Howes—I was.

Mr. McGaragle—Was it not one of the standard qualifications that if allowed to erect this building they will be allowed to erect it three years hence?

Mr. Howes—No such qualification was made. The question was asked of one of the petitioners whether they would wish to erect it three years hence, and he said they might ask to do it; he did not deny it, but they might find some other place by that time, and he could not state what the association would do three years hence.

Mr. McGaragle—As I read it, they said they proposed to come here three years hence and ask permission to use the Common on that occasion; and he was represented to be an officer of the association.

Mr. Howes—I can only say that the gentleman has exhibited a wonderful amount of knowledge on the subject. There was no such evidence.

Mr. Pope of Ward 16—I can confirm the remark that the chairman of the committee has made. I certainly did not hear any such evidence. It must have been some reporter's story in the paper.

Mr. Thompson of Ward 9—I think the statement made by the gentleman last up might lead some of us to change our votes in regard to printing the evidence. I am desirous of seeing the document in print. I understand that some seventy pages are in type, and the expense of completing it will be comparatively trifling. I do not know what the evidence may be, but I should like to read it before passing the order. It has been said that a certain statement was published in the papers, and another gentleman says it was a reporter's story and that there was no such evidence. We all know that the newspaper reports are condensed statements. I took the Daily Advertiser report, which was a condensed statement. For one, I should like to see the matter printed. If in order I move to reconsider the vote refusing to lay the subject on the table and print the evidence.

Mr. Howes—I cannot understand the reason for that motion without it is for a dilatory purpose. The Council, by a very large vote, has just voted down a motion of that kind. I can hardly see why it is brought up at this time.

Mr. Thompson—The motion was made for no dilatory purpose whatever. In the course of the discussion the fact has come out, from the gentleman's own statement, that we want this evidence printed. There are disputes as to what is the evidence. I should like to see something upon which all will stand as to what was the evidence taken before the committee.

Mr. Webster—I move the previous question.

Mr. Stone—I raise the point of order that the motion to reconsider is not in order at this time.

The President—The Chair decides that it will be in order.

Mr. Howes—I supposed the report of the Committee was before the Council.

The President—A motion was made to specially assign the report of the committee and have the report and evidence printed. That motion was lost, and now Mr. Thompson moves a reconsideration.

Mr. Flynn of Ward 13—I would ask the ruling of the Chair whether the motion to reconsider is a proper motion to make at this time.

The President—The Chair decides it can be.

Mr. Flynn of Ward 13—I understood that the question was being discussed upon its merits; and now, after the previous question is ordered, the gentleman moves a reconsideration.

The President—The Chair does not so understand it.

Mr. Flynn—Is it a reconsideration of the vote whereby the Council voted not to print?

The President—The previous question has been moved upon the motion to reconsider the vote whereby the Council refused to print.

Mr. Sibley of Ward 5—If I understand it, the question came up on the report of the committee. A motion that the evidence be printed was made and voted down, and the question came on the acceptance of the report of the committee, and there has been discussion upon it. Then a motion was made to reconsider the vote whereby we voted down the motion to print the testimony

taken by the committee; and I ask the ruling of the Chair if it is in order to move a reconsideration in the present state of the business.

The President—The Chair rules that in his opinion it is in order.

Mr. Ruffin of Ward 9—I am in favor of having this evidence printed. It is in a measure new to me, and when we consider the source from which this evidence comes you will see the importance of having the whole of it before the Council. The remonstrants were composed of some of our leading and best-informed people, and they thoroughly qualified themselves when they went before the committee. Their testimony is valuable, as well as the testimony in favor of a petition.

Mr. Webster of Ward 3—I raise a point of order. I think the motion for the previous question is not debatable.

The President—It is debatable for ten minutes.

Mr. Ruffin—I am assigning a reason why the previous question should not be put. This evidence suggests what we want in discussing this question. I see the importance of having it before the Council. I do not think we can dispose of this question intelligently unless we have that evidence before us. Now, it has been suggested that the evidence published in the newspapers was fragmentary. It gives the reporters' version of it, sometimes the substance and sometimes not the substance; they give a short synopsis of it. I think we ought to have a verbatim report, and therefore I hope the efforts of my colleague from Ward 9 will prevail.

Mr. Wilbur of Ward 20—I would like to know what the subject before the Council is.

The President—The question is upon the motion by Mr. Thompson of Ward 9 to reconsider the vote whereby the Council refused to print the report and evidence of the Committee on Common and Squares.

Mr. Wilbur—Has the report been accepted by the Council?

The President—The report has not been accepted.

Mr. McGaragle of Ward 8—Before the vote is taken I should like to have the ruling of the Chair whether any member of this Council who is a member of the Massachusetts Charitable Mechanic Association is prohibited from voting by being an interested party.

The President—This is hardly a question for the Chair to decide.

Mr. Howes—I was just going to ask what the ruling of the Chair was going to be on that question, because it is certainly not a matter of private profit to members of the Charitable Mechanic Association.

The motion to reconsider the vote whereby the Council refused to print the evidence was declared carried.

Mr. Howes doubted the vote. The Council divided—27 for, 33 against, and the motion was lost.

Mr. McGaragle—Before the vote is announced, I raise the point of order that any gentleman who is a member of the Mechanic Association has no right to vote upon that question.

The President—The gentleman would have a right to vote upon that question. It does not concern his private interests.

Mr. McGaragle—Is he not an interested party?

The President—That is a question that each gentleman will have to settle for himself.

Mr. McGaragle—I ask the ruling of the Chair on the question.

The President—The Chair declines to rule.

Mr. Pratt of Ward 21—I move that the report be recommitted, with instructions to report the evidence in print.

The President—That motion is not in order, as the Council has just decided not to print.

Mr. Webster of Ward 3—I believe that this matter has been discussed in the public prints for a number of weeks, and—

Mr. Pratt of Ward 21—I claim the floor.

The President—The Chair understood that the gentleman from Ward 21 had got through.

Mr. Pratt—I ask for information upon the ruling of the Chair just now—if this question is not a sufficiently different one to properly bring before the Council. The question as stated before was the reconsideration of the motion to postpone to a time certain—that is, to make a special assignment until next week, and that the matter be printed, and charged to the appropriation for Common and Public Grounds. Now I make a different motion, which, as suggested by a gentleman familiar to this floor, in-

corporates a new idea, and I ask the ruling of the Chair whether it be in order to move that the report be recommitted to the committee that made the report with instructions to report with the evidence in print.

The President—The Chair rules that it is not in order.

Mr. Webster of Ward 3—I was about to say, before being interrupted, that this matter had been thoroughly considered in the public prints, and if any member of this Council has not given his attention to it and not substantially formed his opinion, it is very singular. It seems to be the desire of the Council to decide it tonight. I believe we are ready to vote upon it, and that every member knows how he is going to vote. At this late hour I don't believe that we want any long-winded arguments. I move the previous question.

Mr. Pratt—I hope the previous question will prevail. I do not think that in this stage of the proceedings discussion should be choked off.

Mr. Spenceley of Ward 19—I hope the previous question will not prevail. I think we ought to have a right to say something. It don't think it is fair.

Mr. Howes—This is merely upon the acceptance of the report, and when the order comes before the Council the gentleman will have liberty to talk upon that.

The President—That is correct.

The main question was ordered. The report was accepted.

Mr. Webster of Ward 3—Is it in order now to move the previous question?

The President—The Chair will state the question now before the Council. It is upon giving the order a second reading.

Mr. Spenceley offered the following as a substitute.

Ordered, That the Committee on Common and Squares be and they are hereby requested to remove all lamp-posts and all other obstructions from that part of the Common known as the parade ground, and that it be set apart for a playground for the youth of our city, and for parades at all times when occasion shall require.

Mr. Spenceley of Ward 19—I recollect once hearing a story about an old farmer who was sailing on a river in a boat with his wife at one end and his mother at the other, and when asked, if the boat capsized, which he would try to save, he replied that he should try to save his mother, because he never could have but one mother, but he could get a wife at any time. I am in a predicament pretty much like that man. I am between two fires. While I am in favor of the Massachusetts Charitable Mechanic Association, and if I vote against it I shall be voting against myself, I feel like the good old farmer—I can get a good many good associations, but I can never get but one Common. I feel that I am standing here tonight and advocating the Common just as it was a hundred years ago; as I noticed today in "Shurtleff's History," I think it was voted in 1646 that all the inhabitants of the town should have an equal right upon the Common; and that is just what I want. I want to have a right to the Common, and I want my children and your children to have a right on the Common; and if you give this association the right to put a building there, covering four acres of that land, I would like to know where my rights and the rights of my children and your children are. I believe in an equal Common—common to all; and I do not believe in putting this or any other building there. We are acting in justice to ourselves. The argument has been presented to us tonight of the many things which this association is to do. Perhaps many would be brought to our city in the shape of transient visitors, and perhaps some little money would be left behind. I do not know but it may be all right and true, and I would favor any exhibition that will bring any business to our city; but at the same time the exhibition can go on just as well without their going on the Common. I understood today that they have not decided whether they will give the exhibition. I think it is like the mounted police who ride around the city, and by their horses' hoofs frighten off burglars and give notice to patrolmen to be on the corners. I am opposed to it. I believe the Common is what it was given to us for, for us and our children. I used to look with wonder upon my friend from Ward 18 last year, every time I heard him prophesy, and he puts me in mind of a second Daniel. It does n't make any difference whether the building



covers over four acres or sixty. What we want is a place where we can run around and jump, breathe fresh air, and for health; to go and extend your lungs and be somebody. That is what we want. That is what the Common is for. Now they have gone to work and fenced a part of it off, and it is a good deal as an Alderman said in the other branch—we almost want to look at it from a distance with opera glasses or something else. I believe we are departing from the real idea of the Common, and from the rights bestowed upon us by our fathers. To me that Common is as sacred as any spot on earth, and I believe we have got no right to put a steam engine and boiler there. If they go there it will take away the rights of the people. The gentleman says the Exhibition brought a great deal of money to Philadelphia. I want gentlemen to consider that it has n't been a great while since they had that Exhibition and that our manufacturers and machinists have got about tired of it, for a little while. All our woollen and cotton manufacturers have said they do not wish to have it and do not desire it on the Common. Many have signed a paper that they don't want it. Why have it on the Common? It seems to me that they can just as well put it on some other place as on the Common. The gentleman says the precedent has already been established. Now, I don't believe that. I don't think because they had a rope walk there in 1700 or an exhibition in 1818, is any reason why we should have one there now. Boston has grown some since then. I don't know as he knows it. I don't know as he knows that all around here was green fields, and that they pastured cattle upon it. In 1652 they had to make an ordinance that people should not put dead cats or dogs there. That may be a precedent for us to go upon.

Mr. Sibley.—What time were the Quaker women hanged there?

Mr. Spenceley—I don't know exactly.

Mr. Sibley—And the Baptists?

Mr. Spenceley—I am a little sensitive on the Baptist point. As the city has grown, so has the Common grown; but I do not want to see the Common changed on that account. The Common should be sacred for public purposes. That is the reason I oppose this measure. I believe the exhibition will be a grand thing for Boston, and the business of Boston. It is a part of my own business, and anything it brings into market helps me. I wish I could say, give it to them; but when I look at the other side I must oppose it. I cannot give my consent. I say there is plenty of ground within half a mile distance where they can put up a building and keep it forever, if they so desire; and I would like to know if that association is not far-sighted enough to know that they will need a permanent building in a few years, and that they will make a good thing by putting up a building and keeping it there forever? The question was asked, will they not want to exhibit there three years from now? Why, certainly they will. If they put the building up in sections, and keep it for three years, they will want to come back to the Common. They want to establish the precedent. Another thing: The agricultural and horticultural people may want to have a show there; Barnum may want to have a show, and somebody may want to have a race track there. I say, let us keep them off; and if we keep this one off, we will not have trouble to keep others off. I believe it will be an entering wedge to take the Common away from us.

Mr. Flynn of Ward 16—I agree with the gentleman who has just sat down. I think any gentleman here can vote intelligently upon this question. I move the previous question.

Mr. Wilbur of Ward 21—I hope we shall not be cut off in this way. It is late now. There has been very little said on this important subject. I hope the previous question will not be ordered.

Mr. Sibley of Ward 5—I do not know whether I want to hear any more such speeches as the anguish that I have heard on the Common. For some reasons I shall vote for this. I want to know who controls the Common. I read in a paper today that if the Council did not do so and so they would go to grass. Very well, that is all right and proper. In Drake's "History of Old Landmarks of Boston," this Common is represented to be not much in the shape as it was at the time my friend referred to. It extended on to Beacon Hill and very near to Washington street;

and it was where this land is that they propose to use for the building.

Mr. Spenceley—I made a statement to that effect.

Mr. Sibley—I did not hear it. The anguish blotted it out. This is a terrible affair that is going to be there. The question now before us is, Is it useful? is it best? I cannot see anything but a sentimental sentiment opposed to it. It is said we cannot prevent any one from going on any part of the Common; but we can put a deer park there, and fence it up, and you will have to look through the fence. You can have the boys play ball, and rope in the ground, and the place is private so far as that game of ball was concerned. If I go around there it is private while I am occupying any part of the ground. From what I have heard about the precedent, hereafter I am willing to let time take care of it.

Mr. Clarke of Ward 22—Is the gentleman in order? Has the previous question been moved? I did not hear the motion withdrawn.

The President—The Chair understood that the gentleman was debating that question.

Mr. Sibley—Another question has been raised. It is getting late, but I am in no hurry to go home; if this business is necessary, let us stop and attend to it. I want the fullest discussion. I don't care how much is printed, if it isn't a question of time and expense. I intend to vote for it. It has been an old saying that wise men alter their minds and that certain other men never do. I may hear something to alter my mind. I hope the main question will not be put.

Mr. Flynn of Ward 16—I call for the yeas and nays.

Mr. Pratt of Ward 20—Is the previous question moved merely upon the motion to substitute, or does it cover the whole question?

The President—The Chair understands that it covers the main question.

Mr. Thompson—I understood that the gentleman moved the previous question upon the substitute instead of the main question.

Mr. Flynn of Ward 16—My object was to bring a direct vote upon the subject.

The motion for the previous question was declared lost.

Mr. Pierce of Ward 24 doubted the vote, and asked whether or not it cuts off debate on the whole subject.

The President—The gentleman who made the motion stated that he meant it to be upon the amendment offered by the gentleman from Ward 19.

Mr. Pierce of Ward 24—Does the Chair, then, rule that the subject as reported originally by the committee will still be open for debate?

The President—The question will be debatable upon the second reading of the order.

The previous question was put, and a quorum did not vote.

Mr. McGaragle of Ward 8 moved that the roll be called.

Mr. Sampson of Ward 17—I do not think that many understand that this motion is upon the substitute, or that they understand the legitimate effect of the main question.

Mr. McGaragle withdrew the motion for the roll call.

The President—The main question will be upon the substitute, and then the question will be upon the second reading of the order itself.

The main question was ordered—50 for, 3 against.

The question upon the substitute was put and declared carried—34 for, 24 against—and on motion of Mr. Howes the yeas and nays were ordered to verify the result.

Mr. Pope of Ward 24—I wish to have the members understand precisely what they are voting for. If they vote for this substitute, I take it they are voting against the order reported by the committee.

The substitute was adopted—yeas 40, nays 25.

Yeas—Messrs. Barnard, Barry, Blodgett, Cannon, Clarke, Coe, Crocker, Danforth, Duggan, Fagan, Fernald, D. A. Flynn, Fraser, Ham, Hibbard, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mowry, Nugent, O'Connor, O'Donnell, J. H. Pierce, O. H. Pierce, Pratt, Reed, M. W. Richardson, Roach Ruffin, Sampson, Spenceley, Thompson, Vose, Warren, E. R. Webster, Wolcott—40.

Nays—Messrs. Beeching, Blanchard, Brintnall, Brown, Burke, Cross, Day, Dee, J. J. Flynn, Hiscock, Howes, Jackson, Morrill, Pearl, Ferham, Pope, Roberts, Shepard, Sibley, Smardon, Stone, Thorndike, Upham, G. B. Webster, Wilbur—25.

Absent or not voting—Messrs. Cox, Doherty, Felt, Mullane, J. B. Richardson, Souther—6.

Mr. Spenceley—Where is the anguish now?

Mr. Crocker of Ward 9 moved the indefinite postponement of the order as amended [the substitute].

Mr. Ham of Ward 24—Is that in order?

Mr. Spenceley—Does not that motion carry the order with it?

The President—The Chair will state the question now before the Council. It is, upon giving the substitute order a second reading.

Mr. Pratt—I may misapprehend the question, but I understood the motion to indefinitely postpone was still pending.

Mr. Howes—I should like merely to say, now that the substitute is before the Council, that the lamp posts that form so great an objection to the gentleman from Ward 19, are merely temporary, and are to be removed at any time it may be necessary.

Mr. Spenceley—You told me so today.

Mr. Howes—The gentleman forgets very readily.

Mr. Spenceley—No he don't.

Mr. Howes—The reason why the parade ground has been laid out as it has is on account of numerous accidents there at various times. One of the workmen on the Common was severely injured, and has not been able to work since. There is a walk right across the hill to Charles street which is very much frequented, and it was dangerous to passers-by while the boys were playing ball.

Mr. Pratt—I hope the order will take its second reading and pass. There may have been an impression in this chamber that some of our votes were cast without due consideration; but I wish to say that my vote was cast in earnest. I cast my vote in that way for two reasons. In the first place, I was not prepared to vote for the order for which this is a substitute, unless I could have the evidence before me, because I know there is quite a widespread division of public sentiment in respect to it, and because I believe the principle of the order is wrong, and, like many others here, I did not like to be choked off from information. Another reason is, I believe that the boys should be recognized.

Mr. Crocker—I rise to a point of order. As I understand, the Chair has ruled my motion out of order, and the only ground was that the previous

question had been ordered. If so, all debates out of order.

The President—The point is well taken.

Mr. Stone moved to adjourn. Lost.

The order was declared passed to a second reading.

Mr. Crocker doubted the vote, and called for the yeas and nays.

The President put the question of ordering the yeas and nays on the passage of the order, and they were ordered.

Mr. Wilbur—I understood Mr. Crocker to doubt the vote and call for the yeas and nays.

The President—The Chair did not so understand it.

Mr. Crocker—That is what I called for.

The President—Gentlemen in favor of the passage of the order will answer yes, those opposed, no.

The order was passed—yeas 41, nays 25.

Yeas—Messrs. Barnard, Barry, Blodgett, Cannon, Clarke, Coe, Danforth, Duggan, Fagan, Feruaid, D. A. Flynn, Fraser, Ham, Hibbard, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mowry, Nugent, O'Connor, O'Donnell, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pope, Pratt, Reed, M. W. Richardson, Roach, Ruffin, Sampson, Spenceley, Thompson, Vose, Warren, E. R. Webster—42.

Nays—Messrs. Beeching, Blanchard, Brintuall, Brown, Burke, Cox, Crocker, Cross, Day, Dee, J. J. Flynn, Hiscock, Howes, Jackson, Morrill, Roberts, Shepard, Sibley, Smardou, Stone, Thorndike, Upham, G. B. Webster, Wilbur, Wolcott—25.

Absent or not voting—Messrs. Doherty, Felt, Mullane, J. B. Richardson, Souther—5.

Mr. Spenceley moved a reconsideration, hoping it would not prevail.

Mr. Day moved to adjourn. Lost.

The reconsideration was lost. Sent up.

#### PUBLIC GROUNDS.

Mr. Howes offered an order—That the Committee on Common and Public Grounds be authorized to expend the additional sum of \$5500 in labor for the Common and other public grounds; said sum to be charged to the appropriation for Common, etc. Ordered to a second reading.

Adjourned, on motion of Mr. Ruffin.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
MARCH 5, 1877.

Regular meeting at four o'clock P. M., Alderman Clark, Chairman, presiding.

## JURORS DRAWN.

Eight grand jurors were drawn for the March term of the United States District Court.

## PETITIONS REFERRED.

*To the Joint Committee on Claims.* Bridget M. Hernan, for compensation for personal injuries received by reason of an alleged defect in Way street; Joseph A. McCarthy, for compensation for damages to his harness and pung by reason of alleged defect in Washington street.

*To the Committee on Sewers.* West Boston Savings Bank, for the extension of the Sargent-street sewer.

*To the Committee on Police.* B. F. Bradbury, for leave to project a druggist's mortar at the corner of Winter and Washington streets.

*To the Committee on Lamps.* A. V. Hayward *et al.*, for lamps on Wheatland avenue, Dorchester; W. H. Forbes *et al.*, that lamps be placed and lighted on Sheridan avenue, Curtis street and Forbes avenue, Ward 23; G. L. White, for leave to apply to some of the street lamps his system of lighting the same by the aid of electricity; William English, for lamps at rear of 152 Havre street.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables as follows: Thomas Brannon, new wooden, one cow and five horses, corner South and Washington streets; V. M. Dunn, old wooden, four horses, 542 Main street; W. E. Woodward, old wooden, one horse, 992 Harrison avenue.

Hubbard Pierce *et al.*, for leave to erect a stable of wood, to be covered with iron, on lot No. 193 Portland street.

*To the Committee on Licenses.* Owen Nawn, for leave to run a line of coaches from Roxbury in Centre, Pynchon, Tremont, Court, Green, Leverett and Causeway streets, to the northern depots, and return over the same route.

*To the Joint Committee on the Survey and Inspection of Buildings.* Petitions for leave to erect wooden buildings by the Metropolitan Railroad Company on Dorchester avenue, corner Park street, Ward 24; Butchers' Slaughtering & Melting Association, on Market street, Ward 25.

*To the Committee on Paving.* C. G. Attwood *et al.*, that Rutledge street in Ward 23 be put in order for travel; James D. Thomson *et al.*, that Sargent street be put in order; William H. Richardson, for compensation for grade damages on Dorchester avenue; Michael F. Lynch *et al.*, that Boston street, Dorchester, be paved and put in order; heirs of Mary Murtagh for damages by reason of change of grade of Athens street, South Boston.

## PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Report and order to transfer from the Reserved Fund \$4500 to the appropriation for Printing. Passed in concurrence—yeas 12, nays 10.

Report and order to pay Louise W. Foss \$1250, for personal injuries received in Warren avenue. Passed in concurrence.

Report of leave to withdraw on petition of Isabella Jordan to be paid for personal injuries caused by a sled on Boston Common. Accepted in concurrence.

Report of leave to withdraw on petition of Clinton White to be paid for injuries to his horse on Charles River Bridge. Accepted in concurrence.

Report from Committee on Public Instruction referring to Committee on Finance the subject of additional appropriations for salaries of officers, etc. Concurred.

Report that no further action is necessary on petition of School Committee for purchase of a lot of land for a primary school house in the Gaston District. Accepted in concurrence.

A request of the School Committee that the height of certain windows in the new grammar school in the Dorchester Everétt District be lowered came up referred to Committee on Public Buildings. Concurred.

The following requests from the school committee were referred to the Committee on Public In-

struction in concurrence, viz.: For a site and building for the Allston School; for the establishment of two summer vacation schools; for enlargement of the yard of the Gaston Schoolhouse; for the paving of the yard of the Bennett Schoolhouse; for primary school accommodations at Egleston square.

A request of Directors for Public Institutions that the pauper children, instead of truants, be transferred to the Austin Farm, came up referred to Committee on Public Institutions. Concurred.

## ELECTIONS.

Certificates of elections were received from the other branch, and elections occurred as follows:

*Inspectors of Ballast.* Committee—Aldermen Fitzgerald, Wilder.

Whole number of ballots.....	12
Necessary for a choice.....	7
Edward Hatch (chief).....	12
John J. Cadigan.....	12
William Dolan.....	12
John Kenney.....	10
M. Barr.....	1
Geo. A. Shaw.....	1

And the first four named gentlemen were declared elected in concurrence.

*Overseers of the Poor.* Committee—Aldermen Robinson, Breck.

Whole number of ballots.....	12
Necessary for a choice.....	7
Thomas C. Amory.....	12
George Curtis.....	10
William Gorman.....	9
Liverus Hull.....	9
Samuel B. Cruft.....	5
James A. McDonald.....	5

Messrs. Amory, Curtis, Hull and Gorman were declared elected in concurrence.

## SINKING FUNDS.

The ordinance to amend the ordinance in relation to finance, so that unexpended balances shall be carried over for use in the next financial year, came up referred to Committee on Finance.

Alderman Fitzgerald—When this matter was before the Board the members will remember the debate upon it, and the Council has now sent it to the Committee on Finance. As I understood from the debates in the Council and from the speeches of some of the gentlemen who compose the Finance Committee, that this question will not be delayed beyond a week at the furthest, and that it will be reported to the Council, in all probability, next week. I rise now, not for the purpose of opposing non-concurrence, but for the purpose of asking that it be referred to the Committee on Finance. I do not want it understood that I agree to its being referred because I believe in the arguments of some of the gentlemen who asked that it be referred—that there were two revenue funds, and out of those funds certain moneys could be used to cancel certain bonds. Under our ordinance there are not two funds; there are no revenue funds. All the funds have been consolidated. Now, I move that the Board concur in the reference, with the understanding that it is promised that it shall be reported as soon as possible. Believing, according to the argument of the gentleman who spoke on the other side, that it will save half a million dollars, while my belief is that it will save eight hundred thousand; and believing that our side has a good case, I shall offer no objection to the reference; and I wish the Committee on Ordinances would consider the expediency of amending or repealing section 23 or 25 of the ordinance in relation to finance. I think the whole ordinance wrong, and needs to be repealed, as it is not in conformity with the statutes.

The ordinance was referred to the Committee on Finance in concurrence.

## MASSACHUSETTS CHARITABLE MECHANIC ASSOCIATION AND THE COMMON.

The order to allow the use of the parade ground on Boston Common to the Massachusetts Charitable Mechanic Association came up amended so as to read as follows: "Ordered, That the Committee on Common and Squares be and they are hereby requested to remove all lamp posts and other obstructions on that part of the Common known as the parade ground, and that it be set apart for a play ground for the youth of our city, and for parade at all times when occasion shall require."

The question was on concurrence in the amendment.

Alderman Robinson—I move that the order be

laid upon the table for a short time, to be called up again as the business progresses.

Alderman Wilder—I hope the order will not be laid upon the table. I desire myself to offer an amendment to that order, and I believe that the Board are quite ready to act upon it. If the gentleman will withdraw the motion—

Alderman Robinson—I withdraw the motion.

Alderman Wilder—I move to amend that order, that the request of the Massachusetts Charitable Mechanic Association to erect a building upon the Common be granted.

The Chairman—The Chair is of the opinion that the amendment is not in order.

Alderman Wilder—Then I move that the Board adhere to its former action in granting the request of the Massachusetts Charitable Mechanic Association.

Alderman Fitzgerald—I move that the Board of Aldermen concur, and I believe the motion to concur will take precedence, as it will bring both branches together. I do so, because I think the Common Council will not, under any consideration, vote to grant this request of the Association. I shall vote for the amendment, because I think the request ought not to be granted. This is a memorable day, I believe, in the history of Boston. Some hundred and seven years ago there was what was called the Boston Massacre, and the cause of it in a great measure sprung from the prejudice which the boys of Boston had against the British soldiery on account of their interfering with their sports on the Common. It was one of the principal things which drew down upon the soldiers the ire of the Boston boys, so that wherever they went they were hooted and nick-named, and it grew out of the interference of the soldiers with the boys playing upon the Common and building large snow houses and doing other things of that kind, so that they went to General Gage, the governor, and protested. That was one of the principal things that caused the Boston massacre, and by a strange coincidence the same thing comes up here today, asking that the boys may play upon the ground from which they were driven by the British soldiery. I feel that the request will not be granted by the Council, and I oppose sending it back again, the vote was so strong against it. As there is no hope of granting the request by the Council, even with the eloquence which the members of this Board will use toward them, I shall vote for this substitute as a means of giving the boys an opportunity to play upon the Common.

Alderman Wilder—I am entirely in favor of concurring with the Council, so far as giving the boys the privilege of playing upon the parade ground is concerned. I would not be instrumental in bringing about another massacre, if I know myself; but I quite disagree with my friend as to what the other branch will do. I am perfectly satisfied myself, that they in their judgment, good judgment, upon further consideration of the subject, will find that it is eminently proper, and will see the wisdom of reversing their action. While I shall vote against concurrence, I shall be very glad to, upon some other occasion, or upon a separate question, to leave it free as a playground for the boys after this temporary use by this association, and I shall vote heartily for an order giving them the use of it.

Alderman Robinson—I had the honor, gentlemen, to be one of the commissioners to the Paris Exposition of 1867, and also a commissioner on the part of the woollen manufacturers of the United States, and had for my associates Mr. E. B. Bigelow, the great carpet manufacturer, and the late Ebenezer Dale. I visited it many times, and examined it pretty thoroughly, especially anything that came in my line—its manufactures and mechanic arts, both inside and outside of the main buildings, located in the Champ de Mars, a park, if I may so call it, that bears something of the same relation to Paris as the Common does to Boston. I also visited the Centennial at Philadelphia, and though I had but little time to spend there, comparatively, it was with a glow of pride that I came to the conclusion that the Exposition of Philadelphia far exceeded that of Paris; that in the first centennial anniversary of our national existence, in all useful arts ours was far ahead of any exposition of modern times held in the Old World, and was of such a high character and so varied in its nature that it would be very difficult for any other nation to excel or even equal it; and reflecting upon the large numbers of our people who visited the Centennial from the whole length and breadth of our land, and thinking of the benefi-

cial education they were acquiring from a visit to the Exposition, where so many of the products of the world were arranged side by side with the products of the United States; when I saw the orderly carriage of the visitors—a fair criterion of the whole nation, East and West, North and South—I could not resist the confident feeling and satisfaction that the Exhibition would be one of the most beneficial enterprises that had ever been undertaken since our nation's history began; and that the hundreds of thousands of daily visitors were receiving ideas and gathering information and knowledge; that this information and knowledge would go with them to their distant homes, and would exert a beneficial influence among their neighbors and families for many long years to come; and that the effects of the Exposition would be felt long after the visitors had passed away.

There are in the history of nations, gentlemen, periods as distinctive in their character as in a man's own history. From these periods new changes of thought arise, new ideas take the place of old ones, and old notions are often discarded. Society and the public seem to move in entirely different channels, and are not content with what previously satisfied them. This, so far as exhibitions are concerned, is, or appears to be, one of those periods. The Exposition at Philadelphia has established what is necessary in the character or future expositions to ensure success. Anything of the limited extent of those fairs held in Faneuil Hall in years past would be beneath the dignity of Boston. The ideas of the people have been enlarged and elevated by the Centennial, the public generally will not be satisfied in this city, the metropolis of New England, and the natural market of her manufactures, with anything less than an exposition of a similar nature; I do not mean in its extent, but in its character. The building proposed by the Mechanic Association would be large enough to give a greater show of the textile fabrics than at Philadelphia, will be large enough to expose to the public what was most valuable at Philadelphia in mechanics, machinery, agricultural implements and agricultural products, and with the addition of an art gallery for paintings and statuary, everything almost particularly valuable to the community which was exhibited at Philadelphia, may be shown here. The spot where they ask permission to erect the building is more beautiful in its surroundings than that where the Exposition was held in the city of brotherly love, is much easier of access, with the beautiful public garden in front, with the noble elms and shady walks of the Common all around, with the residences of the wealthy and intelligent merchants and literary citizens on all sides. I know of no spot on the face of the earth more attractive, or that would more tend to draw visitors from all quarters. Those who usually take their annual vacations of a couple of weeks would many of them so arrange the time, I believe, as to visit this city—and such would be the influence of the great whole they would remain for a longer time—and to say nothing about dispensing money in Boston, they would go away with a better feeling towards the city, and it might do much to eradicate the sentiments of jealousy that are entertained by many country people against the people of Boston. The granting of this petition may temporarily be a slight annoyance to those residents whose dwellings surround the Common, or those whose houses are near the proposed location of the exposition building; but I believe those gentlemen love and are proud of Boston, and that they would be willing to submit for a short time to the inconvenience for the sake of the good of the whole city—a city in which their lot is cast; and I hope, moreover, if this enterprise goes on that they will aid and encourage it and try to make it a success worthy of Boston and New England. We may reasonably suppose that, if the enterprise is successful 10,000 people daily will visit Boston to see the exposition, and if this should be so it can be seen at a glance, that hotels, railroads, merchants and all classes must be more or less benefited by it. I think, moreover, that it might tend to infuse some life in business matters, and aid in lifting the cloud of depression which for the last few years has rested like a funeral pall on the whole business element of the city; and when we know the acres upon acres of vacant and unoccupied store-room, that cannot be let for even enough to pay the taxes, every matter that will tend to enliven

times among us is worthy of consideration and appreciation.

The erection of the building will give employment to a large number of mechanics the next three months. The placing of articles in the exhibition will give employment to still more; the taking down the building and repacking the contents will also require workmen; and when I think of the many poor men today who beg for employment, and who see almost starvation before them, anything that can be done, be it ever so little, now or in the near future, to furnish even temporary employment is worthy of our consideration.

Again, many of our people have not visited Philadelphia in consequence of the necessary expense of travelling; they could not afford it; the question of bread to their families was greater than that of visiting Philadelphia. It is proposed here to give them at their own doors an exposition at a price that all can afford, where mechanics and laborers can take their wives and families and enjoy a few hours more or less of recreation, of pleasure and instruction, where they will be able to see almost all that to them would have been valuable and instructive in the great Centennial at Philadelphia. We all know that the poor mechanic and laborer has not had any abundance of opportunities for recreation during the long period of depression that has rested upon us in this city, and at the moderate price to be charged for entrance, the convenience of access, if the desired spot is granted by the City Government, they will, to say the least, derive quite as much benefit from that portion of the Common as if the building were not erected or the exposition held.

The joint committee to which this matter was referred gave both petitioners and remonstrants a very patient and most attentive hearing, fully weighed the arguments and reasons pro and con, and came unanimously to the opinion that it was for the best interests of the whole city of Boston to accord the permission. The arguments and reasons against granting the permission were to all appearance most sincerely given, but they were mainly that, though approving of the exposition, it would be a bad precedent to establish. This, however, did not imply the necessity of any future grant of the location to this association or any other party or parties, and probably in the natural growth of the city it may not be required.

Since the hearing before the committee there has appeared a paragraph or article in the papers favoring, approving and commending the holding of the exposition by the Mechanic Association, but stating that it would be impolitic to hold it on the Common, and hoping that a more suitable spot could be obtained—this is the substance of the paragraph. The signers to the communication embrace some of the very best merchants and business men of Boston. Several of them are my personal friends, and the others I know by reputation in nearly every instance; their opinion and their apparent wishes, as well as that of the remonstrants generally, has had its full weight with me, and if there had been any other location that would afford a title of the advantage of the spot asked for, or would justify the expense that the association would be obliged to incur in order to insure success, I should certainly be opposed to placing it on the Common even for the few weeks or months that would be required; but it was made evident to the committee that there was no other spot; that much time had been spent in trying to find one without success; no place was pointed out by the remonstrants that would give the necessary space to exhibit half the articles that the association are assured will be offered, and the question resolved itself to this: that the association would have to incur a large expense to provide a suitable building on the same plan as the main building at Philadelphia, besides the general expenses of the exposition; that it was necessary to locate it where it was easy of access, where parties could visit it frequently, instead of once or twice, where the surroundings would be of sufficient attraction to aid the enterprise, or afford an indirect guarantee of return for the outlay, and where the association could feel that there was a fair justified assurance that the exposition would not be a failure or one that would involve a heavy loss to an association which is charitable in its nature, and the object of which is to elevate the character of the mechanic arts and manufactures of New England. If the location were not given them; they could not feel justified in holding a fair commensurate with the wants of the people, the wishes of the

association, or the credit of the city of Boston, and they would be obliged to abandon the project this year or next—and thus we should lose the opportunity of seeing at our own doors many articles now ready, and which are intended for the Paris Exposition of next year.

These reasons, gentlemen, among others, are why the committee reported favorably towards granting the wish of the petitioners, and though the sentiment expressed by the remonstrants was worthy of their able and high character, yet the credit of the city of Boston, and the necessity at this time of having an exposition (if one is held at all) worthy of the metropolis of New England, weighed heavier in the balance.

I hope, therefore, gentlemen, that the petition of the association will be granted by the Board—that the other branch of the City Government will also vote for it—that the building will go on—that the press of Boston, upon which so much depends for the success of any enterprise, will give the exposition its aid and support—that our solid men and citizens generally, after the example of Philadelphians, will aid and countenance it in every legitimate way—that it will be a success—that it will be something of which the whole city will approve and hereafter be proud of.

As far as I am myself concerned, I feel that there can scarcely be a more sacred use that a small portion of the Common can be put to for a few weeks than that of aiding an enterprise that has for its object the elevation of public taste, the promotion of arts, sciences and manufactures, and the bringing of people together in union; and I cannot wish otherwise than success to the association and its worthy enterprise.

Boston, I have said, is or ought to be the market for the manufacturing and mechanical products of the larger part of the New England States. I have not had time to enter into an exact matter of statistics. Nor is this the proper place for it; the time of this Board is too much occupied to give attention to outside matters, though those matters may be germane to the point; but, gentlemen, I am of the opinion, and I think I speak within bounds from a mental calculation, that there are some seventy-five to one hundred millions of dollars' worth of woollen and worsted goods manufactured in the New England States when trade is in its normal condition and business is in its ordinary state. The manufacture of the different styles, grades and textures of the cotton interest is still larger, and the industry of leather and boots and shoes in all its ramifications is larger than the cotton; so I think it is safe to say that the aggregate of these three great industries amount in ordinary times to at least 250 millions of dollars in the New England States. Boston should be the great distributing centre of this vast amount, and would be if her citizens would become determined that it should be. I speak of these three great interests merely as a part of a great whole. I say nothing of the very many other branches of industry. Here in this noble old city that we all love should the trade of the country come to make the purchases. From here should be sent the cotton and other goods to the foreign markets in every part of the habitable globe. It should be the bounden duty of our citizens to try all proper means to attract or draw the merchants of our own and foreign lands here, as the proper market wherein to buy goods of these three and many other fabrics. There was a time when, as many of you, gentlemen, can recollect, Boston was regarded as the headquarters of all these three manufactures. At that time, gentlemen, how many extensive jobbing houses there were here, how many great commission houses,—think of the house of J. M. Beebe & Co. among others,—think what a great and grand distributing city Boston was, though her population then was far below her population today. Why, it seems to me that that house alone did almost as much business in the jobbing line as is being done in the city of Boston today. No one can pass through Boston today without being impressed with the feeling of despondency that seems to rest on all classes or interests of trade, and that the glory of Boston is fast departing, that, like Portsmouth, Newburyport and Salem, she is but the shadow of departed days; that like them, goods merely pass through in order to find a market elsewhere. Our own merchants even go to New York to buy their cotton and woollen goods, when they formerly used to find everything at their own door. The shoe and leather business, thank Heaven, still has its headquarters here, and the indomitable energy of the wool dealers has

restored the trade to Boston, when that, too, seemed to be passing from our midst; but it requires the united efforts and determination of stockholders, treasurers and selling agents of mills, even those who signed a remonstrance stating that it would be impolitic to hold an exposition on the Common—to bring the domestic goods trade to this city, and place it in its once high position—a consummation, gentlemen, devoutly to be wished and prayed for, an end and object we all hope and pray for; I do, at all events.

But it may be said, What has this to do with the Mechanic Association holding an exposition on the Common? Simply this, gentlemen, that an enterprise such as this proposed fair would give an occasion to show to all who visit it what articles are manufactured among us; it would be like an exhibition of pattern cards on a grand scale. It would show to visitors that very many of the articles they have been accustomed to regard as foreign are made in our midst, and that they are as good, if not better, than the foreign articles of the same general character. I do not intend to convey the idea that the exposition would of itself draw the trade back to Boston; yet it would tend to draw people here in great numbers, it might prove to be an opening wedge for the future; it might prove an incentive for merchants and others to make another and a stronger effort to bring trade back to Boston, and to fill up the vacant stores and warehouses; it might and would enliven matters, and inspire our people—our mechanics and workmen—as far as everything connected with the exposition is concerned; and small, comparatively speaking, as it appears, it might prove of the greatest importance; at least it is worth the trial.

Think you, gentlemen, that if it were proposed by an organization so highly respectable as the Mechanic Association to hold an exposition of the magnitude that association propose, if permission is granted, to hold here, in Chicago, Cincinnati or St. Louis, the people of those cities would object to it on account of some imaginary, sentimental idea of its forming a precedent in some future time, for granting permission to hold a circus or some other show on a Common—a spot which by its name is supposed to be a Common; a spot which belongs to all for a Common, to the poor man as well as to the rich, to the mechanic as well as to the merchant, to the laborer as well as to the lawyer, doctor or minister, to those who live at the North End or South End as well as those whose residences surround it, and pay taxes to keep it beautiful and attractive as it is? Would the people of those cities, think you, object and fight an industrial enterprise like this, by opposing the erection of a one-story building on an open place of fifty acres, because it would stop the circulation of the atmosphere, and so tend to breed distemper of some sort? Would the people of those cities oppose a movement of this kind because a military company would have for once either to omit a military parade, or else find some other place for manœuvring? Would the people of those cities, or either of them, raise any of the sentimental objections that have, with a tenacity worthy of a better cause, been raised by some literary and professional gentlemen of Boston? Would not all classes rather, after the example of the people of Philadelphia, and which so much contributed to the success of the Centennial, unite heart and hand, body and soul, in pushing the enterprise forward? Would they not, instead of bending every thought and energy in placing obstructions in the way, offer even the useful aid of money to help it along? Would not all classes and conditions, men and women, ladies and gentlemen, give their countenance and aid to it? It has been demonstrated that the place asked for is the only spot where the advantages would justify the expense of the undertaking. No other spot would be so satisfactory or attractive to visitors. No other spot would draw so many people here. No other spot would be so pleasant and agreeable to the main body of our own citizens and people. No other spot would furnish the same or so many pleasing recollections after the fair had passed; and no other spot would afford our poor people so good an opportunity to witness the exposition, as that asked for. I therefore hope and trust, gentlemen, that we shall adhere to our former vote, and return it to the Council; if they reject it again it is their fault. We shall have done our duty.

Alderman Slade—When this matter was first brought to my attention by the Mechanic Associa-

tion, my first impression was the same as it is now; and that is, that there was no objection to granting the request, unless there were legal ones. Everybody knows the character of the association well enough to know that anything that they would ask that we can reasonably grant should be granted. The first thing the committee did was to get the opinion of the City Solicitor whether we could legally allow that organization to go there; and we all know that the City Solicitor said there was no legal objection. Now I have taken a good deal of pains to try and read up on the history of Boston Common, and satisfy myself whether we have a right to grant this request. I know very well the prejudice that people have against the use of the Common permanently; and I have just as strong a prejudice against it as anybody else. I know it has been said that if the city should apportion off any part of the Common for permanent use, that it would lose the title to it, and that it would go to somebody's heirs. Now, the fact is, nobody ever owned Boston Common, and there are no heirs for the title to go to. The Common came to Boston as the other lands did two or three hundred years ago. As I understand it, the first settlers were located near the water, on the north and east side; the land they first occupied was, of course, purchased from the original owners, and as they worked back from the borders, they thought, in time, about reserving some of that tract for common purposes; and such tracts were called common land. The first that I can read in relation to retaining the Common comes down as far as School street, and it took in nearly down to Washington street, and to the water on the west. I find that almost the first order passed by the selectmen was to prohibit the burying of swill on the Common; and then further along, there was an order prohibiting by fine the throwing of rocks or stones upon the Common grounds; then again you find an order prohibiting the throwing of dead cats and dead dogs and other stinking things on the Common. Then, further along, you will find an order passed by the Board of Selectmen, prohibiting the pasturing of more than seventy cows and the pastor's horse at one time on the Common; and the man who did not pasture a cow could keep four sheep there. Everybody knows that seventy cows could not be pastured on the present Boston Common; they would take more than twice that, and, as I understand it, the Common grounds covered more than twice that. Gradually the city progressed; streets were made, and as the inhabitants got nearer to what was then known as the Common, portions of it were purchased by individuals. As I understand it, Haymarket place was once a portion of the Common. But all this time the Common has been used for all sorts of purposes. I read that the fence before the present one stood where the ditches now are, and when the fence was built it was set far enough back to give a wide sidewalk around on the outside. And between the fences you will read that all sorts of trading was carried on in all sorts of small wares on training and all other parade days; it was used in common by all people and at all times. And then where it speaks of preserving the grounds for the military, we can all of us see why it was necessary; because every male person between the ages of eighteen and forty-five was liable to do military duty, and that was the only place they had to parade. The people used to come from the country around into Boston and parade on the Common. There were no trees, and the line used to be formed from the Park-street Church west, running the whole length. I cannot repeat all that I have read, but this is a matter of history that many people who hear me can tell better than I can. The line of the Common has been drawn in gradually. Now, when the City Government tried, a few years ago, to take a little portion of that Common—and I am sorry they did not take more, because I think they did not take enough—they did nothing more than what has been done since it has been a Common. At the same time, I do not suppose there is a man in Boston that would favor the permanent occupation of one foot of Boston Common; but when you talk about not taking off twenty feet of the Common, you might as well say that a man must wear the same boots he did when he was a boy, as to say that people could get along with the same Common that they did fifty or a hundred years ago. I have gone over this ground particularly to see if there were any reasons in the world why this request should not be granted for this

purpose; and I do not care how any man may oppose it, let him go back and read the history of Boston Common, since it was used and not built upon, he will find that it was always used for such purposes. Now when they bring physicians before us, and make objections on sanitary grounds, it amounts to just this—taking three acres in the middle of about 100 acres. The Common, including the Public Garden, contains about 100 acres, and the building will be about in the centre of that space, where it will not destroy a leaf; and I cannot see what this great objection is made out of. I say it will be a real benefit to the city and to everybody in it if this exhibition can be held there. If it is, the association has got to spend a great deal of money, almost entirely for labor. It seems to me it will be the starting-point for some kind of business and make it look as though there was a little life somewhere, for God knows we have been dead long enough, and if any set of men show a disposition to do something to set the wheels in motion, don't let us stop them unless we are obliged to. Now, Mr. Chairman, in regard to the order sent here in lieu of the one sent to the other branch. I will go as far as any one to keep that portion of the Common for the boys, as well as men, for I don't know when they cease to be boys. You talk about the boys playing ball there; the order would keep the men off of it. I know that some years ago the men down in our market were talking about their exploits at base-ball playing, and we got up a nine—or a ten, I don't know which—and went to the Common and got up a game of ball; we played just as we did when not more than ten or eleven years old. This order might have kept us off the Common. Now, Mr. Chairman, everybody knows what this association will do. Everybody knows that its members are as much interested in the Common as we are, and have the same ownership in it, and I don't believe there is a man there who would do or see anything done to injure that Common. You certainly cannot injure the land by putting a building upon it, and it will be there but a short time. I should not be in favor of putting a path or lamp posts there, and if I had been a member of the Board when that was done I should have objected to it. I think that it ought to be kept open for common purposes for boys and men to go and sit on. There are no seats there now. But as I said before, the putting of this building there is not going to do anybody any injury, but it is going to be a benefit to a large class of people. If gentlemen opposed to this had taken the pains to look over the history of Boston Common as I have, I believe they would not vote as they did. I know it is said that it is sentimental, and I think the sentiment for preserving the Common is a good one; but when it goes so far as to prevent anything being done on the Common I say it is a sickly sentiment. A gentleman who came before the committee said that when he comes in from Cambridge, where they have but seven acres, he goes on the Common to get fresh air, and he likes it because it is larger than the square they have out there. I consider that a sickly sentiment. I believe that if we grant the association the privilege of going on the Common, the majority of those who voted against it will be sorry they did so before the end of the year. I will not say anything more about it, but you will infer from my remarks that I am in favor of granting this request; and I am also just as much in favor of making it so that it shall be occupied as this order proposes, when the building is taken down.

Alderman Thompson—I have listened with a great deal of interest to my friend on my right [Alderman Slade] in regard to the use of the Common. He tells us that it was formerly used for the pasturage of cows and horses; and certainly he must think, from the action of the Council, that this matter is *impassable*. I was merely going to say that when the question is taken I call for the yeas and nays.

The Board refused to concur in the amendment—yeas 3, nays 9—Aldermen Fitzgerald, O'Brien, Thompson voting yea. Sent down.

#### LEAVE TO WITHDRAW.

Alderman Thompson submitted a report from the Joint Committee on Streets for leave to withdraw ou petition of T. F. Burns for leave to occupy a portion of the lot of land situated on the corner of Eliot and Pleasant streets, for the sale of fruit. Accepted.

Sent down.

#### CARE OF PUBLIC GROUNDS.

Alderman Thompson offered an order—That the Committee on Legislative Matters be requested to oppose any legislation which will tend to restrict the City Council in the care and management of the public grounds of this city. Read twice and passed. Sent down.

#### NOMINATIONS TO BE MADE.

Alderman Thompson offered an order—That the Committee on Bridges be requested to nominate to this Board suitable superintendents for the bridges where the appointments rest exclusively with this Board. Read twice and passed.

Alderman Burnham offered an order—That a committee of two members of this Board be appointed to nominate suitable persons for Fence Viewers, Field Drivers, Inspectors of Lime, and Culler of Hoops and Staves. Read twice and passed.

#### HORSE-RAILROAD TRACKS IN COLUMBUS AVENUE.

Alderman Robinson submitted the following: The undersigned, a majority of the Committee on Paving, to whom was recommitted the petition of the Highland Street Railway Company for a location of tracks in Columbus avenue, Northampton and Hammond streets, being of the opinion that the interests of the public will be better served by keeping said streets free from the obstruction of railroad tracks, respectfully recommend that the petitioners have leave to withdraw.

R. W. ROBINSON.

LUCIUS SLADE.

Alderman Fitzgerald submitted the following:

The undersigned members of the Committee on Paving beg leave to dissent from the report of the majority of the committee giving leave to withdraw on the petitions of the Highland Street Railway Company for a location of its tracks through Northampton street and Columbus avenue, for the following reasons:

First—He believes that a large number of the residents and property owners on Columbus avenue are in favor and desire the location of the Highland Railway Company's tracks through the avenue, and it is opposed principally by these residents who are able to own their private carriages, and are not dependent upon public conveyance as a means of transportation to and from their places of business.

Second—A large number of the residents and property owners on the streets leading from Columbus avenue on the east and west sides are in favor of the Highland Railway cars being run through the avenue, and their rights, comfort and accommodation demand the favorable consideration of this Board.

Thirdly—The residents of Wards 19, 20 and 21, comprising the Highland District, have petitioned by thousands for the granting of the location asked for in the petition of the Highland Railway. We now have no means of transportation to Columbus, and that part of the city west of Shawmut avenue and Tremont street, or to the churches in that vicinity, and the Art Museum and the depot of the Providence Railroad. The interests of the inhabitants of such an enterprising and growing section of the city should not be disregarded; and when they ask this Board to grant that which will add greatly to their comfort and convenience, without injury to other public interests, it is the plain duty of this Board to grant it.

Fourthly—Columbus avenue is a wide street, and the laying of tracks there will not interfere with the driving of carriages and teams, or the passing and repassing of the same on the avenue. The city will probably be obliged to repave the avenue during the coming year, and it will save at least twenty thousand dollars if the company lay rails and pave, as the law requires, between the tracks, at the same time, or before the city does its work.

Fully believing that the interests of the city, as well as of the public, will be promoted thereby, I recommend the passage of the following order:

JOHN E. FITZGERALD.

Ordered, That in addition to the rights heretofore granted to the Highland Street Railway Company to lay down tracks in several of the streets of the city of Boston, said company shall have the right to lay down double tracks as follows, viz.: Commencing at a point in the tracks of the Highland Street Railway on Shawmut avenue, opposite Ball street, thence by curved tracks in *Shawmut avenue* to Hammond street, thence through *Hammond street* to Tremont street, and thence by curved tracks in said *Tremont street* to the tracks of the Metropolitan Railroad as now laid down on



said street, and to connect said curv'd tracks with the tracks of said Metropolitan Railroad.

Again, commencing at a point in the tracks of the Metropolitan Railroad on Tremont street near Northampton street, thence by curv'd tracks in said Tremont street to Northampton, thence in Northampton street to Columbus avenue, and in Columbus avenue to Berkeley street, and across Berkeley street to the tracks of the Metropolitan Railroad as now laid down on Columbus avenue easterly of Berkeley street, there to connect the tracks of said Highland Street Railway with the tracks of the Metropolitan Railroad.

Again, commencing at a point in the tracks of the Highland Street Railway on Shawmut avenue near Northampton street, thence through Northampton street to Tremont street, and across Tremont street to connect with the tracks located by this order in Northampton street between Tremont street and Columbus avenue. The several tracks located by this order are shown on plans drawn by W. S. Barbour and A. Hodges, civil engineers, dated Dec. 20, 1876, and deposited in the office of the Superintendent of Streets.

Said Highland Street Railway Company shall also have the right, until otherwise ordered by the Board of Aldermen, to enter upon and use with its horses and cars the tracks of the Metropolitan Railroad Company on Tremont street between Hammond street and Northampton street, and also the tracks of the Metropolitan Railroad Company on Columbus avenue from Berkeley street to Park square, and on Park square and Boylston street to Tremont street.

The right to lay down the tracks located by this order is upon the condition that the whole work of laying down the same, the form of rail to be used, and the kind and quality of material used in paving said tracks shall be under the direction and to the satisfaction of the Committee on Paving and the Superintendent of Streets, and shall be approved by them. Also, upon the condition that the said Highland Street Railway Company shall accept this order of location, and shall agree in writing to comply with the conditions therein contained, and shall file said acceptance and agreement with the City Clerk within thirty days of the date of its passage; otherwise it shall be null and void.

Alderman Slade presented a remonstrance of L. F. Blanchard and fifty other residents on Columbus avenue against the location of any horse railroad tracks on said avenue.

Alderman Thompson offered the following as a substitute for the order now before the Board:

Ordered, That in addition to the rights heretofore granted to the Metropolitan Railroad Company to lay down tracks in several of the streets of the city of Boston, said company shall have the further right to lay down two tracks from their present track in Columbus avenue through Columbus avenue to Northampton street, and two tracks in Northampton street from Columbus avenue to connect with tracks now located in Tremont street; said tracks being shown on plans drawn by Barbour & Hodges, civil engineers, dated March 3, 1877, and deposited in the office of the Superintendent of Streets.

The right to lay down the track located by this order is upon the condition that the whole work of laying down said track, the form of rail to be used, and the kind and quality of material used in paving said track, shall be under the direction and to the satisfaction of the Committee on Paving and Superintendent of Streets, and shall be approved by them. Also upon condition that the said Metropolitan Railroad Company shall accept this order of location, and agree in writing to comply with the conditions therein contained, and shall file said agreement and acceptance with the City Clerk within thirty days from the date of its passage; otherwise it shall be null and void.

The Chairman—The question before the Board is the acceptance of the majority report of the Committee on Paving.

On motion of Alderman Fitzgerald, the whole subject was specially assigned for Monday next at half-past four o'clock P. M.

Alderman Robinson submitted the following: The Committee on Paving, to whom was recommended the petition of the Metropolitan Railroad Company for a location in Columbus avenue and

Northampton street, respectfully recommend that the petitioners have leave to withdraw.

For the Committee.

R. W. ROBINSON, Chairman.

Laid on the table, on motion of Alderman Thompson.

#### SOUTH BOSTON AND MIDDLESEX RAILROADS.

Alderman Robinson submitted reports from the Committee on Paving with orders of notice for hearings on Monday, March 19, at four o'clock P. M., on the petitions of the South Boston and Middlesex railroads submitted by agreement at the last meeting. The orders were passed.

#### AUDITOR'S EXHIBIT.

The monthly exhibit of the Auditor of Accounts (City Doc.) was received. Total appropriations, \$17,406,359.63; expended, \$12,075,853.78; unexpended, \$5,330,505.85. Sent down.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Minors' Applications Granted—Forty-one newsboys.

Victualer Licensed—Frank Ledger, 22 Merrimac street.

Annsement License Granted—Jacob Reid, to continue exhibition of Strasbourg clock at Horticultural Hall four weeks.

Wagon Licenses Granted—L. D. Snell, 439 Tremont street; John Sanders, 95 Richmond street; W. A. Wilson & Co., 164 Commercial street.

Severally accepted.

#### PAVING ORDERS.

Alderman Thompson submitted the following from the Committee on Paving:

Ordered, That there be paid to G. T. W. Braman, trustee, the sum of \$555.62, in full for use of land from Jan. 1, 1876, to Jan. 1, 1877, on Commonwealth avenue and Parker street by the Paving Department for the storage of materials, etc.; said sum to be charged to the appropriation for Paving.

Read twice and passed.

Ordered, That the assessment of \$7.56, erroneously laid upon F. W. Pitcher for furnishing and setting edgestones on Parker street, be and the same is hereby abated.

Read twice and passed.

#### PERMIT FOR STABLE.

Alderman Viles submitted a report from the Committee on Health on the part of the Board, that leave be granted on the usual conditions to George J. Stevens to occupy stable for six horses on Medford street, Ward 3. Accepted.

#### JENNEY & CO.'S PETROLEUM WORKS.

Alderman Burnham submitted a report from the Committee on the Fire Department on the part of the Board on the remonstrance of L. S. Hapgood and others against a permit being issued to Bernard Jenney & Co. to rebuild their works on First street, and against a license being granted for the manufacture, refining or selling of oils on the premises—That the Board of Aldermen is not authorized to regulate the issuing of building permits. That duty is by law vested in the Inspector of Buildings. Under the building act, all persons intending to build are required to obtain a permit from the Inspector of Buildings, and that officer is obliged to issue a permit to any person who intends to build in conformity with the building regulations. The use to which the building is to be put, after its erection, is not to be considered by the Inspector of Buildings in granting the permit. If the building is intended to be used for purposes for which a license is required, the question whether it can be used for such a purpose need not be determined until the building is completed. It will then depend upon the action of the Board of Aldermen, and the owner takes the risk of obtaining a license; but the Board of Aldermen has not the power to refuse a permit to build. No application has been made for a license to erect steam boilers, steam engines, or other machinery, or to manufacture or store oils on the premises in question, and your committee are of the opinion that it would be premature to take any action in regard to issuing such a license at the present time. Accepted.

Adjourned.





CITY OF BOSTON.

Proceedings of the Common Council,

MARCH 8, 1877.

Regular meeting at 7½ P. M., President Pope in the chair.

AUDITOR'S ESTIMATES.

The following (City Document No. 28) was received and referred to the Committee on Finance with such as the Board of Aldermen may join:

OFFICE OF THE AUDITOR OF ACCOUNTS, }  
CITY HALL, March 3, 1877. }

*Benjamin Pope, Esq., President of the Common Council:* Sir—In accordance with the requirements of the ordinance in relation to finance, I have the honor of presenting to the City Council the accompanying estimates of the amount of money which will be needed to defray the expenses of the city of Boston and the county of Suffolk for the financial year 1877-78, commencing May 1, 1877, and terminating April 30, 1878, exclusive of Boston's proportion of the State tax of 1877, which will be levied by the Assessors, under authority of the law of the Commonwealth. The financial year includes the Auditor's draft on the Treasurer, payable May 1st, the date of its commencement.

The sums needed for carrying on the Cochituate Water Works, and paying interest on the outstanding Cochituate Water Loans and cost of the works, as well as the revenue to be derived from the said works, are left out of the appropriation and income tables in the present estimates, as it is estimated that the revenue received will be sufficient to meet the expenses and interest, and leave a small balance to be paid into the Sinking Fund for the redemption of the Cochituate Water Loans as provided by law.

The estimates include the salaries paid the officers of the Government, clerks, etc., of the several departments, as authorized by the salary orders of the City Council of 1876. They are also made up irrespective of the question involved in the passage of the ordinance, now before the City Council, repealing that portion of the ordinance on finance which provides for the paying of the balances of appropriations, annually, to the Board of Commissioners on the Sinking Funds, to be applied by them to meet the percentages required by law for the several Sinking Funds in their charge, or of the amount that said board will require to be directly taxed in lieu of the receipt of said balances of appropriations, if they should be retained in the city treasury at the close of the financial year to form part of the resources to meet the appropriations for the next year.

The largest reduction in the estimates is in the item of interest, which is \$209,000 less than last year.

The Committee on Public Instruction have made a reduction in the respective amounts asked for by the School Committee for salaries of instructors and its officers, and for books, janitors, fuel, etc., to the total of \$123,280, which is a reduction from last year's appropriation of \$88,480.

The estimated expenditures for 1877-78 are..... \$9,712,455.00  
The estimated income for 1877-78..... 1,669,100.00  
\$8,043,355.00

To which add three per cent. for the amount which will not be paid into the treasury during the financial year..... 241,300.00

We have a total which, in the judgment of the Auditor of Accounts, should be the tax for 1877, exclusive of the State tax..... \$8,284,655.00

The following is a comparison of the appropriations asked for, and estimated income, compared with those of 1876-77:

	1877-78.	1876-77.
Appropriations.....	\$9,712,455.00	\$11,219,387.00
Income.....	1,669,100.00	2,939,900.00
	\$8,043,355.00	\$8,279,487.00
Percentage.....	241,300.00	248,385.00
	\$8,284,655.00	\$8,527,872.00

Showing a reduction of the appropriation estimates and percentage, less revenue for the financial year 1877-78, of \$243,217 compared with those for 1876-77.

The following table will exhibit the amount which will be requisite to raise by taxation this year, placing the State tax at the amount estimated by the State authorities to the Legislature at the commencement of its session, \$1,400,000, of which Boston's proportion will be \$577,836.

	1877-78.	1876-77.
City and county.....	\$8,284,655.00	\$8,527,872.00
State, estimated 1877....	577,836.00	742,932.00
	\$8,862,491.00	\$9,270,804.00

The Board of Assessors add to this sum of \$8,862,491, by warrant of law, five per cent., for the purpose of covering abatements, etc., a sum equal to say \$443,124, making a total tax levy of \$9,305,615.

The Assessors' valuation of the city last year was \$748,878,100. In relation to this valuation of the city, Mayor Cogh, in his valedictory to the Board of Aldermen, at the close of last year, said that it would be necessary to reduce the valuation of the real estate of the city \$50,000,000 "to bring it to a point that will approximate to its fair market value." Mayor Prince, in his inaugural address this year, is also of the opinion that the real estate is overvalued, and that it would be better to have a high rate on a low valuation, than a low rate on a high valuation.

In view of these opinions by the late and present Mayors of the city, regarding the over-valuation of the city for the purposes of taxation, the sum should not be placed at over \$700,000,000. With this sum as the valuation of the city, and placing the amount to be received from poll taxes at \$160,000, the rate per each \$1000 of property would be \$13.07, against \$12.70 last year, as follows:

Total tax levy 1877.....	\$9,305,615.00
Less poll-taxes, say 80,000 at \$2.00.....	160,000.00

Leaving the amount to be raised on the valuation of real estate and personal property..... \$9,145,615.00

With the valuation of real estate and personal property at \$700,000,000, and adopting the rate of \$13.07 per each \$1000 of property, we have a total of \$9,149,000.

The following table shows the rate of taxation for each \$1000 of property for the past three years, and the valuation of property on which it was based, these years being the three years since the annexation of Charlestown, Brighton and West Roxbury:

Year.	Valuation.	Rate tax per \$1,000
1874.....	\$798,755,050.00	\$15.60
1875.....	793,961,895.00	13.70
1876.....	748,878,100.00	12.70

On pages 4, 5 and 6 may be found comparative tables of the estimates for 1877-78, with the actual appropriations for 1876-77, and of the estimated income for 1877-78 compared with that of 1876-77.

Appropriations of 1876-77. Estimates for 1877-78.

	1876-77	Estimated, 1877-78.	Increase.	Decrease,
Advertising....	\$4,000	\$2,500	....	\$1,500
Armories.....	27,000	22,000	....	5,000
Assessors' Department....	96,500	97,000	500	....
Auditor's Department....	18,000	18,000	....	....
Board of Health				
—Quarantine Department and Evergreen Cemetery....	100,500	93,500	....	7,000
Boston Harbor	6,000	6,000	....	....
Bridges.....	55,000	55,235	235	....
Cedar Grove Cemetery....	5,000	5,000	....	....
Chelsea Bridge	....	115,000	115,000	....
Chestnut Hill Driveway....	5,000	5,000	....	....
City Hospital..	138,000	125,000	....	13,000
City Registrar's Department.	11,660	10,490	....	1,170
Collector's Department....	49,500	49,500	....	....
Common, etc..	92,600	70,700	....	21,900
Commonwealth Av. Fence....	....	6,000	6,000	..
Contingent Funds.....	12,500	13,000	500	....

Appropriations of, 1876-77. Estimates for 1877-78.

(Continued.)

	1876-77	Estimated, 1877-78.	Incre'se.	Decre'se.
County Suff...	\$365,000	\$365,000	....	....
Dov-st't B'ge	130,000	....	....	130,000
East Bos. fers.	221,200	181,300	....	39,900
Eng's depart..	28,000	28,000	....	....
Fire depart..	....	....	....	....
alarms, b'ls	....	....	....	....
and clocks..	642,864	602,190	....	40,674
Health depart.	413,000	387,500	....	25,500
Incidental expenses .....	87,000	87,000	....	....
Inspection of buildings ...	18,935	18,600	....	335
Interest and Premium .....	1,907,000	1,698,000	....	209,000
Lamps .....	493,738	493,680	....	58
Law depart...	20,740	20,740	....	....
Markets .....	10,000	10,000	....	....
Mt. Hope Cem.	15,000	15,000	....	....
Mt. Wash. ave.	....	....	....	....
Bridge .....	....	8,000	8,000	....
Neponset Bge	....	19,000	19,000	....
New school-houses .....	....	96,500	96,500	....
Old Claims .....	2,000	2,000	....	....
Overseers of the Poor .....	143,000	141,400	....	1,600
Park depart..	5,000	....	....	5,000
Pav., Grad. & Rep. streets	900,000	900,000	....	....
Police .....	850,000	841,700	....	8,300
Printing and stationery ..	27,500	27,500	....	....
Public baths..	25,000	25,000	....	....
Public buildings .....	109,000	85,300	....	23,700
Public Institutions, viz.—	....	....	....	....
House of In.	216,000	180,000	....	36,000
House of Correction	100,000	91,000	....	9,000
Lun. Hos....	60,000	59,500	....	500
Pauper Ex..	69,000	81,000	12,000	....
Steamer J.P. Bradlee...	13,500	18,000	4,500	....
Office Ex....	8,000	8,000	....	....
Fit.up build.	....	....	....	....
Aus. F'm.	10,000	....	....	10,000
Main. build.	....	....	....	....
Aus. F'm.	7,000	....	....	7,000
Charlest'wn Almsh'use	....	9,000	9,000	....
Marcella-st Home ...	....	23,000	23,000	....
Almshouse	....	17,000	17,000	....
Aus. F'm.	....	17,000	17,000	....
Add.to build.	....	16,000	16,000	....
Rains'd Is.	....	16,000	16,000	....
New piggery, Deer Island..	....	8,500	8,500	....
Public lands..	6,000	6,000	....	....
Public Library	111,500	121,000	9,500	....
Registration of Voters and election expenses .....	25,000	22,500	....	2,500
Reserve Fund	300,000	300,000	....	....
Salaries .....	34,300	34,300	....	....
Schools and Schoolhouses, viz.:	....	....	....	....
School In-	....	....	....	....
structors..	1,218,000	1,115,520	....	102,480
School Exp.	....	....	....	....
Sch'l Com.	228,600	245,000	16,400	....
Salaries Offi-	....	....	....	....
cers, Com.	53,400	51,000	....	2,400
Schoolhouses.	....	....	....	....
Public Buildings.	178,000	133,000	....	45,000
School house Sites .....	26,000	....	....	26,000
Sealer W'ghts and Meas...	4,500	4,200	....	300
Sewers .....	200,000	150,000	....	50,000
Sinking Fund Commis. ....	300	800	....	....
Survey'r's Department .....	43,000	39,500	....	3,500
Treas. Depart.	24,800	24,800	....	....
*Water Works	282,500	....	....	282,500
*Water Works, Interest and Premium .....	756,000	....	....	756,000
West Boston and other Bridges .....	8,250	6,500	....	1,750
Widening Streets .....	200,000	200,000	....	....
	\$11,219,387	\$9,712,455	\$361,635	\$1,868,567

\* Offset the coming year by revenue to be received, which is estimated will more than meet the expenditures and interest.

The following table shows the estimated income for 1876-77 compared with that for 1877-78, with the increase and decrease in each.

	Estimated 1876-77.	Estimated 1877-78.	Increase.	Decrease.
Amortises .....	....	....	....	....
Board of Health and Quarantine .....	\$18,000	\$14,000	....	\$4,000
Bridges .....	14,000	12,000	....	2,000
City Hospital .....	1,400	1,400	....	....
Corporation Tax .....	2,000	5,000	\$3,000	....
County of Suffolk .....	350,000	300,000	....	50,000
East Boston Ferries .....	130,000	100,000	....	30,000
East Boston Ferries .....	180,000	170,000	....	10,000
Fire Department .....	6,000	6,200	200	....
Health Department .....	2,000	2,000	....	....
Health Department .....	43,000	42,000	....	1,000
Interest .....	175,000	175,000	....	....
Outstanding Taxes .....	475,000	500,000	25,000	....
Overseers of the Poor .....	33,000	30,000	....	3,000
Paving .....	50,000	40,000	....	10,000
Police .....	6,000	7,500	1,500	....
Public Institutions .....	48,000	38,000	....	10,000
Public Library .....	2,500	3,000	500	....
Rents .....	120,000	120,000	....	....
Schools .....	19,000	19,000	....	....
Sewers .....	75,000	50,000	....	25,000
Taxes and other Fees .....	35,000	32,000	....	3,000
Unclaimed Drafts .....	2,000	2,000	....	....
+Water Works .....	1,153,000	1,153,000	....	....
	\$2,939,900	\$1,669,100	\$30,200	\$1,301,000

+ The revenue the coming year from the Cochituate Water Works to defray the expenses and interest, and balance, if any, to be paid to Sinking Fund Commissioners for the Cochituate Water Works Sinking Fund.

Total decrease of estimated appropriations for 1877-78.....\$1,868,567  
Total increase of estimated appropriations for 1877-78..... 361,635

Net decrease of estimated appropriations for 1877-78.....\$1,506,932

Income.

Estimated income 1876-77.....\$2,939,900  
" " 1877-78..... 1,669,100

Decrease of income 1877-78.....\$1,270,800

Percentage of Taxes.

3 per cent. on amount required (\$8,279,487) in 1876-77..... \$248,385  
3 per cent. on amount required (\$8,043,355) in 1877-78..... 241,300

Decrease in 1877-78..... \$7,085

Recapitulation.

Net decrease of appropriation in 1877-78.. \$1,506,932  
Net decrease of percentage in 1877-78..... 7,085

Decrease of income in 1877-78..... \$1,514,017  
Decrease of the tax as before stated ..... 1,270,800

Decrease of the tax as before stated ..... \$243,217

The accompanying communications, which I have received from the several boards, departments and committees, give the details of the appropriations which they require.

All of which is respectfully submitted.

ALFRED T. TURNER,

Auditor of Accounts.

PAPERS FROM THE BOARD OF ALDERMEN.

The Auditor's Monthly Exhibit, March 2. (City Doc. No. 27, 1877). Placed on file.

Petitions were referred in concurrence.

Report (leave to withdraw) on petition of T. F. Burns, for leave to occupy a portion of land at the corner of Eliot and Pleasant streets, for sale of fruit, etc. Accepted in concurrence.

CHARITABLE MECHANIC ASSOCIATION AND THE COMMON.

The amendment to the order to authorize the Massachusetts Charitable Mechanic Association to erect a building on the Common for their tri-

ennial festival came down with the non-concurrence of the other branch.

Mr. Smardon of Ward 10 moved to suspend the rule and to lay the matter upon the table, that he might present a petition.

The motion to suspend was declared carried.

Mr. Spenceley of Ward 19 doubted the vote, and the Council divided—26 for and 22 against. The motion was lost.

Mr. Crocker of Ward 9 moved the indefinite postponement of the whole matter.

Mr. Crocker of Ward 9—It seems to me a majority of the members of the Council do not wish to pass this order authorizing the placing of this building on the Common. We do not want it going back and forth from one branch of the City Government to the other, and a very simple way to dispose of it will be to indefinitely postpone it. Therefore I make that motion.

On motion of Mr. Blodgett of Ward 8, the yeas and nays were ordered.

Mr. Spenceley of Ward 19—While I shall not oppose the motion to indefinitely postpone, I give notice now that I shall bring in an order or a resolution carrying the same effect as the substitute which I put in last Thursday night. I have not lost a bit of faith in the idea presented then, that the Common is for the people, for the boys for a playground. But I do believe that this Council feels as I do in reference to it. And while tonight I shall vote as the gentleman has already stated, to indefinitely postpone, so that it may not go back to the Board from the Council, I believe we must look this matter fairly and squarely in the face and say that the Common is for the people.

Mr. Wilbur of Ward 20—I understand that the evidence that was taken before the Committee on Common and Squares has been put in type; and as there seemed to be a desire here last Thursday night that the evidence should be printed, I should hope that this matter would not be indefinitely postponed. It comes back, and it came here first by a large majority from the other branch, and it seems to me that it is a matter of courtesy to that branch that we should give it a full investigation. I hope the motion to indefinitely postpone will not prevail. If it does not, I shall move that the matter lie upon the table and the report and evidence be printed.

Mr. Pope of Ward 14—I trust this matter will lie upon the table. Several members came to me after the last meeting of the Council and told me they were very desirous of seeing this evidence. It is now all in print, and there is no reason why their wish should not be granted. I trust the matter will not be postponed, but will lie upon the table so that the members of the Council may be allowed to read this evidence. They will then come here at the next meeting better prepared to judge of this question than they are tonight.

Mr. Mowry of Ward 11—It seems to me that a majority, and in fact a very large majority, of this Council have made up their minds upon this question. It seems to me this matter of printing evidence was most thoroughly discussed at a previous meeting of the Council. Now it seems to me wholly unnecessary to go into this matter of evidence when it has been so often before us for the last few weeks. It seems to me the majority of us have made up our minds that we should meet this tonight and vote upon it. I certainly hope this motion in regard to printing evidence will not prevail.

Mr. Howes of Ward 18—I should like to state, for the edification of the gentleman who last sat down, that this evidence has been printed and put in City Document No. 26, and probably the member will find it on his desk at the present time. It is simply a question of giving members time to read it preparatory to voting upon it. I do not know that there would be anything lost by delaying it a week, now that the matter is in print. Certainly members can hardly read this lengthy document through in three or four minutes.

Mr. Flynn of Ward 13—I can see that the evidence is in print, and I would like to inquire of the chairman of the Committee on Common and Squares by what authority this document was printed. At the last meeting of the Council we positively refused to print this, or even to refer it. Now we find it on our desks as City Document 26. I want to know by whose authority this document is printed, and I ask the chairman to explain the matter.

Mr. Howes of Ward 18—I would merely state

that before the hearings were entered into it was thought desirable to have a shorthand reporter, as it was thought probable members of the City Government might desire to see the arguments for and against this measure. A shorthand reporter was therefore employed, and at the close of the second hearing, as I understand—I was not present at the time; I left about half an hour before the hearing closed—a vote was passed by the committee instructing the shorthand reporter to write out his notes, and for the Clerk of Committees to have it printed. That is the reason that it is before members at the present time. After some seventy pages had been put in type it was thought possible that it might not be necessary to do anything more, and it was at that stage when it came before the Council at the last meeting.

Mr. Flynn of Ward 13—I desire to say it is an unwarrantable assumption on the part of any committee, or on the part of any gentleman, to order a document of this kind printed and submit it, the matter having once been rejected by the Council. I say it was never ordered by the Council, and I insist on it. At the last meeting of the Council it was voted down, when the matter was passed upon, and somebody moved it be referred to the Committee on Common and Squares with instructions to print the evidence. That question was voted down. Now I say, as I said before, it is an unwarrantable assumption on the part of any committee or any body of men to print a document of this kind without the authority of the City Council.

Mr. Howes of Ward 18—I have merely to add what I said before, that this document was printed prior to the time the gentleman speaks of, with the exception of two or three pages.

Mr. Flynn of Ward 13—By whose authority?

Mr. Howes of Ward 18—By the authority of the Committee on Common and Squares. It had been put in type and printed with the exception of two or three pages, and the committee, having assumed the authority to print so much, also assumed the authority to print the two or three pages remaining.

Mr. Spenceley of Ward 19—Do I understand the gentleman to say they set up seventy pages and printed that, and then set two or three more and printed that extra?

Mr. Pope of Ward 14—No.

Mr. Spenceley of Ward 19—Why, he said they were all printed. I would like to understand it.

Mr. Howes of Ward 18—They were printed so far that proofs could be struck off. I do not know whether all the forms were struck off. Probably a large part of it was in form and printed. It is not customary to print a book all at once. They set up a part and print that, and then another part and print that.

The question was taken on the motion to lay upon the table and print, and it was declared lost.

Mr. Wilbur of Ward 20 doubted the vote and moved to call the yeas and nays. The motion for the yeas and nays was lost.

The question was then taken on the motion to indefinitely postpone, and it was carried—42 yeas, 27 nays:

Yeas—Messrs. Barnard, Barry, Beeching, Blodgett, Cannon, Clarke, Coe, Crocker, Danforth, Dugan, Fagan, Felt, Fernald, D. A. Flynn, Fraser, Ham, Hibbard, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mowry, O'Connor, O'Donnell, Pearl, J. H. Pierce, O. H. Pierce, Reed, J. B. Richardson, M. W.

Absent or not voting—Messrs. Mullane, R. Pope, Pratt—3.

Richardson, Roach, Ruffin, Sampson, Souther, Spenceley, Thompson, Warren, E. R. Webster, Wolcott—42.

Nays—Messrs. Blanchard, Brintnall, Brown, Burke, Cox, Cross, Day, Dee, Doherty, J. J. Flynn, Hiscock, Howes, Jackson, Morrill, Nugent, Perham, R. Pope, Roberts, Shepard, Sibley, Smardon, Stone, Thorndike, Upham, Vose, G. B. Webster, Wilbur—27.

Subsequently Mr. Spenceley of Ward 19 moved to reconsider the vote whereby the Council voted to indefinitely postpone the motion, hoping it would not prevail.

Mr. Howes of Ward 18—I trust that this will not be pushed tonight. The gentleman from Ward 19 seems strongly of the opinion that if this lies over another week there may be some persons who will change their minds.

Mr. Spenceley of Ward 19—No, he is not.

Mr. Howes of Ward 18—Well, he says it by his

action. If there is a chance for further discussion and further enlightenment I do not see why it might not just as well rest where it is, indefinitely postponed. If anybody wishes to make a motion to reconsider, all very well, but let it lie there for another week. The matter has now actually come before the Council for the first time. I understood a resolution was to be presented here this evening, asking for a public hearing before the Council of both parties, that the Council might give half an hour to each party and then vote on its merits. Of course there is no chance for that now. I trust that it will die a natural death, if it dies, rather than be strangled to death, as the gentleman from Ward 19 wishes to have it.

Mr. Spenceley of Ward 19—The gentleman from Ward 19 does not want to strangle it. The gentleman from Ward 19 thinks the members of this Council have seen enough of this in print; have looked on both sides of the question; know all about it; have not prophesied that the air comes down from Canada; have looked the matter squarely in the face, and are not in favor of placing this building or any other building on the Common. We are ready to vote upon it, and it does not seem to me to make any difference whether we are ready to vote tonight or not. It does seem to me that in order to have this out of the way and not spend any more time upon it we should vote upon it tonight and have done with it. That is just the reason why I want to have this put through tonight.

The motion to reconsider was lost.

MANAGEMENT OF PUBLIC GROUNDS.

The order from the Board of Aldermen to oppose any legislation tending to restrict the City Council in care and management of the public grounds was read twice, and the question was on its passage.

Mr. Spenceley of Ward 19—It seems to me that for one I should not like to see this order pass. I would like some legislative law upon this matter by which we shall not be troubled every two or three years by some petition coming here as this has come in now. Why, these gentlemen will soon enter another petition for the Common, and we shall have them continually. It seems to me it would be well for us to have the Legislature pass laws in reference to the Common as we did in reference to our streets, so that it cannot be possessed except by vote of the people. As I understand it, our Common and our squares are for the people. If they wish for these buildings, shows or amusements, let us have a vote and see whether we want it or not. If we do not, I do not believe it is best for this Council or any City Council to have authority to say what shall go on them, or what shall be taken off of them. I hope the order will not pass.

Mr. Howes of Ward 18—I believe that for once the gentleman from Ward 19 is correct. If the Council intend to be consistent they ought to vote down this order. They have refused the Mechanic Association the right to go on the Common; and without they also decree, or allow the Legislature to decree, that no other association shall go there, it would certainly seem as if the Council meant to make an invidious distinction in regard to the Mechanic Association. If this order is passed as it now stands, it instructs the Committee on Legislative matters to leave the Common question open again. If we are not to allow buildings to be erected there, I think it might as well be settled by the Legislature and have it done with. Personally, I am sorry that this last vote has been taken and has gone against the Committee on Common and Squares; but if we are not to have it, I certainly think it ought to be final.

Mr. Stone of Ward 3—I believe that the City Council should have charge of its own commons and squares. I do not believe in turning it over to the State of Massachusetts and allowing them to dictate what we shall or what we shall not do. I hope we shall keep it to ourselves.

The question was on the passage of the order in concurrence, and the motion was declared lost.

Mr. Stone of Ward 3 doubted the vote. It was verified; the Council was divided, and the order was passed in concurrence—29 for and 23 against.

UNFINISHED BUSINESS.

Order to deduct \$1625 from amount due on lease of Thomas Carter for wharf on Albany street. Passed in concurrence.

Order to allow and pay \$102 to Mary A. Rosemeyster, for a parcel of 204 square feet of land on

Brown street, Northampton-street district, as therein set forth. Passed in concurrence.

Order to pay certain bills of I. E. Noyes and George Curtis against the city. Passed in concurrence.

Orders for transfers, viz., \$6000 from Reserved Fund to appropriation for Common, etc.; \$500 from Reserved Fund to Contingent Fund of Board of Aldermen. Severally passed—yeas 60, nays 0. Sent up.

APPROPRIATION FOR PUBLIC GROUNDS.

The order to expend \$5500 additional for Common and other public grounds was considered under unfinished business.

Mr. Crocker of Ward 9—I think the explanation we have had of this matter was not very satisfactory. I think the chairman of the committee expressed his ability to understand it fully, and I should like to hear if there is any other explanation he can give.

Mr. Howes of Ward 18—I should merely state that the appropriation made by the Common Council last May is entirely exhausted, including that portion for the pay of laborers. The Department of Common and Public Grounds employ during the spring a large number of laborers, and they are employing more at the present time than is usual, on account of the quantity of snow that has been lodged on the Common. It has been necessary to break it up until within the past few days. Now, I think the warm rains are doing it in a very large degree. Still, the number of employes during the months of March and April is very large indeed, and it is necessary to have some money to pay them with. The exact amount required it is perhaps impossible to state. I think this is based on the appropriations of last year and the year before.

The order was passed. Sent up.

BALANCES OF APPROPRIATIONS AND SINKING FUNDS.

Under a suspension of the rule, Mr. Sampson of Ward 17 submitted the following:

The Committee on Finance, to whom was referred the report of the Joint Special Committee on the Retrenchment of Municipal Expenses, accompanied by an ordinance to amend the ordinance in relation to finance, respecting the disposition of the balances of appropriations, would unanimously report that the accompanying ordinance be passed in lieu of the same.

For the committee,

FREDERICK O. PRINCE, Chairman.

An Ordinance

To amend an ordinance in relation to finance.

Be it ordained, etc.—

Section 1. Sections 23, 24, 25, 26, 27 and 29 of the ordinance in relation to finance, as contained in the volume of Revised Ordinances of the year 1876, are hereby repealed, and the following sections substituted therefor:

Sec. 2. The Board of Commissioners on the Sinking Funds for the redemption of the debt of the city shall annually, in the month of February, report to the City Council and Auditor of Accounts a detailed statement of the amounts required by statute to be raised by taxation during the next financial year on account of the principal of the city debt, and such amounts shall be included in the general appropriation bill for that year, and shall be paid by the City Treasurer to said commissioners on the first day of December following. All excess of revenue derived from liquor licenses, excess of income and taxes over estimated income and taxes, and of appropriations over expenditures at the close of each financial year, shall remain in the city treasury to be used and applied for such purposes as the City Council may order.

Sec. 3. All moneys received by the city from the sale of real estate, from payments on account of the principal sum secured by any bond or note, or from payments on account of any betterment assessment, shall be paid by the City Treasurer to the said commissioners, and applied by them to the reduction of the city debt.

Sec. 4. All excess of income from water rates over the amount required to pay the expense of carrying on the water works, and the interest and exchange, if any, on the water debt, shall be paid to said commissioners, and by them added to the Sinking Fund for said debt.

Sec. 5. Whenever any debt of the city shall become due, the said commissioners shall pay over and transfer to the City Treasurer any funds which they may hold as a Sinking Fund for said debt, or so much of such funds as may be required

for the payment of such debt, and the balance of such funds, if any, shall be transferred by them to such other Sinking Fund as they may deem advisable.

The ordinance was read once, and the question was on ordering it to a second reading.

Mr. Sampson of Ward 17—I will say that this ordinance goes further than the one referred to us by the Retrenchment Committee, by covering into the treasury at the end of the year all income received by the city by way of revenue, all income from overestimates in regard to taxation, and also the liquor licenses as well as the balances of appropriations. On the other hand it requires the commissioners to tax the necessary amount requisite for the Sinking Fund. These are about the only points in which it differs from the original order.

The ordinance was ordered to a second reading.

Mr. Sampson of Ward 17—As we have before us tonight the Auditor's estimates, which will go to the Board of Aldermen, and as it is quite important this should accompany them, because the Sinking Fund Commissioners are required to make their assessment of taxes to be laid before the same committee, I shall ask a suspension of the rule, that the ordinance may take its passage tonight.

The rule was suspended.

Mr. Crocker of Ward 9—As I believe that no ordinance should be passed without being referred to the Ordinance Committee, I believe it my duty to make a motion that this ordinance be referred to the Ordinance Committee. I know, too, that gentlemen say it is quite important it should go through tonight, and I do not propose to urge the passage of my motion; but as the chairman of the Ordinance Committee on the part of this branch, I deem it my duty to bring the matter before the Council, and make the motion.

Mr. Sampson of Ward 17—I will say in explanation, that in order to avoid that necessity, this ordinance was worded by the chairman of that committee. I left my views with him and he has prepared an ordinance to express them. So this ordinance has been before that member of the committee and has been prepared by him.

Mr. Crocker of Ward 9—I have only one word to add; that it is not exactly in the shape I gave it, but I don't see anything wrong about it myself.

The ordinance was read a second time and passed. Sent up.

#### BADGES.

Under a suspension of the rules Mr. McGaragle of Ward 8 made the following verbal report: The committee appointed to procure suitable badges for such of the Council as might apply for the same have attended to that very arduous duty, and through the assistance of the City Messenger beg leave to make the following report [handing the City Messenger a box containing the badges]: The report was accepted.

#### SALARIES OF CITY OFFICERS.

Early in the session, on motion of Mr. Flynn of Ward 13, the Council took up the special assignment, which was the report of the Committee on Retrenchment of Municipal Expenses, with thirty-nine ordinances establishing the salaries of the several city officers and employes in the public departments (City Doc. No. 20). The question was on the passage of said ordinances, with amendments.

Mr. Sampson of Ward 17—I would move to further assign this to quarter-past eight o'clock, in order that the Finance Committee may report upon the first order referred to them. If the further postponement is made, I shall ask for a suspension of the rule, to allow the Finance Committee to make its report.

The subject was further assigned to a quarter-past eight on motion of Mr. Sampson of Ward 17, to admit the report on balances of appropriations, and after action thereon the subject was again called up, on motion of Mr. Flynn of Ward 13.

On motion of Mr. Stone of Ward 3, the several ordinances were ordered to be read by their titles.

Mr. Day of Ward 4—I should like to inquire of the Retrenchment Committee why they propose to establish the salaries by ordinance. Heretofore they have been established by order, and I don't see the necessity of the change. It will be a great deal more difficult to make changes in the future, and I should like to have some explanation.

The Chair reminded the gentleman that no discussion was in order till the ordinance had been read, and he proceeded to read them by their titles. The question was on giving them a second reading.

Mr. Stone of Ward 3—I understand that some of these departments that this committee have reported on, propose a greater reduction than the committee propose. They propose to do away with certain officers. And I move that the report be laid on the table till they make their reductions.

Mr. Reed of Ward 17—I trust the gentleman's motion will not prevail. The Committee on Retrenchment have called before them the heads of all departments, and the question has been put to those gentlemen what reductions they could make in clerk hire as well as in the expenditures of their departments; and I would assure the gentleman that we have made all the reductions that we can agreeable to their answers, and not only as far as that, but further. I therefore see no reason why the report should be laid on the table.

Mr. Stone of Ward 3—I understand the Water Commissioners propose to do away entirely with one if not two officers, and I don't feel at liberty to state the other departments. I don't know but what the Water Commissioners were before this committee. I don't know how that was.

Mr. Crocker of Ward 9—Mr. President, I hope this report, these ordinances, will not be passed. If the Council chooses to lay them on the table, perhaps this is as good a disposition of them as any. I believe that these changes in the salaries which are here proposed will work a great deal of mischief in a great many branches of the City Government. I, for one, would prefer to see the salaries all through remain exactly as they are, though I think there are some that might be changed. I am, for one, prepared to vote the salaries all just as they are, rather than to pass these ordinances as they are now offered to us. There are certain reasons why it is inexpedient to do it by ordinance. There are reasons why it is inexpedient to fix the salaries of all the clerks in the different departments. At some times in the year, certain departments want more clerks, more assistance than they do at others, and under this arrangement they could not get them without getting an ordinance passed by the City Council. It seems to me it would work badly in a great many ways; therefore I hope the motion that the whole thing will be laid on the table will pass.

Mr. Nugent of Ward 19—The Committee on Retrenchment have spent considerable time in considering the salaries of officials in the City Hall. They have gone outside and inquired concerning salaries paid in other concerns. They found generally the salaries paid outside of City Hall were far less than what is paid inside City Hall. I believe the people demand retrenchment. I believe we are paying higher salaries in City Hall than private individuals are paying for the same labor. I hope gentlemen will look at it in a practical way, and look at the times. The market is filled not only with common labor, but with mechanical skilled labor in all branches, clerks, bookkeepers, and everything else, and I think the inflation prices paid in the City Hall have no right to be carried out. I believe in all the reduction recommended by the reduction committee, and I hope the motion will not prevail.

Mr. Brown of Ward 23—Mr. President, I desire to express my views briefly upon the subject of retrenchment in salaries in the various departments of our City Government, which is now under consideration before this body. I have carefully perused the report of the Joint Special Committee on Retrenchment connected with the salaries of the employes of the city. I find this document elaborate and easy to be understood as to the opinion of the committee on economy, and their judgment on the true basis of retrenchment by reduction in salaries in and about City Hall; and, Mr. President, I will say that I highly respect the economical views, financially, of the Committee on Retrenchment, but I cannot adopt their report as a whole as being a wise and just basis for economy and retrenchment to pursue and adopt by the City Government. In my opinion, some of the heads of departments in City Hall are not overpaid for their valuable services rendered to the city. This, Mr. President, is my humble opinion as far as my knowledge goes in understanding the duties of some of the heads of departments in the employ of the city. I confess, sir, that I am not familiar with the duties of all the heads of departments in the city employ, but I take it for granted that the duties are all arduous and all well filled. I do know some of the gentlemen personally who fill the important places of trust at the head of



departments, and, sir, those whom I do not know personally I do know by the high reputation they sustain in the hearts of the people for honor and fidelity to their several trusts. And, Mr. President, it would be vain in me to presume to tell this Council anything about the duties, or the ability of the gentlemen connected with heads of departments in City Hall, as this is well known to us all. Their records are recorded in the hearts of the taxpayers of Boston; and in my opinion the taxpayers would not vote to reduce their salaries to the sum recommended by the Committee on Retrenchment. The experience, the ability and the honor of these gentlemen is their capital in life, and this City Government should not claim so much of their capital as this report demands. In my opinion, cashiers and head bookkeepers in the employ of the city get no more pay than they earn for the city, and no more than such services are paid for in banks and other places of trust equally as great as theirs; and I consider it wrong for the city to economize on help of this class as regards their salaries. I do sincerely believe that no greater injustice could be done to mankind than to reduce the salaries of some of the clerks employed by the city, as recommended by the Committee on Retrenchment.

The Chair notified the gentleman that his time had expired, and on motion of Mr. Thompson of Ward 19 the time was extended, and he continued—

I do believe that there are some clerks whose salaries might be reduced without doing injustice to said clerks, and I have no doubt but that there could be less force employed in some of the departments, without injury to the true interests of the city, whereby a small saving could be made. Mr. President, we should all treat this salary question as we would our own business and economize at home instead of reducing salaries of our help to save money. And let the city of Boston economize in its general expenditures outside of the salaries of its employés. The Retrenchment Committee's report on the reduction of the salaries of the License Commissioners is so sweeping that I cannot comprehend it, and therefore shall say no more on this matter, but wait for further instructions from members of this Council, who may be able to throw some light on this subject. Mr. President, we have before us the report of the Joint Special Committee on Retrenchment, and we also have the report of the Joint Standing Committee on Salaries, and let us carefully and honestly consider what we shall do to best promote the mutual interests of all concerned.

The time for debating a motion to lay on the table having expired, the vote was taken, and the motion was adopted—34 to 32—and the ordinances were laid upon the table.

Near the close of the session, Mr. Blanchard of Ward 21 moved to take the report from the table.

Mr. Thompson of Ward 9—I think it is too late to take up that matter, and I move we adjourn.

Lost by a division—32 for, 33 against.

Mr. Stone of Ward 3—It seems to me it is rather late to take that from the table. I hope it will remain there till the next meeting.

Mr. Jackson of Ward 16—It is never too late to do good. I am only astounded that the motion has not been made before. If I were a member of the committee, I should certainly have done it. I urged certain parties to do it, but I did not think it beloged to me to make the motion. I see a disposition here this evening to defeat those ordinances. That is the whole sum and substance of the matter. I want to meet it squarely, face to face. I want to know where gentlemen stand on this question. Let us act squarely, as did the Board of Aldermen, and either pass or defeat them. This putting them off from one night to another is not what is wanted by the citizens of Boston, who look to the City Council for some action in this matter. I venture to say that more than three-fourths of the taxpayers of the city of Boston look for the passage of these ordinances without a break. I have had scores of people ask me what it meant by putting off action from time to time. Gentlemen here in City Hall getting three, four or five thousand dollars can afford to stand the shrinkage of the times as well as the merchants, many of whom are not making more than half their running expenses, and are taking risks every day; while the incumbents of offices in City Hall are taking no risk, for the city of Boston never fails. The employés of the city of Boston who get their pay regularly can very well afford

to stand this reduction. I think that gentlemen who have been getting \$5000 a year may thank their stars that they are not cut down any more than they have. I am free to confess that there are some portions of the report that I do not exactly agree with; but rather than have a break made I would vote for the whole of it. The incumbents of city offices are much better paid than men are outside.

Mr. Howes of Ward 18—I do not like to raise a point of order, but the gentleman is discussing the merits of the main question.

Mr. Jackson—I was giving reasons for passing these ordinances. I am in favor of it and I hope they will pass.

The motion to take from the table was declared carried.

Mr. Flynn of Ward 13 doubted the vote, and on motion of Mr. Reed of Ward 17 the yeas and nays were ordered. The Council refused to take the report from the table—yeas 33, nays 38:

Yeas—Messrs. Barnard, Barry, Blanchard, Briunnall, Cannon, Cross, Day, Dee, Duggan, Fagan, Fernald, D. A. Flynn, Fraser, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mullane, Nugent, O'Connor, O'Donnell, Reed, Roach, Shepard, Sibley, Spenceley, Vose, G. B. Webster—33.

Nays—Messrs. Beeching, Blodgett, Brown, Burke, Clarke, Coe, Cox, Crocker, Danforth, Doherty, Felt, J. J. Flynn, Ham, Hibbard, Howes, Morrill, Mowry, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pope, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Sampson, Smardon, Souther, Stone, Thompson, Thorndike, Upham, Warren, E. R. Webster, Wilbur, Wolcott—38.

Absent or not voting—Mr. Pratt.

#### PETITIONS PRESENTED.

By Mr. Smardon of Ward 10—Petition of Morrow & Barker, for leave to erect two wooden buildings on Beacon Park, Cambridge street, Ward 25. Referred to the Committee on the Survey and Inspection of Buildings. Sent up.

Petitions of Michael Collins for compensation for injuries received upon the ferry while proceeding to East Boston; and of Samuel E. Decher to be allowed compensation for damages to his land situated on Lincoln street, Ward 22. Severally referred to Joint Committee on Claims. Sent up.

By Mr. Wilbur of Ward 20—Petition of Joseph Kuhns, for compensation for damages occasioned by the change of grade of Orchard Park. Referred to Committee on Common, etc., with instructions to give the petitioners a hearing, on motion of Mr. Wilbur. Sent up.

#### TRANSFER OF APPROPRIATIONS.

Mr. Sampson of Ward 17 submitted the following from the Committee on Finance:

Report and order—That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund the sum of thirty-nine thousand two hundred thirty-one and 74-100 dollars to the appropriation for Widening Washington and Essex Streets. Read twice and passed under a suspension of the rule—yeas 58, nays 0. Sent up.

Report and Order—That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund \$28,000 to the appropriation for School Expenses, School Committee and \$3500 from the appropriation for school instructors to that for Salaries, Officers, School Committees. Read twice and passed under a suspension of the rule—yeas 58, nays 0. Sent up.

Report and Order—That the Auditor of Accounts be and he hereby is authorized to transfer from the appropriation for Dover-street Bridge \$19,000, to constitute a special appropriation for rebuilding Neponset Bridge; also from the same appropriation \$8000, to constitute a special appropriation for the rebuilding of the Mt. Washington-avenue Bridge Pier. Read twice and passed under a suspension of the rule—yeas 58, nays 0. Sent up.

Report and order—That the Auditor of Accounts be and he hereby is authorized to make such transfers of appropriations as are required to make up deficiencies in other appropriations and such others as may be necessary in closing the business of the financial year which terminates April 30, 1877—all such transfers to be reported to the Committee on Finance for notification. Read twice and passed under a suspension of the rule—yeas 58, nays 0. Sent up.

#### CLAIMS.

Mr. Sampson of Ward 17 submitted reports from the Joint Committee on Claims of leave to with-

draw on petitions of John C. Albee, for compensation or personal injuries on the East Boston Ferry, and Uriah J. Dailey, to be paid for injuries to his horse and sleigh on Howard street, Charlestown. Severally accepted. Sent np.

#### HIRAM JOHNSON'S PETITION.

Mr. Flynn of Ward 13 submitted a report from the Joint Standing Committee on Streets on the petition of Hiram Johnson to be relieved of the payment of a portion of his indebtedness to the city—That the petitioner owned a tract of land situated on Swett street extended, and gave 9000 feet of this land towards the extension of the street. He also agreed to pay \$800 towards the construction of the street, and gave a bond to that amount. This bond is not secured. The petitioner is unable to pay his debts in full, and his other creditors have agreed to accept thirty per cent. of the amount of their claims. He asks that the city will settle upon the same terms as the rest of his creditors.

Your committee are of the opinion it is expedient to grant the prayer of the petitioner, and therefore they recommend the passage of an order—That the City Collector be authorized to accept thirty per cent. of the amount due from Hiram Johnson to the city of Boston, in full settlement of the claim against said Johnson, on account of the widening and extension of Swett street, provided that the remaining creditors of said Johnson agree to accept the same percentage in settlement of their claims.

Order read twice and passed, under a suspension of the rule, on motion of Mr. Flynn of Ward 13. Sent up.

#### BACK-BAY IMPROVEMENT.

Mr. Flynn of Ward 13 submitted the following: The Joint Standing Committee on Streets respectfully report that an additional appropriation of five thousand dollars will be required to complete the work on West Chester park and Commonwealth avenue. The amount of the original appropriation and transfers was \$457,000. The expenditures have amounted to \$458,500.44, leaving a deficiency of \$1500.44. The additional appropriation is required to provide for this deficiency and also to meet the expense of constructing a culvert under West Chester park, for purchasing the land required for the abutments of the bridge over the Boston & Albany Railroad, and for doing such concreting, etc., as may be required to put the bridges in a condition for public travel.

Referred to Committee on Finance. Sent np.

#### FIRES AND ALARMS.

The report of the Fire Commissioners on the fires and alarms in February was received. Sent up.

#### NOMINATIONS.

Mr. Howes of Ward 18 submitted a report nominating Timothy J. Dacey and Thomas L. Jenks for Trustees at Large of City Hospital for three years. Accepted. Sent np.

#### COMMON COUNCIL CONTINGENT FUND.

On motion of Mr. Felt of Ward 18, the Council took from the table the order to provide for approval of certain bills by the President of the Common Council.

The question was on the passage of the order.

Mr. Flynn of Ward 13—I am looking for an order similar to this which was passed by the Board of Aldermen. All I want is that the Council shall pass a similar order to the one passed by that Board.

Mr. Crocker of Ward 9—While the gentleman is looking for that other order I will simply say that it seems to me we need not follow the example of the Board of Aldermen. There is no necessity for us to make our order exactly like theirs. As I understand it, the principal difference is that the order now proposes that the names of members who have refreshments or carriages shall be put in the bills, and the order passed by the Aldermen, I believe, does not require the names. Now we did not require that last year, but upon the motion of the gentleman who has just spoken, on page 57 of the proceedings of last year I find that he offered an order which contains the very provisions which he now objects to. It seemed to me then, and it seems to me still, a very proper provision to put in. It seems to me the Council can well afford to be more virtuous or more brave in its proceedings than its associates in the other branch. It seems to me that no member—we do not any one of us want, I hope, to have any bills incurred that anybody is ashamed of. I am willing to have my name

go upon the record for anything I have, and I think other gentlemen are willing to do the same. It seems to me it is the right principle in the shape in which it was offered and passed last year. The order is exactly the same as the order passed last year.

Mr. Flynn of Ward 13—The only objection I have to this order is—I will read the order which was passed by the Board of Aldermen. All I desire is that the Council should pass a similar order. If they are not obliged to attach their names to bills there is no reason in the world why members of this Council should.

Mr. Howes of Ward 18—What is the objection?

Mr. Flynn of Ward 13—The objection is that if members of the Board of Aldermen do not do it, it is better that the Council should not. On page 102 of the official record I find that the Board of Aldermen passed the following order:

“Ordered, That the Chairman of the Board of Aldermen be authorized to approve bills for expenses incurred by the Board of Aldermen and the standing committees of the Board not having charge of any appropriations; also by individual members of the Board while engaged in the discharge of official duty. The amount of said bills to be charged to the appropriation for Contingent Expenses of the Board of Aldermen.”

Now, Mr. President, I would offer as a substitute for that which has been presented by the gentleman from Ward 18, an order similar to this one with the exception of striking out the words “The Chairman of the Board of Aldermen” and inserting “The President of the Common Council,” and striking out the words “Members of the Board of Aldermen,” and inserting the words “Members of the Common Council.”

Mr. Webster of Ward 3—I find in No. 20 of the Joint Rules an order very similar in character to this one. I would like to inquire of the gentleman who introduced this order, what the difference is between the present order and the one which now exists.

Mr. Felt of Ward 18—I would say for the benefit of the gentleman from Charlestown, that this order covers the expenses of those committees that have no appropriations made for them.

Mr. Crocker of Ward 9—I notice that Rule 20, of the Joint Rules, on page 51 of the book which I hold in my hand, requires that

“No bill for refreshments or carriage hire furnished to any member of the City Government shall be paid, unless such bills shall specify in detail the names of the members to whom such refreshments or carriages were furnished, the dates of furnishing the same, and have been approved by the presiding officer of a board, or chairman of a standing or special committee of the City Council, or of either branch thereof, duly authorized by vote of such committee or board, at a regular meeting; such bills, when so approved, shall be paid from the appropriation to which they are incident; and the Auditor of Accounts shall not receive or pass any such bill for the approval of the Committee on Accounts, unless it has been approved, as provided in this and the preceding section.”

Now, that evidently renders it necessary that the names should be specified in bills incurred by the Aldermen. Nothing particular would be gained by breaking over our rules. It is well to keep such matters before our minds all the time. It seems to me the proper way is to pass the order as it was passed last year.

Mr. Thompson of Ward 9—I think, in considering this matter, it would be fair to consider the difference between the two bodies to whom the different orders are to be applied. In the Board of Aldermen there are twelve men. The Chairman of the Aldermen meets them all probably every day. He is well posted upon all the business they are engaged on, and knows what expense they are likely to incur, and can pass upon bills presented almost as well as the persons who incur them. But, I ask, what is the position of the President of a body as large as this when bills are sent in to him for refreshments and hack hire, furnished, perhaps, by half a dozen different hotels? What position is he in if he is called upon to approve such bills, unless he can call upon the person who incurred the expense, and inquire whether the bill is a proper one or not. It seems to me as a matter of principle that no man in this City Government should incur any expense which he is ashamed to have known. If we eat dinners at the city's expense, let us say so. I can conceive there are circumstances under

which it would be perfectly proper for us to take dinners at the city's expense; and when we do it in a proper manner we are not going to be ashamed to put our names upon the bill. The only possible point I can see in these names is that some person may make a bill he will be ashamed to acknowledge. I do not think this Council will omit that requirement from the order. That is the construction the outside public will put upon it. They talk about junketing now. If they see us deliberately changing an order which we have formerly adopted in years past, and thereby making it more easy to junket, I do not think we will stand any higher in the respect and esteem of our constituents, and I do not think we should deserve to. I hope the substitute will not prevail.

Mr. Flynn of Ward 13—As far as I am personally concerned I am not ashamed to put my name to any bill for refreshments or carriage hire I may have. Still I do not think it is fair that members of the Council should be compelled to put their names to such bills when members of the Board of Aldermen are not. Take, for instance, last Thursday night, members were obliged to remain here until after twelve o'clock, and some were then obliged to go to West Roxbury, Dorchester, Brighton and other parts of the city. Those members are compelled, at the end of the month, to put their names on hack bills, perhaps for large amounts. Nobody knows why it is there, or the reasons for it. If you come to the Board of Aldermen and other departments—the Board of Directors, the Trustees of the Public Library, the Trustees of the City Hospital—and every other officer elected by this Government can go on and contract bills in the discharge of their duty, and their names are never obliged to be put on the bills. Now, why make this distinction with the members of the Council. If they did it in the Board of Aldermen I should not object; but they do not do it, and I don't think it is fair to compel the members of the Common Council to put their names to any little bill incurred in the discharge of their duties. That is the only objection I have to the order.

The question was on the substitution of Mr. Flynn's order, and on motion of Mr. Felt of Ward 18 the yeas and nays were ordered.

The motion to substitute was lost—yeas 10, nays 57:

Yeas—Messrs. Burke, Clarke, J. J. Flynn, Loughlin, McClusky, Nugent, Pearl, Ruffin, Thorndike, Upham—10.

Nays—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Cannon, Coe, Cox, Crocker, Cross, Danforth, Day, Dee, Doherty, Duggan, Fagan, Felt, Fernald, D. A. Flynn, Fraser, Ham, Hibbard, Hiscock, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McDonald, McGaragle, Mowry, Mullane, O'Connor, O'Donnell, Perham, J. H. Pierce, O. H. Pierce, Reed, J. B. Richardson, M. W. Richardson, Roach, Roberts, Sampson, Shepard, Sibley, Smardon, Spenceley, Stone, Thompson, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—57.

Absent or not voting—Messrs. Morrill, R. Pope, Pratt, Souther—4

The original order was then passed.

#### USE OF THE CITY HALL ELEVATOR.

Mr. Stone of Ward 3 offered an order—That, until otherwise ordered, the elevator shall be for the exclusive use of the members of the City Government and reporters from 7.15 P. M. till 7.45 P. M. on the evenings when the Common Council meets.

The order was ordered to a second reading.

Mr. McGaragle of Ward 8 moved the reference of the order to the Committee on Public Buildings.

Mr. Stone—I see no reason for referring it to the Committee on Public Buildings. I have noticed that for the last four meetings of the Council, when we wanted to ascend to this chamber the elevator was crowded; and this evening, for instance, there were fifteen or sixteen in the elevator, and of that number not over five were members of the City Government. The elevator is run when we have our meetings for the convenience of the members of the Council. I hope that the order will not be referred, but be passed.

Mr. Wilbur of Ward 20—I move an amendment, that the running of the elevator be discontinued after eight o'clock. That would be a great saving in coal. It is well known that almost all of the members of the Council prefer to walk down rather than crowd into the elevator. It is a fact

that for the past five or six weeks the elevator has been crowded, and it has been obliged to be run, many times, half an hour after the Council has adjourned. It will be a saving of coal to stop it at eight o'clock. This very subject has been before the Committee on Public Buildings.

Mr. Webster of Ward 3—I may be entirely alone in this matter, but if I am I believe I am right. I hope the order will not prevail. I believe that the elevator should be for the public. If I come here with a friend it will be a great discourtesy for me to take the elevator and force him to walk up stairs. I believe we are as able-bodied as citizens generally, and if they are compelled to walk we should do the same. There being galleries here indicates that the citizens are expected to be here, and I believe they should have a right to use the elevator. I believe that as dignified a member as the gentleman [Mr. Stone] can afford to wait and take his chances with the humblest citizen. As a matter of good taste, and for no political effect, it is due to those whom we invite here, and to those who come here evening after evening, that the use of the elevator should be free.

[Applause in the galleries, which the President promptly checked.]

The motion to refer was lost, by a division—8 for, 40 against.

On motion of Mr. Duggan of Ward 12, the order was indefinitely postponed.

#### FOURTH OF JULY.

Mr. Smardon of Ward 10 offered an order—That a committee, consisting of eight members on the part of the Common Council, with such as the Board of Aldermen may join, be a committee to make arrangements for celebrating the 101st anniversary of American independence; the expense attending the same, not to exceed \$15,000, to be charged to the appropriation for Incidental Expenses.

Laid on the table, on motion of Mr. Flynn of Ward 13.

#### CANCELLATION OF DEBT.

On motion of Mr. Crocker of Ward 9, the Council took from the table the report that it is inexpedient to pass the order for the Mayor to petition the Legislature for the passage of an act authorizing the Sinking Fund Commissioners to cancel any bonds of the city which they may hold, provided it will not be inconsistent with the obligations of the city to the holders of its bonds.

The report was accepted and the question came on giving the order a second reading.

Mr. Crocker—I have a substitute here which I propose to offer in place of that order, which is, that the Mayor be requested to petition for the passage of an act. It is now too late to petition for the passage of an act, and therefore that order would be ineffectual; but the subject to which that order refers is already before a committee of the Legislature, and therefore I offer the following as a substitute:

Ordered, That the Committee on Legislative Matters be instructed to favor the passage by the Legislature of an act requiring the Sinking Fund Commissioners to cancel all bonds of the city held as a portion of the Sinking Fund, provided that, and so far as, such cancellation shall be consistent with the obligations of the city to the holders of its bonds.

That subject is now before the Legislature. It has been referred to the Committee on the Judiciary of the House, who are to consider the expediency of such a law. The Committee on Finance have stated no reasons why they have reported inexpedient, and I do not know that the reasons which they would give against the original order would apply to this one. This order looks simply to requiring the Sinking Fund Commissioners to reduce the debt as far as practicable consistently with the obligations of the city to its bondholders—reducing the city debt to its actual amount, and not leaving its nominal amount one thing and its actual amount another. Nominally the city debt is half as large again as it really is. Nominally it is forty-three or four millions; but, by reason of the fact that the Sinking Fund Commissioners hold thirteen or fourteen millions of the city debt, the city debt is actually only thirty millions, and thus it is made to appear half as large again as it really is. We go through the formality of paying the interest on this thirteen or fourteen millions to the Sinking Fund Commissioners, who credit the city with the amount. It seems to me that this is going through with useless formal-

ities, making things appear as they are not in reality. I hope the City Council will pass the order instructing the Committee on Legislative Matters to favor the passage of such an act as I have suggested.

Mr. Sampson of Ward 17—I trust the order will not pass. It is virtually the same as the one we have been considering from the Finance Committee. It is to all intents and purposes wiping out the Sinking Funds of the city of Boston. Sinking Funds are now recognized as a necessary institution in all communities and corporations which are required to borrow money, in order to secure the payment of debt and maintain their credit. Under the permission given by the statutes the city of Boston is permitted, through the Sinking Fund Commissioners, to invest either in its own bonds or State and national securities. Now, because the city holds those bonds, some people think the city does not owe \$44,000,000, or thereabout; but these bonds are in the hands of the Sinking Fund Commissioners as the trustees for the creditors of the city of Boston, and the fact that they have invested in city bonds should be considered the same as if they had invested in State or United States bonds and the debt remains the same. It makes no difference if a man has notes out amounting to \$50,000, whether he has \$100,000 in bank or not to meet those bonds; he owes it all the same. So the city of Boston owes forty-four millions of dollars today, and the Sinking Fund cannot properly be deducted from that debt. I do not propose to go into a lengthy argument, because I think the Council understand this matter fully. I do not think there is any necessity for it. I merely state the matter as plainly as I can and leave it to the Council.

Mr. Crocker—The gentleman says this course which I propose would substantially wipe out the greater part of the Sinking Funds. Now, if the Sinking Fund really consists of the city's own notes, I think that, so far as they go, it may as well be wiped out. If the city's bonds are held by its own officials, it owes the money to itself, and the balance only, after deducting the amount of those bonds, is the actual debt of the city. The real and actual debt is thirty millions. To call our debt forty-four millions is all a formality and a pretence. It affords no security to anybody, and there is in fact real danger in keeping this nominal debt alive. The law indeed provides that the bonds held as part of the Sinking Fund shall not be negotiable. But if they are not negotiable, the Sinking Fund Commissioners cannot use them, and they may as well be cancelled. The only result of cancelling them will be to stop the formality of paying interest on them, and the city will be the gainer by bringing the accounts out of the confusion and the formalities that do no good to the creditor, to the city or to the taxpayer; but that do evil, I believe, in confusing matters and in requiring us to pay as interest on our debt the interest on thirteen or fourteen millions of dollars which the city owes to itself. It seems to me that that sort of formality had better be dispensed with, and the sooner the better.

Mr. Sampson—I have only one word more to say. I presume that all gentlemen know that the Sinking Funds are arranged to provide for the debt at maturity. If you wipe out the Sinking Fund, the city of Boston has either got to ask for an extension, or else submit to taxation to pay the debt at maturity. Now, if any gentleman owes a debt of \$1000, due in eleven years, bearing six per cent. interest, he will in that time pay \$660 in interest. If he has in the savings bank \$500, that earning six per cent. compounded, will in eleven years take care of the principal when it matures, and the whole amount to be paid by him will be \$1160. I take that simply as an illustration. By the plan of the gentleman from Ward 9 if he takes from the savings bank \$500 and reduces his indebtedness, he will thereafter have to pay \$30 interest per annum, amounting to \$330 for the eleven years; he will then have to pay the remaining principal of his debt, \$500, which, together with the interest paid and the amount taken from the savings bank, will amount to \$1330. Had he allowed his \$500 to remain in the savings bank it would have provided for the debt at maturity, and he would have actually paid out but \$1160, making a difference of \$170 upon the \$1000.

Mr. Thompson of Ward 9—As I understand the substitute offered by the gentleman from Ward 9, he does not intend to wipe out the Sinking Fund; he merely proposes to change in some degree the administration of that fund. Under the law, as it

now stands, our Sinking Fund is built up by direct taxation; every year a certain percentage on the outstanding debt (on a thirty-year loan, two per cent.; on a twenty-year loan, three and a half per cent.; and on a ten-year loan, eight per cent.) is paid into the Sinking Fund. It was probably intended by the framers of the law that these amounts should be invested in securities the interest on which would be sufficient to pay off the debt when it matured. But in our case, the investments are chiefly in our own bonds, evidences of our own debt, and the statute provides that such securities when purchased shall be practically cancelled—they are dead for every purpose except drawing interest—and keeping them alive for that purpose only is adding a useless and complicated piece of machinery to the financial system of the city. You go through the formality of making payments to yourselves, and keep a set of accounts in which you call these payments *interest*, when in fact they are partial payments of the principal. The true idea of the Sinking Fund is that every year you set apart a portion of the principal of your debt, so that when the debt comes due the means may be at hand to pay it. As you pay interest on your debt, you must either use the money you have saved to pay off part of the debt and stop interest, or you must invest it so that it will draw interest. It is evident that if the rate of interest on your debt and your investment is the same, at the end of any number of years you will stand relatively in the same position—you have paid out interest with one hand, you have received equal amounts with the other. For so much then of our Sinking Fund investments as are made in our own bonds, it is evident that there is no gain in keeping the bonds alive; now is there any disadvantage? Under our present system it frequently and usually happens that the Sinking Fund of a debt will "take care of itself," some years before the debt matures—that is, that the accumulations of the Sinking Fund, with the interest thereon, will equal the amount of the debt when it matures. But we borrow money for long terms of years, in order to distribute the cost of permanent improvements as equally as possible upon the generations who are benefited by them. The people living in Boston thirty years from now will enjoy the benefit of the water works equally with those living here now, and in entering upon these great works the intention always is to distribute the expense equally upon the persons benefited. Now, if we overfeed the Sinking Fund in the early years, we must starve it later on; if the first generation pay too much, the second pay too little. The true principle to be applied to our Sinking Fund is to pay every year such an aliquot part of the debt as will, if continued year by year, discharge the debt at maturity. If, when the money is ready, no part of the debt can be bought up and paid off, invest your money in a security paying a like interest, and providing your security remains good, you have provided for the payment of a part of your debt, and of the accruing interest to maturity. If a part of your debt can be paid off, pay it, and afterwards you will have no questions as to security.

The city of Boston must pay the money in some way, either in the form of direct taxation for the purposes of the Sinking Fund, or as interest on the bonds. The only question is whether you will make the machinery as simple as you can, so that any citizen of Boston can go to the books and find that this year such an amount is to be raised by taxation for the Sinking Fund, and so that the citizens may all understand how much they are taxed for that purpose. If the amount of taxation for the Sinking Fund is buried up in a general amount raised for interest, the citizens of Boston know nothing about the condition of the Sinking Fund, and the creditors do not know anything about it either. I maintain that this order introduced by the Finance Committee tonight looks toward simplifying this complicated machinery. It provides that unexpended balances shall not be used for the purposes of the Sinking Fund, as heretofore, but the amount necessary to keep up the Sinking Fund shall be raised by taxation. Now, if this order we are discussing passes, the only difference will be this: Instead of raising two per cent. on a thirty-year loan, it will be necessary to raise three and one-third per cent.; and then you will distribute the amount of that loan equal-

ly over every year; people who paid taxes this year will pay for a certain amount of the improvement, and pay just as fair a proportion next year, and so on each year from the commencement to the end. As I understand, it now very frequently happens that the original idea of the Sinking Fund is entirely defeated. I think that taxation on three of the Sinking Funds has ceased, although the loans will not be due for several years; and certainly the people who will pay taxes in those years will escape paying their proper proportion of that debt. Any machinery should be done away that is useless and for which no good reason can be assigned. The gentleman [Mr. Sampson] has said that the Sinking Fund stands as security for the credit of the city. The true security that the creditor has is the knowledge that the payment of his debt is going to be provided for; if he knows that so much is to be raised every year, and that so much is to be paid every year, he feels that there will be a constant demand for his bonds, and he knows that there is no chance of the bonds being bought in for the Sinking Fund at one time, and by some misfortune sent into the market again, to hurt the credit of the city. We have had an experience in the General Government which I think might be aptly referred to. A certain part of the floating debt of the General Government was retired; it was in the treasury, and no one supposed it could be issued again. It was issued again, however, and the country suffered a great deal by it. Now, when any part of the debt of the city of Boston gets into the possession of the City Government it should be destroyed; and this keeping of it alive is merely deceiving the people. I hope the order introduced by the gentleman from Ward 9 will pass.

Mr. Crocker—The chairman of the Finance Committee on the part of this branch has said that if we destroy the Sinking Fund we shall have to tax ourselves on account of the principal of our debt, and he gave an example which he proposed to me the other day, and of which I supposed I had shown him the fallacy. I must say I am surprised to see it coming up here again. He says, Suppose you owe a million dollars, payable in eleven years, and have got a Sinking Fund of half a million invested in the city's own bonds; if you keep that fund alive, the interest which the city will have to pay on that (\$30,000 annually), with the accumulation, will pay the whole principal of the debt in the eleven years; but he says, if you cancel the bonds in the Sinking Fund and thereby pay off half the debt and have half of it left, then you will be worse off, because you will have to tax yourselves \$500,000 to pay the balance of the principal of the debt. But the fact is that if you cancel half the debt you have got to tax yourselves only \$30,000 a year for interest, and if you continue to tax yourselves \$60,000 a year as before, the remaining \$30,000 a year will be applicable to the payment of the remaining half a million of principal, and that \$30,000 a year will be exactly as effectual as the \$30,000 a year which he proposes to get from the Sinking Fund. The result will be exactly the same, either way, to a cent; and I had understood the gentleman to admit it when I talked with him yesterday.

Mr. Sampson—Does the gentleman intend to raise a new Sinking Fund? To wipe out one and raise another?

Mr. Crocker—I should pay what was left of the \$60,000 each year, after paying the interest on the remainder of the debt, to purchasing and cancelling that remaining debt. For instance, there would be a surplus of \$30,000 the first year with which that amount of the debt might be purchased and cancelled, and the debt thereby reduced to \$470,000. This would still further reduce the amount of interest to be paid the next year, and there would be more to be applied to the payment of the debt.

Mr. Sampson—There would be more to go into the Sinking Fund.

Mr. Crocker—The result would be exactly the same to a cent either way. The gentleman himself admitted it yesterday.

Mr. Sampson—I admit it. But if you reduce your indebtedness, why raise \$60,000 interest next year, when you need only \$30,000?

Mr. Crocker—Because I wish to raise something to pay off the principal. I would raise \$60,000 every year and apply whatever was necessary to pay the interest and the remainder I would apply

to the payment of the principal that remained unpaid; and by the time the whole debt came due it would be taken care of and paid off exactly as it would have been if the Sinking Fund had been kept in existence. You would go on year by year cancelling more and more of the principal of that debt, and you would reach exactly the same point, as can be shown by the figures which I hold in my hand here; and it would save all this complication and confusion of keeping up the Sinking Fund and paying interest to yourself. For that reason, in order to simplify the matter, and because it looks in the same direction as this ordinance passed tonight, I hope this order will be passed.

Mr. Thompson—I wish to say one word more, and that is, that for the purposes of the Sinking Fund and paying off our debt, from year to year, it will be necessary to raise the same amount of money. The only question is, where will you find it in the Appropriation bill? Shall it be in the interest on the bonds, or shall you find it put down squarely for the Sinking Fund? It is simply doing away with a piece of useless machinery. You are simply doing away with a system of keeping accounts which requires one or two clerks; and if the gentlemen of the Retrenchment Committee vote in the line that they have favored here, they will vote for this order.

Mr. Spenceley of Ward 19—I begin to feel like the man who heard some one tell a story. When he began to tell it he knew nothing about it, and after hearing the story he knew twice as much. This Sinking Fund is something like the sea serpent. I think we have heard enough of it tonight, and I move the previous question.

The main question was ordered.

Mr. Crocker's substitute was rejected—16 for, 43 against.

The Council refused to give the original order a second reading—6 for, 42 against.

#### PENSIONS FOR THE POLICE.

Mr. Howes of Ward 18 offered an order—That the Joint Special Committee on the Retrenchment of Municipal Expenses be requested to inquire into and report on the expediency of establishing a system of pensions for the police force.

The order was passed to a second reading—47 for and 7 against—and put upon its passage.

Mr. Howes—As the gentlemen of the Council will see, the order is merely one of inquiry. The committee, or certain members of it, had this matter under consideration at one time; at least, one of the members told me he had personally considered it, and I suppose others have. At present the police force is organized on what is to my mind a very defective system. We are obliged to keep on the force a very large number of men who are practically unfit for duty from age and bodily incapacity. The reason for keeping them there is a very good one; it is because they have been so long in the employ of the city that it would be a hardship to discharge them. The city has no means of providing for these men who have passed twenty or thirty years in its service; they are kept on half duty at full pay, and as the number to be supplied is limited, the active force is curtailed. If some system of pensions could be devised, the expense could hardly be larger than it is now. We are virtually pensioning men on full pay; while if this system were adopted they could be pensioned on half pay. Certainly it could do no harm to have the committee consider it.

Mr. Spenceley of Ward 19—Has not a committee got this in charge? In his inaugural address the Mayor alluded to the fact that \$60,000 had accumulated from the fees earned by the police in the courts, and that matter was referred to a committee, and I should presume that they would have the matter under consideration.

Mr. Howes—The order includes a great deal more than the \$60,000. As I have it from a member of the Committee on Retrenchment, they do not intend to report any such thing unless we ask them to do something of the kind.

Mr. Clarke of Ward 22—I move to amend by adding "and all clerks employed by the City Government whose salaries are under \$1500."

Mr. McGaragle of Ward 8—I would move to further amend by adding the word laborers. I think it is a very important branch. We have entirely neglected the laborers, and if anybody is to be pensioned, they should be.

On motion of Mr. Fagan of Ward 19 the Council adjourned.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

MARCH 12, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Six petit jurors were drawn for the March term of the United States District Court.

## EXECUTIVE APPOINTMENTS.

Sergeant of Police—Officer James E. Comee.  
 Weigher of Coal—John S. Gardner.  
 Public Weigher—Henry M. Haynes.  
 Police Officers Without Pay—James W. Allen, City Registrar's Department; John S. Wilson, Friendly Hand Temperance Society; George B. Chadbourne, Mechanics' Exchange, Hawley street; Michael Whalen, Ottawa place; G. S. Cheney, Union street and its vicinity; Jacob Abbott, Charles street and its vicinity; Theodore F. Erb, Orpheus Musical Society; George Buxton, in and near Mariou street, East Boston; Emery M. Jones, at Lenox-street Chapel; Mallory C. Raymond, at 279 Washington street; William C. Otis, Back Bay. Severally confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* Horace P. Tobey *et al.*, that Spring Garden street, Ward 24, be properly graded, and that edgestones be set in said street; also that water pipes be continued through said street; R. C. Metcalf *et al.* (teachers), that wooden pavement be substituted for the stone pavement in front of the primary schoolhouse in Wall street; Orsamus Nute, for license to sprinkle certain streets; Association for Protection of Destitute Catholic Children, for abatement of sidewalk assessment on Concord street; Clark B. Wood *et al.*, that Charles street, between Leverett and Cambridge streets, be paved with granite blocks; N. J. Rich *et al.*, that the court leading from 22 Myrtle street be called Ivy place; John B. Fallon *et al.*, that sidewalks be laid in Hyde Park avenue and Mt. Hope street, Ward 23; administratrix of Thomas Clay for abatement of assessment for sidewalk to estate on Athens street; Elizabeth A. Cram, for abatement of assessment for sidewalk at 386 Bowen street; Daniel Mahoney, to be paid for grade damages on London street, East Boston; B. F. Palmer, for abatement of sidewalk assessment; Josiah and Naomi G. Pattee, for abatement of costs of constructing street sidewalks.

Petition for leave to move wooden building by John S. Blair from Dorchester avenue, corner Park street, to Park street, Ward 24.

*To the Committee on Faneuil Hall.* Ezra Farnsworth *et al.*, for the use of Faneuil Hall on May 31 by the Congregational Club.

*To the Joint Committee on Survey and Inspection of Buildings.* John E. Woods, for leave to erect wooden building on Western avenue, near Market street, Ward 25.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables as follows: J. F. Hewes, Jr., old wooden, two horses, 140 Prince street; P. S. Briggs, new wooden, four horses, corner of Medford and Chelsea streets; Capen's heirs, new wooden, three horses, corner of Oak and Green streets; Frank Y. Barker, new wooden, 150 horses, Beacon Trotting Park; John G. Tilton, new wooden, two horses, Maple avenue; West Boston Savings Bank, old wooden, four additional horses, Montgomery street; Patrick Finley, new wooden, two cows, Wesley avenue.

*To the Committee to Nominate Harbor Master.* E. S. McField and other pilots, in favor of the selection of Samuel C. Martin as Harbor Master.

*To the Committee on Harbor on the part of the Board.* Thomas J. Dunbar, for leave to take gravel from Long Island.

*To the Joint Committee on Claims.* Michael Shea, for compensation for personal injuries caused by a fall on E street; Lelia H. Drew, to be paid for personal injuries caused by a fall in National street.

*To the Committee on Armories.* Second Brigade, for appropriation for furniture for headquarters.

*To the Committee on Sewers.* George H. Merrill *et al.*, against granting leave to Fabius Rose

to empty his sewer into a certain brook near Warren street.

*To the Committee on Police.* Frans. L. Bracconier, for leave to project an apothecary's mortar at 1001 Tremont street.

*To the Joint Committee on Streets.* James McCormick, for leave to use a portion of the city's land at the corner of State and Congress streets, for the sale of a patent cement; William Donnelly, for leave to occupy the strip of the city's land on Congress and State streets for the sale of small wares.

*To the Committee on Licenses.* Henry W. Williams *et al.*, against allowing L. J. Jordan to open a gallery of anatomy in this city; Thomas S. Drowne, for license as an auctioneer at 99 Court street; C. W. Ryan & Son, for leave to run a passenger wagon from Bowdoin square through certain streets to Rowe's wharf and return.

*To the Committee on Lamps.* John B. Fallon *et al.*, that Hyde Park avenue be lighted; Fairfield Gilbert *et al.*, for lamps on Woodward park; E. O. Blanchard *et al.*, for lamps on Stanton and Fairfield avenues.

## METROPOLITAN RAILROAD.

The Board took up special assignment for four o'clock, viz.:

Hearing on petition of Metropolitan Railroad for a location in Lenox street.

The Mayor read a remonstrance from the trustees of Washington Market against granting the Metropolitan Railroad Company a location in Lenox street, and asking a postponement on account of the sickness of one of the remonstrants.

Mr. Richards, president of the Metropolitan road, said he desired to extend every courtesy to the remonstrants, and if the Board saw fit, he would consent to a postponement.

The hearing was postponed for one week.

## BALANCES OF APPROPRIATIONS AND SINKING FUNDS.

A report of the Finance Committee came down with the ordinance in relation to balances of appropriations (reported by Joint Special Committee on Retrenchment) in a new draft (City Doc. No. 31). The question was on the passage of the ordinance in concurrence.

Alderman Fitzgerald—I should like a little explanation of this ordinance. A portion of it is in accordance with the report of the Committee on Retrenchment, but I should like an explanation of sections 3 and 4 from the chairman of the Finance Committee, who has charge of it.

Alderman Clark—I will endeavor to answer any questions which the Alderman asks.

Alderman Fitzgerald—I would like to know what effect section 3 will have upon the cancellation of bonds before they mature, and what powers it gives to the Sinking Fund Commissioners in regard to the cancellation of immatured debt?

Alderman Clark—Section 3 gives the commissioners the right to cancel debt before maturity with moneys received for betterments, sales of public lands, or for the sales of lands that come into the possession of the city on account of street widenings. That, Mr. Mayor, I understand to be the purport of section 3. This subject was referred to the Finance Committee, and by them was considered very carefully and thoroughly; and this ordinance was drafted at the suggestion of the chairman of the committee on the part of the Common Council; and it was understood the report met the approbation of the chairman of the Committee on Retrenchment. There was a full attendance of the Committee on Finance, and I understand that it met with the unanimous approval of the members, including his Honor, who is the chairman, and who was present at the time. It was thought that this would simplify the old Sinking Fund ordinance. It provides that the balances of appropriations shall remain in the hands of the City Treasurer, to be disposed of in such a manner as the City Council shall direct—whether it shall go into the Sinking Funds or whether it shall be used for paying immature debts, or be carried forward to reduce taxation for the coming year. That I understand to be one of the provisions of this ordinance, and the other is that the Sinking Fund Commissioners shall cancel debt with moneys received from betterments and the sale of public lands, left over after street widenings. I would state, furthermore, that I do not profess to be a financier. My only desire was that if there was to be an alteration in the ordinance it should be referred to the proper committee, and if they reported in favor of it it would receive my sup-

port. Having accomplished that purpose, and it having met with the unanimous approval of the Committee on Finance and been passed by the Common Council, and been approved by the Sinking Fund Commissioners, I believe that it should pass. My only desire was to correct the ordinance. That is all the information that I can give the Board, Mr. Mayor, at the present time.

Alderman Fitzgerald—The first section of this ordinance is exactly in accordance with the ordinance reported by the Committee on Retrenchment—that all unexpended balances of appropriations for the several departments shall go into the treasury and be devoted to such purposes as the City Council may deem expedient for the next succeeding year. Of course it will go to cut down so much of the taxes levied for the year succeeding. That is all right and correct. But section 3 is the part about which I have some doubt as to the propriety of passing. Under that section, or under what was or is substantially that section, in the amended ordinance, the Sinking Fund Commissioners have been cancelling the debt of the city of Boston to an amount something like two million four hundred thousand dollars since 1871—debt that had not matured. Now, under the statutes as they exist—and which will work great hardship to the citizens of Boston, unless they are amended somewhat—no matter what amount of money is in the Sinking Funds to the credit of each and every one of the funds, we are obliged to raise annually not only the interest of the debt, but also a sufficient amount to meet the debt at maturity; so that the debt, under the course pursued today,—which is perhaps more the fault of the statute than it is of the Sinking Fund Commissioners,—there may be sufficient in the Sinking Funds to pay the debt before maturity, so that in ten of the years which the debt has to run, the citizens of Boston may have to pay nothing. It seems to me that that is rather unjust; for if the loan be of any good at all, or of any use, the purpose of the loan must be to divide equally among all the years the amount sufficient to pay the interest on the debt and sufficient to pay the debt when it matures or becomes due. Under the present statute, of 1875, in ten years before a debt matures nothing may be raised, while we shall have to pay this eight, three or two per cent.; and if these unexpended balances go in, and they are obliged to raise eight, three and two per cent., there will be practically nothing left; and if in addition to that they are allowed to receive all the money from betterments and from other sources of that kind, which they have been receiving before, then we will be in no better position than we are in today. It seems to me that the true way, if we want to save the citizens of today from paying an unequal proportion of this debt and the interest upon it, and the amount sufficient to meet it at maturity, the proper way would be to provide that all the revenues and that all the moneys received by the city from the sales of real estate—and that will be very considerable, for there is a very large district on the Northampton-street district for which the city will have to pay some three or four hundred thousand dollars, the case having been decided some time ago by the Supreme Court, and there are some buildings upon it—if all that, instead of going into the treasury, shall go into the hands of the Sinking Fund Commissioners to pay off the debt, which does not mature for the next ten or fifteen years, I cannot see how under this system the city of Boston will be any better than under the old ordinance. It seems to me that the better way would be to provide that the moneys which are received from revenues of all kinds shall go into the treasury, and that the Sinking Fund Commissioners shall each year ask for an appropriation to carry on their department, just as the Superintendent of Public Buildings and the other heads of departments do—that is, an amount to meet the matured debt and a sufficient amount to pay the interest on the debt. Then the whole thing will be plain and simple, and we and every citizen of Boston can understand it, and there will be no complication about it. The commissioners can say, "We need so much for interest on the debt; so much to meet the debt at maturity; so much to be laid aside every year"; and it will be very simple and plain. Under the ordinances as they are today, the Sinking Fund Commissioners get not only that, but the revenues from betterments and licenses and other things of that kind, and they claim the right, under the ordinances—or if not under the ordinances, under some order—the right to cancel this debt, if not as the Sinking

Fund Commissioners, as the trustees of the city of Boston; so that we have been paying some seven or eight hundred thousand dollars in addition to what is required by law; and if this ordinance passes we shall be paying them the same, except the license fees, which go into the city treasury. I see no reason why the moneys received from the sales of real estate should not be paid into the city treasury, and remain there to be disposed of in such manner and method as the City Government may deem expedient. All the Sinking Fund Commissioners ought reasonably to ask is, that the interest and the eight, three and two per cent. required to pay the debt at maturity shall be paid to them; and when these two things are done they should rest satisfied. This ordinance does not meet that, according to my view of it. I have studied it carefully. When it was first presented to me I did not take much notice of it; but the more I studied and looked into it, the more objectionable I saw it to be. If the chairman of the Committee on Finance has no objection, I shall ask that it be laid upon the table for another week, so that it can be considered more.

Alderman Clark—I have no objection to that course.

The report and the ordinance were laid on the table for one week.

Alderman Clark—With the permission of the Board, I should like to read a letter from one of the Commissioners on the Sinking Funds. It was charged at a former meeting of this Board that the Sinking Fund Commissioners had illegally cancelled debt before it had matured.

BOSTON, Feb. 26, 1877.

*Hon. J. P. Healy, City Solicitor:* Dear Sir—I desire to ask you a question in relation to the Sinking Fund Commissioners, growing out of the discussion in the Board of Aldermen last Monday. Before doing so let me say that possibly the commissioners may have been wrong in the method in which they paid unmatured debt, and possibly not, when it is understood that no part of the debt so cancelled has been paid from moneys belonging to any Sinking Fund of the city. My question is this: In what way is the law in relation to municipal indebtedness violated by the commissioners paying debt before maturity, which they were authorized to do by the City Council, under the provisions of the ordinance of 1870, the moneys used for this purpose never having been a part of any Sinking Fund, but expressly prohibited by the ordinance from being made a part of any such fund?

This ends the question, but I wish to say in explanation that these moneys used for cancelling debt before maturity are called in the ordinance of 1870 "revenue from loans," though I believe the words are changed in the edition of the ordinances just published to more clearly express the idea intended in the original ordinance.

This revenue from loans is derived from betterments, sales of surrendered estates and estates purchased in settlement of damages for street widenings. The betterments being contributed from estates benefited by the widenings, and the others being sums advanced from loans, it was deemed little better than borrowing money to aid the Sinking Fund to use them for increasing it.

Is it possible that the Legislature in the law referred to has prohibited cities and towns that have established sinking funds to pay debts at maturity from paying debt before due from any funds, except the sinking funds, which they may have that are available and have been properly appropriated for that purpose?

Yours truly,

NEWTON TALBOT,

Member Sinking Fund Commission.

And here is the reply—

2 PEMBERTON SQUARE, March 3, 1877.

*Newton Talbot, Esq.:* Dear Sir—As you put the case, and Alderman Clark and the Auditor both state it in the same way, the Sinking Fund Commissioners have violated no law in the payment and cancellation of city bonds before their maturity.

It is entirely competent for the City Council to provide for the payment by anticipation of any portion of the city debt, if the means of payment are not taken from the Sinking Fund, and to employ the commissioners to make such payment. I do not understand that this right is questioned by anybody. The subject was mooted in the Board of Aldermen under the supposition that the bonds taken up by anticipation were paid for from the Sinking Fund, instead of from funds



pecially appropriated for that purpose, which never were a part of any Sinking Fund. The explanation of Alderman Clark in the Board of Aldermen exonerated the commissioners from the imputation of violation of law, and the discussion afterwards was upon the expediency of providing for the payment of bonds by anticipation during the present depression, as I understand.

Yours truly,

J. P. HEALY.

I merely read these letters because Mr. Talbot is sick at home and unable to get out; and, as one of the Sinking Fund Commissioners, he wished to be placed right before the public, and did not wish to appear before the public as violating any trust or law in cancelling debt that had not matured.

Alderman Fitzgerald—You will notice that the answer of the City Solicitor is upon a statement of facts given by one of the Sinking Fund Commissioners; and upon that statement of facts the City Solicitor says so and so, which is the case. Now, sir, what are the real facts in this case? I stated awhile ago that the amount cancelled by the Sinking Fund Commissioners was two millions of dollars; but it is not so. The amount cancelled by the Sinking Fund Commissioners since 1871 is \$1,174,072.92—that is the amount of bonds cancelled ten or twelve years before maturity. I stated in the beginning, when we had a discussion upon this question, that those bonds were illegally cancelled, and that they had no right to do it. I have understood since that they claimed to have received certain bonds not in their capacity of Sinking Fund Commissioners, but in some other capacity as trustees of the city of Boston. Here is a letter from the City Solicitor:

CITY SOLICITOR'S OFFICE, 2 PEMBERTON SQUARE, BOSTON, March 12, 1877.

Dear Sir—In reply to your interrogatories of this date, I have the honor to say—

1. In my opinion the Sinking Fund Commissioners, in their official capacity as such commissioners, have no authority to cancel any of the bonds of the city purchased by them.

2. An order of the City Council directing the purchase and cancellation of city bonds with funds appropriated to that specific purpose is not operative, I think, beyond the municipal year in which the order is passed, except as to such application of funds which were placed in the hands of the agents for executing this order within that municipal year.

Very respectfully,  
Your obedient servant,  
J. P. HEALY.

Hon. F. O. Prince, Mayor, etc., etc.

Now, sir, the City Solicitor expressly states that the Sinking Fund Commissioners, in their official capacity, have no power to cancel bonds. I have just sent down to Mr. Ager for the books of the Sinking Fund Commissioners, and here is the signature of Alfred T. Turner, Secretary of the Board of Sinking Fund Commissioners, and the Mayor, and here are the bonds cancelled:

Charles H. Dennie, Esq.: Dear Sir—Please pay the following certificates of indebtedness becoming due in March, and charge the same to the fund."

The whole amount is \$363,000, and it is signed by Alfred T. Turner, secretary, and by the Mayor as chairman of the Board of Sinking Fund Commissioners. It was signed by them in their official capacity as Sinking Fund Commissioners. The City Solicitor expressly states that in their official capacity they have no such power. Here is the signature—"Alfred T. Turner, Secretary of the Sinking Fund Commissioners"—and signed by the Mayor as chairman of the Board. I maintained that it was illegal then, and I maintain it now. I gave the City Solicitor the direct question, to which he gave a direct answer. If they had no authority by ordinance, it must have been by virtue of some order. I have heard it around City Hall that they have received this authority by some order or other, which they interpret as making them the trustees or agents, or something else, and which gives them the power to cancel these bonds. The City Solicitor says that if there was such an order, granting such authority, it died with the City Government which passed it. I heard that such an opinion was about to be given, and I took the pains to get this opinion from the City Solicitor. But I will go further, and suppose that they had that authority; but what authority had they to appropriate the balances remaining over each year to cancel bonds of the city of Boston? By what authority did they do it? I have here the detailed

statement of the bonds cancelled each year, and the revenues from which they were cancelled; and I find here the amount of the unappropriated balances remaining over each year during the past four years. There have been \$1,447,168 of balances of appropriations remaining over each year, which have been given to the commissioners to cancel these bonds—not revenues from betterments, but unexpended balances; and I should like to know by what authority of law the Sinking Fund Commissioners have done that?

Alderman Clark—I have nothing further to say at this time. I simply maintain that the Sinking Fund Commissioners have done nothing but what they have been ordered to do by the City Council; that they have not paid a dollar of debt when the money used to do so was not derived from a proper source for them to pay immatured debt. For instance, a large amount of the debt cancelled was for the burnt district. It was estimated that the improvement would cost \$6,500,000, and it was estimated that \$1,500,000 would be returned in the way of betterments, surrendered estates. The city therefore borrowed \$5,000,000, and it was intended to pay the million and a half as the betterments became due, and from the sales of land. It undoubtedly would have been better to make two loans, one for \$5,000,000 on a long period of twenty years, and the balance of \$1,500,000 payable in from one to five years. But that was not done, and as the commissioners have received the funds they have made payments upon the burnt district loan to quite an amount. But they have made no purchases of bonds and made no payments of immatured debt that they were not authorized to make by vote of the City Council. I admit that as simply the Sinking Fund Commissioners they have no right to make these payments; but as agents of the City Council, and being directed by the City Council they have a right to make these payments and have done so, though not in their capacity as Sinking Fund Commissioners.

Alderman Fitzgerald—By what authority, ordinance or order, have they done it? Where is the ordinance, order or authority of the City Council directing them to do what the Alderman says they have no right to do in their official capacity?

Alderman Clark—I am not so familiar with the city ordinances as the Alderman, and it is a little out of my line to cite them without preparation; but I will endeavor to show at the next meeting by what authority the commissioners make these payments.

Alderman Fitzgerald—I do not intend to reflect upon the commissioners at all. I grant that what they have done was under the impression that they had a legal right to do it. That I want perfectly understood.

PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Report nominating Timothy J. Dacey and Thomas L. Jenks as Trustees of the City Hospital. Accepted in concurrence, and on motion of Alderman Thompson an election was ordered. Committee—Aldermen Thompson and Dunbar.

Whole number of ballots.....	12
Necessary for a choice.....	7
T. J. Dacey.....	11
Thomas L. Jenks.....	9
George W. Pope.....	4

Messrs. Dacey and Jenks were declared elected. Certificate sent down.

Report of leave to withdraw on petition of Uriah J. Daily, to be paid for injuries to his horse and sleigh on Harvard street, Charlestown District. Accepted in concurrence.

The Auditor's estimates of the amounts necessary to be appropriated for the expenses of the next financial year (City Doc. No. 28) came up referred to Committee on Finance with such as the Board of Aldermen may join. The Board concurred, and Aldermen Fitzgerald, Thompson, Slade and Burnham were joined to said committee.

Report of Board of Fire Commissioners for month of February last. Placed on file.

Order for Committee on Common, etc., to expend \$5500 for labor on Common and Public Grounds. Passed in concurrence.

Reports and orders to transfer from the Reversed Fund to Contingent Fund of Board of Aldermen \$500; to appropriation for Common, etc., \$6000; to Widening of Washington and Essex streets, \$39,271.34; to School Expenses, \$28,000; and from School Instructors to Salaries of Officers, \$3500. Severally passed in concurrence—yeas 11, nays 0.

Report and orders to transfer from Dover-street Bridge appropriation to rebuild Neponset Bridge, \$19,000; and to rebuild Mt. Washington-avenue Bridge pier, \$8000; also for the Auditor to make such transfers from existing appropriations as may be necessary to close the business of this financial year. Severally passed in concurrence—yeas 11, nays 0.

Report of leave to withdraw on petition of John G. Albee, to be paid for personal injuries received at East Boston Ferry. Accepted in concurrence.

Report and order to accept thirty per cent. of amount due from Hiram Johnson on his bond to the city for laying out Swett street. Passed in concurrence.

A request of the Committee on Streets for an additional appropriation of \$5000 to complete the extension of West Chester park came up referred to the Committee on Finance. Concurred.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Minors' Applications Granted—18 newsboys.

Hack License Refused—John Carr, for a stand at Providence depot.

Wagon License Granted—Michael Sullivan, 118 Essex street.

Pawnbrokers Licensed—Deborah Barnett, 88 Merrimac street; M. J. Hamburger, 159 Broadway, South Boston.

Billiard Licenses Granted—Marie Lienemann, 15 Eliot street; A. L. Howe, 175 Tremont street, Evans House; John T. Moriarty, corner Washington and Concord streets, Deacon House; August Welss, 75 Shawmut avenue; Jacob Geib, corner Dudley and Hudson streets; Michael F. Dempsey, 110 C street, South Boston.

Auctioneers Licensed—Michael J. O'Brien, 159 Sixth street; F. D. Osgood, 176 Tremont street.

That leave be granted Joseph Meyer to make and sell waffles from a wagon in the public streets until July 1, 1877, subject to revocation at any time for cause.

Amusement License Granted—Post 26 G. A. R., to give dramatic entertainments at Institute Hall. Severally accepted.

Report and Order—That the license heretofore granted to Ellen Howard to keep an intelligence office at 913 Washington street, be revoked for cause. Order read twice and passed.

#### PERMITS FOR STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board, that leave be granted on the usual conditions to occupy stables as follows: V. M. Dnnn, Main street, rear 542; Thomas Brannon, corner Smith and Washington streets; Hubbard Pierce *et al.*, 193 Portland street, for twenty-five horses; Norman Y. Brintnall, 2 Main-street court, Ward 5, for five horses, provided said stable shall be constructed on the sides and ends of brick. Severally accepted.

#### SOUTH BOSTON RAILROAD.

Alderman Robinson submitted a report from the Committee on Paving on the petition of the South Boston Railroad for leave to run their cars to Causeway street, recommending the passage of the following:

Ordered, That permission be granted to the South Boston Railroad Company to enter upon and use with its horses and cars the tracks of the Middlesex Railroad on Washington street and Haymarket square; also the tracks of the Metropolitan Railroad Company on Haverhill street, from Haymarket square to Causeway street, and on Causeway street from Haverhill street to Portland street; also the tracks of the Cambridge Railroad Company on Portland street from Causeway street to Merrimac street, and the tracks of the Metropolitan Railroad Company on Merrimac street from Portland street to Washington street, and on Washington street from Haymarket square to Cornhill; provided that the number of cars to be run by the said South Boston Railroad Company over said tracks shall not exceed twelve in any one hour.

Read once.

#### PAVING ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Ordered, That the assessment of \$13.62, laid upon B. P. Palmer for furnishing and laying sidewalk on Brighton street, be and the same is hereby abated; and that said sum be assessed upon Joseph H. Dewing.

Read once.

Schedule of cost of edgestones on Bickford street, with order for assessment and collection of the same. Order read twice and passed.

#### CLAIMS.

Alderman O'Brien submitted the following from the Joint Committee on Claims:

Report on petition of Deputy Collectors of Taxes for a hearing in relation to their claim for back fees—That they have given the petitioners a hearing, and are of opinion that no further action is necessary on the part of the City Council. Accepted. Sent down.

Report and Order—That there be allowed and paid to Ruth A. Davis, in compensation for personal injuries received by her on account of an alleged defect in Hanson street, the sum of \$1000, upon her giving to the city a release and discharge, satisfactory to the City Solicitor, from all damages, costs and expenses incurred by her in consequence of the defective condition of said street; said sum to be charged to the appropriation for Incidental Expenses. Order read twice and passed. Sent down.

#### SOUTH BOSTON BRANCH LIBRARY.

Alderman Burnham submitted a report from the Joint Committee on Public Library, to whom was referred, among the unfinished business of last year, the communication from the Committee on Public Buildings, enclosing a request from the trustees of the Public Library, that additional accommodations be furnished for the South Boston Branch Library—That the request should be granted, and they recommend that the request be referred to the Committee on Public Buildings, with a request that the additional accommodations be provided. Accepted and referred accordingly.

#### TAKEN UP AND REFERRED.

On motion of Alderman Viles, the Board took from the table the report of the Board of Street Commissioners on subject and cost of widening Commercial street (City Doc. No. 24), and referred it to the Joint Committee on Streets. Sent down.

On motion of Alderman Viles, the Board took from the table the report of the Board of Street Commissioners on present condition of the Stony Brook Improvement (City Doc. No. 25), and referred it to the Committee on Sewers.

#### DUTIES OF FIRST ASSISTANT ASSESSORS.

Alderman Fitzgerald offered the following, which on his motion was referred to the Joint Special Committee on Retrenchment and sent down:

#### An Ordinance

to amend an ordinance in regard to the assessment of taxes.

Be it ordained, etc.

The ordinance in regard to taxes is hereby amended as follows: In section 10, in line 6 of the printed copies strike out the words "and to take a list of the polls therein."

Also strike out all of said section after the word "Assessors" in line 7.

And substitute the following words:

"It shall be the duty of each of the Second Assistant Assessors in the district to which he shall be assigned to take a list of the polls therein, and to transmit a duly certified copy thereof to the Board of Assessors on or before the first day of June in the year of his appointment; and for such services each Second Assistant Assessor shall receive the sum of ——— dollars as full compensation."

#### HORSE-RAILROAD TRACKS IN COLUMBUS AVENUE.

The Board took up the special assignment for 4½ o'clock, P. M., viz.,

Report (leave to withdraw) on petition of Highland Street Railway Company, for location of tracks in Columbus avenue, etc.—with

1. Alderman Fitzgerald's amendment, to substitute therefor an order granting a location to the petitioners on said avenue; and

2. Alderman Thompson's amendment to the foregoing amendment, to substitute an order granting the Metropolitan Railroad Company a location on said avenue.

The Mayor read the following:

To the Members of the Honorable Board of Aldermen:

Gentlemen—On Friday, March 9, a meeting of the citizens of Wards 19, 20 and 21 was held at Institute Hall, at which the following resolutions were passed:

Resolved, That the interests of the residents of Wards 19, 20 and 21 demand that the order of location on Columbus avenue reported by Alderman

Fitzgerald in favor of the Highland Street Railway be granted.

Resolved, That the members of the Board of Aldermen residing in the Highlands be earnestly requested to use all honorable means to procure the passage of the order of location reported by Alderman Fitzgerald.

Resolved, That the officers of this meeting be a committee to present these resolutions to the members of the Board of Aldermen, and urge the passage of said order in a suitable address.

The population of these three wards is nearly fifty thousand, and is increasing more rapidly than in any other portion of the city. The citizens are enterprising, vigorous men of business, largely engaged in occupations which require them to visit sections of the city more or less remote from their places of residence. Every facility in the way of local public travel that can be granted them enhances their prosperity and strengthens the social bonds which lock together the interests of the whole city, and makes in our widely scattered municipality a community of interest and of society, so desirable in a great centre of trade, commerce and manufacture.

No system of local city travel has yet been devised so cheap, so convenient and so desirable as that of the street railway, nor any which disturbs so little, considering its accommodations, the other public travel.

The Highland Street Railway has, within the five years of its existence, proved itself worthy of public confidence, has met the wants of the people as they have never been met before in this or any other great city, and we believe that it has not yet reached the limit of its ability to accommodate the public, and that its management is fully capable of undertaking and of carrying out the new work proposed of connecting the Highlands with the Commonwealth and Water Power lands, and these last with the business centre of the city; and that if it is permitted to do this work it will do it efficiently and well.

The streets of the city are a trust for the benefit of all the citizens, of which you are the trustees, and it is for you to so administer this trust as to secure the greatest benefit to public travel from the use of the streets. As wise and prudent trustees, we confidently hope that you will see that there is a pressing demand for direct communication between the Highlands and the Back Bay, and thence to the business section, and that it is for the interest of the public that this should be furnished by the Highland Street Railway Company; and we therefore pray that you will individually give your voice and vote in favor of the order of location reported by Alderman Fitzgerald on Monday last, upon the petition of said company.

For the committee,

ALBERT PALMER, President.

Secretaries of the Meeting—Franklin Williams, W. Wallace Waugh, George A. Comins, John Brooks.

To the Honorable the Board of Aldermen of the City of Boston:

We, the undersigned, respectfully represent that we attend church regularly at Rev. James Freeman Clarke's, Rev. Dr. Miner's or other churches on Columbus avenue and its vicinity, and that we now have no car accommodations, and are obliged to walk a long distance in order to reach them, and we find it especially inconvenient and unpleasant in stormy weather.

We would therefore earnestly pray your honorable Board that the Highland Street Railway Company may be allowed to run its cars through Columbus avenue, as asked for in their petitions.

[Signed by George William Bond and many others.]

Alderman Fitzgerald presented the following:  
To the Honorable the Mayor and Board of Aldermen of the City of Boston:

The undersigned respectfully petition your Honors and represent that they appear herein at the request of a large number of residents and property owners on Columbus avenue, and its immediate vicinity, and respectfully and sincerely address your Honorable Board as follows:

That, on the evening of March 8, current, in pursuance of a call of Hon. Francis D. Stedman, Alfred A. Mudge, Henry C. Hunt, Robert B. Leuchars, Freeman J. Doe, Charles S. Bartlett and twenty-six others, the citizens of the South End, who are property owners and residents on Columbus avenue and its immediate vicinity, met at Parker Memorial Hall, Berkeley street, for the purpose of considering the best means of obtaining horse-car

accommodations, which, in their judgment, are so much needed in that part of the city;

That the call for said meeting was general, and the invitation requested the attendance of all who favored the location of horse-car tracks on Columbus avenue, without regard to the interest of either of the competing lines—the Highland Horse Railroad Company or the Metropolitan Horse Railroad Company;

That, notwithstanding the inclemency of the weather, the meeting was very largely attended, and after a lengthy discussion, in which parties interested in favor of each of said lines took part, the following resolutions were almost unanimously adopted:

Whereas, We learn with regret that the majority of the Committee on Paving of the Board of Aldermen, to whom the subject was referred, have reported adversely on the petition of the Highland Horse Railroad Company for a location of its tracks on Columbus avenue; and

Whereas, We believe that the granting of said petition is earnestly desired by four-fifths of the owners and residents who represent more than three-fifths of the taxable real estate on Columbus avenue and its immediate vicinity; and

Whereas, The granting of said petition under the condition set forth in the minority report of said committee, made by Alderman Fitzgerald, would result in a saving to the city of Boston of at least \$20,000 in the coming year, in the reduced expenses of repairing Columbus avenue; and

Whereas, We do not believe it is for the interest of the Metropolitan Railroad Company to locate its tracks in Columbus avenue, but that its recent action is for the sole purpose of preventing the location of the tracks of the Highland Horse Railroad Company, in order that it may continue to reap the benefit of the continued travel over the Tremont-street route; and

Whereas, It is necessary to keep up the principle and the conditions of a healthy competition between the different horse-railroad companies at the South End; and

Whereas, The accommodations offered by the Highland road are an absolute necessity; now be it

Resolved, That this meeting of the citizens of the South End, interested in this subject, do appoint a committee of fifty to be nominated by the Chair, to attend the meeting of the Board of Aldermen next Monday, when this matter is to be considered, and by all proper means and influences to urge the board to adopt the report of the minority of said committee.

Resolved, That the Committee of Fifty be instructed to prepare an address to said Board of Aldermen, which shall contain a copy of these resolutions.

And the subscribers further represent to your Honorable Board that they are the persons appointed by the chairman, as provided in the above resolutions, and that they, in behalf of their constituents, earnestly and respectfully request that your Honorable Board will adopt the minority report of the Committee on Paving, as made by Alderman Fitzgerald, for the reasons, among many, set forth in said minority report.

And your petitioners further show that the desire for horse-car accommodations on Columbus avenue has, within a short time, greatly increased; and a great number of citizens represented by your petitioners seriously and sincerely feel that your honorable Board should give to this subject that further careful consideration which the facts and necessities of the people of that locality now require.

Wherefore, your petitioners pray, in behalf of their constituents, who constitute a population of not less than thirty thousand people, to be immediately affected by the location of horse-car tracks upon Columbus avenue, that the minority report of the Committee on Paving, providing for the location of the tracks of the Highland Horse Railroad Company in Columbus avenue may be adopted by your honorable Board.

[Signed by the Committee of Fifty.]

The question was upon the adoption of the substitute offered by Alderman Thompson.

Alderman Thompson—I had the honor, sir, at the last meeting to introduce the substitute order in place of the minority report of the Committee on Paving, and consequently I am supposed to be a Metropolitan Railroad man. But, sir, I am not a Metropolitan Railroad man. Neither am I a Highland or a Middlesex Railroad man. I am simply a servant of the people, desirous of doing that which

will do the most good for the largest number of the people. I was requested to present the order by a respectable citizen and a taxpayer, and I did so as a part of my duty. I realize that this is a difficult matter for this Board to decide. It is a difficult problem. It has about eight sides to it, and whichever way the Board acts, seven sides will be disappointed. The question before the Board is, first, Will the Board allow horse-railroad tracks to be laid in Columbus avenue? And it seems to me that the parties who should be consulted in regard to that project are those who own property and live upon the avenue. They are the first parties to be considered. Now, I have had a great many persons residing and owning property there come to me personally, expressing the hope that so far as the little influence that I had in the Board it would be exerted against laying any tracks there; and one gentleman went so far as to say that if the tracks were laid there he would sell his property at a sacrifice of \$5000. That a great many desire to have tracks there, there is no doubt, and there are many who oppose it, and which class predominates I do not know; and consequently whether the tracks are allowed to be laid there or not, a number of people residing there will be disappointed. Then the question comes to us, Which of these railroads shall have the privilege of laying tracks there? The Highland road claim it because they first petitioned for it. Well, sir, why should not they petition first? This business has been enjoyed by the Metropolitan Railroad and the Highland road want to obtain that business, and why should they not ask for leave to lay tracks there? But, sir, when another road proposed to take their business from them, the Metropolitan road came and asked that their rights may be respected. It seems to me that that answers the question very satisfactorily to my mind. The Highland road desire to accommodate some people, perhaps, who are going to church; but my idea is that they desire it for the purpose of extending their business and improving their property. It seems to me that that is a common-sense view of it, and I believe it is a fact. I do not believe that they care whether the people of the Highlands desire to go to church on the Back Bay or not. It is because they desire to improve their property by availing themselves of this valuable route, and that is all they want it for. I do not blame them for it. If it is an honest petition, and if it is right and just that they should have it, they should have it; if not, they should not have it. Now, the Metropolitan road are located there, and it is for us to consider whether they have not an equitable right to this location, if it is to be granted to either of the companies. The Highland road is very popular, which is very creditable to its managers. Everybody concedes that their cars are very nice; their horses and equipments are very nice; and that is probably the reason why so many people in that vicinity desire to have the Highland rather than the Metropolitan. But it is a question whether it is equitable to allow the Highland road to come down Shawmut avenue and cross over on to the tracks of the Metropolitan to Columbus avenue, and after laying a track on the avenue to come down to the tracks of the Metropolitan again. Is it not asking this Board to lend a knife—speaking in plain terms—to the Highland road with which to stab the Metropolitan? In other words they want to use a portion of the Metropolitan road and take their property from them, and take away their patronage. Now, is that equitable? It seems to me that we should consider all those things. So far as I am concerned, I desire to accommodate the Highland people so far as it can be done honorably and equitably; but, sir, if it has got to be done at the sacrifice of rights which the Metropolitan road have enjoyed, I think I should hesitate before sacrificing them. It has occurred to me what effect it would have to give both these roads the right to run cars on the avenue. Then again, if we are satisfied that a large portion of the inhabitants on the avenue do not desire to have any tracks there, if we grant the location to either road we shall be doing injustice to those people. Now, no one will say that any persons residing on the avenue are suffering for want of horse-car accommodations. It is but a short walk from the Highland Railway tracks on Shawmut avenue to any portion of that section where the tracks would be placed if we grant this petition. So far as the Providence Depot is concerned, they can come down to Pleasant street, which is only a short distance from the depot, and

nobody would be hurt to walk that distance. Then, again, there is another portion of our fellow citizens who have some rights, and we must consider them; and they are the people who wish to ride out in their carriages and enjoy the beauties of the Highlands. Those people invariably take the road to the Highlands, because they enjoy the drive and the scenery; and they go up Columbus avenue because it is free from horse-railroad tracks. Those people have some rights which ought to be respected here. And it occurs to me whether we should not, after all—although it may appear a little inconsistent, after offering the substitute to willingly abandon it—it will not be the wisest course for this Board to adopt the majority report of the committee at this time, with the view that hereafter some reconciliation may be made between the two corporations; whether it is time now for the Board of Aldermen to grant any location in Columbus avenue. The Alderman who offered the minority report did so for certain reasons. He believes—

“That a large number of the residents and property owners on Columbus avenue are in favor and desire the location of the Highland Railway Company's tracks through the avenue, and it is opposed principally by those residents who are able to own their private carriages, and are not dependent upon public conveyance as a means of transportation to and from their places of business.”

Well, I suppose they have the same rights as those who have not carriages, and consequently I do not think the first reason is very binding. Then he believes that a large number of the residents and property owners on the avenue are in favor of the Highland road. And, fourthly—

“The city will probably be obliged to repave the avenue during the coming year, and it will save at least \$20,000 if the company lay rails and pave, as the law requires, between the tracks, at the same time, or before the city does its work.”

Well, sir, that applies to the Metropolitan as well as to the Highland, and consequently that reason amounts to nothing. While I do not at the present moment propose to indicate how I shall vote, I do not know but the majority report of the committee may be, after all, the wisest course for this Board to take.

Alderman Fitzgerald—Do I understand that the Alderman withdraws his substitute?

The Mayor—The Chair does not so understand.

Alderman Fitzgerald—I thought he did not want his substitute put at all. I thought he wanted the majority report accepted.

Alderman O'Brien—The pressure for horse-railroad locations comes up this year with an intensity and force unparalleled. Nothing in my two years' experience has been equal to it. The competition between the four corporations that now so fully meet the wants of the travelling public has already passed beyond all reasonable bounds—assumes that our streets are laid out only for horse-car accommodations, and that the common carriers and citizens generally have no rights that they are bound to respect. Each company, it appears to me, is exerting all the influence and power it possesses to obtain an advantage over competing lines, and the public accommodation is but a secondary consideration. If this spirit is encouraged and fostered by the Board of Aldermen, we might as well give up some of our most crowded thoroughfares to their use. If all their petitions are granted, some of our principal business streets will become so blocked up with horse cars as to be almost impassable for foot passengers or vehicles, and even cause delay and inconvenience to horse-car travel. The railroad companies are too much wrapped up in their own interests to see this, but the members of the Board of Aldermen must remember what Tremont street was a few years ago—a complete block of horse cars. The members of the Board of Aldermen have only to look at Tremont street as it exists today, and I would ask them if they are prepared to allow another horse-car line in that already crowded thoroughfare. For my part, I am determined that no vote of mine, while a member of this Board, will permit any more horse cars from Boylston street to Court street than now have the privilege to go there, because I believe that the best interests of the city will be promoted by putting a limit to the number of cars in that direction.

A week or two ago, the City Council had to meet and put down what was considered a dangerous encroachment on our Common. Allow new lines of horse cars to pass up Boylston street, and thence through Tremont street, and you force a

more dangerous encroachment on our Common than a dozen exhibitions such as the Mechanics' Society proposed, because it will so block up that street to public travel as to make the widening of Boylston and Tremont streets only a question of time, and perhaps again revive the question of extending Columbus avenue, which is now the attractive point for horse cars, through the Common to Winter street. I repeat, horse-car competition is going beyond all reasonable limit.

I do not wish to detract in the least from the debt our citizens owe to horse-car accommodations. They have largely added to the growth and prosperity of our suburbs, and to the growth and prosperity of the entire city. The Metropolitan Railroad, the pioneer of our horse-car lines, has done good service, and has improved remarkably within a few years. Under the guidance of President Richards, I have no hesitation in saying that it is now one of the best conducted roads in the country. The Highland road is a model road, and for many of the recent improvements in horse-car travel our citizens are indebted to their enterprise and energy. I would also say that I believe their line now, through Shawmut avenue, is the most direct line from the Highlands to the heart of the city, and for the conveyance of passengers is worth more, in my judgment, than the four lines of the Metropolitan. With their almost direct line from the Highlands, the Highland road can place passengers at almost any point on their route, in the city or in the Highlands, from five to ten minutes quicker than the Metropolitan can by any of their lines. The South Boston and Middlesex lines are each doing good service, but in their anxiety to compete and outstrip each other, I repeat, they are going beyond a reasonable limit. The Middlesex road are not satisfied unless they are allowed to pass to the South End through our most crowded business streets; the South Boston Railroad must also force their way to the North End, also through our most crowded streets; the Metropolitan and the Highland cars see no other entrance into the heart of the city than through that already crowded locality, Tremont street, and I would ask, what will become of that street when you admit a new line of cars from Columbus avenue running every few minutes, entering Boylston street from Park square and passing up Tremont street? There appears to be no other terminus to horse-car travel than this crowded street, and it is encroachment on that street that this Board ought to resist, no matter from what road it comes. For this reason alone I shall vote to give the Metropolitan and the Highland roads leave to withdraw. The Highlands of the city are now better supplied with horse-car accommodations than any other section. With lines on Albany street, Harrison avenue, Washington street, Shawmut avenue and Tremont street, the citizens of the Highlands have all the benefit of horse-car travel that could be desired. Horse cars may not pass every man's door, but they are within convenient reach of every citizen. Charlestown with her 30,000 inhabitants has but one outlet, South Boston with 60,000 inhabitants has but one outlet, while from the South End and the Highlands there are five lines penetrating to the centre of business. If it is the desire of the new line to place the citizens of the Highlands near the splendid churches, the Art Museum and the schools on the Back Bay, why not propose a line through Columbus avenue, Charles street, and return by Beacon and some of the adjoining streets? I believe, Mr. Mayor, that a line of that kind would accommodate all the gentlemen and ladies who are constant and regular attendants at the churches on the Back Bay on Sundays. If it is the desire to accommodate the residents on Columbus avenue and the adjoining side streets, why not ask for a line through the avenue, Charles street, and up Beacon street to Park street and return? I believe the grade of Beacon street could be easily overcome. Why should these roads be allowed to press all their cars through Tremont street, to the great inconvenience of the public? It should be remembered, also, in this connection, that Columbus avenue is the only avenue now free from horse-car tracks, and it appears to me that the rights of the public demand that at least one avenue should remain open and free. I trust that the Board will do what has been done for some years past—give both roads leave to withdraw.

The substitute of Alderman Thompson was rejected.

The question recurred on the substitute of

Alderman Fitzgerald granting the location to the Highland Railroad.

Alderman Fitzgerald—I have always considered it, sir, a great misfortune to have placed in the hands of the Board of Aldermen the authority to locate tracks in the city of Boston. The fact is it became such a nuisance in the Legislature, and such a system of lobbying was pursued by the rival corporations, and the election of members of the Senate especially turned so much upon whether they were in favor of this road or were opposed to the other, that the Legislature of Massachusetts wisely concluded to shift the burden from their own shoulders and rest it on the Board of Aldermen; and, sir, I can conceive a time coming—and perhaps it is near at hand now—when the election of the Mayor and the Board of Aldermen will turn upon whether they are friends of any particular horse railroad, so that the interests of the public and everything will be sacrificed to the interest of the horse railroads. It is for that reason that I regret exceedingly that this power is put in the hands of the Board of Aldermen to decide the location and the advisability and other things of that kind in connection with horse railroads. I myself introduced that railroad bill into the Legislature. I had the honor of introducing it, and I was in favor of it for that purpose; and I find myself here one of the victims of my own bill, placed in the position of being obliged to decide between these two railroads. I say, sir, that it is an evil that I see coming up in our municipal politics. Perhaps the time may come when some member of the Board of Aldermen may say, as did a member of the Pennsylvania Legislature, "I move that we now adjourn *sine die*, the Pennsylvania Central Railroad having no more business for us to do." The time may come when the horse railroads shall so own the city of Boston that the chief business of this Board will be to do the bidding of either one corporation or the other. But here it is. I do not quite agree with my friend on my right [Alderman O'Brien] in regard to horse railroads. They are an absolute necessity to the citizens of Boston. If any member will go back to the time, two or three years ago, when we had the epizootic, and remember the inconvenience to people in the suburbs, he will realize what an immense advantage they are to the city of Boston, and what has been their growth. If they are rivalling each other trying to do good, and extend their lines for the benefit of the public, and give the public more facilities, I say amen to them. And that corporation which best serves the public is the corporation which best deserves from the Board of Aldermen of the city of Boston the privileges which are to be granted to horse railroad corporations. A horse-railroad company has no rights in the streets of the city of Boston. The peanut vender on the corner has more rights, so far as the limit of the peanut stand is concerned, than the horse railroads have under the general horse-railroad law. If you turn the peanut vender away, and no one else comes and demands that part of the streets where his table stood, he can go back to it; but we have absolute power and authority not only to say to the horse railroads, You shall take up your tracks after being down one year; but, You shall allow the horses and cars of any other company to pass over the rails which you have built; and in every location granted to any road in the city of Boston you reserve the right on the part of the Board of Aldermen at any time they deem it expedient, or, if public necessity requires it in their judgment, to ask and demand that the tracks of the Metropolitan or the Highland shall be taken up, and the street put, at the expense of the corporation, in the exact position in which it was before it laid any track there; and further, if any corporation is granted a location in any particular place, that location is granted with the express agreement—because it is here in the statute—that not only shall the city of Boston have the right to put a track within forty feet, running in parallel lines, of the track which they grant to any other corporation that they see fit to grant it to; but they can allow any other road to run its cars and horses over the exact track which is put down by that corporation. Well, sir, I say there is no such thing as a vested right in any railroad corporation to run its cars or to lay its tracks in the streets of any city or town in the Commonwealth. It is a privilege which is granted; and that railroad corporation deserves the most privileges which serves the public best; and that

and that only should be the guide of the Board of Aldermen in determining whether it is right that a corporation should receive special licenses from this Board. That corporation which best serves the public and gives the best facilities to the public, that corporation deserves the best of the Board of Aldermen. Now, sir, the Alderman to my right [Alderman O'Brien] objects principally to granting any location either to the Metropolitan or the Highland road, because Tremont street will become over-crowded with horse cars; and he instances some few years ago when that thoroughfare was choked up by the immense number of horse cars which went through it around the circuit. Well, what was the reason? Before the passage of the general railroad law the Board of Aldermen of the city of Boston had no control over the horse cars; they could run as many cars as they pleased; the Legislature alone had control of the matter, and hence two rival corporations could run a great many cars to block up the other on the circuit; and the consequence was there was a continual disagreement between them, and there were some little misunderstandings between the conductors and the drivers of one corporation and those of another; but as soon as the general railroad law was passed you saw no such inconveniences as you saw years ago. It is all simply and solely because we have it in our power to regulate the number of cars which can pass and re-pass Tremont street. So in granting this location we can say that we shall allow no more cars to run round the circuit. That seems to me to be the least objectionable of the whole affair, the weakest argument in opposition to allowing either the Metropolitan or the Highland to pass through Columbus avenue, because if we grant the location we have power in our hands to regulate the number of cars which they shall run over the track, so that the street shall not become choked up and the cars shall not fill up the streets on the circuit. The Alderman opposite [Alderman Thompson] spoke of eight sides to this question. I do not know of any eight sides here and he did not mention them. I heard him mention only one or two sides. It seems to me that there are but two sides. It is conceded by the friends of the Metropolitan as well as the Highland Railroad that the horse-car track is absolutely necessary in Columbus avenue, and that the people want it. First, then, does public necessity demand the horse-car track through Columbus avenue? If public necessity demands it, which of the two corporations should get it? These are the two points which it seems to me this Board should consider. Does public necessity and convenience, in the words of the statute, demand that the track shall be laid upon Columbus avenue? And if that track is to be laid, to which of the horse-railroad corporations will this Board of Aldermen give this location? These, it seems to me, are the two questions. Now, sir, how shall we arrive at the conclusion that public necessity demands the laying of a track upon a particular street, or along the principal line of streets? It is not from the people alone who live on the street—not from them alone. It is whether the public, and not the particular residents upon a street, demand this; because if the public necessity is greater than private inconvenience to those who reside upon any particular street in the city of Boston, through which the horse railroad passes, then the private inconvenience must give way to public necessity. The Metropolitan Railroad have petitioners here asking that their tracks shall be laid down upon that street. I will take Columbus avenue, and I will grant for a moment that this Board should decide this question simply upon the necessities of the people on that avenue. How is it? The Metropolitan Railroad come here with their petition, or if not with their petition, they come here with witnesses from Columbus avenue to the effect that the people of Columbus avenue want a horse-car route through that street, and they want the Metropolitan Railroad. There are, I believe, some one hundred and eighty five houses upon Columbus avenue. The argument urged is that the people of Columbus avenue do not want one railroad or the other on the avenue. I believe it is conceded that the people on the side streets off the avenue are almost unanimously in favor of horse-car tracks through that avenue for their convenience; that the people west of Columbus avenue are unanimously in favor of having the tracks there—some favoring the Metropolitan and some favoring the

Highland Railroad. There are 185 houses on that avenue, and I have here a list of the owners of houses from No. 267 to 566, the owners of which have asked for the location of a horse railroad upon that avenue, numbering ninety-five houses and three hotels, out of the 185—more than half the number of houses on Columbus avenue which have asked for the location of the Highland Railroad upon that street. Now, sir, is it not safe to say that at least one-half or one-fourth of the remaining residents on that avenue want the Metropolitan road on that street? Is it not safe to say that—speaking for the sake of the argument of this case—a majority of the people on the avenue are in favor of allowing the track to be laid there? But, sir, I do not base my argument upon that alone. What a few people on a principal street want should not be considered by the Board of Aldermen. It is what the whole of the people all along the line that the horse car is proposed to be run ask and demand. The mass of the petitions for these horse cars come from the Highlands. They had a meeting there last Thursday evening that crammed Institute Hall, asking and demanding that the Board of Aldermen give them facilities by which they could get to the Back Bay by Columbus avenue, and the churches on the Back Bay and to the Providence depot. There were, I am informed, some twelve or fifteen hundred people in Institute Hall, and the speeches made and the enthusiasm of the audience clearly indicate that they were as determined and as zealous to get this road as they were four years ago when they called into existence the Highland road; so that it is safe to say that the people of the Highlands who come here—about four thousand have petitioned—are almost unanimously in favor of the Highland road. And how are we to get the public wants and necessities unless it be by what the people ask and demand? Half the people of Roxbury, and all the people on the line of the road in the Highlands, more than half the people on Columbus avenue—three hundred and thirty-four residents on that avenue—ask for it, and seven hundred and forty people on the west and east sides of and on the streets adjoining the avenue ask for it. Wherever I go in the Highlands, along Warren street and in that direction, I know of my own knowledge that the people are strongly in favor of it and demand it. And what else can determine the public wants and necessities and convenience except this crowding and pushing of the people? The Alderman to my right says he never saw so much determined enthusiasm—

Alderman O'Brien—Pressure.

Alderman Fitzgerald—So much pressure. Why? Because if people want things very much there will be pressure. If they care little and take no interest you will see no pressure. But if the people are dead in earnest, and determined to get anything from the City Government or the Legislature, you will have pressure brought to bear; you will find the pebuttonholing and crowding the halls of the Legislature and the Board of Aldermen and the Common Council; and that, sir, in my mind determines the public necessity. So I have no hesitation in saying that from the petitions presented, from the number of names, and from the meetings which have been held, that public necessity demands that a horse railroad track be laid in Columbus avenue. The Alderman says that all the avenues are now filled. The gentleman opposite says the people who ride in carriages have got some rights. I grant you, sir, that it is true. People who have carriages have some rights. But if you allow the track to be laid upon that street you will have twenty feet on each side of the track, and there will be space enough for carriages to pass and re-pass upon that avenue. And what more do they want? If the Aldermen do not settle this question today, it will come up tomorrow. If they refuse it tomorrow, it will come up next week or the week after, and this Board must determine the thing sooner or later; and the sooner it is determined, in my opinion, the better it will be for this Board and municipal politics. Now, sir, if the necessity is shown, the next question is, 'Which' of these two railroads should receive this privilege? I remember when the agitation which created this Highland railroad was very strong—it was before Mr. Richards became president of the Metropolitan. And let me say that I believe today, that if Mr. Richards had been president of the Metropolitan seven years ago the Highland road would not have been in exist-

euces today. When the arguments were made before the Legislature in opposition to granting the charter to the Highland road, the friends of the Metropolitan road said it could not live if a location were granted to another road through Warren street. It was then customary for people who lived on Warren street to march down town before they were overtaken by a car. The cars ran every quarter or half hour, or every two hours, as they pleased; and the irregularity with which they were run so dissatisfied the Highland people that they petitioned the Legislature for this charter. After much opposition it went through the Legislature. The Metropolitan cars were in a very bad condition at that time. Today you can go through Warren street and a car will pass you every three or four minutes—either a Highland or Metropolitan—and each and every car is doing a good business; and that street which the Metropolitan road said could not support cars run every half hour, now supports the cars of two corporations running about every three minutes, and they are all doing a good business, both the Highland and the Metropolitan. More than that, sir: the beginning of progress in the horse railroads of this city dates from the day the Highland road was chartered; and if today you have such excellent street cars, and facilities for summer travel—open cars and well-ventilated cars—it is due to the competition which exists between the Highland and Metropolitan roads; and if the Highland road had never been called into existence the citizens of Boston would not have had the horse-car conveniences which they have today in the style of cars, the time of running and in the conductors and drivers for the several corporations. They rival each other today, in seeing who can have the best cars, conductors and drivers; and it began with the date of the granting of the charter for the Highland road. Now, sir, my point is this: That the Metropolitan have all the main thoroughfares, with the exception of Shawmut avenue, from the heart of the city to the Highlands—Harrison avenue, Albany, Washington and Tremont streets—they have two main thoroughfares to Dorchester, and have located themselves in every street. The Highland has but one street. Its being called into existence did so much good for the citizens of Boston, while it did not injure the Metropolitan road, financially—and certainly it did not injure it so far as the character of its officers are concerned—but it gave them better management, better cars and good dividends, when they predicted that the granting of the charter would ruin the road. Now, sir, I say that if you allow the Highland road to run its cars through Northampton street, I shall ask, if it passes, that the Hammond park location shall be thrown out, and that one track be laid in Northampton street. If you grant that, no injury will be done to the Metropolitan road; its passengers will not decrease, and it will be precisely as it was on Warren street; the people in that vicinity will get better accommodations, and there will be the same rivalry between the cars on Tremont street and Columbus avenue that there is between those on Shawmut avenue and Washington street. It will do no injury to either of the corporations, and will give better facilities to the citizens going back and forth. Six years ago the Metropolitan failed to get passengers; and why? Because people had to travel so far before a car came along. They now walk up to Berkeley street and then to the Providence depot, and so they continue down town; and that class will be more than sufficient to fill the cars of the Highland road, and do no injury to the Metropolitan. I venture to say that if the Highland location is granted in Columbus avenue it will be the same as it was with the Metropolitan road in Warren street—they will run more cars and get more passengers; and it will bring more trade and passengers to both roads. They will take up the class of people who get tired waiting, and who, having walked a certain distance, now get into no cars at all. I go further, sir, than looking at the mere question of what will be best to promote the interest of the citizens of Boston, and say that it will be for the interest of both corporations to grant this location to the Highland road. I think there are two sides to this question, not eight. First—The people of the Highlands and the avenue want cars, as is shown by the petitions and the meetings at Paine and Institute halls. Second—That the Board should grant the location to the corporation which best serves the public. The people of Boston are under an obliga-

tion to the Highland road, in a certain sense. I grant you that all these corporations, as they say, have no souls; that they put capital into horse railroads for the purpose of making money. Nobody goes into business for the public good alone. If that were the case we would have very few philanthropists in this world. Nobody expects that Mr. Merrill or Mr. Richards will run railroads solely to please the public. They please the public because the public will patronize their roads, and if they increase their facilities it is simply and solely because it is to make a stronger temptation for the people to ride in their cars. I do not suppose it is all patriotism that induces the presidents of the horse-railroads to come up here and ask for a location on the avenue; but because they will give a *quid pro quo* to the public for their patronage. The Highland road had all the modern improvements, and compelled other horse railroads to go and do likewise. It was a matter of competition. In the interest of competition, because the people of the Highlands and a majority of those on the avenue want it, I say this location should be granted to the Highland. I know it is the easiest thing in the world, when two friends ask for a thing, to say to each of them you shall not have it; but it is not the way to settle this question. You may put it off today, and it will come up tomorrow; the same question will come up again, and it may enter into municipal politics. That is the great danger and evil that I see in these horse-railroad matters, if this quarrel continues as it has begun. It will be better for the interests of the citizens and the municipality that this location should be given to one or the other of these roads; and that is why I am in favor of deciding it one way or the other, instead of giving leave to withdraw—which is apparently the quietest way, but not the easiest way, to settle the question.

Alderman O'Brien—When the Alderman from the Highlands remarks that this location should be given to the corporation which serves the public best, it appears to me that he unintentionally makes a strong argument in favor of the Metropolitan road. With the six thousand people that they bring from the Highlands, I should like to know if they are not accommodated? Then we find that the Metropolitan cars penetrating the Highlands through Washington street and up old Shawmut avenue to Forest Hills, and accommodating those people at long distances. We find the Metropolitan road accommodating the people of Dorchester and Warren street. I know that my friend is a resident on Warren street, but he has not been a resident there long enough to see it in the light that those do who have been there longer. I do not care about your meetings of fifteen hundred people, nor about your long petitions. The Metropolitan road accommodates the people of the Highlands today, because there is no part of the Highlands that it does not penetrate. A petition was presented here today by George William Bond, one of the most respectable citizens, asking for this location for the Highland road. Do gentlemen of the Board know where George William Bond resides? He does not reside within three miles of the Highland road, and it does not seem possible that he, residing at Forest Hills, upon the line of the Metropolitan road, would sign a petition in order to go to church upon the Back Bay, when he would have to go two or three miles to take a Highland car. I say the Board should guard against these encroachments upon the streets. If the Highland road should ask for a location through Columbus avenue, to stop at Park square, I should be glad to grant such a location. If they would come down through Charles street and return, I would have no hesitation in voting for that. If they would come down Charles street and up Beacon street, and stop in front of the State House, and return by way of the schools, churches and Art Museum on the Back Bay, and accommodate all who want to go there, I would have no hesitation in granting that. But when they come and ask us to give them a new location through our already overcrowded thoroughfares, through Boylston and Tremont streets, I say this Board of Aldermen ought to put its foot down and put a stop to such encroachments. There is an abundance of streets by which those horse railroads can come into the heart of the city without penetrating that already overcrowded street.

Alderman Fitzgerald—If an amendment were put in to the effect that the Highland road should run no more cars around the circuit than they do now, would the Alderman object to it?

Alderman O'Brien—The Metropolitan road came here and expressly stated that they would run no more cars into Tremont street than they now run, if they were given the location; but I fear to trust them with any privilege of that kind. They will force their cars through that street. And if the Highland road came here and said that they would run no more cars through Tremont street than they do now, I would be afraid to trust them with it. I should like to have them run all the cars into Tremont street that they now run, and not one more. I believe it would be satisfactory to the people on Columbus avenue, and the Back Bay, and the Highlands, if a few of those splendid palace cars were run down in that direction.

Alderman Slade—I have no doubt that every man at this Board has made up his mind how he is going to vote. At the same time, I want to take the opportunity to say a few words. I do not see quite as many sides to this question as my friend on the left [Alderman Thompson], but there is certainly more than one side; and we certainly have all got a great many personal friends who have been kind enough to give us their opinions for and against tracks in Columbus avenue. I am not an opponent of horse railroads at all, so far as they are necessary; but I do not believe the public today require a horse-railroad track in Columbus avenue half as much as I believe that the public requires that there should not be. If I should put a petition into the stables of the city of Boston against putting horse-railroad tracks in Columbus avenue, I could get two men against it where I could get one for it. I know something about it; for I know that during all these years that that street has been open it has been a grand thoroughfare for people who drive. I have myself been fortunate enough to have a team most of the time, and the first move that I make from the North or West End, in going south out on Beacon street, is to get out on Columbus avenue, because it is a splendid street to drive on. I believe the people who patronize and own horse railroads do not take the people who drive in carriages into account at all. There are some of that kind and I am going to speak for them. You go out any time of the day upon Columbus avenue and count the carriages that come and go there and upon Tremont street, and the avenue will beat you ten to one. And I know it. We have a little piece of railroad down in Lowell street, which it was necessary to put there. Before that all the travel to Cambridge went out through Lowell street. Now, sir, there are not as many teams in Lowell street, by a hundred to one, as there were, and it is for no other reason than that people will drive away from a street where there are horse-car tracks. You have got to go along twisting your wheels, and you have got to go with one wheel in a ditch and with the wheels constantly wrenched by the tracks. I believe that we ought to give horse railroads and those who patronize them all the conveniences in our streets that are necessary. Take it out on the north and west sides of the city; there is no possible chance to get out without encountering horse-car tracks, and everybody who drives knows that the horse-car tracks spoil a street for driving. We have a chance to get out on the Milldam over Beacon street, and I would not vote for the Alderman's proposition to put a track in Beacon street, nor will I vote to put one in Columbus avenue until some other street is provided on which we can get out of the city without encountering horse-car tracks. I have no doubt that wherever there is a demand for horse-car tracks they will get them; but do leave one place where a man can drive with his team. One gentleman said that you could find butcher's teams and beer wagons on Columbus avenue, and it is so; but there are none on Tremont street. It is on account of the tracks. It is not pleasant to ride in a street where there are tracks. I would rather go six miles in a street where there are no tracks than to ride three miles in a street where there are tracks. All the hacks and funeral processions go out on Columbus avenue, because there are no tracks. I do not believe that half of the owners of real estate on Columbus avenue would vote to have tracks there tomorrow. We all know that there have been letters in the papers from "Aaron" and "Moses," and I don't know how many others. And I saw a petition from about a hundred owners of property on the avenue opposed to the tracks. I am opposed to putting a track there because it is going to be a great public inconvenience, and because there is a large class in the community that demand that we should not do it. Leave it for awhile at least

for those who drive. It is a handsome street and a good driving street; and if I am not mistaken, the greater part of the property there is under restrictions that there should be no stores there. I hope we shall let this street alone. The presidents of both these roads are personal friends of mine and have been for several years, and I respect them both. They want me to vote one way or the other, but I can vote for neither. My friend opposite has laid a great deal of stress upon the fact that the horse railroads are going to run the Municipal Government. I do not believe it. I have more confidence in the people than to believe that they are going to let horse railroads influence their votes for members of the City Government. I have been over this matter pretty thoroughly, and have walked over every street there, and I am not a fast walker, either. You cannot possibly be more than four minutes on the avenue from any horse cars. The location is not necessary; they do not need it. They expect that every man is going to have a horse car at his own door, and that of course they cannot have. I hope we shall give both roads leave to withdraw.

Alderman Robinson—I did not propose to make any remarks upon this question, and I do not intend to make many now. You have the question of these two horse railroads before you, and I have listened to the arguments on both sides very patiently and attentively. Every point has been presented that can probably be presented, and had it not been for the remarks of my friend on the committee, who differs with me, I should have said nothing; for I believe that every member of this Board has made up his mind. I agree with my friend Fitzgerald in everything he has said in regard to the management of the Highland road. Its officers are gentlemen, its cars and its horses are good, its conductors are kind, and the road is fortunate in all its officers. But the same remark will apply to the management of the Metropolitan road, and I believe that, so far as I have travelled, I have seen no roads that compare with either of the roads run in the city of Boston. Now, as regards the conveniences of the people on Warren street. It is the street that I always come in on, when I come in on the horse cars, but I do not travel it much, as I nearly always come by steam cars. There are two cars which start from Codman Hill Church, and when you get to Grove Hall there are four more, which makes a car about in every ten minutes. That is a sufficient supply for the people of that road. As you go down you find another stable, with double as many horses, and the cars from there accommodate everybody down as far as Dudley street, and then the different cars, some from the Highland road and the Norfolk House; and there is no difficulty whatever for persons in getting into Boston to do business, or for ladies to get into the city to do shopping. My friend agrees with me that people who drive in teams have some rights in the streets, and consequently we came to the conclusion that the interests of the city required that we should give both parties leave to withdraw. Alderman Fitzgerald took a different view of it and submitted a minority report. Now it is said that we shall be consigned to political oblivion, and that these seats which have seen us but a short time will see us no more. That is the fate assigned to those who vote to give these petitioners leave to withdraw. I do not believe it, and I am happy to state that there was no officer of either road that used such language. It was probably some outside parties who were influenced by the enthusiasm for the people of the Highlands. Notwithstanding the eloquent remarks of my friend Fitzgerald I have come to the conclusion not to change my mind.

Alderman Fitzgerald—I have a remonstrance in my hand signed by D. Saunders, Charles W. Slack and others. The name of L. W. Porter is here and he may have signed it, but I understand he has been dead about a year and a half. That is what might be called a voice from the tombs. It would seem that this remonstrance was signed some time within a few years.

Alderman Slade—I think it is his son's name; I know the father is dead.

Alderman Fitzgerald—I understand that the father is dead.

Alderman Wilder—Mr. Porter, senior, is dead, but the son conducts his business on the same premises, and no doubt signed the remonstrance.

Alderman Fitzgerald—I do not know which signed the petition, but I understand it was signed



some time ago by L. W. Porter, when alive, and that the remonstrance was all signed a few years ago.

Moody Merrill [to Alderman Fitzgerald]—His son's name is Fred.

Alderman Fitzgerald—His son's name is Fred., and this name is L. W. So I must be correct, and that it is the dead man who signed it. Members must know that the feeling in favor of horse-car tracks on the avenue is increasing and has increased a great deal within the past few years. It has changed from direct, almost unanimous opposition on the part of the residents of that locality, to a majority being in favor of them, and the Board of Aldermen must settle it sooner or later. I think this is the best time. If it is defeated it will not go down at your bidding; it may not be up in one, two or three weeks, but it will come up again.

Alderman Robinson—I am informed that that remonstrance has been signed since the last meeting of the Board.

Alderman Fitzgerald—Then it is a forgery; for L. W. Porter is dead. That is all I have got to say about it.

Alderman Clark—When this subject first came before the Board I supposed that I should vote leave to withdraw to both parties; but it seems to me that the public are desirous of having a horse railroad in Columbus avenue—at least, if petitions mean anything, we certainly have evidence that the majority of the people residing upon that avenue and the adjoining streets running west think that it is important that a horse-railroad company be allowed to place their tracks in Columbus avenue. Now, if a majority of the people residing on the avenue desire it, and if it is going to accommodate the people who own property and live there, I feel it to be my duty to vote to allow the tracks of some road to be laid there. It will be an inconvenience to me personally, because for the last five years I have made it a practice during the summer months to drive twice a day over that avenue to get from and to Dorchester, where I reside during the summer months; and I do so to avoid the pavements and the horse-car tracks on Dorchester avenue, and because it is the most comfortable way to get out of town. But, Mr. Mayor, I believe in horse railroads. I believe the Metropolitan Railroad has done and is still doing a good work for the city of Boston; and I believe the Highland Railroad has done and is still doing a good work for the city of Boston. I do not care how rapidly the inhabitants of the suburbs increase, and I do not care how rapidly the need of horse-car accommodations increases, not even if it requires the widening of Boylston street. I have hoped that it would be done; for with Columbus avenue and Huntington avenue and Boylston street emptying their constantly increasing travel into that little thirty-five foot street, it is utterly impossible to delay for a great number of years the widening of Boylston street, whether it be taken from the Common, or by moving back the houses and the Public Library on the other side, as we did the Hotel Pelham, though it may be that the citizens desire to curtail the growth of the city of Boston and ask the Legislature to take charge of its affairs. Columbus avenue is a fine street, but a great many people residing there have asked that we allow the construction of a horse-railroad track in that street, and if I lived there I should be among the petitioners, as much as I love to see and enjoy the driving. I should ask that a horse railroad might be allowed to run through that avenue, because it would accommodate me and my family. Now, the residents on all the streets running west—all the short streets, Yarmouth and Dartmouth and other streets—have asked for and want the same horse-railroad facilities that the residents on other streets have. What has built up Marlborough street? You know it is the horse railroad; and a magnificent line it is, and run by the Metropolitan road. I pretend to say that, notwithstanding the Highland road gives good accommodations, there is no line of horse cars superior to the Beacon-street line. In my opinion the Metropolitan road have furnished splendid facilities for the people on their routes. They run many lines that do not pay the expense of running them, that does not pay for the wear and tear of the material used. There are not eight sides to this question, Mr. Mayor; there are four sides. There are those on the avenue who want a railroad; there are those who do not want one; there is the Highland road that wants the location, and there is the Metropolitan road that wants it. Now, the evidence be-

fore this Board is, that a majority of those on the avenue want a railroad; and the evidence is, that the residents of the Highlands want such accommodations as will enable them to get down to the Back Bay, because that is bound to be the most beautiful part of the city. That is undoubtedly the case; for there are located the Institute of Technology, the Natural History Rooms, which are open twice a week to the public free, and the Museum of Fine Arts, which is open to the public every Saturday and Sunday; and then there is the most magnificent church in this or any other city in the United States—and which I am happy to say is filled and running over three times every Sunday, partly by people from the Highlands and along the proposed line of the railroad—so that it would be an accommodation, not only to the people living on the avenue and on the side streets, but to those living in various sections of the Highland District. Now, Mr. Mayor, in regard to the rights of people driving over this avenue, I have said that personally it would be objectionable to me, because I drive there myself; but in a very short time West Chester park extended will be in travelling order to Beacon street, and those who desire to do so can drive up Beacon street to West Chester park, and cross West Chester park to the Highlands. It is a little longer ride; but if the Alderman has a good horse—as I believe he has—he can drive that way. So the necessity for keeping Columbus avenue open for pleasure travel is done away with. Now, it has been said here, Mr. Mayor, that the Metropolitan line of railroad has been wonderfully improved since the establishment of the Highland road. That possibly may be one reason. It certainly has improved wonderfully under its present management. The Highland railway has always been well managed, and I believe the two lines are superior to any other lines in the United States. If competition is necessary to keep these two lines up to the wants of the public, then why not allow both roads to go over Columbus avenue and keep up this competition? The people in the Highlands can then be accommodated by having an opportunity to go to the Providence Depot, and if they push the matter and compel the Highland cars to go through Charles street to the northern depots, it will give them an opportunity to attend the churches and visit the various institutions on the Back Bay; and it will also allow those who prefer to patronize the Highland road to do so at their pleasure. It will also give the Metropolitan road the right to run from Lenox street over the tracks of the Highland road on the avenue down town, and thereby allow those who prefer the Metropolitan road to patronize that line at their pleasure. It will also insure the residents on the avenue and the side streets the certainty of being accommodated; because, as I understand it, the Metropolitan road propose to run their Lenox-street cars, and they would, of course, come on to the avenue empty, and there would be plenty of room for anybody who wished to ride. The meetings which have been held are no doubt indicative of the sentiment of the people. But it does not require the subject of horse railroads to fill Institute Hall. You advertise a public meeting in Institute Hall that is to be addressed by General John L. Swift, and many other gentleman in that neighborhood, and it is an easy matter to fill the hall two or three times a week. And so it is with Paine Memorial Hall. Advertise a meeting to be addressed by Mr. Brown, Mr. Swift or Mr. Simmons, and they will always attract large audiences, especially in a neighborhood where the Boston Museum, the Boston and the Globe theatres are not so easy of access as they are about here. But the fulness of those meetings undoubtedly indicates the feeling in those neighborhoods. I believe, Mr. Mayor, that horse railroads are a public convenience and a necessity, and so long as I have the honor of a seat at this Board I shall always vote to give them such facilities as it is necessary for them to have to accommodate the public. Now, those being my feelings, I propose to offer a substitute for this order, which will allow the citizens of Columbus avenue all the accommodations they ask for, and more too; and it will give both the Highland and Metropolitan roads all that they ask for. With your permission, sir, I will read the order, which I move as a substitute for the one before the Board:

Ordered, That the whole subject be recommitted to the Committee on Paving, with instructions to report an order granting permission to the Highland Street Railway Company to lay down a double track on Hammond street, Northampton

street and Columbus avenue, and to run cars over the Metropolitan Railroad tracks on Columbus avenue, Park square and Boylston street; also, to report an order to allow the Metropolitan Railroad Company to run a certain number of cars over the above-located tracks of the Highland Street Railway, on the terms and conditions prescribed by law.

Alderman Fitzgerald said he had no objection to the substitute.

Alderman Robinson asked if the whole subject would still be open to amendment if a report were made in accordance with the order.

The Mayor said it would.

Alderman Viles asked if the order would be valid unless both parties agreed to it.

The Mayor said that the report would come up for acceptance, and it would be debatable.

Alderman Thompson said the order merely re-committed the whole subject, and it would come up again.

Alderman Clark called for the yeas and nays on his substitute, and it was passed—yeas 10, nays 2—Aldermen Robinson and Wilder voting nay.

Subsequently, on motion of Alderman Thompson, after a brief discussion as to the effect of such action, the Board voted to reconsider the vote by which the substitute giving the location to the Metropolitan road was rejected, Alderman Thompson desiring to have all the matters stand in the same position.

#### PROTECTION OF BURIAL GROUNDS.

Alderman Clark offered an order that the Committee on Legislative Matters be requested to examine and report if any further legal safeguards are necessary to protect the several burial grounds in this city from being devoted to other uses, temporary or otherwise.

Alderman Clark—My object in introducing that order is to see if any further legislation is necessary to get the Legislature to pass a law that will prohibit the desecration of any of the graveyards within the limits of the city of Boston. It is well known that a bill has just been reported to protect all commons in this Commonwealth against desecration by the erection of public buildings of any kind. It brought to my mind the fact that in 1875 a petition was introduced into the Common Council by W. H. Whitmore for the opening of a street through the burying-ground connected with King's Chapel, and I presume there is no legal objection to doing such a thing, inasmuch as the petition is headed by Robert D. Smith, and also signed by E. S. Rand, Robert M. Thompson, and various others. It is well known that a persistent effort was made to put a street through the burying ground connected with King's Chapel, and I am entirely opposed to any streets through burying grounds. It is also well known that a proposition was made to take the Granary Burying Ground and make it a terminus for the horse railroads of the city. Lest that project should ever come up again, I thought it best to introduce this order, that the committee might examine into it and decide whether it is best to go to the Legislature and get an act to protect graveyards.

Alderman Robinson—Are those the gentlemen who had such a holy horror of putting a building on the Common?

Alderman Clark—It was signed by W. H. Whitmore and R. D. Smith. It may be that some legislation is necessary to protect the Granary Burial Ground and I have introduced this order.

Alderman O'Brien—Would the gentleman favor taking a part of the burial ground on the Common to widen Boylston street?

Alderman Clark—I will answer that question when it comes up, if I am a member of the Board. I am in favor of all facilities necessary to accommodate the growing population of Boston.

Alderman Fitzgerald—I think the order is offered as a sarcasm on the course pursued by certain gentlemen in the Legislature. While I thoroughly agree that the Legislature should not interfere with the city, I do not want to go on record in favor of an order like this.

Alderman Clark—The petition for a street through the Stoue Chapel Burying Ground was considered by the Joint Committee on Streets and was strenuously urged, and it was afterwards proposed to take the Granary Burying Ground as a horse-railroad terminus.

Alderman Fitzgerald—It is simply asking for protection against ourselves. I shall oppose the order.

Alderman Clark—Does the Alderman oppose the bill now before the Legislature in regard to the Common?

Alderman Fitzgerald—I should; but I should favor allowing the people to vote upon it. I don't believe a citizen of Berkshire is as competent to judge of the Common as a citizen of Boston.

Alderman Clark—I agree with you.

Alderman O'Brien—I shall vote for the order because I believe in it. You all know what pressure has been brought to bear in regard to our streets and Common, and I should like to see a law preventing the Common from being encroached upon, although I think legislative interference is uncalled-for in many respects.

Alderman Robinson could see no objection to the order, and Alderman Clark said it was merely to inquire and report.

The order was passed. Sent down.

#### EQUALIZING TAXATION FOR SINKING FUNDS.

Alderman Fitzgerald offered an order—That the Committee on Legislative Matters be requested to ask the Legislature for an amendment to the statute in relation to the Sinking Funds, so that the amount necessary to be raised by taxation to meet loans at maturity shall be more equitably distributed during the years which said loans have to run.

Alderman Fitzgerald—I am of opinion that the act needs changing. Under the law the amount necessary to be raised by taxation will pay the debt ten or fifteen years before maturity. The amount should be more evenly distributed over the time, and this is to allow the commissioners to cease taxation when sufficient has been raised to pay the debt with its accumulations. It is merely to give discretionary power to the commissioners.

Alderman Clark—I desire to see what effect this will have upon the credit of the city. There are several funds which now take care of themselves without further taxation. I do not want to vote against simplifying the funds, but I should like to look into the matter.

Alderman Fitzgerald consented, and the order went over.

#### THE LIST OF JURORS.

The revised list of jurors was received from the Registrars of Voters, with the accompanying communication:

The accompanying list of jurors qualified to serve in the several courts of the County of Suffolk, having been compiled by the Board of Registrars of Voters in accordance with the provisions of chapter 207 of the Acts of 1876, and having been posted for more than ten days in the Court House and City Hall, is herewith transmitted to the Board of Aldermen for their revision and acceptance.

Respectfully,

SAMUEL R. SPINNEY, Chairman.

Alderman O'Brien—Can we change or add to this list?

The Mayor—It would seem that the Board can, from the phraseology of the act.

Alderman Clark moved the report be accepted.

Alderman O'Brien—I hope the Aldermen will look into this carefully because it is a new feature. Without action on the part of the City Council the Committee on Legislative Matters last year got an act passed taking this from the Board and placing it in the hands of the Registrars, composed of one gentleman from Charlestown, one from the West End, and another from South Boston. Formerly the City Clerk put a list into the hands of the Aldermen, who, with the members of the Council, selected the names to be put on. I believe this change was made to keep the names of a certain class off the list.

Alderman Clark—I must say that in looking over the list from Wards 9 and 11 there appears to be good names on it. I cannot see any difference between giving the list of jurors to the Registrars and putting the Common in care of the Legislature.

Alderman O'Brien—This law was passed without authority or consent of the City Council. I would ask the members of the Committee on Legislative Matters if they were consulted.

Alderman Thompson—It was done without the knowledge or consent of the City Council.

On motion of Alderman O'Brien, the matter was laid on the table.

#### SALARIES OF COURT OFFICERS.

Alderman Burnham offered an order—That the Committee on County Accounts be requested to consider and report upon the expediency of establishing the salaries of the constables in attendance at the Municipal courts in this city, at rates based upon the amount of business transacted in each court, with a view of equalizing such salaries. Passed.

Adjourned, on motion of Alderman Thompson.

## CITY OF BOSTON.

## Proceedings of the Common Council,

MARCH 15, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

Reference to Committee on Streets of a report of the Board of Street Commissioners on subject of widening Commercial street. (City Doc. No. 24.) Concurred.

Report and reference to Committee on Public Buildings of subject of additional accommodations for South Boston Branch Library. Concurred.

Report no further action necessary on petition of Deputy Collectors for a hearing on claim for additional compensation. Accepted in concurrence.

Election of Timothy J. Dacey and Thomas L. Jencks, Trustees of City Hospital. Placed on file and an election ordered. Committee—Messrs. Felt of Ward 18, Smardon of Ward 10 and Reed of Ward 17.

Whole number of ballots.....	51
Necessary for a choice.....	26
Thos. L. Jencks.....	14
Timothy J. Dacey.....	37
George W. Pope.....	40

Mr. Dacey was declared elected in concurrence and Mr. Pope in non-concurrence. Sent up.

Order to report if further legal safeguards are necessary to protect burial grounds from being used for other purposes. Indefinitely postponed, on motion of Mr. Spenceley of Ward 19.

Report and order to pay Ruth A. Davis \$1000 for personal injuries received in Hanson street. Order read twice and passed in concurrence.

## SECOND ASSISTANT ASSESSORS.

An ordinance to amend an ordinance in relation to the Assessors' Department came down referred to the Committee on Retrenchment.

Mr. Stone of Ward 3—The idea of the ordinance, as I understand it, is to do away with the services of the First Assistant Assessors with regard to assessing property; their whole duty will be to make the list of poll-tax payers. It is an ordinance to circumvent our determination not to abolish the office of Second Assistant Assessors. I think the Second Assistant Assessors should be, as they have been heretofore, required to go around with the First Assistants and value property. I think it is very important that we should have two men to go together to value property, and I move that the matter be indefinitely postponed.

Mr. Wilbur of Ward 20—I hardly like to act too hastily upon this matter. I hope we shall investigate this a little and see what it is. If any one can explain it thoroughly, I should hardly want to indefinitely postpone it. I would rather wait a little while and look into it. I went into the Assessors' Department this afternoon. I did not see Mr. Hills, but I saw one of the Assessors; and it is a matter that they hardly have any knowledge of. I move that it be laid upon the table.

The motion to lay upon the table was declared carried.

Mr. Pearl of Ward 1 doubted the vote.

The Council divided—36 for, 12 against—and the order was laid upon the table.

## PENSIONS FOR THE POLICE.

The order for the Committee on Retrenchment to consider and report on a system of pensions for the police was considered under unfinished business, the question being on the amendment of Mr. Clarke of Ward 22 to include all clerks drawing salaries under \$1500 a year.

Mr. Howes of Ward 18—I don't see that that amendment is at all relevant to the subject matter. The order is meant to provide a system of pensions for the police force, and that is the motion which I wish to have referred to the Committee on Retrenchment for the purpose of letting them consider it. But when it goes outside of the police force or the permanently employed in the Fire Department, I think we have gone as far as we should go. We all know that after a man has served as a policeman for twenty or thirty years he is unfit for any

other duty, except that of private watchman, and the number of private watchmen being very small, old policemen are unable to get places. The same is true of permanently-employed firemen. They are compelled, under the present arrangement, to confine themselves so closely to their public duties as to be incapable, after twenty-five years, of being fit for any other line of duty. For that reason I should confine it to those classes. At present the firemen are young men and do not need pensions, while many of the policemen are old men who have been in the service many years, and although unfit for regular duty, continue to draw full pay. With regard to laborers and clerks, there are thousands of people outside of City Hall who employ them, and if they lose a position here they are not incapacitated from finding a similar one in the mercantile world. A man can be a bookkeeper until he is eighty years old if his sight holds; but a man cannot be a good policeman after he is fifty-five years old.

Mr. Webster of Ward 3—As a member of the Committee on Retrenchment, I object to referring this matter to that committee. That committee was appointed to see where we could save something, and if this thing involves anything it involves an expenditure. Although a member of the committee, I don't believe that we should monopolize the whole committee business of the City Government; and why should it be called upon to perform this duty. After spending two or three hours a day for five or six weeks, on their report, members refuse to discuss their report more than an hour, when the Council has been two or three hours discussing the badge question. Why they wish to saddle any other duties upon us, which are entirely foreign to our duties, I do not know, and I shall oppose it. If it is referred to any committee I think we should not have it in charge.

Mr. Howes—The only reason why I referred it to the joint special committee rather than to the Committee on Police of the Board of Aldermen is that I thought it involved a certain amount of expense and the subject should be considered by the joint committee rather than one from the other branch alone. I chose this committee because I supposed in so doing I paid a compliment to its members. I am very sorry that the gentleman takes it in any other light. I am not particular about which committee it is referred to, but the Committee on Retrenchment should also see that economy consists in great efficiency in the public service, and I think it will conduce to greater efficiency if this measure is carried out.

Mr. Webster of Ward 3—In behalf of the committee I return thanks for the compliment, and perhaps the best way I could return the compliment would be to move that the order be referred to the Committee on Common and Squares.

Mr. McGaragle of Ward 8—I don't know what the Committee on Badges or badges have to do with the reference of this order to the Committee on Retrenchment. I know that the gentleman [Mr. Webster] was very anxious to go upon record against badges, but he was one of the first to take one. When this order was introduced I thought it was offered as a sarcasm upon the Committee on Retrenchment; but since then I have understood that it is offered in good faith, and I don't propose to press my amendment to include laborers. Now there is a fund of \$60,000 accumulated by witness fees earned by the police, and I don't think anybody ought to have any benefit of it except the police. If the city wants to arrange in that way so that the police can be pensioned, I hope that the order will pass.

Mr. Spenceley of Ward 19—Was not a committee appointed in regard to this matter? In his inaugural address the Mayor alludes to this very fact, and if I understand it rightly there was a committee appointed to take charge of this matter.

Mr. Howes—That portion of the Mayor's address was referred to the Committee on Police of the Board of Aldermen. I said before that I thought that it was preferable to have the joint committee to act on this matter, rather than one composed only of members of the other branch.

Mr. Spenceley—I am very glad to receive the desired information. I hope the amendment will not prevail, but that this measure will be considered, because I think it is a very important subject. Of course there are two sides to all questions, and the committee might take this matter under consideration and bring in a report, if they thought best, and we should

have some light upon this subject. Therefore, while the other evening I was desirous of putting in the permanent firemen, because I think they deserve something as well as policemen or anybody else—I am very glad my friend from Ward 18 spoke about them; I always thought he was right at heart, and he showed himself right about it—but I do not put the amendment in. I hope this amendment will not prevail, but that this matter will be sent to the joint special committee with instructions to look into it thoroughly and investigate it; and if there are \$60,000 which the police have earned, I say it is no more than right that they should have the benefit of it. As this fund increases it may be an incentive to get men to go on in the good work in which they are engaged, for they know that when they get old they will have something; and perhaps it will be an incentive to make them more careful. I think it would be better to refer it to the joint special committee, and I make that amendment.

Mr. Barry of Ward 23—I hope that motion will not prevail, and I should like to have it understood that I do not make any attack upon the Police Department. I believe the pensioning system is contrary to the principles of this country. Two amendments are proposed to be tacked on to this order, and there are two or three others have been suggested. If the pensioning system is adopted I know it will be constantly on the increase, and ten years from now there will be many of the police force drawing pay who are performing no duty. I don't believe any man in the city of Boston who retires from its service after twenty or thirty years as a police man who has not had forecast enough to take care of his old age; that that is no fault of the city of Boston. In order to test the sense of the Council I move that the order be indefinitely postponed.

The motion was declared lost.

Mr. Barry doubted the vote and called for the yeas and nays.

Mr. McGaragle raised the point of order that the motion to indefinitely postpone was not in order while amendments were pending.

The President—The point is well taken.

The amendment of Mr. Spenceley of Ward 19 to include firemen was rejected and the question recurred on the amendment of Mr. Clarke to include all clerks drawing salaries under \$1500.

Mr. Clarke of Ward 22—My object in proposing that amendment was this: This is merely a matter of referring it to the committee to investigate and report upon this whole subject. It is not for this Council to decide upon now, and it don't seem to me out of the way for this committee to entertain the matter of pensioning clerks employed in the City Government after a long series of years, and I don't see why their claims should not be considered as well as those of others. It is well known that clerks have served under the City Government for a number of years. I can cite the cases of clerks who served twenty-seven years (in one case thirty-eight years); and why should not these men in their old age be considered by the committee as well as firemen or policemen; therefore I made that amendment. I see by the Retrenchment Committee's report the case of a bookkeeper in the Treasury Department who has been a bookkeeper in that department for thirty-eight years. We all know, sir, that in such departments or in any banking corporation any fraud hardly ever occurs unless there is some collusion with the bookkeeper. When we have a faithful servant who has served thirty-eight years and who can, perhaps, serve ten years longer, why should we not consider the civil service of the departments in the City Government in all cases, as well as firemen and police? It is a well-known fact that clerks who attend to their duties during office hours in a place like this City Hall, with its unhealthy atmosphere, have their lives shortened to a great extent. There is no question about that. Clerks that occupy situations in mercantile departments hold a different position from what they have in City Hall. I don't propose to press the amendment, but when I see the Retrenchment Committee cutting down a clerk's salary \$400 who has served thirty years, I think it is right to bring this matter up at this time. It is no new thing, and it has been adopted by other governments, and it is considered a matter of good policy. I think that at some future time it will be inaugurated in our own Government.

Mr. Barry—What Government or city in the United States pensions its old officials?

Mr. Clarke—I did not say the United States.

Mr. Barry—You say another Government.

Mr. Clarke—I said Governments.

Mr. Flynn of Ward 13 moved to lay the matter upon the table. Lost by a division—26 for, 31 against.

The amendment of Mr. Clarke was rejected.

On motion of Mr. Webster of Ward 3 the order was indefinitely postponed.

#### CARE OF PUBLIC GROUNDS.

Mr. Clarke of Ward 22—I move to reconsider the vote whereby was passed the order for the Committee on Legislative Matters to oppose before the present Legislature the passage of any act restricting the City Council in the care and management of the public grounds. The reason I gave notice of this motion was that I thought the other night the Council hardly understood the matter, and in fact I did not understand it myself. I had not read the proceedings of the Board of Aldermen, not having received them in time, and I did not really know what the order was or what it amounted to. But there seems to be a misunderstanding in regard to the order. The other night the idea was that it was an infringement upon the powers of the Committee on Common and Squares of the City Government in regard to the care of the Common. I understand it is nothing of the kind. It is merely a bill before the Legislature, which has been presented there, and which I understand has been passed by the House, simply in requiring that public squares which have been in charge or dedicated to the uses of the public for twenty years that they shall be limited to the size of the buildings which shall be put upon that Common or public square. It has nothing to do whatever with the commons and public squares which are hereafter to be laid out, unless they have been dedicated for the use of the public for twenty years. It is a well-known fact that when any common has been dedicated to the public for that length of time, the public knows what buildings are desirable to be put upon it, and for the information of the Council I would like to have the President read the bill which is now before the Legislature. There is one clause which I don't exactly believe in. I understand that a great many friends of the bill desire that anything of this kind should be left to the voters or inhabitants to vote upon whether any building shall be placed on any common or public square.

Mr. Spenceley of Ward 19—That bill has already passed the House of Representatives, and I do not see what the Committee on Legislative Matters can do about it, unless the gentleman wants them to go up there and help it through the Senate.

Mr. Clarke—If this matter should go up to the Legislature on a vote of the City Government, the Legislature might be induced to reconsider their action.

Mr. Spenceley—It is too late now.

At the request of Mr. Clarke, the President read the act now pending in the Legislature, namely, "An Act for the Protection of Common and Public Parks, providing that no building of more than 600 square feet in superficial area shall be erected upon any Common, in any city, without leave of the Legislature."

Mr. Clarke—That matter is before the Legislature. We have a large body of representatives from the city or Boston, who will take care of the interests belonging to the city. Therefore it seems to me that so far as our Legislative Committee is concerned they need not be required to oppose it. As the gentleman from Ward 19 has said, it has passed the House, and the Legislature might not entertain the matter. If we reconsider this matter I shall move that it be indefinitely postponed, and that will settle it. So far as the City Government is concerned, I don't think the Legislature intends to restrict the rights of the City Government; but when matters come up in regard to any Common in the care of selectmen or the City Government of Boston we shall not be obliged to have the discussions that we have had for the last six weeks. It is liable to come up again next year. The Horticultural or some other society might want to have an exhibition there. I hope it will be taken out of the hands of the City Council, so far as erecting buildings upon the Common is concerned. In reference to taking care of the Common I don't see that it has anything to do with the act now before the Legislature.

Mr. Spenceley—I sincerely hope that this matter will be reconsidered if we can have the effect of securing the passage of this bill in the Senate. I did not understand it last Thursday night. I am as jealous of the Common as any one, but I am not jealous to think that we shall be obliged to go to the Legislature every time we want to use it. I think the Common is for the people of the city of Boston, and not for the State of Massachusetts; but I think the Committee on Common think it is for the benefit of the State of Massachusetts, and not for the city. I was up to see the chairman of the committee today, and he says it has passed the House, and he thinks the Senate will pass it. I don't know anything we can do. If the committee can fix the thing any better I should be willing to have them do it.

The reconsideration was lost—9 for, 33 against—on the division.

#### BONDS STOLEN.

A communication was received from the City Treasurer transmitting affidavits, etc., from Dr. Robert Stoddard Wylde, a resident of Edinburgh, Scotland, representing that he lost a portmanteau containing a large amount of securities, among which were five City of Boston water loan sterling bonds, of one hundred pounds each, numbered 1522, 1523, 1524, 1525, and that said bonds were afterwards burned by the thieves, and praying that new bonds of even tenor may be issued to him. Referred to the Committee on Finance. Sent up.

#### PETITION PRESENTED.

By Mr. Wilbur of Ward 20—Petition of Mary Noonan, to be compensated for personal injuries received on the sidewalk on North street. Referred to the Committee on Claims. Sent up.

#### OVERSEERS OF THE POOR.

Mr. Blanchard of Ward 21 submitted the following:

The Joint Standing Committee on the Overseers of the Poor beg leave to report that in compliance with the eighth section of the ordinance relating to the Overseers of the Poor they have examined and investigated the condition of all of the property intrusted to and deposited with the Overseers of the Poor, and find that the requirements of the said ordinance relative to the care, management, investment and preservation of the said property have been complied with. Your committee submit herewith a statement of the trust funds in the hands of the Overseers of the Poor, from which it appears that the amount of the invested funds is \$493,180.60; cash on hand, \$5485.32; making the total amount of the trust funds \$498,665.92. Accepted. Sent up.

#### BACK BAY IMPROVEMENT.

Mr. Sampson of Ward 17 submitted a report from the Committee on Finance, on the request of the Committee on Streets, recommending the passage of an order, That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund to the appropriation for Back Bay streets and avenues the sum of \$5000. Order read twice under a suspension of the rules, on motion of Mr. Sampson, and passed—yeas 61, nays 0. Mr. Sampson explained that a large part of the money was already due a contract and that many laborers were waiting for their money.

#### SALARIES OF CITY OFFICERS.

On motion of Mr. Flynn of Ward 13, the Council took from the table the report of the Joint Special Committee on Retrenchment (City Doc. No. 20), with thirty-nine ordinances establishing the salaries of the several city officers, employes in the public departments.

The question was upon giving the ordinances a second reading.

Mr. Pratt of Ward 21—I was not invited to that little caucus around at the Sherman House, and consequently may not be fully posted up in regard to the merits and demerits of this report; but I think that this report is wrong. I think it is wrong because it is inexpedient to establish the salaries of the employes of the city, as this report contemplates, by ordinance. I think it is wrong to establish the salaries at the rates proposed by this committee, because in many cases they are unjust, and because in many instances the reductions have not been proportionately equitable. No, sir; before I adduce some facts which have come to my knowledge in reference to this matter, I wish to look at it in a somewhat general aspect. While I have great regard for the gentlemen who compose the Committee on Retrenchment—as gentlemen and members of the City Government—I must say that as a

committee they are somewhat remarkable. I think the committee was appointed, for a somewhat remarkable purpose; that it has proceeded in a somewhat remarkable manner to the accomplishment of somewhat remarkable results; and this report which we have before us is one of them. I am opposed on general principles to the introduction of political distinctions and reflections into the discussion of affairs in this chamber; and this is the first occasion that I have recognized during this year when I thought it was proper to call attention to the political aspects of the question brought before us. It may not be out of place, with your consent, sir, for me to call attention to one or two matters that may have been familiar, and possibly may be, to some gentlemen present. I have a slip here from one of the daily papers, a paragraph which was published in more than one of them, and as newspapers never lie, I suppose it is correct:

"In view of the fact that the retrenchment bill comes before the Common Council on Thursday evening, a caucus of the Democratic members of that body was held at the Sherman House on Monday evening to see what action should be taken in the matter. The attendance was not as large as was anticipated, only fourteen members putting in an appearance, but after selecting Mr. Barry of Ward 22 as chairman the question at issue was discussed at some length. The result of the conference was that, although the bill was unjust in many respects, it was necessary as a party measure, and it was therefore agreed to vote for it as a whole, and reject all amendments that might be offered. One view taken of the matter was that the proposed reduction might induce some of the Republican city officials to resign their positions, which could then be filled by Democrats."

Mr. Kelley of Ward 3—I raise the point of order that the gentleman is speaking about a subject that has no bearing upon the question. We do not want to know anything about Republican or Democratic caucuses in this chamber.

The President—The gentleman can read the paragraph as part of his speech.

Mr. Pratt continued reading—

"And it was also stated that at some subsequent stage of proceedings during the year it was proposed by some measure to restore the pay of Democratic city officials to the amount previously received by them.

Mr. McGaragle of Ward 8—Will the gentleman be kind enough to state where the paragraph came from?

Mr. Pratt—It was clipped from the Evening Transcript, and it was from the Evening Journal originally.

Mr. McGaragle—That is good authority.

Mr. Barry of Ward 14—Will the gentleman give way one moment? I beg leave to state that I was not invited, and neither do I know—

Mr. Pratt—I decline to yield the floor. I shall be very happy to answer any question the gentleman may ask, and I suppose he will have ample opportunity to make any explanation he may desire, and I hope he will make a satisfactory one now. Mr. President, before passing from this little slip I will simply add that although it may not be expected by all of the members of this branch of the Council that this slip contains the truth, and that those suggestions were actually made at the Sherman House, it amounts to very little whether they were or not; yet, sir, personally, I can vouch that most of the suggestions in that brief paragraph have been current about City Hall for the last three weeks. Now, then, I have another authority which will not be questioned by those who questioned the other. On the very morning after these ordinances were hurried through the Board of Aldermen without a break—the very morning that the proceedings of the Board of Aldermen appeared in the public papers—I find in the editorial columns of the Post—whether it was written before the proceedings of the Aldermen or not I cannot state, because I did not inquire at the office of the Post—

"The report of the Special Joint Committee on Retrenchment, in the matter of salaries, was yesterday adopted by the Board of Aldermen. Every Republican in the Board voted against it. This prompt and characteristic opposition to practical economy on the part of the Republican members indicates that the action of the other branch of the City Government, in which that party has a majority, will be more distinctly hostile to the proposed reduction of expenses. Should the

ordinances, as passed by the Aldermen, be rejected by the Common Council, there will probably follow some compromise between the two branches, one representing Democratic economy and the other Republican extravagance, which will effect a certain amount of saving to taxpayers until the next election shall bring both branches into harmony. For this is a matter upon whose merits the public can readily pass judgment in estimating the value of pledges of economical government."

Mr. President, are we to be intimidated? Is this Council to hear it dinned into its ears by the public press, by the organ of the party which prevails in the other branch of the City Government, by those who are interested in carrying through certain measures this year, which shall be good cards for the cry of reform next fall, are we to be intimidated in our action by such references as these? Now, Mr. President, I have heard outside, it has come to my ears in several directions, that the Board of Aldermen did not propose to elect any officer of this City Government until we passed these ordinances. I speak with all respect for the honorable Board, but I have heard it intimated, and it comes to me pretty directly from several members of that Board. Are we to be bull-dozed in that way? "Democratic economy" and "Republican extravagance"! Is that the key that is struck? I want to know if, there is any act of Republican extravagance that can be cited in this city. I want to know if because the small minority of Republican members in the Board of Aldermen happened to vote on one side of the question, that is to be taken as an indication that they are against economy? I undertake to say that there has not been an opportunity to be. I stand here as a Republican, but I stand here first and foremost as a citizen of Boston. I presume a majority of us here hold our seats, not as Republican representatives, but as citizen representatives, and the question is not whether these ordinances are good Democracy or good Republicanism; the question is whether it is good citizenship to pass them. Now, Mr. President, speaking of Republican extravagance and Democratic economy, this is the first year for some time that we have had what is called a decided and partisan Democratic City Government. I do not know that it is so this year. I do not say that it is. I hope we shall be able to say now, and at the end of the year, that this has been a citizens' Government for the city of Boston. But I have undertaken to say that for the last several years the Government of the city of Boston has been in the hands of neither political party as such. It has been a Government of a citizens' party, a Government on the part of the citizens, and I will undertake to say—I challenge anybody to refute it—that the affairs of this City Government are managed as well as those of any City Government in the country, and much better than some others that might be cited. Now, in the first place, I wanted to speak, before leaving on the general question of this report and passing to the second reading of the ordinances, I wanted to speak of the way in which I conceive that that report was made up. It looks as if it might have been a very arduous undertaking for that committee to inspect all the departments of the City Government and look after all the salaried officers and clerk hire, and the appropriations for extra work, and various other things which are included in this report, and to become masters of the subject and to be able to report so solid and just and equitable a report as this! But it is the simplest matter in the world. A reduction of a hundred thousand dollars next year in the salaries of the officers must be made. We will figure this out: salaries so much; how much shall we clip off to make up a hundred thousand dollars? I suppose the difference between a hundred thousand dollars and ninety-five thousand dollars is the amount of compromise made by the committee. I see gentlemen of the committee are very much interested in my remarks, and I don't wish to be severe on them, but I shall simply turn against them what appear to have been some twinges of their consciences. Three of the committee have said in my hearing that the report was not what they should wish. They acknowledge that in some instances it does injustice. Now, sir, if we had had a majority and minority report, and if the gentlemen, who are willing to acknowledge that this report does injustice, had been square and just, and persistent enough to give us a minority report, I should have been indub-

ed to them. But they have begun upon the proposition, and the Board of Aldermen seems to have adopted it, that it is right to do injustice, in order to accomplish what is good in the general way. I am not ready to say that I will vote for injustice or an unjust measure that may be proposed in this City Government, for a single measure of unjust discrimination against any officer or department of this City Government, for the purpose of doing general good. I will not vote for wrong; if I cannot vote for right I will not vote at all. And if I have to vote half a dozen times for the purpose of getting at the right, I prefer to do it to voting wrong once for the sake of getting at the general good. Now, the injustice of this report may be apparent from certain specific instances which I shall cite. In the first place, it goes into the Collector's department and makes certain sweeping reductions there. I want to show you some of the injustice done that department, and I would state in the first place that the City Collector's department is prominent for the injustice done it, from the fact that it has been only recently established. The City Collector's department was established in 1875, if my memory serves me aright, and it was established upon the re-trenchment plan. The salaries were put low. The appropriation asked for was small, and it is a matter of fact, as I am informed and believe, that the expense of collecting the revenues of the city of Boston is less in proportion to the amount collected than it is in any other city in the United States. The amount of the appropriation for that department is something like \$49,500. The fees collected by that department and turned into the city treasury are \$36,500, leaving the net expense of the department to the city \$13,000. Thirteen thousand dollars, Mr. President, for collecting \$14,000,000—an expense of about one-tenth of one per cent. for collecting the whole revenues of the city of Boston.

Now the expense in some of the economical cities—I will not cite such cities as San Francisco, where it costs more than one per cent., but I will cite for instance the country city of Holyoke, where it costs only two-thirds of one per cent. That is more than it costs in this city of Boston—this city of republican extravagance, where it costs less to collect the revenues than it does in any other city in this country. Now, Mr. President, I will only take certain items in this report for the purpose of showing what I consider to be specific injustice. In the Collectors' Department there are sixteen deputy collectors. Those gentlemen—I suppose we all know the capacity, and previous official experience and the general qualifications of those officers for the duties which they perform—would not accept a position that brought them an income less than \$2000 a year in any other department—at least they could get that, and those of them that I have the pleasure of knowing certainly could. Now, sir, they have \$1600 a year; they give all their time to the city's work from morning till night, and from night until midnight during a large part of the year, and Sundays into the bargain. They perform arduous duties; they give bonds in the sum of \$8000; they collect large sums of money for which they are responsible; and just previous to the election they are stationed at the offices of the Registrars of Voters in the different wards to collect taxes, till late at night, and are responsible over night for its return next morning.

The President—The gentleman's time has expired.

Mr. Clarke of Ward 22—I hope the gentleman's time will be extended.

Mr. Flynn of Ward 13—I hope the gentleman's time will not be extended. We have thirty-nine ordinances to go through and pass. I am sorry that the gentleman has brought politics into this Council at all. It appears that he must have been bull-dozed by somebody by the remarks he has made. I hope there will be no further debate upon the general merits of the bill, but that we shall take it up section by section, and discuss all the ordinances as they are considered. I renew the motion that section 1 of the first ordinance establishing the mayor's salary be adopted.

Mr. Danforth of Ward 10—I move the adoption of the following orders as a substitute. They are substantially the same as the orders in City Doc. No. 22, which is the report of the Joint Standing Committee on Salaries.

Mr. McGaragle of Ward 8—I did not happen to be in when the gentleman from Ward 21 got

through his political harangue. I hardly supposed that he would clip and read a report of a meeting that never existed to my knowledge, I having been elected as a Democrat here. I hardly thought the gentleman would crack the party whip so early in the session to induce members to vote against this measure. I do not come to the Council to work and vote solely for the Democratic interest. I came here to labor for the best welfare of the city of Boston irrespective of party, and I was somewhat surprised when the gentleman got up with a lengthy and prepared speech, such as he is capable of making, while the poor Democrats have not time to prepare speeches. I hardly think it is fair for him to get up here and quote from the public prints reports of caucuses which never occurred, and urge action against this measure upon a purely political basis. I think it is wrong for the gentleman to make such an argument. I hope the substitute will not prevail. The report of the Joint Standing Committee on Salaries is hardly the report to be adopted at this time of the year. They increase the salaries of two or three men who are certainly not hard worked. If gentlemen will take the pains to look it over, they will see that they are the easiest positions in City Hall. I think it would puzzle the gentleman to find out what the duties of one of the men are whose salary has been increased.

Mr. Barry of Ward 22—As I am the member whose name was mentioned in the article cited, I desire to state that I was not invited to and did not preside at the caucus on the Monday evening to which the gentleman alludes. We have two reports on this subject widely differing from each other, and it must be a poor man indeed who will not take the promptings of other men on this subject. I supposed, sir, that we were to vote on this subject without any reference to our party preferences. I supposed that the committee were appointed to investigate into all the departments of the City Government, and report what they thought best for the City Council to do, irrespective of party or creed. I propose to do so. The gentleman states that he deprecates a party spirit, but he was the first man to make a party allusion. I believe that City Document 20 is a very good measure. I am not here as a party man; I was not elected as a party man, and I am not dependent upon the party for my support. I am ready to support any good measure, whether it be Democratic or Republican, and I believe that my record, so far as this session is concerned, is not that of a party man. I have always been independent, and always intend to be. I do not want gentlemen to get up here and read extracts from papers giving reports of meetings which represent me as presiding when I did not do so. I know that some friends of mine came to me and said they wanted me to vote on certain sections; and I said, No; that if those men left we could get plenty of good men to fill their positions. I do not want to get any man a job in the City Government.

Mr. Pratt—I hope the motion to substitute will prevail. I am very glad to find that my eloquent friend, [Mr. Barry] is as anxious to vote as a citizen as I am myself. And I think that if he will give a little more attention to the report of the Committee on Retrenchment he will find that it is true as I was going on to state in that part of my remarks that I did not reach; and I think he will conclude with me that it is a very inexpedient set of ordinances to adopt. I shall not attempt to go into an array of statistics. It is sufficient for me to mention two or three points. It was stated with a good deal of euphony and persuasion by the chairman of the Committee on Retrenchment, that they had not gone into a petty reduction of salaries under \$1000; but when they saw luxurious city officers with salaries of \$6000 a year, they have cut them down. Now, I have looked over the report to see on what that was based, and I have found thirty-three instances of persons whose claims range from \$450 to \$900, who were cut down from \$20 to \$150 each; thirty-three specific instances in which the salaries were clipped off in that way—thirty-three instances in which it is proposed to reduce taxation by pickings and stealings from the honest and hard-worked employes of the city of Boston. I submit that it is a report of a committee on pickings and stealings. I do not propose to vote for any such report as that, though that might be a sufficient reason for some gentlemen to vote for it. Now I want to call attention to the hasty manner in

which that report was made—not that the gentlemen did not inquire into each particular department, for they went to the enormous labor of calling the head of each department before them. Why, sir, I have taken more time than that in some of the offices of the departments, and some of them I can understand. If the committee had done so they would have refrained from clipping off some of the salaries which they have. Now, the point is this: With their roving commission and with their intention to regulate everything in this City Government, they have looked over the offices to see if there were not some reductions to be made, and in doing so they have attempted to regulate something which, by the statutes, they have no authority to regulate. In the Overseers' Department they discovered, early enough for the chairman to state in the other branch, that they had no right to regulate the salaries, as they were regulated by statute. I have discovered that they have attempted to regulate some others' salaries which are regulated by statute. You will find on page 376 that the salary of the City Physician is regulated by the Board of Health;—so that all of those ordinances cannot be legally passed. A gentleman on my left has stated that he intended to cite the instance of another department in which such an ordinance is not competent to be passed, because under the statutes that department has authority to regulate the salaries of its employes. Now, sir, I do not suppose we are going to commit the bull of regulating some things by ordinance that we have not the power to regulate. There is another reason why I object to the report, and that is the cumbersomeness of establishing the salaries of city employes by ordinance. It is cumbersome to get them established at first, and it will be cumbersome to keep them connected afterwards. I also object to it on account of the time that will be required next year in electing by ballot all of these clerks and employes of the City Government. It will take from January till the holidays to make the elections. But that is not all. In the City Clerk's Department, for instance, it has been the custom of our excellent and economical City Clerk, for many years, when it was necessary to make any change in the clerical help in the department, to introduce new employes at a less salary than was paid to those who have had experience, and to advance them in proportion to their experience and efficiency. Now, sir, we take all that opportunity away from him. In the Public Library, on the very next day after this ordinance was passed by the Board of Aldermen, one of the skilled employes resigned, who had been receiving \$800 a year, and which salary is fixed by the committee at \$750. Now if this ordinance had been passed, the superintendent would have been compelled to fill that place at \$750 a year; whereas he was able to fill it by a person at \$500 a year, by placing some of the duties upon other employes; and the new employe will be allowed to work up to the salary of \$800 a year, by small increases after long and faithful service. If that ordinance had been passed, instead of being richer by \$50 a year, the city would have been poorer by \$250 a year than it is now. I cite this case to show the inexpediency of fixing these salaries by ordinance. Where we fix the salaries by ordinance we lose the wisdom of faithful heads of departments in fixing the salaries of employes. How can we do it so well as they can? I would like to ask the joint special committee why they reduced the salary of the Superintendent of Congress-street Bridge a hundred dollars more than they did the salary of the Superintendent of Broadway Bridge; I suppose it was because there are four thousand more vessels passing through it in a year and consequently there is more work to do, and he can afford to work for a less salary. Unless they can explain that, I say there is a case of palpable injustice. I suppose that as they were going to reduce salaries they found these two superintendents, and that they got one hundred dollars off the wrong man. Perhaps they can answer that by and by. Now, Mr. President, I too have no friends to get in or to keep in places in this City Government; but I stand here as a citizen of Boston, earnest and interested in seeing that nothing is done here but what is good citizenship. I go in for fair pay for fair work every time to the employes of the city, whether they are laborers or clerks, or heads of departments, and I think that if these ordinances are allowed to pass, we are not

giving fair pay for fair work. I think that if the substitute is made the basis of our deliberations this evening, we can establish the salaries of the employes of the City Government by order as they have been for many years past, which is a very convenient and creditable way, and very much more preferable than to establish them by ordinance; and I think that we can get at a more equitable reduction in that way. I certainly hope the substitute will prevail. I do not wish it understood that I attack this report in any spirit of opposition to true economy and reform. I did not shout in the last election for Tilden and reform; but I have supposed, from the tenor of that report, the remarks about City Hall and the remarks in the papers, that some of the echoes of those cries were lingering about City Hall still, and I took the liberty of speaking of them. I am in favor of economy, but the kind of economy which was spoken of by the Mayor in his inaugural address; of an economy that is not niggardly, and which has been so aptly alluded to in the report of the Joint Standing Committee on Salaries.

Mr. McGarage of Ward 8—I am very thankful the gentleman did not shout in the last election for reform; but he shouted for the party that ignored reform when the time came. For the information of the gentleman I will read the ordinance in regard to the salary of the City Physician:

"Section 15. The said Board of Health shall annually, in the month of April, appoint, subject to the approval of the Mayor, a suitable person for City Physician, who shall hold his office for one year from the first Monday in May, in the year in which he is appointed, unless sooner removed; and he may be removed at the pleasure of the board, and a vacancy may be filled at any time for the unexpired term. He shall perform such duties, in addition to those hereinafter designated, keep such records, and make such reports, as the Board of Health may from time to time direct. For his services he shall receive such compensation as the City Council may from time to time determine."

I think that is pretty conclusive that the City Council has something to say about what salary the City Physician shall receive.

Mr. Pratt—If the gentleman will turn to page 376 he will find that by the statutes the Board of Health may appoint a physician to the board and establish his salary.

"Section 2. Every Board of Health may appoint a physician to the board, who shall hold his office during its pleasure.

"Section 3. The board shall establish the salary or other compensation of such physician, and shall regulate all fees and charges of persons employed by it in the execution of the health laws and of its own regulations."

Mr. McGarage—I have read that and I am very familiar with it. I beg the gentleman's pardon, but I think the City Council have the right to regulate the salary.

Mr. Blanchard of Ward 21—I hope the substitute will not prevail. The gentleman from Ward 21 has made a very good plea for the office holders who fear a reduction of their salaries. The Committee on Retrenchment have labored for the benefit of the taxpayers. I would now like to say a few words in behalf of the unfortunate taxpayers, many of whom have lost their estates, because they could not pay the taxes assessed thereon. Last year 1618 estates were sold for the non-payment of taxes, and 226 were sold for the non-payment of betterments and sewer assessments—1844 estates in all, and I have no doubt that more in number will be sold this year for the same reason—the inability of the owners to pay the tax. In view of these facts, I can hardly conceive how any one can rise in his place on this floor and oppose a reduction of the city's expenses. Many of the residents of the Highlands who own unimproved land have told me that their tax bills were the most difficult bills to pay. The tax bill on the property which I occupied the year before annexation was less than \$300. Last year's tax bill was between six and seven hundred dollars for the same estate. The Joint Special Committee on Retrenchment had before them the heads of all the departments, and were very thorough in their investigations, giving a good deal of time to the matter, and were unanimous in their recommendations. They have reason to know that the majority of the taxpayers of Boston approve of their report, and they trust that this branch of the City Council will follow the lead of the other in this matter, and pass the bill without amend-

ment. Probably not one-half of the merchants and traders of this city are now paying their business expenses, and relief must come somewhere or they will become bankrupt. The Auditor, in this year's estimates, thinks the reduction of valuation upon real estate will be about fifty millions of dollars. That reduction will be made probably upon high-priced store property and unimproved land, but will not relieve the majority of the taxpayers who own or lease medium-priced stores and houses; and in consequence of that reduction in valuation, the rate will be increased from \$12.70 per \$1000 to \$13.07; thus making the taxes higher this year than last, to many of the taxpayers.

There is no politics in this at all. I never heard politics mentioned, and I am very much surprised at the gentleman's statement. The committee was composed of five Democrats and three Republicans, and we were unanimous. The three Republicans united with the Democrats in making this report.

Mr. Pratt—Will the gentleman allow me to ask him a question? Wasn't there an agreement among the members of the committee that they should make a unanimous report, that they should waive private judgments and agree with some unanimous report?

Mr. Blanchard—There was nothing of that kind, and no such understanding whatever. In regard to the Superintendents of Bridges, it was found that one of them had his house rent free, and that was the difference that was made in his salary.

Mr. Pratt—Where did they find authority for establishing the officers and employes of the Directors for Public Institutions?

Mr. Blanchard—Mr. Fitzgerald was the only lawyer on the Board. He looked up that matter and decided that we had authority to do so.

Mr. Wilbur of Ward 20—I want to state that I am in favor of retrenchment and the reduction of salaries, but I am not in favor of attaching these long ordinances to the subordinate offices. It seems to me it would be very cumbersome and very detrimental to the service. I should hope, in view of that, that the report of the Joint Standing Committee on Salaries may be adopted, as it reduces all the salaries of elective officers. It seems to me it will be a very easy matter to go into the matter of salaries and fix them. It has been the custom to fix the salaries of employes in the departments by the committees, and it appears to me that they are better qualified to know the duties of the clerks than any special committee that could possibly be appointed. I think that they would have a better knowledge of the reductions necessary to be made there, and I cannot believe that the committees of this City Government are so bigoted, and wish to keep the salaries up at a high price; I believe they will be unanimous in reducing upon an even and equitable basis. It seems to me that it would be impossible to get at an equalization of all the salaries by the report of the Retrenchment Committee. I have no doubt that they have gone into the departments thoroughly, and, with the knowledge that they have had, that they have done the best thing they could do. They were called upon at the very commencement of the session, when it was in fact almost impossible for the different committees to have a thorough knowledge of the departments. They have had limited time to go into those departments and acquire the knowledge that they have brought to us in this report; and I don't wonder that in some cases they have made mistakes. I find that the salary of the Inspector of Milk is fixed by statute by the Mayor and Aldermen, and not by this Council. I do not wonder that they should make some such mistakes. A great deal of credit is due to them that they have done as well as they have. The only fault I find is, that they have done too much. I find fault with those ordinances. Under them, if any department wishes to hire an extra amount you have got to have an ordinance drawn by the committee, discussed, and passed by both branches of the City Government, signed by the Mayor, recorded and engrossed, before that man can be hired, and it will take a month to do it. Suppose we should want a man for a month. It takes a month to get ready to hire him and by that time we should not want him.

Mr. Jackson of Ward 16—Will the gentleman allow me to ask him a question? If he should contract with any capitalists of Boston tomorrow to build a block of stores, would he pay first-class mechanics the same salaries that he has paid for



the last ten years? I think that skilled mechanics are entitled to the same pay as accountants.

Mr. Wilbur—If I had had a good man in my employ for many years, and he had been competent, I don't think I should turn him off because I can hire another man for less money.

Mr. Jackson—I hope the question will be answered on general grounds. I don't want to confine it to one individual.

Mr. Wilbur—I think I answered it. It seems to me that the ordinances in this book are very objectionable, and one of my greatest objections to adopting this report is the establishment of salaries by ordinances.

Mr. Flynn of Ward 13—It is very apparent that if this discussion is allowed to go on, there will be a long, running debate without doing anything, and in order to test which of these reports the Council will accept and act upon, I move the previous question. That will bring the substitute directly before the house, and will decide which of the two reports the Council will adopt.

Mr. Thompson of Ward 9—I wish to assign one reason why the previous question should not now be ordered, and why it is very proper that we should debate this question now. We are settling, not the details of these bills, but the general principles which shall govern in establishing salaries this year. It is a matter that should not be snuffed out by the breath of the previous question. It is a matter that we can debate profitably this evening, and if we arrive at a solution of the question we shall accomplish all that we can hope to accomplish this evening. I hope the previous question will not be ordered.

Mr. Howes of Ward 18—If the previous question is ordered at this time, will it shut off all amendments to the various ordinances?

The President—The question will first be put upon the amendment and then upon the ordinances.

Mr. Beeching of Ward 1—I do not understand the ruling of the Chair in regard to the question of Mr. Howes.

The President—The question would be put upon the amendment offered by the gentleman from Ward 10, and then the question would be upon giving the ordinances a second reading.

Mr. Flynn of Ward 13—He offered his bill as a substitute for that of the Retrenchment Committee.

The President—The previous question would apply to the whole question before us.

Mr. Howes—If that is the case I trust the previous question will not be ordered at this time, whatever opinions the gentleman may have as to the merits of the bill of the Retrenchment Committee. I think it should be fully discussed by this Council if they see fit. If the previous question is ordered, it will be absolutely impossible to make any amendments to the various ordinances as they are read and passed.

Mr. Clarke of Ward 22—I regret exceedingly that the gentleman has called for the previous question, for the reason that the Committee on Salaries who reported City Document 22 have not had an opportunity to explain their report; and it seems to be hardly fair, as we gave the Retrenchment Committee an opportunity to say what they pleased on their own side. I think they should not choke off debate, but allow the Joint Standing Committee on Salaries time to make an explanation of their report.

Mr. Beeching of Ward 1—I hope this motion for the previous question will not prevail, for it is going to cut off amendments. If we can act upon the report of the Retrenchment Committee I propose to offer some amendments which I think will improve the bill. If the previous question is ordered we have got to swallow it whole. I think the bill is objectionable as a whole without any improvement. I think it is susceptible of improvement and that it should be amended.

Mr. Thompson of Ward 9—It is absolutely necessary that the bill should be amended, because as it now stands it belongs with the statutes, and if we pass the ordinances they will be imperative and cannot be put in force.

Mr. Webster of Ward 3—I do not understand how the Chair rules in this matter. As I understand it, the Chair rules that this ordinance cannot be amended if the previous question is ordered. And the gentleman across the way has offered the salary bill as a substitute for these ordinances. I do not understand the ruling.

The President—At the last meeting of the Council, a vote was passed to read the thirty-nine ordi-

nances by their titles, and they were so read. The question then came upon giving the ordinances a second reading. The gentleman from Ward 10 now moves to substitute the recommendations of the Salary Committee in City Document No. 2, and on that the gentleman from Ward 13 moves the previous question. The previous question will be put, and then the question will be upon substitution.

Mr. Flynn of Ward 13—My object was to test the sense of the Council on the first ordinance. It is impossible to pass this ordinance if the substitute is adopted. I suppose that if it is determined to adopt this report, we can then go on regulating the salaries in the other ordinances, and lay aside the report of the Committee on Salaries. My object was to test the sense of the Council on the salary of the Mayor, and if the Council adopted the report of the Committee on Retrenchment, then we can go on debating which ordinance was to come up.

Mr. Howes of Ward 18—As I understand the Chair, the ruling is in direct opposition to the gentleman who last sat down. As I understand, the Chair has ruled that the thirty-nine ordinances are to be passed upon without the possibility of an amendment, if the previous question is ordered. I ask if I am correct.

The Chair—The gentleman is correct.

Mr. Flynn—Then I should certainly appeal from the decision.

Mr. Pratt—I hope the previous question will not be ordered, because it is desirable that there should be a decision to clear up the differences between the two committees. The Committee on Retrenchment states that the city employes get more than persons outside do. The report of the Joint Standing Committee on Salaries says they are not getting more than employes outside of the City Government.

Mr. Flynn of Ward 13—Are not those ordinances susceptible of decision? Can we not call for the reading of the first ordinance?

The President—The gentleman moved the previous question upon the whole matter before us.

Mr. Flynn—I moved the previous question upon the substitute offered by the gentleman from Ward 10.

The President—The Chair rules that the previous question could not be applied simply to the amendment.

Mr. Spenceley—If I understand the ruling, if the previous question is ordered no amendments can be made. I should appeal from the decision of the Chair, because it seems to me that these ordinances are susceptible of division. Any gentleman has a right to call for a division of a question at any time, as I understand it. Although I am not very well posted in "Cushing's Manual," I understand that can be acted upon separately, whether the question is put or not.

Mr. Burke of Ward 2—Do I understand that in putting this previous question it includes these thirty-nine ordinances, or was it that the first ordinance should be read?

The President—Upon a division being called for the question can be upon each ordinance separately, but debate is cut off.

Mr. Howes—And amendments?

The President—And amendments.

The motion for the previous question was lost, and the question recurred to substitute.

Mr. Crocker of Ward 9—The gentleman on my left, from Ward 21, has stated the question here as one between the officeholders and the taxpayers and he assumes that we must sacrifice one or the other. He is right that a great many estates have been sold for taxes, but I doubt whether by carrying through the measure we shall stop that sort of thing. I had some curiosity to see what the result would be, to see what we are going to save the taxpayers. I merely wish to direct the attention of the Council to the figures. If the report of the committee should be accepted in full, we make a reduction of some \$95,000. I suppose, however, that nobody expects that it will be carried through in full, but that a large part of it will be cut down at any rate. Call it a hundred thousand dollars. The whole amount to be raised by taxation, according to the Auditor's estimates, is a little over \$9,000,000. Now, \$100,000 is but a ninetyeth part of the \$9,000,000 we have got to raise, and by this retrenchment we shall reduce the amount we have got to raise only one-ninetyeth.

Then suppose that the rate of taxation shall be \$13.07 a thousand, one-ninetyeth of that is fif-

teen cents on a thousand, and that is the reduction which is to effect so much. It is going to affect the rate of taxation fifteen cents on a thousand dollars. It is going to help the taxpayers some, which is desirable, so far as that is concerned. But it is not going to help them so much. It is not going to stop this long list of sales for taxes, and it is going to cut down the salaries of a good many men who cannot well afford to spare \$500 or \$1000. There are a good many men who, I think, cannot afford a reduction of their salaries, but a great deal of embarrassment will be caused in that way, and there will be very little aid to the taxpayer. For these reasons it has seemed to me that the view of the matter that the gentleman has presented, that the question was whether we should sacrifice the officeholders or the taxpayers, is not a fair one.

Mr. Thompson of Ward 9—In favoring the substitute offered by the gentleman from Ward 10, I would say that I have also considered the amount of saving to the taxpayers effected by this reduction, and instead of fifteen cents it will be only thirteen, showing that it is not a great one. But the point I wish to make in this connection is that the report of the special committee should not be adopted, because while the committee were appointed to carry out an important reform—namely, the equalization of salaries—they have devoted much of their time to the consideration of subjects not within their jurisdiction, and consequently have given us a report objectionable in this, that on its face it shows that the important and difficult question submitted to them has not been considered with the carefulness that its importance demanded. I believe a great good can be effected to the city by a thorough reorganization of the City Government on a basis of careful and accurate research. Now, gentlemen, we know the difficulties under which any committee appointed for this purpose at the beginning of the year labors. Most of the committee, probably, were strangers to the City Government. They came into City Hall and were brought in contact with the immense machine, full of all kinds of details, employing a large number of men, and more complicated than any large mercantile establishment in this city. If those gentlemen are asked whether they consider themselves qualified to go into Jordan, Marsh & Co.'s or C. F. Hovey's and effect a reorganization of those stores, they would say, No, they are not familiar with the manner in which that business is carried on. This committee were placed in a very similar position here. They were called upon to adjust a machine of which they knew nothing, and to pass upon important interests with which they were not familiar. They were given six weeks or two months to qualify themselves for those arduous duties, and to execute them. Now, I say this was a mistake. It is wrong in principle. I may say here that this matter should be passed upon by very careful examination. Unless some one better qualified in City Hall will do it, I shall offer an order directing the Mayor to appoint a commission of three old merchants and citizens of Boston to spend one, two or three years in qualifying themselves to recommend such a reorganization of the City Government and equalization of salaries as will do justice. I believe the work is necessary and important, and we should deal with it as its gravity demands. Now, this committee, which has been called a roving committee, have sent to us a report, not with the customary orders which must be renewed from year to year, but with ordinances which are in their nature permanent, and ask us to give their hasty conclusions the effect of law. We are making them a part of the law of the city, if I may use that term. The principle is all wrong, and the facts upon which they attempt to establish these principles have been hastily considered. The gentleman who has spoken upon this matter has shown many changes that may be necessary. It has been said in the other branch of the Government that this bill was a compromise. A gentleman in the other branch said that personally he would object to some points, and it appears that it is a compromise bill. It has been stated here by one gentleman that it was adopted finally by the unanimous vote of the committee, as it would seem to be the best thing they could do. I do not believe it is the best thing we can do, or that the city of Boston can do. I don't exactly like everything in the report of the Joint Standing Committee on Salaries; but it is a

matter which will stand for only a year, during which time I hope we shall give some attention to the subject. I am thoroughly opposed to fixing salaries by ordinances, and I hope the substitute will be adopted.

Mr. Mowry of Ward 11—In consideration of this subject, I claim that the question is not whether this report or either of them is a unanimous report or a partial report. Neither are we to consider whether it is a partisan report. We are to take the report as it comes to us and consider it upon its merits. Now, Mr. President, we have two direct reports, and the question is upon the substitution of one for the other. It seems to me that there are many objections to City Document No. 20. Many of these objections have been pointed out and it seems to me that the substitution should prevail. I certainly am in favor of adopting City Document No. 22 in place of City Document No. 20, and I hope the substitution will prevail.

Mr. Reed of Ward 17—I trust that the substitute will not prevail. The great objection here seems to be that the committee propose to establish these salaries by ordinance. We called the heads of departments before the committee and asked them what reduction they could make, and we asked them various other questions. One head of a department said—perhaps inadvertently—that he established the salaries of his employés, and he afterwards corrected himself. Now, by establishing the salaries by ordinance there is no need that any injustice should be done. We intended that the employés should be retained, and that no clerks should be discharged at the expense of others. That is the view that I took of the matter. A gentleman brings up the case of the Collector's Department, which it is perhaps just as well to answer here. The Collector stated before the committee that at the time the Deputy Collectors were appointed there were some 2000 applicants for the places—most of them clerks and men out of employment; and I think his answer was that he could have filled the places at \$1200 a year. The question with me is whether the salaries in City Hall are too large. They have been increased in some cases a hundred per cent. since 1870. Now, last year, some members of the Council who are here this year very ably stated that the expense of living had decreased since 1870. It surely has not increased since last year. The question now before us is one of economy. It is a question whether or no we shall reduce salaries which have been largely increased. I hope the substitute will not prevail, and that, when the question is taken, it will be divided, and that we shall pass upon the different ordinances separately.

Mr. Wolcott of Ward 11—The gentleman from Ward 9 [Mr. Crocker] has given some figures to show just what this proposed reduction means to the taxpayers. There is another way of putting it. He put it a little too high. I believe the exact figures are that it means a reduction in the tax levy of 13.6 cents on the thousand dollars; that is, \$1.36 on ten thousand dollars. Now, that is certainly something, and if we can effect that reduction without any harm to the public service, it is our duty to do so. It seems to me, however, that there are two considerations which make that reduction a mere trifling one. The first is the difference the reduction will make to the city employés. A salary of \$1600 a year reduced by \$200, is a very much smaller salary. It means in many cases a change of room and mode of living. I presume it will be acknowledged by all that we have in City Hall an efficient and capable corps of employés. If this reduction should lead any one of them to resign and leave the service of the city, and give place to a poorer set of men—and perhaps even less honest—the increased expense to the city will be much larger than this trifling diminution of the salaries. I think the reduction is a very small one compared to the chances that may happen of harm to the public weal of the city.

Mr. Thompson—I would like to ask the gentleman from Ward 17 one question. It seems to me he made one statement that is very important. He stated that the principle upon which they acted in establishing the salaries by ordinance was this: To prevent the heads of departments from changing any of their clerks' pay, and force them to retain the same clerks. Does the gentleman consider it the part of wisdom on the part of the City Council to interfere with gentlemen in carrying

on the details of the various departments? If the City Engineer should say that he can carry on his department more conveniently with a less number of men at one salary than he could with a greater number of men at a lesser salary, does he wish us to understand that he thinks it the part of wisdom to dictate to that head of a department and force him to employ men against his will? Does he regard that good economy?

Mr. Reed—I did not so state and I do not so understand it. I look at it in this way: We called the head of the department before us and asked what reduction he could make. With one notable exception no one said they could make any. We wanted to make a reduction and make it as early as we could, and we could see no other way. I could not. I may not be as well versed in the question as he is, for I am a new member; but still I looked into the question, and I could see no other way to do it. That is the only ground I have for reporting the ordinance.

Mr. Burke of Ward 2—I hope the amendment will not prevail. It seems to me it is pretty early in the season to commence to amend this report. I remember last year that we had a similar report, and we commenced to debate it and to offer amendments, and by the time we got through, the year was pretty near ended. The first ordinance in this report has not been tried yet, and I think it is only fair that we should get the sense of the Council. I am in favor of retrenchment, and, like many other members of the Council, there are certain measures in this bill that I should like to see amended. I think it would be impossible to appoint a committee which would bring in a report that would satisfy all the members of this body composed of seventy-two members. I am satisfied with the report. I do not think it can be bettered. The committee could not do any better. It is the committees on the several departments who should give reasons why these ordinances should not be adopted, and why they should be amended. I think it is proper to try the sense of the Council, as the gentleman from Ward 13 has proposed. I hope the gentleman from Ward 10 will not insist upon his amendment. I see no reason why we should not try the ordinances. There are certain things that I would perhaps like to amend myself, but as a whole I think it is a good bill, and that it ought to pass. As for the salaries paid by the city of Boston I do not think there is any fair-minded man who will not say that they are higher than are paid outside. I believe the men are getting all that they are worth, and in the last two years I do remember of but one man who has left the city's employ to better his salary; and certainly mechanics and clerks are men who will better themselves if they can. It ought not to be a question of comparison. When one compares a hundred thousand dollars with several millions, it is a small matter; but if the income were two hundred thousand it would be a large percentage. If there is an employé of the city of Boston getting one cent more than he is worth he ought to be cut down. I believe the members of the City Council are pledged to do their duty, and we certainly should not be partial, even if we are chairmen of certain committees. I hope that every man will do his duty, and I trust that this thing will come up as it has come before in the Board of Aldermen—one ordinance at a time—so that every member will have an opportunity to say all he desires upon it. I hope the amendment will not prevail.

Mr. Pratt—It has been suggested that the employés of the city receive more compensation than men in similar positions get elsewhere. Now I want to cite one or two facts in answer to that suggestion. It is a fact that the Superintendent of the Public Library, who is now receiving thirty-six hundred dollars a year, has been offered five thousand dollars a year to go to Chicago and take charge of a library there, and has also been offered five thousand dollars to go to Cincinnati, and he has a standing offer to go to Philadelphia to take charge of the new Rush Library when it is completed, at almost any salary he may name. It is a fact that one employé in the library receiving \$1700 has been offered \$2000 to go to Connecticut, and has only been kept here at the earnest solicitation of the trustees and the superintendent. I have not had a roving commission, like this committee, but I can cite those facts, and I have no doubt other members can cite others.

Mr. Clarke of Ward 22—The Joint Standing Committee on Salaries, as you aware, were limited

to those matters usually provided for in the regular salary bill. You will bear in mind that when the order for the appointment of the special committee came up it was urged upon the Council to extend the powers of the Salary Committee so that they could go into this matter of the clerk hire in the various departments and other matters. But it was thought best that those matters should come before a joint special committee on salaries and reform. Well, sir, the Joint Standing Committee on Salaries have attended to their duties as far as they were required by the ordinance. We held several meetings, and went into the matter with a great deal of patience and consideration. At the same time that we were at work, the Committee on Retrenchment were also at work in an adjoining room. In fact one member of that committee was also a member of our committee. In justice to that gentleman I will state that he made no exertions whatever to influence our committee and he regretted exceedingly that he should have been appointed upon both committees; and he was absent at several of our meetings. The question has been asked why we have increased the salaries of two or three employés in City Hall. Well, I inquired of some members of the Retrenchment Committee, and two or three have told me what we all know, that some of the clerks in the City Hall are getting very small salaries; but they had no power, they said, to go into that matter; that their instructions were for retrenchment and not to increase any salaries,—no matter whether it was just and right to do so. The special committee did not feel authorized to look into that matter and see if a clerk was getting too small pay to raise his salary. In our recommendations the Council will perceive that we have reduced salaries. We reduced some of the salaries in the City Solicitor's department; at the same time there was one Assistant Solicitor who has received two thousand dollars for the last two or three years, and we recommended an increase in his salary of two hundred dollars. Well, now, sir, one of the grounds upon which this committee thought proper to recommend an increase of that salary was a special communication that was received from that gentleman by the chairman of the committee. It is the Assistant Solicitor who examines all the titles for the city. During four months of 1873—I think that was when he commenced—he passed fifty-three titles, on which were paid \$858,723.87. During the year 1874 he examined and passed 132 titles, on which were paid \$1,544,144.73. Last year (1876), he examined 230 titles, on which were paid \$922,712.26, besides 173 mortgages which were given to the city, amounting to \$422,291.29.

Mr. McGaragle—Can the gentleman give us the perquisites that gentleman received for making out the deeds and transfers?

Mr. Clarke—Well, now, sir, it is well known that in the examination of titles, even to a small lot of land, it is just as important that it should be correct as if it amounted to a hundred thousand dollars. There is no conveyancer in this city who does one-quarter of the work but who earns more than two thousand dollars a year. It is a pitiful sum for the city of Boston to give one of its officers for the large amount of work that he has to perform and in which there is such great responsibility. Then, sir, we recommended an increase of the salary of the Clerk of Committees. Some members of the Retrenchment Committee have admitted to me that if that matter had come before them by direction of the Council they should have recommended an increase of this officer's salary. Here he receives nearly \$1500 less a year than did the previous clerk, and I think that his duties are just as arduous.

Mr. McGaragle inquired if a quorum was present.

The President—That question cannot be raised now.

Mr. McGaragle—I raise the point of order that we cannot transact business when there is not a quorum present.

The President—The gentleman from Ward 22 has the floor.

Mr. Clarke—I would inform the gentleman that I take pleasure in talking to those gentlemen who have patience enough to remain in the hall. We thought it justice to that gentleman to recommend an increase of two hundred dollars, and also an increase of two hundred dollars in the salary of the Assistant Clerk of Committees. It is well known that the office hours of the Clerks of Committees are, not from nine o'clock in the morning till five in the afternoon, but they have to attend

to committees at all hours, and do a great deal of work in the evening. The work of the City Government has got to be kept up, so that when matters are to come up in the Board of Aldermen and the Common Council they shall come up promptly and in order. There is hardly a member of this Council, when he desires to offer an order, but goes to the Assistant Clerk of Committees to have it written. Then in regard to the increase of the salary of the Superintendent of Public Lands. His salary has been \$1800 for quite a number of years. The increase has been up before the committee two or three years, but there has been so much talk about retrenchment that the committee have thought it best not to propose it. Last October the duties of the Superintendent of Public Lands were greatly increased by placing the care of the buildings on the Northampton-street District in his hands. When that matter was first talked of it was proposed to hire a man specially for that work, at a salary of eight hundred dollars a year. But the committee thought it would be better to go on with the Superintendent, and I have to inform the Council that in that section he has charge of thirty-two houses of wood and eight model houses of brick, which when he took charge of them were occupied by 122 families of the laboring classes. Since he took them he has increased the number of families to 126, making 148 tenants who occupy rooms there, and pay their rent weekly and some of them monthly. All are now occupied except some ten or twelve tenements, and he has paid into the treasury about two thousand dollars during 1877 in sums of five and eight dollars a month from the various tenants. Probably he will collect \$20,000 during the coming year from the Northampton and Suffolk districts. Therefore our committee thought it right to raise his salary to two thousand dollars, and that it would be nothing more than justice to him. I regret exceedingly that the Retrenchment Committee did not have power from this Council to equalize salaries as well as to make reductions. It has been said that the City Clerk desired a reduction in his salary and also in that of his clerks. The City Clerk came before our committee and desired to have his salary reduced, but he particularly requested that the salaries of his clerks should not be reduced. He said they were not getting more than they were worth, that they earned their money, and he thought they should not be reduced.

Mr. Clarke's time expired at this point.

Mr. Webster of Ward 3—In justice to the City Clerk I would like to have the records of the committee read. If the City Clerk went to one committee and asked that the salaries of his clerks should not be reduced, and then came to our committee and said that we might take off ten per cent., then Mr. McCleary is a very different man from what I thought he was. That record ought to be brought before the Council. I do not propose to defend this measure in detail; but having gone into the movement in good faith, and having spent a large part of my time among the departments, and in consulting with those who had formerly been members of the City Government, and in whose judgment I could rely, I propose to stand by the report which we have made. I have no doubt the gentleman who has called the report pickings and stealings, if he had been appointed upon the committee, with his superior intellect, would have made a better report, but I venture to say that if he had it would have been criticised as freely as ours has. I wish he had been in my place, and I should have been glad to resign and let him take my place. As was stated by the chairman of the committee in the Board of Aldermen, it is a compromise report. We could have brought in eight reports, each expressing our particular views; but we compromised, and concluded to bring in a report as nearly satisfactory to everybody as possible. I am frank to say, as one member of the committee that I had to sink some of my individual opinions in order to make this report unanimous. I do not pretend that it is perfect. But I thought I had better err on the side of economy than on the side of extravagance. Being satisfied that my labor has been sincere, and feeling that some of the harsh criticism is entirely unjustified, and should not have been given, I shall support the report.

Mr. Vose of Ward 24—The hour is late, and I have no disposition to go into a discussion on the merits of this report. Neither do I care to take

up the remarks that have been made by various gentlemen who have discussed it tonight. Let me say, as one of your committee, we labored as faithfully and impartially as any committee ever selected by this Council. We have made an impartial report. Now, there is no member but that has some one or more friends in the various departments in City Hall; but they laid aside personal preference, and gave the thing as fair and candid an investigation as we possibly could, and we have submitted our report. I don't hesitate to say it is a good report, no matter what has been said by my legal friend behind me [Mr. Pratt]. He has seen fit to call us a remarkable committee. There were eight of us, and no doubt we were a remarkable set of men. Perhaps each man had a remarkable preference for certain things. But I do not believe it is so remarkable a committee that our report is entitled to be called pickings and stealings. I do not think my friend seriously intended it. I do not think any gentleman would intentionally drop anything of that kind in this Council, or any other place. Now, let the report stand for what it is worth. So far as I am concerned, I care not. I have done what I believe to be my duty, and I believe every member of the committee has done the same. If the Council see fit not to accept our report, all right. If you see fit to put it through, I am satisfied. Only let me say that the committee believe that they have done their duty. Having done so, we are willing to take the consequences.

Mr. Richardson of Ward 10—In dissecting the merits of these two bills before the Council, with reference to which is the better to be adopted, I have noticed, and I think I ought to call attention to, one peculiarity in Document No. 20, and I can illustrate it as well as by reading the second ordinance in regard to the establishment of salaries in the City Clerk's Department. And section 3 reads as follows:

"Sect. 3. The City Clerk shall be allowed the services of one Clerk whose salary shall not exceed One Thousand Six Hundred Dollars per annum; one Clerk whose salary shall not exceed Fifteen Hundred Dollars per annum; one Clerk whose salary shall not exceed One Thousand Three Hundred and Fifty Dollars per annum; two Clerks whose salaries shall not exceed Eight Hundred and Fifty Dollars each per annum; one Clerk whose salary shall not exceed Eight Hundred Dollars per annum; and two clerks whose salaries shall not exceed Seven Hundred and Fifty Dollars each per annum."

I refer to this, Mr. President, merely as an illustration of each and all of the ordinances. I don't see for myself why the passage of that ordinance, which has the force of a by-law, does not establish these salaries by law, and establish a great many more offices than we have now; and if it is passed there is no possible way to get at them, or of reducing the expenses of that department, without coming back here and passing another ordinance.

In the other report, City Doc. 22, there is one feature that is characteristic of all the recommendations in that document. It reads—

"Sect. 3. The salary of the City Clerk shall be at the rate of \$4500 per annum; and there shall be allowed a sum not exceeding \$11,500, to be paid to his assistant clerks during the salary year, in monthly instalments, through the office of the Auditor of Accounts, on a pay roll certified to by the City Clerk. He shall account for all fees for recording mortgages of personal property, and for all other sums of money received in his official capacity."

That, you see, Mr. President, leaves it to the City Clerk, and if he does not need his whole eleven thousand dollars he is not obliged to pay it to the clerks. I suppose it occurs year after year that all of an appropriation made for the heads of departments and other employes each year is not used. Perhaps there will not be so many mortgages recorded in the City Clerk's office, and I don't believe the labor in 1877 will be more than two-thirds as much as it was in 1876 or in 1875. Now, shall we compel the City Clerk to have four or five assistants, as you will have if you pass the ordinances reported by the special committee. You will compel him to have so many clerks. The law will require him to have them whether he wants them or not. Whereas, in the other report, you appropriate so much money, but do not require it to be expended. These characteristics run through these documents. I refer to this by way of illustration, and we can judge the whole of them by one. It strikes me that the result will be no

reduction, no retrenchment, and no reform, if these ordinances are passed; on the contrary, you will establish seventy-five or a hundred offices which do not now exist, which you cannot get rid of, and the salaries of which you cannot, however, change until you meet next year, whether the city's exigencies require it or not. I think that would be a lamentable result.

I have discovered what I believed to be the effect of the ordinance, and I thought I ought to call it to your attention. I think it is a useful if not an invariable custom before we pass these ordinances that they should go to the Committee on Ordinances. There is at least two of them in which the salaries are provided for by statute. I am quite sure of one, and I noticed there are verbal inaccuracies. I think it better to leave the establishment of these ordinances to the heads of departments. Let us see that we get honest heads of departments, and leave it to them—like the City Clerk, for instance. If he does not require the assistance in his department that he had in 1875, there will be an unexpended balance of the appropriation for the next year. I should hope that, whichever report is passed, we shall take it up separately, and not as a whole, and discuss it. If we are to take one or the other, I must give my vote for City Doc. No. 22.

Mr. Webster of Ward 3—The gentleman is a lawyer and I am not. I would like to ask him a question. The ordinance reads that the City Clerk shall be allowed the services of these different clerks. If he is allowed so many clerks, is he obliged to keep them, and can he not discharge them? Can he not cut the salaries down, if he deems it expedient?

Mr. Richardson of Ward 10—It has been stated that these offices become elective, so to speak. If so, I do not see how he could discharge them. I think this would require the City Clerk to appoint them, and I do not see how he could escape from it. I think he will be required to make these appointments which the law requires to be made.

Mr. McGaragle—The gentleman who has just taken his seat may be a good lawyer, and I have no doubt he is. To my mind he would make a good member of a returning board, for he never wants to go behind the returns. But unfortunately for him, he cites one of the most honest men in City Hall when he cites the City Clerk—the only man who had the courage and manliness to ask that his salary be reduced.

Mr. Richardson—If I made any remark that could be construed as a reflection upon the integrity of the City Clerk, I did not so intend. I have known Mr. McCleary for twenty years, and I have the highest respect for him.

Mr. McGaragle—I did not intend to say that the gentleman meant to cast any reflection upon the City Clerk. I was about to say that he was the only man in City Hall who had the courage to go before the committee and ask that his salary be reduced ten per cent.; and the man who does that, if he sees that he does not need so many clerks and has not labor for them, I do not think he will hire them, or pay them either. If he has not got the labor for them he will not spend the city's money for them. You might say, on the same principle, that if you make an appropriation of a hundred thousand dollars you were bound to spend the whole of it. I do not think the City Clerk will spend one cent for clerk hire that he does not need.

Mr. Pratt—I simply want to make a personal explanation. It has been suggested that in the warmth of discussion I called the Retrenchment Committee by an opprobrious epithet. If in speaking of the committee on pickings and stealings there is any taint of opprobrium or epithet, I wish distinctly to withdraw it, for I have a high respect for the committee. I used the epithet as descriptive of their doings, rather than descriptive of the committee, and as descriptive of their doings I cannot withdraw it. It has been stated that the City Clerk requested a reduction of his salary, and a reduction of ten per cent. in the salaries of his clerks. I have the authority of the City Clerk for the statement that, supposing that they would attempt to impose upon him the duties of the Registrars of Voters, he preferred to have a reduction of his salary rather than again assume those duties; but that he did not request a reduction in the salaries of his clerks. If a reduction was to be made, he would be happy to point out where it could be done, and he was surprised to

see that the committee fixed the salaries without consulting him.

Mr. Souther of Ward 14—I understand the Committee on Retrenchment to say they acted on the suggestion of the City Clerk. I have positive information that there are \$3000 received from the fees of the office, and that the committee intended to make a reduction of ten per cent. in the salaries in that department; but instead of ten per cent. there is a reduction of eighteen per cent. In taking the power to fix the salaries of his clerks I think great injustice has been done the Assistant City Clerk, who was formerly clerk in Charlestown at \$2500 a year, and when he came here at \$2000 he was promised an increase. Now it is proposed to reduce him to \$1800. When the matter comes up, I shall move that his salary be increased to \$2500, as was promised.

Mr. Spenceley of Ward 19—I have been waiting patiently and hearing the able arguments, to see if I could be convinced on this subject. I have been looking over the doings of past years, and find that the salary bill is a great bugbear. I found that when salaries were to be increased it would take an hour and a half, but when you cut them down it takes a great deal longer. I like this report of the joint standing committee, particularly where they say—

“With a view of ascertaining whether the city is paying larger salaries to its officers than private corporations for corresponding services, the committee have made inquiries, the result of which has satisfied them that salaried officers of the city are receiving no more, and in some instances not as much, as the officers of such corporations.”

That sounds real good. Then again they say—

“The general depression of all kinds of business and the recognized fact that business men are not making the profits of previous years, being sometimes urged as reasons for a general reduction of salaries, it is to be remembered that this state of affairs must, of necessity, prove but temporary; and that when business revives, and money is again being made, salaried officers continue at routine salaries, and do not partake of the general prosperity.”

I would like to ask gentlemen if they found that to be a fact; if so, I don't want to vote to cut down salaries. I do not believe in the amendment. I would rather take the report of the joint special committee as I find it. I had almost made up my mind, and told several parties I should vote for it as a whole. I believe that this is the work of a year, and if we are to censure any committee it should be the one appointed last year on the equalization of salaries, who, after having a whole year to look over it, left us as we were last year. While I do not believe in commissions, I think it would be one of the best things to have an equalization of salaries in all the departments. I believe in reduction, and I will tell you why. My grocery and provision bills are not so much as they used to be, and I know by sad experience that house rents are not so high. I have noticed that there are one or two kinds of bills that do not come down much—lawyers' and doctors' fees do not, and taxes don't. I am personally interested in all these. I don't believe in having much trouble, and lawyers don't get much from me; I keep pretty well, and doctors don't get much. But all I can do, they tax me. The gentlemen have figured it that it don't cost but fifteen cents on \$1000. That is not much, but it is a good deal if you have not got any more. Fifteen cents on a thousand here and there will amount to a good deal. If we can bring down taxes in any way, I believe we ought to do it in justice to the people. We have a good set of city officers and I should be the last to cut down their salaries unless I believed it right to do so. It is really cutting down their pay and making them do more work. We have cut down the appropriations so much that there is really more brain work required in the various departments. If business had been going on for the past three years we should not care much about cutting them down; but we have had to pinch the dollars, and I believe it is right to cut down salaries. I believe we could save money in expenditures and not touch the salaries of heads of departments at all, if a committee would go into it properly. But as that cannot be done, and as we are all together in the same boat, I ask gentlemen here where people are going to get the money to pay these salaries with? It is easy to

put up a salary, but not easy to pay it if you have not got the money. A great deal of revenue comes from real estate, and I ask gentlemen here how much money they get from real estate? I have had to pay ten per cent. on some of my taxes because I could not get the money to pay them. If we should amend this bill I suppose we should tear it all to pieces, and gentlemen would not know it is the same bill.

Mr. Blanchard moved the previous question.

Mr. Beeching of Ward 1—I hope the motion will not prevail. I think the bill can be improved and I think we should try to improve it. Let us discuss it until we are satisfied with it and then vote it either up or down, whichever way our judgment may direct. I am not satisfied with this bill, and I am not satisfied with the salary bill. If it is improved I should prefer the report of the Retrenchment Committee; but if we are pressed to vote tonight I shall vote against that report simply because there is no opportunity to make amendments. I do not think it is right to press this matter through without giving an opportunity for amendments. It is very evident from what we have heard, that the committee have not given sufficient time to their report. Gentlemen have pointed out cases where injustice has been done, and I suppose if this committee had looked into the matter they would not have reported on those particular cases as they have done. From what has been said I have no doubt the committee went to the heads of departments and consulted them in regard to retrenchment, and after getting what information they could they took their own course. They don't seem to have paid any attention to the suggestions made by the heads of departments. I don't think they have taken time enough to prepare their report. The report is not satisfactory, and we ought to have an opportunity to amend it. It seems to me that if it is pressed now it will not be adopted by the Council.

Mr. Webster of Ward 3—Do I understand that in case the previous question is ordered, if the amendment is rejected and the report of the committee with the ordinances is passed to a second reading, that then the ordinances can be taken up separately upon their final passage?

The President—The whole question will then be open for debate and amendment upon the passage of the ordinances.

Mr. Pratt hoped the matter would not be laid upon the table, as it was desirable to make one step in advance tonight.

The motion to lay upon the table was lost by a division of 21 for and 39 against.

The Council refused to order the main question, and the question recurred upon the substitute.

Mr. Sampson of Ward 17 moved to adjourn. Lost.

Mr. Stone of Ward 3 moved to specially assign the whole subject to eight o'clock next Thursday evening.

Mr. Jackson of Ward 16—I trust that motion will not prevail. We want to make a commencement tonight and see how we stand. We shall be in the same position next Thursday night that we are in tonight and shall discuss it from the commencement of the session to the end, and then some member will move that the Council adjourn. If we cannot pass it let us kill it, and if we are going to kill it let us do it now.

Mr. Stone—We have received some information about this matter, and I would like to look further. If it is specially assigned to next Thursday evening, we can then come to some conclusion.

The motion to specially assign was declared lost.

On motion of Mr. Duggan of Ward 12, the yeas and nays were ordered upon the question of substitution.

The motion to substitute was lost—yeas 22, nays 41.

Yeas—Messrs. Clarke, Coe, Crocker, Danforth,

Felt, Hibbard, Mowry, Pearl, Perham, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Sampson, Smardon, Sonther, Stone, Thompson, Warren, E. R. Webster, Wilbur, Wolcott—22.

Nays—Messrs. Barry, Beeching, Blanchard, Brintnall, Burke, Cannon, Cox, Cross, Day, Dee, Doherty, Duggan, Fagan, D. A. Flynn, J. J. Flynn, Fraser, Hiscock, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Longhlin, McClusky, McDonald, McGaragle, Morrill, Mullane, Nugent, O'Connor, O'Donnell, J. H. Pierce, Reed, Roach, Roberts, Shepard, Sibley, Spenceley, Thorndike, Vose, G. B. Webster—41.

Absent or not voting—Messrs. Barnard, Blodgett, Brown, Fernald, Ham, Popc, Ruffin, Upham—8.

Mr. Howes of Ward 18 moved "That the several ordinances be recommitted to the Committee on Retrenchment, with instructions to report a salary bill reducing the salaries of all persons in the employ of the city now receiving at least \$1500 but less than \$3000, reducing them ten per cent.; and reducing the salaries of all employes receiving at least \$3000 but less than \$4000 fifteen per cent.; and reducing all receiving \$4000 and over twenty per cent."

Mr. Howes—There is a very trite saying that it is better to "go the whole hog or none," and very firmly I believe in that. If members are prepared to make a reduction, as it seems, I am willing to cut down everywhere, and not take a little here and there; but I am willing to cut down evenly. If members are in earnest and honest in their statements, I know of no better plan of making a reduction than by a percentage reduction of all salaries named in the order. The committee have said it was part of their policy to average the salaries and take off from one man who seemed to be getting too much, and cut down but very little where he was paid a small amount. Now, sir, has this committee done that? This committee, composed of eight members, six of whom were not in the City Government last year, and five had never been here before—are they to go through all the departments and say this man is getting too much and that one too little; and all this done inside of six weeks? I say it is not possible for any committee to do justice to the subject in that time. If we intend to cut down salaries, let us cut down pro rata. We assume that men are getting what they are worth; and if so, a percentage reduction will reduce them equally. That is what I favor. I am not in favor of any plan that cuts off a little from one and spares another.

Mr. Hibbard—I certainly hope this amendment will prevail. I am decidedly opposed to establishing salaries by ordinance. I am surprised that we should find eight men from the two branches of the City Government who would do this thing when they have not had much experience in the City Government. I don't think the City Council is prepared tonight, or at any time, to take charge of the employes of the trustees of the various institutions. It seems to me that we cannot fix their salaries as equitably as the trustees can. It seems to me that we stand here in about the position that the Board of Directors do to a railroad corporation. We elect members of the various city institutions and they use the appropriations we make. If we take away that power from them we are weakening our institutions very much. I hope this amendment will not prevail, because I am decidedly opposed to establishing the salaries of the employes by ordinance.

Mr. Beeching—It is very evident that we cannot finish this matter tonight. It is rather late. I rather favor the substitute. It will bear examination and discussion. This matter can come up as unfinished business at the next meeting, and I move that the Council now adjourn.

The motion prevailed and the Council adjourned.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

MARCH 19, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor in the chair.

## JURORS DRAWN.

Traverse jurors were drawn as follows: 41 for the Supreme Judicial Court; 32 for the first and 44 for the second session of the Superior Court.

## EXECUTIVE NOMINATION.

Police Officer—Patrick H. Burke. Confirmed.  
Special Police Officers Without Pay—Charles E. Stowe, John Bourne, Monument-square M. E. Church; David Ahern, Long wharf; John H. Kerr, Lenox street and its vicinity; Walter O. Packard, Lawrence Building and its vicinity, East Canton street; Oliver Moulton, James D. Kelley, P. H. Curley, John F. Sias, Abraham Goodwin, George O. Moulton, Forest Hills Cemetery; Charles Chittenden, Federal-street gasholders; William H. Durell, George H. Jenning, Joseph K. Lowe, John McDonald, John Hill, James Campbell, John Kenney, John Burns, Stephen Nelson, Boston Gaslight Company; William E. Ford, Central Library; George H. Hosea, East Boston Branch Library; Joseph Baker, South Boston Branch Library; Charles R. Curtis, Roxbury Branch Library; Cornelius S. Carter, Thomas E. Smith, Charlestown Branch Library; Charles T. Wheeler, Brighton Branch Library; Edward Davenport, Dorchester Branch Library. Several confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* Augustus Stevens, for leave to sprinkle the streets of East Boston with salt water; Richard Sullivan *et al.*, that Cambridge street, from Main street to the line of Somerville, be paved with granite blocks, and that the sidewalk of the Peacock estate on Cambridge street, Charlestown, be paved; Adoniram Curtis, Philip Sowdon, Jr., and Malachi Clark, for leave to sprinkle certain streets; Lucretia M. Wentworth, for abatement of assessment for sidewalk at No. 10 Warren place; heirs of Bridget McNanamy, for abatement of assessment for sidewalk at 205 London street, East Boston; John Gornley, for leave to sprinkle certain streets in this city; George B. Spaulding & Co. *et al.*, that Harrison avenue be paved with granite blocks; Catherine O'Brien, for abatement of assessment for laying edgestones.

Petitions for leave to move Wooden Buildings by John Cavanagh—From rear 332 Dorchester street to Vinton street; from 24 Preble street to Vinton street; from 15 Rogers street to Vinton street; from 22 Preble street to Vinton street; from 13 Rogers street to rear of Vinton street; from 20 Preble street to Vinton street; from 382 Dorchester street to 549 Dorchester avenue.

*To the Committee on Sewers.* Benjamin Burlingame, to be paid for damages to his estate by taking a portion of his land for sewer purposes in Berkeley place, Ward 24; William Gray, Jr., notice of intention to apply for a jury to revise his assessment for a sewer in Dorchester Brook Valley.

*To the Joint Committee on the Harbor.* Robert Kelly and other pilots against any change of duties of Harbor Master, Harbor Police, etc.

*To the Committee on Health on the part of the Board.* Petitions for Leave to occupy Stables—John S. Kemp, new wooden, two horses, Alaska street; Theodore Leutz, new wooden, three horses, Boylston street, Ward 23; Peter B. Brigham, new brick, seventy-three horses, 178 Portland street; Thomas Gogin, old wooden, two horses, rear 40 and 41 Vinton street; Merriam & Norton, old wooden, two horses, Monument street.

*To the Joint Committee on East Boston Ferries.* Company H, Ninth Battalion Infantry, M. V. M., that the militia companies of East Boston be allowed to pass over the ferries free from tolls; also that tolls paid by them be refunded.

*To the Joint Committee on Public Lands.* Henry G. Dorr, that his bond for land on Hamilton street be cancelled and a new one with other conditions be issued.

*To the Joint Committee on Claims.* Mrs. A. E. Porter, for compensation for personal injuries by reason of alleged defect in Dudley street.

*To the Joint Committee on Fire Department.* James Crosby and 119 other members of the Fire Department, for an amendment to the Fire Department Ordinance so that certificates of seven years service may be issued to those entitled thereto.

*To the Committee on Police.* John Kelley *et al.*, for an investigation into the conduct of Police Officer E. W. Freeman, who recently shot Edward Rice in Charlestown.

*To the Committee on Lamps.* John Preston *et al.*, for additional lamps on Mill street, Ward 24.

## HORSE RAILROAD HEARINGS.

The Board proceeded to the special assignments, viz., hearings on sundry horse-railroad locations.

*South Boston Railroad.* Petition for leave to unite their Federal-street track with the Kneeland street of the Metropolitan Railroad.

Benjamin Dean, counsel for the South Boston, explained the location desired. It is made in pursuance of an arrangement between the presidents of the South Boston and Middlesex railroads, to enable the latter road to reach the Old Colony depot.

C. A. Richards, president of the Metropolitan road, said that in his absence one day the two roads got married, and he was here to let the South Boston road, who is the bride, know what kind of a bridegroom she has.

Mr. Dean said it was not exactly a marriage; but it was because the South Boston road was afraid she would be ravished if she did not agree to the arrangement.

Recommitted to Committee on Paving.

*Middlesex Railroad.* Petition for leave to connect their track at Beach and Lincoln streets with the South Boston Railroad track, and to use the track of the South Boston Railroad in portions of Beach street, Kneeland and South streets, and a portion of the track of the Metropolitan Railroad in Federal street.

Charles E. Powers, president of the Middlesex road, explained the location asked for, and the agreement entered into.

Mr. Richards inquired of Mr. Powers how many cars per hour he considers he has the right to run through Washington street, south of Cornhill, and Mr. Powers said they were restricted to twelve in one hour; if allowed to go to the Old Colony they should certainly not be required to run less. Whether twelve additional cars should be run to the Old Colony depot was a question which had not been seriously considered: they would run no more than the Board gave permission.

Mr. Richards said he knew the Middlesex road claimed the right to run twelve cars to the depots, in addition to the twelve allowed to be run to Temple place. He did not desire to remonstrate against the petition, but he wanted a limit placed on the number allowed to run to the depots. Mr. Richards read from the proceedings of the Board in 1876 to show that it was intended to limit the number of cars to twelve per hour to the depots; that such was the distinct understanding of the Paving Committee who reported the order. Mr. Richards desired that question thoroughly settled, and the number of cars decided upon before the location is granted.

Mr. Powers said he was at a loss to know what the question raised by Mr. Richards had to do with this petition. If it is necessary to run more than twelve, and they have not the right, they will come here and ask for the permit. If they had the right they would run more than twelve whenever it becomes necessary.

Mr. Richards said the question ought to be settled then and there; "whenever it may be deemed necessary" should not be left to the judgment of the president of the Middlesex road, but should be decided by the Board.

Mr. Dean desired all doubt removed in relation to the number of cars. The South Boston road understands that this location is to take the place of the location allowing twelve cars to be run to the Albany depot. He did not want the Middlesex road to have the privilege of choosing whether they will run to the Albany or Old Colony depots when a train comes in. Mr. Dean gave some statistics showing that the business of the South Boston road had decreased in receipts, while their expenditures had greatly increased.

Mr. Powers said he regretted there had been a misunderstanding; he desired to be restricted to twelve cars an hour, as he did not desire more than that, and if he had the privilege of running more he would not use it. Under the arrange-



ment made the South Boston road are to get to four depots to two by the Middlesex.

The subject was recommitted to the Committee on Paving, on motion of Alderman Clark.

**Metropolitan Railroad.** Petition for a location on Atlantic avenue, and for a track across Dover street at Harrison avenue.

Mr. Richards explained the location asked for, and filed a plan thereof. Since the cars began running on the avenue they had been pressed for an extension of the tracks; particularly by the agents of the boats. They proposed either to run from the northerly depots to Hanover street, and thence to the ferries, and then up the avenue; or to continue the present line around to the ferries. The present plans will allow them to operate both ways, or either. He had been so pressed for the route that he now came and asked for it on behalf of the people. In corroboration he would call a few witnesses.

George L. Thayer, lessee of the Union wharf, said it would be a great advantage to parties doing business on the avenue, and to those who have to go there temporarily; and also for people who come in and go out on the steamers.

William K. Ritchie, superintendent of the line of steamers running from Lewis wharf, which carried upwards of 40,000 passengers during the season, a larger portion of whom come from the South End, thought a line going either way on the avenue would be a public accommodation.

E. W. James appeared as a remonstrant, charging that the object was to get a location and do nothing; he wanted a proviso that the location be revoked if it is not used within a year.

William Burnett did not think there was room enough for the track on Commercial street, where there is at present a great deal of trouble on account of the steam tracks. The abutters wanted to be fairly treated. The street is not convenient for a horse-car track now.

The subject was recommitted to the Committee on Paving.

The hearing on the petition of the Metropolitan road in Lenox street, postponed from last week, was next taken up.

The Mayor read the various remonstrances from abutters on Lenox street; also a petition of 175 persons residing on or near Lenox street in favor of the location.

Mr. Richards explained the petition. The object was to connect the Tremont and Washington street tracks, there being none between above Dover street. They have to take a car every day to the repair shops at the Tremont-street crossing, and this location will allow it to be done more conveniently. Then this location would be convenient in case of a fire on Tremont street or Washington street, and would allow the patrons to be transported without great delay. Another object of the petition was to allow residents of the Highlands to get to Columbus avenue, the necessity for which had been proved by the president of the Highland road. He explained the transfer system to go into operation on April 1st, which was done without a demand from the people or a petition for it. This cross track will be a greater advantage to the people than to the road.

Stillman B. Allen appeared for the trustees of the Washington Market to remonstrate. The only question is how far the public interests demand horse-car accommodations. The remonstrants represent two-thirds of the valuation of Lenox street. If a road runs through Lenox street there will be great delay in transacting business at the market. He showed that many of the petitioners did not live on Lenox street; while the remonstrants are property owners on the street. They are not opposed to the Metropolitan road, but oppose the laying of any track there because it will incommode business. The street is only twenty-seven feet wide, and teams frequently have to stand there while unloading; as also the teams of customers. In winter the snow would be piled up on each side of the track, which would be a still greater inconvenience. Besides, Lenox street has nice, well-preserved wood pavement, and the track will spoil it for driving. He called witnesses for the remonstrances:

W. J. R. Evans, one of the trustees of the Washington Market, said the proceeds go for charitable purposes. The track would be a serious damage to the estate. He is also an executor of an estate owning a vacant lot on the opposite side, and he protested, on behalf of that estate, what Mr. Allen had said was true.

Mr. Porter, an occupant of the market, corroborated the statements of Mr. Allen in regard to the

inconvenience it would be to the business men there.

Mr. John Lamb, owner of store property on the corner of Shawmut avenue and Lenox street, considered that the track would be ruinous to business there. He indorsed what had been said by other speakers. [To Mr. Richards]—He considered the tracks on Shawmut avenue a disadvantage to his estate; and if he had it in his power he would have them removed, though he signed the petition for the Highland road. He wanted horse railroads on wide streets.

Mr. Jenney, Superintendent of Washington Market, corroborated the statements of Mr. Evans and Mr. Allen. He had frequently seen twenty teams backed up at the market between eight and eleven o'clock in the forenoon. They could not do business if the cars go through there.

This closed the case for the remonstrants.

Mr. Richards said it was the first time he ever knew an attorney and a trustee to claim entire ownership in a street. He proposed to put life into a dead market by bringing business there. The marketmen seemed desirous of getting goods into the market, but did not seem to want to get them out. Is a carload of cabbages of more importance than a carload of human beings? The street is wide enough for the teams to unload and allow the cars to pass. The Board is to be the judge whether public convenience requires a track in any street. Objection will come from any street. The street does not belong to William Evans & Co. even if they own the land on each side.

Mr. Allen, in reply to Mr. Richards, said Mr. Richards said to him that the location was to go from depot to depot; but the amount of necessary travel in the street would be less than one car car travel. There is not another cross street of its width, at the South End, where there is so much business done. He was willing to let the road go in streets where the cars are needed, but not where they will impede business.

Mr. Jenney, in reply to questions asked by Mr. Richards, said there is a driveway leading to a yard back of the market, where there are sheds intended for farmers to sell produce, but it is not so used now. Don't think the teams could unload so conveniently in the yard, if it is used for the purpose for which it is intended. There is not room for fifteen teams to unload.

The matter was recommitted to the Committee on Paving.

#### UNFINISHED BUSINESS.

Order for Committee on Legislative Affairs to procure an amendment to the statute in relation to Sinking Funds so that the amount to be raised by taxation to meet loans shall be more equitably distributed over the terms of said loans. Passed. Sent down.

Order to abate a sidewalk assessment on B. P. Palmer of \$13.62 for sidewalk on Brighton street, and to assess said amount on Joseph H. Dewing. Passed.

#### SOUTH BOSTON RAILROAD.

The order for the thirteenth location of South Boston Railroad, by which the cars of that company are allowed to run to Causeway street (City Doc. No 34), was considered under unfinished business.

Alderman Thompson—This order has been represented by the eloquent counsel as the representative of the bride, and as the bridegroom has also an order before the Committee on Paving, in order that the representatives of the bride and bridegroom may go through together I move that this order be laid on the table.

The motion prevailed.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Certificate of election of George W. Pope as trustee of City Hospital in place of Thomas L. Jenks, chosen by this Board. Alderman Viles said he was authorized to withdraw the name of Thomas L. Jenks. On his motion the matter was laid on the table for the present.

Report of Committee on Finance, with order to transfer from Reserved Fund to appropriation for Back Bay Streets, \$5000. Order passed—yeas 12, nays—in concurrence.

Report of Examining Committee on Trust Funds of Overseers of Poor, showing amount of invested funds, \$493,180.60; cash on hand, \$5485.32; total, \$498,665.92. Accepted in concurrence.

#### BACK BAY NUISANCE.

A communication was received from the Board of Health and referred to the Joint Committee on

Health setting forth the character of the nuisance existing near the junction of Commonwealth avenue and Parker street. They recommend that until the prospective system of sewerage is completed, there should be temporary means used to keep the flats covered by gates at the sluiceway or otherwise, and that the creek leading from Parker street to the Boston & Providence Railroad be filled with gravel, and the Berlin street plank sewer be extended to Parker street. Sent down.

LOCATION ACCEPTED.

A communication was received from the Middlesex Railroad accepting the location granted by this Board Feb. 19, 1877. Placed on file.

PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Ordered, That the sum of \$15.05 be abated from the amount assessed Thomas F. Baker for furnishing and laying sidewalk on Parker street; said abatement being for an error in assessment.

Ordered, That the sum of \$19.34 be abated from the amount assessed William S. Pattee for furnishing and setting edgestones and paving sidewalks on Heath street; said abatement being for an error in assessment.

Read twice and passed.

Ordered, That permission be granted to the Boston & Albany Railroad Corporation to lay down a temporary track in Commonwealth avenue, between Hereford street and West Chester park, and in West Chester park, between the railroad bridge and Commonwealth avenue, and to run cars over the same for the purpose of grading the adjacent land with gravel; said tracks to be removed on or before the 15th day of May.

Read twice and passed.

Ordered, That the sidewalk assessment of \$114.36 against the estate of the Association for the Protection of Destitute Catholic Children, on East Concord street, be and the same is hereby abated.

Read twice and passed.

Report that no action is necessary on petition of B. P. Palmer for abatement of sidewalk assessment at 19 Brighton street. Accepted.

Reports granting leave to David Richards to move wooden buildings from Dorchester avenue to Park street, and from Monument street to Medford street. Severally accepted.

HORSE-CAR TRACKS IN COLUMBUS AVENUE.

Alderman Robinson submitted the following from the Committee on Paving (City Doc. 35):

The Committee on Paving, to whom was recommended the subject of location of tracks in Columbus avenue, Northampton and other streets, with instructions to report an order granting permission to the Highland Street Railway Company to lay down tracks on Hammond street, Northampton street and Columbus avenue, and authorizing the Metropolitan Railroad Company to run a certain number of cars over said tracks, respectfully submit the following order.

R. W. ROBINSON, } Committee  
LUCIUS SLADE, } on  
JOHN E. FITZGERALD, } Paving.

Ordered, That in addition to the rights heretofore granted to the Highland Street Railway Company to lay down tracks in several of the streets of the city of Boston, said company shall have the right to lay down double tracks as follows, viz.: Commencing at a point in the tracks of the Highland Street Railway on Shawmut avenue, opposite Ball street, thence by curved tracks in Shawmut avenue to Hammond street, thence through Hammond street to Tremont street, and thence by curved tracks in said Tremont street to the tracks of the Metropolitan Railroad as now laid down on said street, and to connect said curved tracks with the tracks of said Metropolitan Railroad.

Again, commencing at a point in the tracks of the Metropolitan Railroad on Tremont street near Northampton street, thence by curved tracks in said Tremont street to Northampton street, thence in Northampton street to Columbus avenue, and in Columbus avenue to Berkeley street, and across Berkeley street to the tracks of the Metropolitan Railroad as now laid down on Columbus avenue easterly of Berkeley street, there to connect the tracks of said Highland Street Railway with the tracks of the Metropolitan Railroad.

Again, commencing at a point in the tracks of the Highland Street Railway on Shawmut avenue near Northampton street, thence through Northampton street to Tremont street, and across Tremont street to connect with the tracks located by

this order in Northampton street between Tremont street and Columbus avenue. The several tracks located by this order being shown on plans drawn by W. S. Barbour and A. Hodges, civil engineers, dated Dec. 20, 1876, and deposited in the office of the Superintendent of Streets.

Said Highland Street Railway Company shall also have the right, until otherwise ordered by the Board of Aldermen, to enter upon and use with its horses and cars the tracks of the Metropolitan Railroad Company on Tremont street between Hammond street and Northampton street, and also the tracks of the Metropolitan Railroad Company on Columbus avenue from Berkeley street to Park square, and on Park square and Boylston street to Tremont street.

The right to lay down the tracks located by this order is upon the condition that the whole work of laying down the same, the form of rail to be used, and the kind and quality of material to be used in paving said tracks shall be under the direction and to the satisfaction of the Committee on Paving and the Superintendent of Streets, and shall be approved by them. Also, upon the condition that the said Highland Street Railway shall accept this order of location, and shall agree, in writing, to comply with the conditions therein contained, and shall file said acceptance and agreement with the City Clerk within thirty days of the date of its passage; otherwise it shall be null and void.

The Metropolitan Railroad Company are hereby authorized to enter upon and use with its horses and cars the tracks located by this order on Northampton street and Columbus avenue to the same extent that said tracks are used by the Highland Street Railway Company, the number of trips or cars to be run by said companies to be determined, from time to time, by the Board of Aldermen.

The order was given a second reading, on motion of Alderman Robinson, and put upon its passage.

Alderman Wilder—The matter of this location has been very fully discussed; and although I have taken no part in the discussion, I have been an interested listener. My first impressions were that the location of any road upon Columbus avenue at the present time was not proper. But, sir, the arguments that have been brought to bear, and the proof that has been shown before the Board, have led me to somewhat modify my opinion and to bring me in accord with the opinion of the majority of the Board as announced at our last meeting. I do not rise to oppose this location; for I believe, as gentlemen have stated, that it is only a question of time as to the location of tracks in Columbus avenue. Personally I regret the location of any tracks there, but I believe it to be inevitable. The Board have decided that public necessity requires it, and now perhaps is the best time to grant it. While the two companies are applying for it, I believe it to be proper for us, as guardians of the rights and interests of the people, to do strict and exact justice to all parties, and to avail ourselves, in behalf of the people, of all the accommodations which the rival companies promise to furnish. I have no objection to the order. I like it. It gives the Highland company the right to lay down the track. I do not object to that. I have no choice which company should lay the track; and I also like the provision allowing the other company equal rights in the location. It has been stated that the Metropolitan Company petitioned for it, not because they wanted to build it, but because they wanted to prevent the other company from getting the location; and it has also been stated to me that parties did not believe the Highland road would lay the tracks. Upon that point I have no doubts, for I am sure that whichever company gets it is ready to build the tracks and equip the route in the superior manner which their presidents have promised. But, sir, I believe it is proper for us to insure the construction of those tracks; and if the company to whom this order grants the right should fail to comply with its conditions, if they fail to construct the track as they agree to, then I believe the Metropolitan company should have the right to step in and do it after the Highland company have forfeited their right. In order to insure the public this superior accommodation, I desire to offer an amendment to the order covering the points to which I have alluded. With this amendment, I am satisfied to vote for the order:

“And under the further proviso and condition that in case this order of location, with the provisions hereiu granted to the Metropolitan Rail-

road Company, is not accepted by the Highland Street Railway within the time herein granted; or in case said Highland Street Railway does not, after said acceptance, lay down and complete the construction of said tracks ready for use before July 1, 1877, then, in either case the Metropolitan Railroad Company shall have the right to accept the location herein granted, and to file an acceptance of the same in the office of the City Clerk at any time after default as aforesaid and within thirty days after said July 1, 1877, and may construct said tracks and shall have the exclusive right to use the same with its horses and cars; and all rights of the Highland Street Railway Company under this order and location shall cease, and said location shall be and become the location of the Metropolitan Railroad Company."

Alderman Fitzgerald—Does it limit the Metropolitan Railroad to any time?

The Mayor—Thirty days.

Alderman Fitzgerald—That is the acceptance of the location, but not the laying down of the tracks. They have accepted locations in several streets, but have not laid down the tracks. I believe with the Alderman, that if this location is granted they should accommodate the people within a reasonable time. If the 1st of July be considered by the Board a reasonable time for the Highland road, I have no objection to it myself; but I think it is giving them a very short time. If it is put the 1st of August or September that will give them a fair opportunity to lay the tracks. I am equally desirous with the Alderman that the granting of this location shall be no sham.

Alderman Wilder—I will agree to change it to the 1st of August, to show that there is no sham on my part.

Alderman Fitzgerald—I have no doubt about that; and I am willing to provide that the Highland road shall build the tracks on Columbus avenue so that the Metropolitan can use them, or else this order shall be null and void, provided the Highland have a fair time to build them. The Alderman does not presume in his amendment to contemplate that the location shall belong to both roads?

Alderman Wilder—No, sir.

Alderman Fitzgerald—But if the Metropolitan build it then the Highland shall have the privilege of going over it?

Alderman Wilder—Certainly.

Alderman Fitzgerald—I shall ask that they be allowed till the 1st of September.

Alderman Wilder—The President of the Highland road says he does not want any more time.

Alderman Fitzgerald—If he wants no more time then I am content.

Alderman Wilder—I will accept the 1st day of August, although the President of the Highland road does not want any more time; he says he will order the rails next week or tomorrow.

Alderman Fitzgerald—I withdraw the amendment [1st September].

Alderman Robinson—In all human probability the Columbus-avenue Bridge will have to be built this season, and it will not be possible to use the track before the 1st of September.

The amendment of Alderman Wilder was adopted.

Alderman O'Brien—I move an amendment to the last paragraph of the order as follows:

"Provided that no more cars shall pass into Boylston and Tremont streets than now go there."

I offer that amendment, Mr. Mayor, in the interest of Boylston and Tremont streets, in the interest of the taxpayers of Boston, who, I believe, do not want Boylston and Tremont streets widened to accommodate horse cars. I offer it also in the interest of our Common, because I do not believe the citizens of Boston would like to have Columbus avenue extended to Park street. I hope the amendment will be adopted.

Alderman Clark—I move as an amendment to the amendment that the number of cars to pass through Boylston and Tremont streets shall be subject to the order of the Board of Aldermen.

Alderman O'Brien called for the yeas and nays upon the amendment to the amendment.

Alderman Thompson—I think that is provided for in the last section of the order, which states that the number of trips to be run by said companies shall be determined from time to time by the Board of Aldermen. I don't see but that it is already provided for.

Alderman Clark—I withdraw the motion. I think the order covers the whole ground. I hope the amendment offered by the Alderman from Ward 21 will not prevail, because it might prevent

the cars from running over the avenue. Inasmuch as ten members of the Board have voted to allow cars to run over the avenue, it will hardly be justice to the residents on the avenue to refuse to give the cars permission to run there.

Alderman Robinson—When General Sherman started on his march to the sea, President Lincoln said he could see where Sherman went in to make a glorious march, but he could not see where he was coming out. That very matter has bothered me more than anything else. That order was reported by the committee without discussion on the order passed last Monday. How many cars are going to be run down Tremont street, I cannot make out. One thing is certain—it would not be judicious to let another car pass down Tremont street from Temple place to Cornhill. A large number of cars pass there every minute, and it seems to me that the question should be settled tonight how they are going to get out of Boylston street.

Alderman Fitzgerald—This is simply an order of location. It does not give them the right to run any more cars over the circuit than they now have. If the Highland Railroad want to run any more cars around the circuit than they do now they will have to go to this Board and ask to be allowed to run additional cars, and then will be the time for the Alderman [Alderman Robinson] to make his speech in opposition to the Highland Railway running any more cars over that route. Now, so far as the running of cars over Boylston street will tend to widening that street by cutting off the Common, we have nothing to do with that. The citizens of Boston will have nothing to do with cutting off the Common; for if this legislative act passes, Boston Common will be placed under such careful guardianship that even the Alderman to my right [Alderman O'Brien] will have no jurisdiction over the Common, because a gentleman from Berkshire will have more to say about it than any Alderman at this Board. So far as the Common is concerned, I have no fear at all; and I am as jealously attached to the Common as my friend Alderman O'Brien is; and I will vote every time against taking it for purposes for which it has been used before.

Alderman Wilder—I only rise to say what my friend on the right [Alderman Fitzgerald] has said so much better than I can—that the question of running any more cars was not before us by any means; and simply to restate what he has stated, that they cannot run additional cars on Tremont street or get any additional rights over any track until they come here, and we, after a proper hearing, grant the location. I am opposed to the amendment of Alderman O'Brien simply because we do not need it and it is not germane to the subject before the Board.

Alderman O'Brien—The best answer I could give to the two Aldermen who have just taken their seats is the argument brought up here today by the South Boston, Middlesex and Metropolitan railroads. In granting the location to the Middlesex Railroad last year it is stated distinctly that it is a disputed question whether the Middlesex had the privilege of running twelve cars an hour to the depots in addition to the twelve allowed to run up Washington street, or not, and the president of the Middlesex Railroad says he will have to take legal advice in that matter. I draw the inference from his remarks that he thinks he has the right to run twenty-four cars an hour through Washington street. I think that answers the argument brought up here today in relation to this new location. It ought to be distinctly understood, when this location is granted, how many cars they are to run, where they are to come from, and where they are to go. The Alderman opposite [Alderman Clark] opposes it because he stated that he would be willing to widen Tremont street and destroy the cemetery; he is so anxious to accommodate the horse cars. I say there is danger in this pressure on Boylston street. Yesterday, after church, when I was passing down Tremont street I counted forty cars from the corner of the burial ground to a short distance below Temple place; the street was completely blocked up. There are a great many times during the day that that street is blocked up with horse cars, and I say that this Board ought to protect that street from further intrusion.

Alderman Robinson—I think, with my friend who has just spoken, that this matter ought to be settled here. It is better to settle it now than to bring it up afterwards.

Alderman Fitzgerald—I will suppose we do all

that is asked by the Aldermen to the left and right [Aldermen Robinson and O'Brien], what is to prevent the companies coming here six weeks from now and asking the Board of Aldermen to give them a new number of cars to run? Nothing at all. It seems to me that whole question is irrelevant to the question before us. If we put into that order of location that the Highland road shall run only six cars more than they now run round the circuit, what is to prevent them from coming here six months from now and asking for fifteen cars? The Highland road do not ask for any more cars, and we shall be giving them what they do not ask. In regard to the Middlesex road, that is a matter of interpretation. If they interpret the orders to mean twenty-four cars, and somebody else says twelve, the fault is in the making of the orders. There is no such question now. If they build the tracks they cannot run a single car beyond the junction of Boylston and Tremont streets more than they do now; and if they want additional cars it is for this Board to determine whether it will give them any more or not.

Alderman Thompson—I agree with the gentleman who has just taken his seat, that this whole thing is irrelevant. The order leaves it to the Board of Aldermen to determine the number of trips. We can revoke this order at any time, and I do not see why it is not as well as it can be in that respect.

Alderman Robinson—It does not state where the cars are going to run to at all. It allows them to come to the corner of Boylston and Tremont streets and there leaves them.

Alderman Wilder—That question is not before us.

Alderman Robinson—I do not see why the amendment of Alderman O'Brien is not germane to the subject.

Alderman O'Brien—That question is before us; the amendment I offered brings it before us. It says distinctly, provided that no more cars shall go in a certain direction. The reason why it is opposed is because they want to leave it an open question. The question is before us, and it is perfectly competent for this Board to decide it now.

Alderman Slade—I thought this question was very well understood by the Committee on Paving. The question as to how many cars they should run came up and we discussed it very thoroughly, as I thought, and we could not tell how many cars would be required, or how many more we could afford to let them run round the circuit. I have not had time to look into the matter and see whether we could afford to let them run any more. I know that people complain that there are not enough cars running at all hours of the day. I am willing that more cars should go on the circuit if there is room for them; and if there are too many now, some should be taken off. I do not think we ought to tie them down to a certain number of cars. I believe we should allow all that are necessary to accommodate the people. If they leave enough room to allow us to dodge across the street it is about as much as we can expect.

Alderman Wilder—While I shall vote against the amendment, I do not want the gentleman [Alderman O'Brien] to conclude that I do not think Tremont street sufficiently encumbered with horse cars; and I will give him notice now that I shall oppose putting any more cars on Tremont street. But I do not propose to discuss that matter now. I am somewhat in the condition of my friend on the opposite side. I do not consider that subject before us. It is an order of the location; we propose to put it upon perfectly equitable terms; and in the arrangements for serving the people of that section I do not believe we shall need a great many more cars upon Tremont street. The Highland and Metropolitan companies will each have an equal right upon the tracks and they will arrange the running of the cars to accommodate the people. The Metropolitan company has various lines running to all parts of the city, and they will, of course, run a certain number of cars over the Highland location in order to carry passengers to all parts of the city, and the Highland company will do the same in order to accommodate the people of the Highlands. I hope the amendment will not prevail, simply and solely because I do not believe it is proper for this Board to designate the number of cars each company shall run in order to enable them to accommodate their patrons.

Alderman O'Brien's amendment was lost—yeas 2, nays 10,—Aldermen O'Brien and Robinson voting yeas.

Alderman Thompson—I do not quite like the laying of tracks in both Hammond park and Northampton street. Does the corporation desire both those streets? I supposed it was the intention of the company to occupy but one of those streets.

Alderman Robinson—The Committee on Paving simply reported the order in accordance with the instructions of the Board. They made no inquiries of either party in relation to the matter.

After a brief consultation, Alderman Thompson said—With the consent of both parties I offer an amendment that all relating to the location in Hammond park be stricken out.

Alderman Fitzgerald indicated the words covered by the amendment, which was adopted, and the order as amended was passed.

A motion to reconsider, by Alderman Fitzgerald, hoping it would not prevail, was lost.

#### MONUMENT ON SITE OF ROXBURY FORT.

Alderman Thompson submitted the following:  
BOSTON HIGHLANDS, March 17, 1877.

*Francis Thompson, Esq., Board of Aldermen, City Hall, Boston.* Sir—The Old Norfolk Guards are to have a reunion and parade on the Seventeenth of June next. In behalf of the Old Guards, I have the honor to tender you and your committee and the City Government an escort of the same on that day, on the occasion of the dedication of the monument to be erected on the site of the old fort in Boston Highlands, formerly Roxbury. I am, sir, very respectfully yours,

J. H. CURTIS,

Chairman Committee on Parade.

Referred to Committee on the Decoration of Historic Sites. Sent down.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Minors' Applications Granted—Fourteen newsboys.

License granted to make and sell Waffles from a Wagon in the Public Streets—Stephen Dietz, until July 1, subject to revocation at any time for cause.

Auctioneer Licensed—Moses H. Libby, 121 Broadway (renewal).

Wagon Licenses Granted—Tibbetts & Libbey, 121 Clinton street; M. D. Cressey & Co., 152 South Market street; Warren S. Brown, 350 Atlantic avenue; James M. Bennett, 4 Central wharf.

Common Victuallers' Licenses—Richard Hinchliffe, 56 and 58 Sumner street, East Boston; C. K. Edwards, 332 Commercial street; Andrew J. Rich, 107 Court street; Robert Austin, 3 Charlestown street.

Hack Licenses Granted—J. M. Davis, 61 Federal street; J. S. Leonard, Neponset House, Dorchester.

Pawnbrokers' Licenses Granted—Adolph Friedlander, 1185 Tremont street (transfer from Norton Nelson); Simon Lewis, 34 Kneeland street (transfer from Abraham Troeder).

Dealers in Second-Hand Articles Licensed—Simon Lewis, 34 Kneeland street (transfer from Abraham Troeder); Adolph Friedlander, 1185 Tremont street (transfer from Norton Nelson).

Severally accepted.

#### INVESTIGATION OF ASSISTANTS IN PAVING DEPARTMENT.

Alderman O'Brien offered the following:

Whereas, Section 4 of the ordinances on streets provides that "the Superintendent of Streets is authorized, with the approval of the Board of Aldermen, to appoint such assistants as he may deem necessary; such assistants shall act under his control and direction and receive such compensation as the City Council may from time to time determine. The said assistants may be removed at any time by the said Superintendent or the Board of Aldermen; it is, therefore—

Ordered, That as numerous complaints are current, and have been current for some time, that many of the assistants and foremen in the department are totally unfit for their positions, take advantage of that position to abuse their men, using the most profane language, and treat the poor workmen in the employ of the city more like cattle than human beings, the Committee on Paving are requested, if they deem it expedient, to give a hearing to all who have charges to make against the assistants or foremen in that department.

Alderman O'Brien—There has scarcely been a day, for months, when I have entered City Hall, that some complaint has not been made to me

about that department. I believe the time has arrived when those complaints ought to be investigated. I think I am right in saying that almost every Alderman at this Board has had the same complaints made to him. If they are true they ought to be known, and the men abusing the laborers ought to be discharged. I hope the whole subject will be investigated, and the proper committee is the Paving Committee.

The order was passed.

#### MARKET LEASES TO BE RENEWED.

Alderman Slade offered an order—That the Committee on Markets be and they are hereby authorized to grant new leases to the present occupants of Faneuil Hall Market for a period of five years from the first of April, 1877, the terms and conditions upon which said leases are granted to be the same as those contained in the leases bearing date April 1, 1874. Read twice and passed.

#### SURVEY AND INSPECTION OF BUILDINGS.

Alderman Wilder submitted the following from the Joint Committee on the Survey and Inspection of Buildings:

Reports and orders authorizing permits to be issued to erect wooden buildings by Noah Mayo, Maverick wharf; Butchers' Slaughtering and Melting Association, Market street, Ward 25; Merrow & Barker, a grand stand at Beacon Park; Metropolitan Railroad Company, Dorchester avenue; John E. Woods (to enlarge), Western avenue; severally according to applications on file in the Department for the Survey and Inspection of Buildings. Orders read twice and passed. Sent down.

Report, That no action is now necessary on petition of Bernard & F. H. Jenney, for leave to erect on West First street a wooden building exceeding the legal dimensions, the petitioners having received from the Inspector of Buildings a permit to erect a brick building for the same purpose. Accepted. Sent down.

#### ASSESSORS' DEPARTMENT.

Alderman Wilder submitted a report from the Joint Committee on Assessors' Department of leave to withdraw on petition of Spencer W. Richardson for abatement and remission of certain taxes assessed on estate of the late William Richardson. Accepted. Sent down.

#### NOMINATIONS.

Reports of nominating committees were submitted as follows:

By Alderman Thompson—Trustees of Mt. Hope Cemetery for two years, John E. Blakemore and Joseph P. Paine. Accepted. Sent down.

By Alderman O'Brien—Directors for Public Institutions for three years, Lyman A. Belknap, William C. Burgess, Albus R. Cushing. Also report signed by Aldermen O'Brien and Robinson and Councilman Souther, representing that the committee met twice without a full attendance. They, a majority of the committee, believing that the old directors, who have performed such faithful services during the past three years, should again be returned, present their names for reelection, viz., George P. Baldwin, Lyman A. Belknap, Patrick Donahoe.

Alderman O'Brien—In explanation of the two reports, I would say that the committee held two meetings, at neither of which were all the members present, and it appears that at the last meeting a majority of those present nominated two gentlemen who have not served on the board during the past year. A majority of the committee thought the old board ought to be returned, as no complaints have been made of the performance of their duty. They have been faithful in the performance of their duty, and constant in their attendance, and have fulfilled all their obligations as directors.

The reports were accepted. Sent down.

Alderman O'Brien moved to proceed to an election, but withdrew at the request of Alderman Robinson.

#### DRUGGISTS' MORTARS.

Alderman Robinson submitted reports from the Committee on Police in favor of granting leave to project druggists' mortars to Frans L. Braconier, 1001 Tremont street; B. F. Bradbury, corner of Winter and Washington streets, on the usual conditions. Severally accepted.

#### STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board on petitions for leave to occupy stables—

That leave be granted on the usual conditions to occupy stables by Patrick Finley, Wesley avenue; Frank Y. Barker, Beacon Trotting Park; J. F. Hewes, Jr., 140 Prince street; John G. Tilton, Maple avenue; West Boston Savings Bank, Montgomery street, Ward 23.

Severally accepted.

#### SYSTEM OF TAXATION.

Alderman Thompson offered an order—That the Committee on Legislative Business be instructed to oppose any legislation altering the standard of value by which property is taxed, or changing the system of appeal from the valuation fixed by the assessors.

Alderman Thompson—I offer that order on account of the action taken at the State House by certain parties outside of the City Council. Under the present law the manner of taxation is probably more equitable than any proposed plan. The law now requires that property shall be assessed at its market value, and I presume the Assessors will continue to do that. By the proposition before the Legislature parties dissatisfied with the valuation can appeal to a jury, and it is proposed that Suffolk County shall pay the cost of such trial. I thought that, under the circumstances, the Committee on Legislative Matters would like to have the authority of the City Council to oppose any such change.

Alderman O'Brien—The Alderman says the guide of the Assessors is the market value of the estate. I can hardly agree with him. If the assessed value is the market value, there are many estates that would be offered to the city of Boston today for much less than their assessed value. I have known men to go to the Assessors' office and offer to sell their property at two or three thousand dollars less than the assessed value, and they could neither get an abatement or an offer for it. I do not know about this result. I do not believe the property of Boston is assessed at its market value. The fact is the Assessors of Boston have been going up and going up in their valuations, and now that they see they have got to come down they want to come down gradually. They came down a large amount last year and have got to come down fifty millions more this year, and I do not believe that real estate will be at its market value then. I do not believe in it.

Alderman Thompson—I do not think the Alderman understood me. These gentlemen propose to change the law in regard to the mode of appeal from the Assessors' valuation. My idea is that the Assessors shall have authority to sustain the law as it is now.

Alderman Fitzgerald—There is another proposition before the Legislature, that advocated by Mr. Beard and others in the Legislature, and perhaps this order might be considered as opposed to that. With that plan I am in entire sympathy, and I would not want my vote here to be construed as opposing any such legislation as they want to obtain—that is, to prevent double taxation on mortgages and upon property itself. With that I am in entire sympathy. While I shall vote for this order, I do not want it understood that it covers all the other questions before the Legislature in connection with the assessment of property.

Alderman Clark—I do not understand that this has anything to do with changing the way in which taxes are assessed—whether mortgages, or nothing but real estate, shall be taxed. It is simply to prevent the passage of a law to give a man the right to have twelve men decide how much his property is worth. Those who have been on the Committee on Streets know how many people appeal to a jury to say whether the right amount has been assessed upon their property or not. I shall oppose such a law, although I am in sympathy with the parties desiring a revision of the manner in which property is assessed.

Alderman Fitzgerald—The meaning of the intended legislation is that if citizens are taxed higher than they think they ought to be—an example of it is given in the complaint which the Alderman from the Highland District speaks of—and if the Street Commissioners or the Assessors do not abate the taxes, the parties aggrieved shall have power to go to a jury; and if they do, the city of Boston will be eternally in court, and instead of three or four Assistant City Solicitors, we shall be obliged to have nine or ten; so I think the disadvantage of such a law to a few will not be half so bad as they will be to the whole city of Boston.

The order was passed. Sent down.

## TREE TO BE PRUNED.

Alderman Clark offered an order—That the Superintendent of Common and Public Grounds be authorized to prune the limbs of a tree which project over the sidewalk of Essex street, in front of estate numbered 86 on said street, in order to prevent any obstruction of the public way. Read twice and passed.

## ARMORIES.

Alderman O'Brien submitted the following from the Committee on Armories:

Report on petition of Second Brigade, M. V. M., recommending the passage of an order—That the Committee on Armories be authorized to expend a sum, not to exceed \$250, in furnishing and fitting up the headquarters of the Second Brigade, M. V. M., at 5½ Beacon street; said sum to be charged to the appropriation for Armories. Read twice and passed.

Report on petition of Fifth Regiment of Infantry, M. V. M., recommending the passage of an order—That the Committee on Armories be authorized to expend a sum not exceeding \$200 in fitting up and furnishing the headquarters of the Fifth Regiment of Infantry, M. V. M., at 82 Main street, Charlestown; said sum to be charged to the appropriation for Armories. Read twice and passed.

Report on petition of First Brigade, M. V. M., recommending the passage of the following:

Ordered, That until otherwise ordered there be allowed and paid for rent of headquarters for the First Brigade, M. V. M., at Boylston Hall, the sum of \$450 per annum, beginning April 1, 1877; said sum to be charged to the appropriation for Armories.

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding \$250 in furnishing and fitting up the headquarters of the First Brigade, M. V. M., at Boylston Hall; said sum to be charged to the appropriation for Armories.

Severally read twice and passed.

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding \$200 in furnishing and fitting up the headquarters of the Fifth Regiment of Infantry, M. V. M., at 82 Main street, Charlestown; said sum to be charged to the appropriation for Armories.

Read twice and passed.

## THE JURY LIST.

On motion of Alderman Viles, the jury list was taken from the table.

Alderman Viles—I have examined this list very carefully, and I believe it is the best list Boston has had for twenty years, and that a great deal of credit is due to the Registrars of Voters. I hope it will be adopted without any change. I move its adoption as a whole.

Alderman O'Brien—Is the gentleman so well posted up about every inhabitant of every ward that has been selected that he can stand up here and vouch for every name there? I should be perfectly willing to stand up here and vouch for my ward, particularly as they have selected a member of the Board of Aldermen. I do not think any man can stand up here and vouch for every resident of every ward of the city. The gentleman has merely spoken for his own ward, I presume.

Alderman Viles—Taking my own ward, I can say it is the best list we have had for many years. I have also looked over the other wards; I am very well acquainted throughout the city, and I believe it is the best list we have had for years. We know how it is every year, people coming to us with names to go on, and they are aggrieved if we do not put them on. I hope it will be adopted as a whole.

Alderman O'Brien—I say the passage of such an act by the Legislature has cast a reflection upon the City Council. This body has more important duties than the selection of jurors; it has the expenditure of vast sums of money; but the fact that the selection of jurors is taken away from them is a reflection that they are not capable of performing the duty. They have placed it in the hands of three men, one from Charlestown, one from South Boston, and one from the West End, and I contend that it was not judicious or right. The jurors of this city have always been selected by the members of the Board of Aldermen and the Common Council. The City Clerk last year gave me two wards to select 200 names from. I immediately called all the Councilmen representing those wards. We had meetings and went to work and selected 200 of the best names we could find on that list. We were the proper parties to select

those names; we knew the men whom we selected. But the three men who have that duty intrusted to them do not know the men in the various wards; they have to call in outsiders who know John Brown and John Smith; while we knew when we were selecting good men. I believe it was casting a reflection upon the City Council when they took it away from them.

The list was adopted.

## BALANCES OF APPROPRIATIONS AND SINKING FUNDS.

On motion of Alderman Fitzgerald, the Board took from the table the report of the Committee on Finance, with new ordinance to amend the ordinance on finance. (City Doc. No. 31.)

The question was on the passage of the ordinance in concurrence.

Alderman Fitzgerald—I move to amend section 3, which is as follows:

"All moneys received by the city from the sale of real estate, from payments on account of particular sum secured by any bond or note, or from payments on account of any betterments so made, shall be paid by the City Treasurer to the said commissioners, and applied by them to the reduction of the city debt."

I move to strike out the two words "the city," and add—

"And applied by them to the reduction of the debt now outstanding, if any, to which said revenue is applicable; if not so applicable, then said revenue shall remain in the city treasury to be used and applied for such purposes as the City Council may order."

Mr. Mayor, the explanation of my amendment is very simple. I have no disposition to prevent application of money now received as betterments to the debt for which a loan was issued, though I think the way in which loans have been made is wrong. I think, sir, that when moneys are received from the sale of real estate, of schoolhouses, and other things of that kind, for which no debt has been contracted—we have issued no loans for schoolhouses for three, four, or five years, and there are other buildings which we can sell—if that is not applicable to any debt it should be turned into the treasury. The meaning of my amendment is that hereafter proceeds of all sales of real estate shall be turned into the city treasury. It is very simple. It is not as far as I would like to go or want to go. I think the Commissioners on the Sinking Funds should ask for what they want in precisely the same way as any other department of this Government, and the report of the commissioners should be so plain that every taxpayer could see the actual amount of money which is paid into the Sinking Funds; and further than that the Sinking Fund Commissioners should not require any more money than is sufficient to pay the interest on the bonds which they hold, and also sufficient to meet the debt at maturity, the eight, three and two per cent. on loans, which by the statutes are authorized to be raised by taxation. My amendment does not go so far as I would like to go in this ordinance, but I am willing to accept half a loaf if I cannot get a whole one. The ordinance, if passed any way, will be a vast improvement upon the present system.

Alderman Clark—I do not quite understand the amendment of the Alderman. It seems to me that section 3 is about as plain as it can be made. I wish to state for the information of the Board that this whole ordinance was considered by the Committee on Finance, who have endeavored to make it as plain and simple as possible, and in conformity with the statute of the city. It has been passed unanimously by the Common Council, and I should hope that it would be passed without any alterations or amendments. I cannot see how it is going to be improved by the amendment. This subject has been up a good while, and it seems to me it would be more judicious for us to settle it by concurring with the Common Council, than to keep it any longer before the Board. I think some wrong impressions have been given in regard to the action of the Sinking Fund Commissioners, and that the Alderman has learned this week that the \$360,000 which he read to the Board as having been cancelled, was a payment made upon obligations of the city that had become due. I certainly understood him to represent that the \$363,000 was immatured debt; but I think he found it matured in the month of March, and that some \$400,000 more matures in the month of April, and will be paid in the same manner. This ordinance simplifies the Sinking Funds very much indeed, and I think it will give general satisfaction.

Alderman Fitzgerald—What the Alderman says about the cancelling of debt is correct, but my object in showing the book was not to show the amount cancelled; my object in bringing up the book was to show that the cancellation was done in their capacity as Sinking Fund Commissioners—not that they cancelled \$360,000 or \$500,000 of the debt. I opened the wrong page, but it was to show that they cancelled the debt in their capacity of Sinking Fund Commissioners. The signature was that of Albert T. Turner as secretary of the commissioners, and the order for it emanated from the commissioners as commissioners. I had no object in misquoting it at all. The object of my amendment is that, if there are betterments laid on the Burnt District, for instance, when they are paid they shall be applied to the payment of that particular debt, but if we sell any particular land for which no loan was issued, instead of being placed in the hands of the Sinking Fund Commissioners, the proceeds of the sale shall go into the city treasury and form a part and parcel of the amount to be raised by taxation next year. That is my object. It is plain and simple. I do not want any money received from betterments, for the improvement of property, or for widening of streets, to go into the city treasury; I allow that to be placed in the hands of the Sinking Fund Commissioners. But if any outstanding debt is paid, if any property or schoolhouse on which a loan was issued and which is entirely cancelled, is sold, that money shall go into the city treasury and not to be paid into the hands of the Sinking Fund Commissioners, but shall be in the treasury like the unexpended balances of the year, and take off so much from the taxes to be levied next year.

Alderman Clark—I do not understand that the Sinking Fund Commissioners cancel debt in their capacity as Sinking Fund Commissioners; but that they are directed to do so by order and ordinance of the City Council.

In discussing this ordinance at our last meeting, the chairman of the Committee on Retrenchment asked me a question, which I promised to answer. He stated that the bonds cancelled by the Sinking Fund Commissioners since 1871 amount to \$4,174,072.92, and he asked, "By what authority, ordinance or order have they done it?"

If the gentleman will refer to the Ordinances of the City of Boston, revision of 1856, sections 8 and 9, he will find that as long ago as 1834, the City Council established a "Committee on the Reduction of the City Debt," composed in part of the same officials who now form the body called "The Commissioners on the Sinking Funds," and that as early as 1840 it adopted the policy of applying, in addition to a sum raised by direct taxation, such extraordinary revenues as "balances of appropriations," "receipts of money from the sale of real estate," "receipts on account of the principal of any bond or note owned by the city," to the payment "of the capital of the city debt."

And if he will refer to the revision of 1863 he will find that during all those years no change was made in this policy; and by consulting the revision of 1869 he will find that no change was made until that year, when the exigencies of trade having created a new revenue, viz., betterments for laying out and widening new streets, that revenue was also directed to be "passed to the credit of the "Committee on Reduction of City Debt."

In December of 1870 an "ordinance in relation to finance" was passed by the City Council, creating the "Board of Commissioners on Sinking Funds," to which was transferred the Sinking Funds which had been established by the old "Committee on the Reduction of the City Debt."

Section 3 of this ordinance provided that Sinking Funds should be created "for the redemption at maturity" of all loans, and that certain percentages of the outstanding loans must be paid into the several Sinking Funds each year.

Section 4 sets aside certain revenues to supply the Sinking Funds, and provided that if they were not enough the balance should be raised by taxation; and this section provides that these funds "shall be paid by the treasurer to the Commissioners of the Sinking Fund," and that these amounts "shall thereupon become a part of the amount to be raised by taxation" as required by section 3 for the purposes of the Sinking Funds.

Section 5 provides that certain other revenues—and in case the funds referred to in section 4 yield more than the amount required by section 3, the balances of those funds "shall be placed to

the credit of said commissioners," to be used by them for the purchase of the debt of the city, "and that the scrip so purchased \* \* \* shall be cancelled."

Now, if the gentleman will compare the provisions of the ordinances of 1870, and those of the ordinances in force before that, he will see that the powers conferred by section 5, upon the commissioners, are substantially the same as that given the old committee on the reduction of the city debt—he will see also that the language used is nearly the same. In the old ordinance of 1834 in force up to 1870—the Auditor of Accounts is directed "to pass to the credit of the committee," certain funds "to be applied to the purchase or payment of the capital of the debt of the city." In the ordinance of 1870 it is provided that certain funds "shall be placed to the credit of the Commissioners on the Sinking Fund" "to be used by them for the purchase of the debt of the city—and the scrip when purchased shall be cancelled."

And right here, your Honor, I wish to call attention to the different form of words used when it is intended that money should go into the Sinking Fund—and when it is not intended to go there; Section 4 says, such and such funds "shall be paid to the commissioners, and become a part of the amount to be raised by taxation, without further votes of the City Council."

Section 5 says such and such funds "shall be placed to the credit of the commissioners, and shall be used by them in the payment of debt." One fund passes at once into the custody of the commissioners; the other remains in the custody of the Treasurer, and can be called for by the commissioners only when they can use it for the purposes specified in the ordinance. \* \* \*

Can a distinction be clearer? But now we pass to the statute of 1875, which has been supposed in some way to interfere with the rights and duties of the Sinking Fund Commissioners. On examination of this statute it will be found that its requirements do not differ materially from those of our ordinance of 1870. Section 4 provides that cities and towns must create and maintain Sinking Funds by paying into them annually certain percentages of the principal of their debts. Section 8 declares, however, that provided the required amount is set aside, it may be raised in the manner considered convenient by the body that must raise it—either by direct taxation, or by using unexpended balances, special assessments, etc.—and to prevent any misunderstanding it declares that "nothing contained in this act shall be construed as prohibiting the inhabitants of towns, or city councils, from paying or providing for the payment of any municipal debt at earlier periods than is herein required, or from adding to any sinking funds, or funds for the extinguishment of any debt, the excess of municipal appropriations over the amounts required for the purpose thereof, or any sums derived from taxation or special assessments, or other sources which are not required by law to be otherwise expended."

Here is an express declaration that city councils may, if they choose, pay, or "provide for the payment" of city debts before they mature—and that for this purpose they may employ unexpended balances, betterments, etc., either "for the purpose of reducing the entire debt" or "of reducing the amount to be raised by taxation" for the Sinking Fund—now the City Council had already provided for the payments referred to by the chairman of the Committee on Retrenchment, but he will admit that the authority of the ordinance of 1870 continued until it was repealed, unless he claims that every time the Legislature passes a law relating to a matter about which we have previously passed an ordinance, our ordinance is thereby repealed, although it does not conflict with the statute, but is in perfect harmony with it. The gentleman, however, is a lawyer, and he will not make any such claim; but to prevent others from doing so, I will refer to one more ordinance—the revision of 1876, Finance. Section 22 you will find is section 3 of the ordinance of 1870, altered so that it will comply with the statute of 1875; section 23 is taken from the old ordinances of 1840 and 1869; section 24 is identical with section 4 of the ordinance of 1870, and section 25 is identical with section 5 that ordinance.

This, then, your Honor, is my answer to the gentleman's question. He says the Commissioners on the Sinking Funds have paid off over four millions of indebtedness of the city before it matured—

thus making an actual, not an apparent saving, of the interest for the years which the debt had to run—and he asks, "By what authority, ordinance or order, have they done it?"

I answer him, by the authority of the statute of 1875, by the ordinances of 1840, 1869, 1870 and 1876, and by the authority of the practice and custom of the city for nearly forty years, commenced in 1840 under the old Committee on the Reduction of the City Debt, and continued by the same officials under the name of commissioners, and always directed, authorized and empowered by ordinances passed by the City Council, not orders which may expire with the body making them, but by by-laws which continue in force until repealed; that your Honor is the authority under which these gentlemen have reduced the city debt by four millions, and the appropriation for interest *annually*, \$200,000, and that your Honor is an authority which has been used for the interest of what the citizens of Boston know to be true retrenchment and true economy.

I have a statement here in relation to the requisition read by the chairman of the Retrenchment Committee at the last meeting with such emphasis. I have ascertained it was to pay for city debt becoming due—issued during the financial year 1866-67, ten years to run—and maturing March, 1877, in amount \$363,000, and the requisition was for that amount, and the holders of the certificates of said loans have been and are being paid upon their presentation at the city treasury. During the coming month of April there will mature and in a like manner be payable \$452,175, principally issued in 1861-62, part in 1866-67, and payable in money from the old Sinking Fund, with the exception of \$11,000 to be paid from that of the Mystic Water Works Fund. As it has been admitted by the Alderman that he was mistaken about that being immatured debt, there is no occasion to make further comments upon that point. I make this statement because it has been assumed that they were cancelling debt they were not authorized to cancel; but I claim that they were acting as agents of the city, and as directed by the City Council from time to time. I would say again that this makes the Sinking Fund ordinance more simple in form. There has been too much mystery in regard to that.

Alderman Fitzgerald—I did not intend to enter into a discussion of the action of the Sinking Fund Commissioners, but they seem determined, after the decision of the City Solicitor, to deny that they have been acting illegally, and I cannot let the speech of the Alderman go unanswered. Mr. Healy distinctly says there is not a single thing or sentence in the ordinance that gives them authority, in their official capacity as Sinking Fund Commissioners, to cancel any debt, and if it be in the ordinance it is in conflict with the statutes; that they have no more authority to keep any moneys received in their capacity as Sinking Fund Commissioners than you have. I asked the City Solicitor the distinct question, and his answer was, "In my opinion the Sinking Fund Commissioners, in their official capacity as such commissioners, have no authority to cancel any of the bonds of the city purchased by them." I brought up the book, not for the purpose of showing that they cancelled \$363,000 of bonds, but that they cancelled bonds, and that such cancellation was in their capacity of Sinking Fund Commissioners; that the Mayor signed it as chairman and Alfred T. Turner signed it as secretary of the Sinking Fund Commissioners. They cannot go behind their own signatures. I am sorry the books cannot be had. The amount cancelled was \$51,000, instead of \$363,000, as stated; but I cited it to show the fact of cancellation, not the amount cancelled. I should also like to know by what authority they arrogated to themselves the unexpended balances. That is clearly illegal. The fact is that certain members of the Sinking Fund Commission do not want to acknowledge that anybody is right but themselves—I do not mean the whole of them, but some of the gentlemen composing the Commission. They are determined to fly in the face of the decision of the City Solicitor, and in the face of their own acts; but there are their own signatures. That is all I wanted to show. While my amendment does not take away this money from them; while they have the eight, three and two per cent., which they insist upon having, and which the statute provides that they shall have; and while they have the interest on the bonds which the city of Boston

owns; while they have these betterments which come in—more than they have legal right to have—I only ask that the proceeds of the sales of real estate shall go into the city treasury and not into the hands of the Sinking Fund Commissioners. That is all my amendment aims at—that all the revenue from betterments shall go to the Sinking Fund Commissioners to be applicable to the outstanding debt on account of the improvements from which the betterments come,—I put that in my amendment,—but all the other moneys received, and which are applicable to no outstanding debt, shall go into the city treasury.

Alderman Clark—I still claim that the City Solicitor has given an opinion that the commissioners have done nothing they have not a right to do; that is over his own signature. If they did it as Sinking Fund Commissioners they did so as agents of the city, acting under the direction of the City Council. It was in that capacity your Honor signed the draft, and certified it up to the clerk of the Sinking Fund Commissioners. There has been nothing illegal done. The commissioners do not wish to be placed in a false light before the public, and I contend that section 25 of the Ordinances of 1876 gives them authority to cancel debt with moneys received from betterments. It is—

"Sect. 25. All revenue derived from undertakings for which loans may be created shall be used for the purchase of the debt of the city. All excess of revenue over estimates, and of appropriations over expenditures at the close of each financial year, after the requirements of section 24 are fulfilled, and all revenue from any other source than the Sinking Funds, shall hereafter be placed to the credit of the said commissioners, to be used by them for the purchase of the debt of the city, or to cover the deficit in any Sinking Fund, except the Sinking Fund for the water debt, when the debt to which it is applicable matures; and the scrip so purchased shall, so far as practicable, be that issued for the shortest term of years, and, when purchased, shall be cancelled."

That is what they have done; that is their authority for doing it. They have never taken a dollar out of the Sinking Fund to pay a dollar's debt of the city before maturity; they have taken the money passed over to them by the City Treasurer; they have done precisely what they were ordered to do, as the agents of the city—just the same as a committee, appointed by this Board, might have done instead of the commissioners. I do not believe the Alderman from Ward 21 would borrow money to swell the Sinking Funds, unless we use the betterments to reduce the debt before it matures; otherwise we should be borrowing money to increase the Sinking Funds. That is what it amounts to. You might with just as much propriety say that we shall have a million dollars to pay for the estates on the Northampton-street District. We have got to have it pretty soon, and it will be poor policy to borrow that money on a twenty-year loan, when the sale of the property there would pay for it and we could put that money into the Sinking Fund. That would be nothing more or less than borrowing money to swell the Sinking Funds. That I understand to be the policy which it has been proposed to pursue for the English High and Latin schools—borrowing for a short time, and when the property which it is proposed to sell is sold, to use the proceeds in paying the debt. Now, if we borrow a million and a half dollars to pay for that schoolhouse, payable in twenty years, and in the course of two or three years sell the property on Bedford street and South street, and pay the money into the Sinking Funds, we are simply borrowing money to swell the Sinking Funds, and creating a debt for those coming after us to pay twenty years hence. I think the commissioners should be authorized to take this money and cancel the debt with it, but not be authorized to take it out of funds for debt that has not maturity; and I contend that they are authorized by the City Council to cancel debt, and that there has been nothing illegal in what they have done.

Alderman Fitzgerald—I asked the City Solicitor if he could find anything in the ordinances giving authority to the commissioners to do that which they are doing, and he said nothing. He said they claimed the right under some order which they got from the City Council, nobody knows when. That is why I asked the Solicitor the second question, if they were authorized by any order of the City Council to cancel the debt, and he replied—



"An order of the City Council directing the purchase and cancellation of city bonds with funds appropriated to that specific purpose is not operative, I think, beyond the municipal year in which the order is passed, except as to such application of funds which were placed in the hands of the agents for executing this order within that municipal year."

Alderman Clark—Does the gentleman believe these ordinances die with the year every municipal year?

Alderman Fitzgerald—Which ordinance?

Alderman Clark—The ordinances passed by the City Council. The ordinances which they have worried under.

Alderman Fitzgerald—The ordinance is in conflict with the statutes. I have repeated it at every step, and I have said that it needs revision. The City Solicitor says it is.

Alderman Clark—Then it is the fault of the City Council and not of the Sinking Fund Commissioners.

Alderman Fitzgerald—I went further than that, and said that I did not blame the Sinking Fund Commissioners; but I do blame some of them, who insist still that they are doing right, and who will come up here Monday after Monday and insist that they have been doing right, notwithstanding the decision of the City Solicitor that the ordinances are in conflict with the statutes. If some continue much longer, and insist that they are right, I shall come to the conclusion that they mean to act in violation of everything, and intend to have their own way, as some people seem to want to do about this City Hall.

Alderman Clark called for the yeas and nays, and the amendment of Alderman Fitzgerald was adopted—yeas 7, nays 5.

Yeas—Aldermen Breck, Fitzgerald, O'Brien, Robinson, Slade, Thompson, Wilder—7.

Nays—Aldermen Burnham, Clark, Dunbar, Gibson, Viles—5.

The ordinance as amended was passed. Sent down.

On motion of Alderman Fitzgerald, it was ordered—That the Committee on Finance be directed to examine the ordinances relating to finance, and to report such amendments thereto as will make the same conform to the statutes of this Commonwealth. Sent down.

ELECTIONS.

Alderman Thompson moved that the Board proceed to the election of trustees of Mount Hope Cemetery.

Carried, and Aldermen Thompson and Burnham were appointed a committee.

Joseph P. Paine and John E. Blakemore each received 12 votes, and were declared elected. Sent down.

Alderman Wilder moved that the Board proceed to an election for Assessors of Taxes.

Alderman Fitzgerald—If we begin with the Assessors we will have to go on with the other nominees. The Aldermen have adopted the policy of keeping these elections back until the salaries are fixed. It is growing late now, and the elections will take some time.

Alderman Wilder—I regret being obliged to do so, but I understand the extreme importance of doing this. We can go through with this in ten minutes. The time is very short for arranging the duties of these officers and I believe we ought to have an expression of the opinion of the Board in regard to the election of Assessors.

Alderman O'Brien—I am satisfied that if we go into an election of Assessors tonight we ought to go through the whole list. I should certainly be in favor of it. If this work is commenced tonight I am in favor of putting the whole of it through; but at the same time you must remember that all your schemes of retrenchment fail as soon as you settle who are to be your heads of departments. It will place a strong power in City Hall that will prevent any reduction of salaries. It is now an even question in the Council about your retrenchment bill; you elect your heads of departments and your schemes fail.

Alderman Wilder—I do not propose to vote for a single head of a department if I can help it. I have had ready for several weeks the committee's nominations for First and Second Assistant Assessors, and I have withheld them until the election of the Assessors. We have got to elect seventy-one gentlemen for that department. I am willing to wait and let the old ones hold over, if gentlemen desire it, but I deem the election of Assessors important and I shall insist upon it.

Alderman Fitzgerald—The ordinance requiring the elections to be made in sixty days is simply directory. You have an officer here who is a tenant by sufferance. The Board tried to elect him in June and in July, but failed. The ordinance is not peremptory upon us.

Alderman Thompson moved to adjourn.

Alderman Clark—I call for the yeas and nays; we are elected to stay here till twelve o'clock if it is necessary to attend to the public business. Here are the Directors for Public Institutions; no salary is attached to that office, and I propose to vote for Directors tonight.

Aldermen Fitzgerald—If you get a chance.

The motion to adjourn was lost—yeas 6, nays 6.

Yeas—Aldermen Breck, Fitzgerald, O'Brien, Robinson, Slade, Thompson—6.

Nays—Aldermen Burnham, Clark, Dunbar, Gibson, Viles, Wilder—6.

Alderman O'Brien called for the yeas and nays, and the motion to ballot for Directors for Public Institutions was lost—yeas 6, nays 6—the Board voting relatively the same as before.

Alderman Robinson moved to adjourn and called for the yeas and nays. Lost—yeas 6, nays 6—the same as before.

Alderman O'Brien moved to take up the election of Directors for Public Institutions.

Alderman Fitzgerald—I should have no objection to electing officers who are not salaried.

Alderman Robinson moved to lay the motion on the table.

Alderman O'Brien—I think that no good reason can be assigned for laying the nominations upon the table.

Alderman Robinson called for the yeas and nays, but Alderman O'Brien withdrew the motion for an election.

Alderman Wilder renewed the motion for an election of Assessors.

Alderman Fitzgerald raised the point that the election was not in order, as no business had intervened since the same motion had been rejected.

Alderman Clark renewed the motion for an election for Directors of Public Institutions.

Alderman Robinson moved to take up one at a time.

Alderman Clark called for the yeas and nays, and the motion to take up one at a time was lost—yeas 5, nays 7.

Yeas—Aldermen Breck, Fitzgerald, O'Brien, Robinson, Thompson—5.

Nays—Aldermen Burnham, Clark, Dunbar, Gibson, Slade, Viles, Wilder—7.

The Board voted to proceed to an election for Directors for Public Institutions—yeas 8, nays 4.

Yeas—Aldermen Burnham, Clark, Dunbar, Gibson, Slade, Thompson, Viles, Wilder—8.

Nays—Aldermen Breck, Fitzgerald, O'Brien, Robinson—4.

Committee—Aldermen O'Brien and Clark.

Whole number of ballots.....12

Necessary to a choice..... 7

Patrick Donahoe had ..... 4

Lyman A. Belknap..... 10

George P. Baldwin..... 10

William C. Burgess..... 3

Albus R. Cushing..... 9

And Messrs. Baldwin, Belknap and Cushing were elected. Sent down.

Alderman Thompson moved to adjourn.

Alderman Clark called for the yeas and nays. The motion was lost—yeas 6, nays 6—the Board voting relatively the same as before.

Alderman Wilder moved to proceed to an election of Assessors of Taxes.

Alderman Robinson moved to lay the motion on the table. Lost.

The Board refused to proceed to the election of Assessors—yeas 6, nays 6—the same as before.

Alderman Robinson moved to adjourn and called for the yeas and nays. Lost—yeas 6, nays 6—the same as before.

Alderman Clark moved to proceed to an election for Superintendent of Public Buildings.

Alderman Robinson moved to lay the motion on the table, and called for the yeas and nays. Lost—yeas 6, nays 6—the same as before.

Alderman Fitzgerald called for the yeas and nays, and the Board refused to proceed to an election for Superintendent of Public Buildings—yeas 6, nays 6—the same as before.

Alderman Robinson moved to adjourn. Lost—yeas 6, nays 6—the same as before.

Alderman Wilder moved to proceed to an election for Assessors of Taxes.

Alderman Robinson called for the yeas and nays, and the motion prevailed—yeas 9, nays 3—

Aldermen Fitzgerald, O'Brien and Robinson voting nay.

Committee, Aldermen Wilder and Breck.	
Whole number of ballots.....	12
Necessary for a choice.....	7
Thomas Hills.....	12
Benjamin Cushing.....	12
Thomas J. Bancroft.....	3
Benjamin F. Palmer.....	12
Horace Smith.....	4
Edward F. Robinson.....	11
Joshua S. Duncklee.....	6

And Messrs. Hills, Cushing and Palmer were elected in concurrence, and Edward F. Robinson in non-concurrence. There being no choice as to the fifth Assessor, another ballot was taken, resulting in the election of Joshua S. Duncklee, who received 7 votes to 3 for Horace Smith, 1 for Thomas J. Bancroft and 1 for George S. Pendergast. Mr. Duncklee was elected in non-concurrence. Sent down

Adjourned, on motion of Alderman Wilder.



## CITY OF BOSTON.

## Proceedings of the Common Council,

MARCH 22, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions and papers were referred in concurrence.

Report of leave to withdraw on petition of S. W. Richardson for abatement and remission of certain taxes on estate of late William Richardson. Accepted in concurrence.

Report that no action is necessary on petition of B. & F. H. Jenney for leave to erect a wooden building on West Fourth street, corner of D street. Accepted in concurrence.

Reports and orders to issue permits to erect wooden buildings to Noah Mayo, on Maverick wharf; Butchers' Slaughtering and Melting Association, on Market street; Morrow & Barker, Cambridge street, Ward 25, and on Beacon Park; John E. Woods, Western avenue; Metropolitan Railroad Company, Dorchester avenue. Orders severally read twice and passed.

## BACK-BAY NUISANCE.

The following came from the other branch and was referred to the Joint Committee on Health in concurrence.

OFFICE OF THE BOARD OF HEALTH, }  
BOSTON, March 19, 1877. }

To his Honor the Mayor and City Council of Boston: Gentlemen—The Board of Health respectfully invites the attention of your honorable bodies to a section of the Back Bay, so called, which demands some early action on the part of the city. For many years portions of the South and West ends of our city have suffered during the warm season from intermittent stench which have been attributed to a variety of sources.

The first experience of the Board of Health with the section referred to was in 1873, when the residents west of Arlington street complained of bad odors coming to them with westerly winds.

Investigation showed that a large portion of the Back Bay was in a state of nuisance, but one section, consisting of foul water and mud, shut off from the tide near the junction of Commonwealth avenue and Parker street, was much worse than the rest. The board caused the tide-water to flow in and out daily, and the complaint ceased for that season. This section has since been entirely filled with clean gravel.

In 1874 the flats about Parker street were seriously complained of. The city was indicted for maintaining the nuisance, and the Board of Aldermen ordered that the channel across the flats from the mouth of Stony Brook River be deepened. The season passed without further action, and in December the Board of Health called the attention of the City Council to the same nuisance in a communication on improved sewerage.

In 1875 complaints were again made, and the Board of Health adopted the cheapest expedient within its reach by erecting a stone drain about six feet high at the Beacon-street sluiceway. This was sufficient to cover the flats at low water and still allow a considerable change of water at each flow of the tide. This measure brought immediate relief, but it was not without an objectionable feature, inasmuch as it caused a more rapid deposit of the large amount of sewage which was turned into this body of shoal water from the Highland District and Brookline.

The relief lasted, however, for nearly two seasons, or until last fall, when the people of a large section of the South End were much disturbed and sickened by the foul odors which came directly from the Back Bay in the region of the mouth of Stony Brook sewer.

The Board of Health made repeated visits and found that for acres in extent the water about the Stony Brook sewer was turbid and foul to a sickening degree.

There was also a large creek twenty or thirty feet wide extending from Parker street southeasterly about 2000 feet to the Boston & Providence Railroad. This creek receives the sewage of the Berlin-street district and is also subject to the flow of the Stony Brook sewage at every flood tide. In degree of nuisance it

is second only to the Roxbury Canal. The filthy waters of this whole section are agitated by the prevailing westerly winds of summer and autumn, and the stench is carried directly to the dwellings of a large part of the South End, whose residents bitterly complain. There are two reasons for expecting that the nuisance from this source will be far greater the coming season than ever before. One is that the stone dam at the sluiceway had to be removed last fall to allow a more thorough change of water and scour of the channel through the winter, leaving the flats bare at low tide. The other is that in addition to the accumulation of many years upon these flats and in the creeks, the flow of sewage is now greater than ever before.

We would respectfully recommend that until the prospective system of sewerage which we confidently hope for is completed, there be temporary means used to keep the flats covered, by gates at the sluiceway or otherwise, and that the creek leading from Parker street to the Boston & Providence Railroad be filled with gravel, and the Berlin-street sewer (made of plank) extended to Parker street.

For the Board of Health.

S. H. DURGIN,  
Chairman.

## BALANCES OF APPROPRIATIONS AND SINKING FUNDS.

The ordinance to amend an ordinance in relation to finance (City Doc. No. 31), came down with the following amendment, viz.: Strike out "the city" in last line of section 3, and after "debt" at end of said line add "now standing, if any, to which said revenue is applicable; if not so applicable, then the said revenue shall remain in the city treasury, to be used and applied to such purposes as the City Council may order."

Mr. Sampson of Ward 17—I trust that the Council will not concur in this amendment. It is a very objectionable one. If there is anything that is sacred for the payment of debt, it seems to me that it is the public property of the city. I think that all will admit that the proceeds of the sales of public lands and buildings should properly go into the treasury to reduce the city debt; for I cannot conceive a more pernicious method of doing business by a corporation than that it should be allowed to sell its property to pay its current expenses. I trust that the amendment will not pass, and that we shall non-concur in the amendment.

The amendment was declared lost.

Mr. Fagan of Ward 19 doubted the vote, and on his motion the yeas and nays were ordered.

The Council refused to concur in the amendment—yeas 27, nays 41:

Yeas—Messrs. Burke, Cannon, Cox, Cross, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McCusky, McDonald, McGaragle, Morrill, Nugent, O'Connor, O'Donnell, Roach, Souther, Thorndike—27.

Nays—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Coe, Crocker, Danforth, Day, Felt, Ham, Hibbard, Hiscock, Howes, Mowry, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pratt, Reed, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Sampson, Shepard, Sibley, Smardon, Spenceley, Stone, Thompson, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—41.

Absent or not voting—Messrs. Clarke, Mullane, Pope—3.

An order came down for the Committee on Finance to report such amendments to ordinance on finance as will make them conform to the statutes of the Commonwealth.

The question was upon giving the order a second reading.

Mr. Crocker of Ward 9—It seems to me that this is the proper business for the Committee on Ordinances. I move to amend by referring that matter to the Committee on Ordinances.

Mr. Thompson of Ward 9—Before the vote on the amendment is put I should like to move that the matter be indefinitely postponed.

The President—The amendment takes precedence.

The amendment of Mr. Crocker was adopted.

Mr. Thompson of Ward 9—I now renew my motion to indefinitely postpone. I cannot conceive of any reason for sending this order to any committee. I don't suppose any gentleman here supposes that if the ordinance introduced by the Committee on Finance is passed repealing a number of sections of the ordinances in relation to

finance, that there will still be any sections to be changed. As the ordinance now stands, or as it will stand, there can be no doubt even in the mind of the gentleman who introduced this order into the Board of Aldermen, and I think we will save extra work by indefinitely postponing it.

Mr. Flynn of Ward 13—I hope the motion to indefinitely postpone will not prevail. There can be no harm in referring it to the Committee on Ordinances. As I understand the argument of the gentleman in the other branch who offered the order, this ordinance in relation to finance is in conflict with the statutes. I hope we shall have a report.

Mr. McGaragle of Ward 8—I hope the motion to indefinitely postpone will not prevail. I should not ask any better authority than the gentleman from Ward 9, and if he will take the pains to look at the record he will see that he said that this ordinance was in conflict with the statutes.

Mr. Thompson of Ward 9—If the gentleman had been paying attention to the subject under debate he would not have made that statement. The statement I made at the last meeting was in reference to the order in relation to the salary bill. The question now is in relation to the ordinance on finance. It is an entirely distinct matter.

Mr. Sampson of Ward 17—I trust it will be indefinitely postponed. The action contemplated was entirely provided for in the ordinance we have passed tonight, and there is no need of any further amendment.

Mr. Crocker of Ward 9—I do not know any special occasion for this order; but I am a little inclined to differ from my colleague [Mr. Thompson]. I am under the impression that there are some matters in which the ordinance differs from the statutes. If there is no difference the committee can report so.

The motion to indefinitely postpone was lost, and the order was read a second time and passed. Sent up.

An order came down to ask for an act in relation to the Sinking Funds, so that the amount to be raised by taxation to meet loans at maturity shall be more equitably distributed during the years which the loans have to run.

Mr. Pratt of Ward 21—I don't see the force of passing such an order as this at the present time of the year. We all understand it is too late to introduce new business into the Legislature, and I presume nothing will be done if we pass the order. I have an objection, too, behind that, and that is that the present arrangement for providing for meeting the debt of the city has not been running a sufficient number of years to enable us to pronounce it a failure. It seems to have worked very well so far, and the only item upon which any difference of opinion can be based, I think, is the fact that, as I have previously stated, the city debt had been reduced \$241,000 during the last year, instead of being increased every year for the last fifteen years, and that is so hopeful a sign on the side of solvency that I see no reason for disturbing the present system. I move the reference of the order to the Committee on Finance.

Mr. Flynn of Ward 13—It appears to me that the order may as well be killed here as to refer it to the Committee on Finance. Certainly it cannot do any good to send it to that committee. If the Committee on Legislative Matters do not deem it advisable to have this order passed by the Legislature, they will not take any action on the matter, and if they do they will take such action as the Council preferred. If it is to be killed at all we may as well kill it here.

Mr. Pratt of Ward 21—in deference to the gentleman from Ward 13, I would suggest that if this order passes we shall have no option in the matter, and the committee will be obliged to ask for the act. As a member of the Committee on Legislative Matters, I should like to have the opinion of the Finance Committee on the subject.

Mr. Crocker of Ward 9—I don't see any particular occasion for referring this matter to the Committee on Finance. It may be possible that the matter in relation to the Sinking Funds is still open in the Legislature, and I do not know what is intended to be done, but it may be possible to do something this evening, if we can act at once. As I understand the object of this order, it is to see if something cannot be done to stop this state of things which the Committee on Finance and the Sinking Fund Commissioners say cannot be stopped. As the Mayor said in his inaugural address, if we go on at the present rate we shall pay up the city debt in eight years; and the City Au-

ditor says it can be done in ten years. Now, when we have a debt, the average of which is to run thirty years, it seems to me to be unreasonable to be taxing ourselves to pay it off in ten years, or half the time that is in reason required of us. The gentlemen on the Finance Committee and the Sinking Fund Commissioners and the Auditor claim that the law requires the present arrangement, and that we must pay as much as we are paying for this object; so it seems to me to be proper action to try to obtain legislative relief, and therefore, although I have no particular expectation resulting from this order, I should hope that it would be passed by the Council.

Mr. Spenceley of Ward 19—I hope this amendment will not prevail, but that this order will go to the Committee on Legislative Matters. If anything can be done, it ought to be done at once. You and I have noticed in going out into the country, that the Society for the Prevention of Cruelty to Animals has placed a little board at the foot of every hill, with "Uncheck your horses going up hill." I think we should uncheck our horses in the matter of taxation now. It is hard work going up hill. If anything can be done to distribute this matter over a series of years in easy times, it should be done in order that this burden may be equalized.

Mr. Thompson of Ward 9—In considering this question I hope it will be remembered that it is not safe for us to touch our present Sinking Funds or interfere with them. The question we are considering must be one intended to effect our Sinking Funds in the future and not those in the present. It is not a question of present taxation in any form. It is a question in reference to the future management of the finances of the city. It is one of grave importance, not to be lightly considered here or elsewhere; and while I am in favor of the principle embraced in the order, I am not in favor of hasty consideration of the subject. I believe the Finance Committee is the proper committee to consider the matter and report upon it. If they report against the order, I should vote against accepting their report; but I am not prepared to say we should not send the matter to the Committee on Finance.

Mr. McGaragle of Ward 8—This seems to be an entirely harmless order. At the present rate we are raising funds enough by taxation to pay the entire city debt in fifteen years. Now, sir, if this order means anything it means to extend the time and not to raise so much every year. We don't want to pay debts five years before they become due. It is a very simple matter. The Finance Committee cannot report in time for the session of the Legislature this year. But I think the effort is worth making. It is a simple order, and I hope it will go to the Committee on Legislative Matters.

Mr. Spenceley of Ward 19—My friend from Ward 9 [Mr. Thompson] has struck his favorite hobby, the Sinking Funds. I don't know whether he has much real estate or not, but I know that he is very much interested in the Sinking Funds. It may be well to pay off all the debt in ten or twelve years, and I don't know that I object to it. I think the Legislative Committee is where the order belongs. I think it will be better if the Legislature will look into this matter of taxation. Some say it will be better to have the city of Boston clear of debt, and I hope this matter will be investigated and get stirred up. When I was making money I did not care much about the taxes. But now I am going up hill, and I have learned to be as prudent as I can.

Mr. Flynn of Ward 13—The Judiciary Committee of the House today reported that it was inexpedient to legislate on the order relative to the Sinking Funds of the city of Boston. Mr. Pillsbury of Boston said he had been informed that matters were pending in this branch of the City Government, and asked that the reports be recommitted, and they were so recommitted; so that this matter is already attracting the attention of the Judiciary Committee, and it was recommitted with the understanding that this order will be passed here tonight, and that the Committee on Legislative Matters will present this before the Judiciary Committee.

Mr. Thompson of Ward 9—I don't want to take up too much time of the Council in what the gentleman from Ward 19 [Mr. Spenceley] has described as my hobby; but I hope the gentleman will remember that the Sinking Fund is a part of the contract that the city of Boston has made with persons who purchased its bonds; and that the city of Boston, no more than any pri-

vate individual, can take from or break any of its contracts without affecting its credit. Gentlemen may consider the matter a very simple one, but wise heads have often been puzzled over questions of finance. I don't believe any of us here are very competent to settle it; certainly not in the haste of a debate, and I do hope that we will take this matter—which I believe to be of grave importance to the city of Boston—and treat it with the seriousness that it deserves, for it is desired that the Finance Committee shall act upon this immediately. We can direct them to do so. If any one fears that it will be killed in the committee, let him move an amendment that it be reported immediately. But don't let us set the example of acting upon very important matters of this kind without due consideration.

Mr. Clarke of Ward 22—Are there any contracts requiring us to pay debts before they are due?

Mr. Thompson—The gentleman must remember that in this debate two subjects have been mixed together which should be kept wide apart. The city of Boston has two funds for two separate and distinct purposes; the Sinking Fund to meet the debt at maturity, and that is the fund which is affected by the present order; that fund cannot pay one dollar of debt before that debt becomes due. It simply furnishes money which is kept at interest to provide for the payment of debt at maturity. I hope gentlemen will keep that distinctly in mind when they are voting upon this subject.

The motion to refer to the Finance Committee was lost by a division—17 for, 12 against—and the order was passed in concurrence.

MODE OF VALUATION.

An order came down to oppose legislation altering the standard of value at which property is taxed, or changing the system of appeal from Assessors' valuation.

Mr. Howes of Ward 18—There seems to be two questions in this order, and I shall ask for a division of the question. I have merely to say at this time that while I am in favor of having them oppose the new system of appeal which has been proposed at the State House, I don't think the City Council is in a position now to state their opinion of the standard of valuation of property on which taxes should be assessed; and I think our system of taxing in the city of Boston has been carried on in the very worst way. I don't lay it to the Assessors, because I think they have carried out the law very well; but I hoped that there should be no change in the mode of appeal. I don't think the system could be any worse than at present, and while they might be instructed to oppose any change in the system of appeal, I hope that they will not be instructed to oppose any alteration of the standard of value.

The order was refused a second reading in non-concurrence.

ELECTIONS.

The following elections occurred, the reports and certificates coming among the papers from the other branch.

*Trustees of Mt. Hope Cemetery.* Nomination and election of John E. Blakemore and Joseph P. Paine as trustees of Mt. Hope Cemetery.

The report was accepted in concurrence. On motion of Mr. Pierce of Ward 18, the rule was suspended and a ballot ordered. Committee—Messrs. Felt of Ward 18, Day of Ward 4, O'Donnell of Ward 7.

Whole number of ballots.....	64
Necessary to a choice.....	33
John E. Blakemore.....	62
Joseph P. Paine.....	62

And Edward Vanever, M. Barr, George A. Shaw and E. W. James 1 each.

And Messrs. Blakemore and Paine were declared elected in concurrence.

*Assessors.* Election of Edward F. Robinson and Joshua S. Duncklee, in place of Thomas J. Bancroft and Horace Smith, as Assessors.

A ballot was ordered. Committee—Messrs. Smardon of Ward 10, Blodgett of Ward 8, Cox of Ward 15.

Mr. Spenceley of Ward 19—I did not have the pleasure of casting my ballots for the Assessors when they were voted for at the meeting before the last, having been at home sick; but I should like to ask if there is anything against these men whom we are called upon to vote for. The Common Council elected Thomas J. Bancroft and Horace Smith. I have tried to find out why they should be repudiated. I find one of them has grown up in the Assessors' office, having started

there as a boy. They have grown up in the business, so to speak, and if there is anything to be said against changing them I should be happy to hear it.

Whole number of ballots.....	72
Necessary to a choice.....	37
Thomas J. Bancroft.....	39
Horace Smith.....	35
Edward F. Robinson.....	37
Joshua S. Duncklee.....	28
George A. Shaw.....	1

Mr. Robinson was elected in concurrence and Mr. Bancroft in non-concurrence. Sent up.

*Directors for Public Institutions.* Report nominating George P. Baldwin, Lyman A. Belknap and Patrick Donahoe as Directors for Public Institutions; also a report nominating Lyman A. Belknap, William C. Burgess and Albus R. Cushing as such directors. Certificate of the election of said Baldwin, Belknap and Cushing as such directors.

The reports were accepted in concurrence.

On motion of Mr. Smardon of Ward 10, the rule was suspended and an election ordered.

Committee—Messrs. Pierce of Ward 24, Hiscock of Ward 21, Nngent of Ward 19.

Mr. Flynn of Ward 13—For the information of the Council I would state that Mr. Patrick Donahoe, who has served nine years, is not a candidate.

Mr. Vose of Ward 24—Did I understand that Mr. Donahoe declines to be a candidate?

Mr. Flynn of Ward 13—Yes, sir. I withdraw his name at his request.

Whole number of ballots.....	72
Necessary for a choice.....	37
George P. Baldwin had.....	28
Lyman A. Belknap.....	66
Wm. C. Burgess.....	25
Albus R. Cushing.....	62
Patrick Donahoe.....	2
F. H. Peabody.....	28
Francis A. Peters.....	2
Hugh Carey.....	1

Messrs. Belknap and Cushing were elected in concurrence, and ballots were had for a third director.

	1st ballot.	2d ballot.	3d ballot.
Whole number of ballots.....	71	71	71
Necessary for a choice.....	36	36	36
Wm. C. Burgess.....	16	9	—
F. H. Peabody.....	27	29	35
George P. Baldwin.....	28	32	36
L. A. Belknap.....	—	1	—

Mr. Baldwin was elected in concurrence.

SALARIES OF CITY OFFICERS.

This subject was considered on the motion to recommit to the Retrenchment Committee the ordinances in relation to salaries (City Doc. No. 20), with instructions to report a salary bill reducing salaries as follows: Between \$1500 and \$3000, ten per cent.; between \$3000 and \$4000, fifteen per cent.; \$4000 and over, twenty per cent.

Mr. Coe of Ward 23—Mr. President, I am opposed to the proposition of the gentleman from Ward 18. I can hardly believe he will continue to advocate it himself after reflection. There are salaries which both the Committee on Retrenchment and that on Salaries agree should not be reduced (such as those of the Clerk of Committees, City Messenger, and our own clerk), which, if this motion prevails, would be cut down very materially; and in some other cases the effect would be that the city would lose officers whose places we all agreed would be hard to fill with men as competent. It would thus operate very unevenly and unjustly. I certainly should vote for the proposition of the Committee on Retrenchment in preference, for the reason that that, if adopted, would distribute the decrease much more equitably, while it would save the city about \$95,000, against something like \$55,000 as proposed by the gentleman from Ward 18. Mr. President, I am in favor of a reduction in salaries to the full amount in dollars proposed by the Retrenchment Committee. We should conduct city affairs on business principles. What are business men doing now, and what have they been doing for three years past, but reducing expenses by reducing salaries, and not only that, but *discharging* help? Now, it is not proposed in many instances for the city to discharge clerks, but to reduce their pay. And I believe they expect it and are ready for it, and if they recognize the tendency of the times, would ask for it. The cost of living has been reduced, and a dollar can be made to go very much further now than five years ago. In many cases, the proposed reduction would be more than made up in house rent alone. Do the gentlemen realize that the city is paying in salaries today *three*

times as much as in 1866 (only ten years ago), and nearly fifty per cent. more than five years ago (and this leaves out of the account salaries of those commissions which have been established within that time), while the assessed valuation will be this year near one hundred millions less than three or four years ago? I do not lose sight of the fact that the labor required is much greater by reason of the increase of property owned by the city, and also from annexation and other causes; but the increased labor is *not* in proportion to the increased cost to the city.

The committee propose a reduction, on an average, of less than ten per cent., where, as I have stated, the increase has been nearly fifty per cent., and I am for it to the full amount, so far as that goes. The teachers in our public schools will undoubtedly be reduced in about that proportion, and why should the City Hall escape the same scaling down? But it seems to me the committee are extremely unfortunate in their *method*. Not one of them has told us *why* they propose—what never has been done before—to establish the salaries of all these minor employes of the city by ordinance. It also takes away all power to reward experience and long service by a gradual increase in pay. No business man regulates his affairs in this way, and we are most of us business men. We do not fix a rate of pay which is the same for the *office*, or position, whether filled by an inexperienced man or one made valuable to us by long service. Mr. President, I would fix the pay of our heads of departments by an order, as heretofore, and then I would, *by order*, allow them a certain sum for salaries in their departments, and hold them responsible for the proper conduct of those departments. To a certain extent, the method proposed by the committee relieves them from this responsibility and relaxes the discipline of their departments—for the power to reward faithful and punish unfaithful service is taken from them when you take away the power to raise and reduce pay. If they are fit to be at the head of the department at all, they certainly should be trusted with the disbursement of whatever sum the Council see fit to allow them for salaries. Mr. President, I voted in favor of substituting the Salary Committee's report in order that this matter should be before the Council in the shape of orders instead of ordinances. I would then have been willing to have amended those orders, so as to reduce pay to the full amount which the Retrenchment Committee propose, although I should not be able to agree with them in every case; and I hope still we shall be able to amend their report in the way I have indicated.

Mr. Howes of Ward 18—The gentleman last up has stated three exceptions where he thinks the bill as proposed by me at the last meeting would work a hardship. In two of these I had proposed to amend, as I thought it was the almost unanimous idea or impression of both the Board of Aldermen and the Common Council that no change should be made. With that exception I think a bill, formed somewhat similar to the order offered by me, should be passed. Last Sunday's Herald contained quite a list of reductions proposed both by the Retrenchment Committee's plan and by the plan which I suggested at the last meeting. Several mistakes have occurred in that in reckoning, so that it makes the tables a little bit different from those given therein. The amounts there, as I understand it, make a reduction by the committee's plan of \$58,000 and by the one suggested by me of \$55,000. Now a large portion of the additional \$3000 reduction by the committee's plan is made up by reduction of the salaries of the License Commissioners. That I made up by dropping one of the officers of the Collector's office. That would more than make up the difference of \$3000. The salaries as published in the Herald are erroneous in certain other details. That is, they make a reduction of the salaries of the various superintendents of bridges. Now, as every one knows, no Superintendent of a bridge is paid a very large amount. A certain sum is allotted to the Superintendent, from which he is obliged, by order or ordinance, to pay certain fixed amounts to his various employes, so that I think there is hardly a Superintendent who receives \$1500 a year. Indeed, I think \$1200 is the highest amount paid a Superintendent of a bridge.

I agree with the gentleman last up in stating that there should be a good reduction in our city salaries. I intended to bring here, but I overlooked it, a list of the salaries of the officials of

the city of Baltimore; that, I think, is about the size of Boston, and, for the past few years at least, has been credited with having an admirable City Government. The salaries paid there with the exception of the salary of the Mayor, which is \$5000, are all fifty per cent. below what they are in Boston. I think the highest salary paid by the city of Baltimore, with the exception of that of the Mayor, is \$3000, and even there they propose to make a still further reduction, considering the salaries very excessive. Now if that is the case there, I think it might in a certain way apply to the city of Boston. My objection, as I stated to the Council at the last meeting, to the bill as reported by the Retrenchment Committee is that it is not equal; that it does cut down very greatly on some persons and on others very slightly; and the committee have this to confute. I think it will be impossible for them to confute and to state any reasons why this deviation from a strict, general reduction was made. It looks, I know, as if they had not thought into it. But I am reminded of an experience I had last year on the Committee on Salaries when we attempted the same thing. A salary was under discussion and it was proposed to reduce it \$150. One of the members of the committee said "No; I think we had better reduce that \$132, and then the Council will think we put some thought into the matter." It seems to me the committee have gone on the same principle. They wanted to show they had done a great deal, and so they cut off a little here, and took off a good deal there, and it would appear to those who are looking over the result that really they knew all the details of the departments, and were perfectly willing to state that such a man was paid too much and such a man not enough. I credit the Retrenchment Committee with all due intelligence. In fact, at the last meeting I went so far as to credit them with possibly more than they wished to have. But they are not a committee of angels or superhuman beings; and I defy any committee, of which five are entirely new men, to go through the City Government and say what salaries should be and what they should not be. It is utterly impossible. It is on that account that I propose an indiscriminate reduction. A few days ago I was conversing with one of the heads of departments, who is paid one of the highest salaries in the city, and in the course of that conversation he said he did not object to a reduction in salaries, provided it was made uniform, if they were all to come down together; but he did object to having discrimination used, having his salary cut away down and another not touched at all. He said, "It seems as though the City Government suppose I occupy a sinecure." Now I do not think the City Council can afford to have that impression circulated among its officials today.

There is neither favor nor fear, Mr. President, in making a reduction that is a clear percentage reduction. It is the fairest way we can come at it in a crude and rough manner, and all that we can come to under our present knowledge. If a committee were appointed who were to take two or three years, or possibly one year might be enough, to go through all the departments of the city, and after that present a comprehensive plan, calculating everything about the heads of departments and all the classes employed, they might be able to decide where a man was paid too much and where he was not; but no committee in three weeks' time can do anything of the kind. I trust, on that account, this motion will be passed.

It has also been said that it worked a hardship in another degree. That is, it would occur that a man who receives \$1500 would be cut down ten per cent., or his salary would be reduced to \$1350; and there might be another employe of the City Government who was paid \$1400, and would escape reduction. I had foreseen that when the order was introduced, and had at the same time drawn up a supplement to it. But I did not care to introduce it at that time, because I thought it would confuse the minds of members on a hurried reading. The supplement I intended to offer was this:

And it is provided that when it shall appear that injustice is done in that by this reduction, the proposed salary of an employe shall be made less than the proposed salary of any other employe who is now paid less than he, the committee shall put both salaries on the last basis.

That is, a \$1400 man shall come down to \$1350. I do not believe the city can afford to cut down

salaries much under that amount. I think that \$1350 is about as low as the city can afford to pay its officers. There is one great objection that I find to the Retrenchment Committee's bill—cutting down persons who are daily employes, who are to receive no more than current wages. I know of one case in the Public Library that was called to my attention, where the Committee on Retrenchment have cut down the salaries of bookbinders. Now a bookbinder is paid by a trade price of so much per day, as I understand. The committee have cut down some \$120 or \$150 per year—I forget which—on the regular trade price. It would be just the same thing to cut down the pay members of the Printers' Union receive for setting so many thousand ems. The men would instantly leave; they are obliged to do it, almost, because of the fact of their being members of the Union. I think that in other departments, possibly, analogous cases might be found. I trust that the motion will be carried.

The President—Do I understand the gentleman to modify his motion?

Mr. Howes of Ward 18—I simply said I would; not at present.

Mr. Webster of Ward 3—The vote taken at the last meeting by which the Council, by a very large majority refused to substitute the report of the joint standing committee for the report of the joint special committee would seem to indicate clearly that this Council was determined on some reduction which would be real and not nominal. And the question tonight would seem to be whether you wish to go it blind or whether you wish to have a committee—even if it is an incompetent committee, as has been suggested—go over the matter fairly and do the best thing they can; whether you will reduce the salaries intelligently and discriminately, and whether you are willing to write off a little plan reducing them all alike, which will in many cases be manifestly unjust, and would fail to give much less general satisfaction than our report has done, severely as it has been criticised. In the first place, if this substitute is forced upon us, then good-by to all hope of retrenchment at present. If it is forced upon us, and the committee is compelled to bring in here, written out in this way, every salary brought before the Council, and a comparison made, there is no question that it will not meet with very much less general satisfaction than our own. And after killing our report and getting that settled upon us, the very men who vote to force it upon us, when it comes here as a final measure, will not vote for it at all. Now I contend that our report gives a very fair basis, certainly. Suppose, for example, we act as friends of the bill tonight. We want a test vote, whether it is to have a second reading or not. If we succeed in getting that in spite of all dilatory motions, substitutes, etc., most of which are indirectly meant to kill the entire matter and are not offered in good faith, but merely for delay, then at the next meeting we can do as has been suggested. We can report it ordinance by ordinance, and although I am in favor of it as a whole, still the Council will have the privilege of making any amendments they see fit. If there is any place where there is injustice done it can be discussed intelligently and the bad features brought out and we can make some retrenchment; and afterwards we can feel that we have tried conscientiously and intelligently to do the best we could under the circumstances and not throw off the entire matter to get it off our minds, caring not whether it is fair or not. I think by comparing a very few cases tonight—of course we cannot argue it completely—but I think a very few cases will show the Council that this report of the regular committee will not give satisfaction and will not do justice. Take the case, for example, of the Inspector of Provisions. He receives \$2000. Now, being acquainted with a great many marketmen, I made it a special business to look up that question, and I could not find among all the marketmen with whom I talked—and I asked many old marketmen who have been there for years, and who certainly would be counted as men of intelligence—who did not say that \$1500 is a liberal salary for the services rendered. And we can get one hundred men equally well qualified to take it at still less than that. Any man who has been in the provision business for a number of years, any good intelligent and honest provision dealer, can fill the place and fill it in good shape. There is no question in

my mind, and I do not believe there will be in any unprejudiced gentleman of the Council that will look at that salary and say we have reduced it one cent too much.

Again, there is the clerk of the Park Commission who has been getting \$1800 a year.

A member of the Council—He has been discharged.

Mr. Webster of Ward 3—Well, at the time we made the report I did not know but that he would be discharged; it was uncertain, and we reduced his salary to \$1250; and I submit that no member of the Council will need to argue that at all, knowing as you all do pretty nearly what the clerk of the Park Commissioners must do. Now take three clerks. There is the clerk of the Common Council, who has served us faithfully for thirty-four years, and who receives only \$1800 per year—less than the Inspector of Provisions and less than the clerk of the Fire Commission has been receiving. Thirty-four years ago he received \$800, and the duties then were so limited that he could fill another office outside and receive \$400 for it. His salary has been increased from \$800 to \$1800 in thirty-four years—but very little as you can see. It is of no use for me to say what he does; we all understand how valuable his services are. Now when you come to think of thirty-four years of service of a man who unquestionably might receive a great deal more salary; but the committee have been to him frequently in years past and asked him if he wanted more salary, and in many instances he has declined to have his salary increased, being satisfied—affording a good example, by the way, to many officers less efficient and more avaricious. Now, sir, is there any member of this Council who, on the plea of impartiality, wants to cut that man's salary down? I want such a man to stand up and look me in the eye, and look Mr. Gregg in the eye, and tell me if that is impartiality and if that is going to give general satisfaction. For several years he has paid out of his own salary two or three hundred dollars for extra clerk hire, for which he has not received nor asked one cent himself. It has come out of his own pocket. But that is merely one case. Now I submit whether we have reduced the first two salaries too much, and whether there was anything wrong in refusing to reduce the last one at all. Then there is the Superintendent of Lands, whose salary has not been increased for seven or eight years. He has served the city faithfully and he now receives \$1800 per year. Very lately the Northampton-street district has been added to his charge, and he is really performing work that is worth four or five hundred dollars more at the same salary. The report of the regular committee proposes to increase his salary two or three hundred dollars. We leave him just where he is, and I believe that is right. Then there is the Clerk of Committees. It has been said that we were afraid to reduce his salary. Now, the fact is that two or three years ago Mr. Bugbee occupied the place, and, I believe, filled it well. It is one of the most important places inside City Hall, and it is the very best economy for the city—and any person who has served on committees cannot deny it—to have as good a man as you can get in the city of Boston for a clerk of committees. Mr. Bugbee received \$4000 per year, and I do not think the question was ever raised that it was not proper. I believe Mr. Lee, too, is as good every way as Mr. Bugbee was, and in addition to the qualifications which Mr. Bugbee had he is a short-hand writer; you all know how many hearings he attends in City Hall, how many documents, bills and ordinances he has to write at the suggestion of committees. You all know his duties. He commenced two years ago at \$2750—a reduction of \$1250 from what we had formerly paid and were satisfied to pay, on the ground that he had less experience, and that in time he expected to grow to the other salary. Now, I would like to know if anybody really considers we have done any injustice in leaving him just where he is. Then there for example is the City Engineer. Well, if there is any one thing in our report that is doubtful it is the reduction of his salary. When you come to talk about a man who can take charge of an additional supply of water, and if we need more water in the city of Boston is as capable of telling how to go to work to get it and can figure anywhere near what it costs to superintend operations, why \$5000 is a very small salary. Still, considering the salary has



been raised during the past few years considerably, as a matter of majority decision we did reduce his salary \$500, making an exception between him and the City Clerk. I consented to it as a compromise measure, but I considered the wisdom of doing it the most doubtful of any recommendation we made. But when you propose to cut him down \$500 more, according to the proposition of the substitute, that will be a great deal more unjust.

Mr. Clarke of Ward 22—I would like to ask the gentleman one question. You cut the clerk in the Water Registrar's Department from \$1200 to \$1000. I would like to know if the committee were aware when they made that reduction that his pay had already been reduced \$300 within about two years.

Mr. Webster of Ward 3—Of course my memory is not perfect. I cannot at this moment call that particular case to mind. When I sit down I presume some of the other members of the committee may recollect it and give any information desired. Take, for example, these Second Assistant Assessors. They received \$700. Well, it required but a small portion of their time comparatively, during the year, and your committee believed they would be amply compensated at \$650, considering the time they serve. Now, this plan of not going below \$1500 will of course shut off everything of that kind. In the Board of Health Office, for instance, are the inspectors of nuisances. They are good men, and I do not wish to undervalue them. One of them gets \$1700, two \$1500, and quite a number \$1300 and \$1400, or about the same pay as policemen. I believe you cannot draw the line at \$1500. The idea that there is a certain limit of salary that they all must radiate towards, and that the laborer as well as the City Treasurer must stand on that level, is entirely erroneous. Salaries must be graded, and if you find a man is getting manifestly too much, there is no good reason why his salary should not be reduced. There is no good reason why a man getting \$1000, \$900, \$800, or even three or four dollars per day, should not have his pay reduced a reasonable amount, if he is really getting too much. Now, I do not like the spirit of the opposition manifested to the report of our committee. As I have said before, we did the very best we could under the circumstances, and brought in the very best report we could agree upon. The gentleman who offers this substitute objects to it, first because we are new members. Now this is not the first time that he has made remarks concerning new members, which I consider very uncomplimentary; and these remarks strike directly at three-fourths of the City Council today. It applies to nearly all other committees as well as this, and if you are going to bar a man out because he is a new member, why, we might as well resign—a part of us.

The President—The gentleman's time has expired.

On motion of Mr. Howes of Ward 18 the rule was suspended and the time for Mr. Webster to speak was extended. Mr. Webster continued:

Another reason why he objects to our report is, because it shows fear and favoritism. Now, if an intelligent and honest discrimination implies fear and favoritism, then we plead guilty to the charge. But I would like to ask one question of the Council. The gentleman who offers the substitute considers it entirely removed from all fear and favoritism. We take the ground that certain salaries should not be reduced, and we propose to stand by the flag, sink or swim. We believe others should be reduced more, and we propose it, but we make no threats about it. But to my certain knowledge the gentleman himself has been to salaried officers and told them, "Your salary is low enough as it is, but we will include you in the general plan for the sake of appearance of harmony and everything being even, and then we will turn around and put your salary back where it belongs." Now, I would like to know whether their report shows more fear or favoritism than ours.

Now, there is another thing to be considered. This committee has been two or three weeks carefully considering the matter; and because we are new members he has no faith whatever in our report. But he, Mr. Chairman, takes a piece of paper and writes off instructions for us in a few minutes which cover the whole ground. He can accomplish more in about two or three minutes than we can possibly accomplish in two or three months. It would seem to me, upon that basis, he ought

to have been joined to our committee; and while he would not have entirely relieved us from our inexperience, we certainly could not have suffered from self-assurance.

Mr. McGaragle of Ward 8—I would like to ask the gentleman whether that salary he speaks of which it was proposed should be reduced and placed back, was the result of a conference at the Sherman House, that the gentleman from Ward 21 asked about.

Mr. Webster of Ward 3—Our friend did not invite me to the conference, and of course I could not say.

Another spirit of opposition I dislike very much is that of the gentleman from Ward 21 [Mr. Pratt] last evening. Not that I consider his opposition of any more importance than anybody's else especially, but I think that the spirit he showed will illustrate, in a great measure, the general spirit of hostility to our measure. In order to satisfy himself that we were doing no injustice, or rather, I suppose, to satisfy himself that we were doing injustice, he visited himself two departments in person. Well, now, before doing so—and he will not deny it—he was fully committed in his own mind to the theory that the salaries at present were not a cent too high as they are, and he was entirely opposed before he had given it any consideration at all or any examination; he had opposed every system of reduction whatever. I do not think he will deny it himself; and it is unnecessary for me to say that whenever he gets hold of an idea he never lets go. He returned to his office with his previous impressions entirely confirmed and strengthened. Now, the case of the Deputy Collectors is one that his sensitive organization was very much shocked at. Well, we reduced them from sixteen hundred dollars to fourteen hundred dollars. Well, that reduction, as I said, I looked on as merely a matter of opinion for this Council to decide upon and say whether they want to cut them \$100, \$200 or nothing. But where the great injustice comes in would puzzle a Philadelphia lawyer; but when you come to a Boston lawyer you cannot tell anything about it. Now, we have left their salary at just the same rate, or at just about the same rate, with the captains of police. I suppose nobody has yet proposed to reduce the captains of police; but nevertheless I did acquiesce in this reduction. Now, as I said before, we can take one report as a basis of settlement if we wish, and I, for one, hope we will. If there really is a feeling in the Council that we do not want to make a reduction, let us stand up like men and say so—and I presume every man has made up his mind pretty nearly as to what he wants. If we want this report as a basis let us press it to a second reading and go ahead next Thursday night and fight it out as best we can. If it is not worth any further consideration, why, don't make any steps towards procrastination, but meet it squarely and fairly; give us the basis of it, and let us go ahead in it, or else kill the matter entirely. It is due to the officeholders, who ought to know just where they stand. It is due to those whom we abolish, and who do not know whether they are in their places or not. All this talk about our holding the thing until the Aldermen come to a conclusion is the greatest absurdity in the world. We are elected to do our duty, and the Aldermen were elected to do theirs as they understand it. It is for them to carry out their duty in good faith and for us to do the same. Two wrongs do not make a right. It is not for us to be their censors. I trust every friend of this bill will stand by it as it was originally reported and allow nobody to play tricks upon us. Let us stand upon some kind of a basis and understand whether we will go forward to possible success.

Mr. Howes of Ward 18—The gentleman who has last spoken has taken just about the ground I supposed he would. He says, "If our bill is not carried through, retrenchment has gone." There is no such thing. "You have got to do just as one committee do, or you have got nothing at all." I do not believe in any such doctrine at all.

Mr. Webster of Ward 3—I rise to a point of order; the gentleman has no right to misrepresent my remarks.

Mr. Howes of Ward 18—The gentleman did not give me a chance to misrepresent him. The order creating the Retrenchment Committee was passed by the Common Council, Jan. 11. Probably the committee got to work, we will say, the next day. They reported a salary bill or salary ordinance, Feb. 19. Now, allowing seven days that must

have been required for printing this very lengthy document, it certainly does not leave a margin of two months. If the gentleman speaks about the amount of work done he probably has a way of reckoning double; but it does not prove itself in print, and that is the only way we have to go by just now. As to this very matter of inequality that the gentleman produces such a profound effect with, I remarked when I was up before that I proposed to make amendments to the present order as it stands so that it should not include two persons; and I very frankly say, sir, I spoke to those persons and told them so. One was the City Messenger and the other was the Clerk of Committees. As to my friends, I have no friends in this matter. I have not been lobbying around to get this bill through. I did not complain of the members of the committee being young men, or young men of the City Council; but it is a fact that we do gain something by experience; I do not wish to arrogate anything to myself, but I think when the gentleman has been in the City Government as long as I have, he will probably have some different ideas of the subject.

Mr. Pratt of Ward 21—The trouble with a Boston lawyer is that he has to confine himself within the law and the facts, whereas the Bunker Hill business man may disregard them both. I am sorry to take anything from the beautiful effect of the oration of the conscientious gentleman from Ward 3. I merely wish to extend the eulogy on that committee a little further by mentioning an instance or two. And in passing let me deny *in toto* and squarely the intimations which the gentleman made in respect to my prepossessions of mind in regard to this report. I do not care to go into it in detail, but I do declare that I have approached this subject as I have endeavored to approach every other subject coming to my attention, in a fair and impartial spirit, and when I thought I had arrived at the truth, stood by it. But leaving that matter, I wish to extend, as I said, the eulogium of that committee, by calling attention to the fact that in all the time they claim to have bestowed in so much investigating they forgot or omitted to call before them any person from the Water Registrar. They did call before them one of the Water Commissioners. Now, what is the result in not having the Water Registrar before them? The inspectors connected with Cochituate have been reduced, and those connected with Mystic have not been reduced at all. I do not know whether that was an inadvertence or an illustration of the friendship and carefulness of the gentleman from Charlestown for his friends.

Mr. Webster of Ward 3—This shows more of the same spirit of this opposition. Because we have determined to classify two departments differently from what he would have done, he opposes the whole report. I want to know if we are expected to bring in a report that will satisfy every lawyer in Boston. It cannot be done.

Mr. Pratt of Ward 21—I would like to ask the gentleman whether I am correct in stating that the committee did not visit the Water Registrar's Department? [A pause.] The gentleman does not deny it. I also charge that they did not have the Water Registrar before them. I also charge that they left inequality in the reduction of the pay of the employes of that department.

Mr. Spenceley of Ward 19—The gentleman from Ward 3 has kindly given his version of the cost of the various departments, and there is a question I would like to ask him, because I want to vote intelligently on this bill if I vote at all. I see in the Police Department the chief clerk has \$1500 and is not cut, and the chief clerk in the Fire Department has \$1500 and is reduced \$150. I would like to know why that discrimination is made between the two men.

Mr. Webster of Ward 3—Does not the gentleman understand that the office of Clerk of the Police Department is a more responsible place and should be paid a larger salary? I think an examination by any member of the Council will convince him of that fact.

Mr. Spenceley of Ward 19—The gentleman from Ward 18 says we do gain something by experience, and I believe we do. I think that lawyers generally carry their points by argument, and I do not see why insurance brokers should not carry theirs by percentages. There has been a question arisen in my mind—a sort of conundrum—I put it out, and if any gentleman can answer it I would like to have him. If a general committee, consisting of three Aldermen and five Councilmen, after

careful consideration and investigation of each and every department, after many meetings, cannot bring in a bill that shall do justice to our many city officials, how can one gentleman, even from Ward 18, with his limited knowledge (as he states it), say that a bill reducing salaries ten, fifteen and twenty per cent. will measure out to each and every salaried official just, meritorious, well and justly earned dues? I would like to have the gentleman or somebody else answer that question.

Mr. Howes of Ward 18—Is that a personal request?

The President—Does the gentleman from Ward 19 yield the floor?

Mr. Spenceley of Ward 19—Oh, no; I can stand up and he can answer it just as well.

Mr. Howes of Ward 18—If the gentleman puts a personal question I will give him an answer. My plan, proposed by me at the last meeting, was on the basis of the salaries as they have been. I presupposed that the salaries were correct,—only I think they ought to be modified to suit the times, that is all. There is no assumption other than that. As far as experience is concerned, as I said before, I did some service, for two or three months on the Salary Committee last year. And while I am up let me say in commendation of the committee of last year as compared with that of the present—

The President—The gentleman from Ward 19 has the floor. He only gave way that a question might be answered.

Mr. Howes of Ward 18—I am answering the question, Mr. President.

Mr. Spenceley of Ward 19—The answer is longer than the question.

Mr. Howes of Ward 18—If the gentleman wishes any more I will proceed.

Mr. Spenceley of Ward 19—Not in that line. I think I should not go into criticism, because during the week past I have been looking over the different bills, and while I don't think any committee can form a bill that will not be unjust to some, yet on the whole I think the Committee on Retrenchment have given as fair a bill as they can. At the beginning of the year, I suggested that each general committee on the departments should investigate thoroughly each department in the matter of salaries and bring in their reports; and I don't believe now that in any other way we can get at this matter and do justice to all. I know it was suggested then that some of the outside boards of commissioners did not have any committees; but there might have been a committee appointed on their cases. I think as we take up these ordinances, one by one, we shall have to have a report from every committee on every department in City Hall, because in no other way can we get at this matter. Of course there are many departments in which I am not acquainted, and I do not know their duties. Of some I do. If I vote intelligently on the subject, I must take the word, or the knowledge, or experience of gentlemen who are in these departments. In that way, and in that way alone, can I vote. I am afraid, although the assumption of the gentleman from Ward 18 is against it, that if we go to amending the present bill, as we have it before us, we shall pull down all that we have been trying to build up for the past two or three years. Why, I do not know but I had rather have the scarlet fever than the symptoms of it, any way. Last year all our city officials were sitting on nettles the greater part of the year for fear their salaries would be reduced; and we are putting them in the same position this year. One of the heads of departments told me if we did not finish this up there were two or three other heads of departments who in a little while would not know where they were, whether they were inside City Hall or outside of it. I think it is too bad to disappoint them every time. We disappointed them last year, and this year we ought to reduce their salaries, and I repeat what I said at the last meeting, I have not heard a good and sufficient reason why we should not. As the gentleman has well stated, a dollar will go a great way further now than it would ten years ago; at any rate, mine has to, I don't know how it may be with other gentlemen. So I think it is only doing justice. But the great point to me is, can these salaries be equalized? I do not think we can ever do it. I do not care if you give it to a commission you cannot do it. If you appoint a committee you cannot do it. It must be unjust. It has been going on for the last ten or twelve

years unjustly. It is only for a year. Next year, with a new Council, this matter has got to be gone over with again, just as we are going over it today; and so in every Council. Every year it must be debated, and every year it will be passed upon. It seems to me we cannot do better, and I have made up my mind to vote for this bill. I think I could fix it up a little better to suit myself. I think you could, Mr. President, but I think in justice to ourselves and in justice to our constituents, we should carry the retrenchment bill through this year. Why, we are standing, you know, right between two fires. Here are the city officials trying to get the most money for the smallest amount of work; and here are the tax-payers and our constituents on the other hand who are saying "you must give us the most work for the least money." These men are doing very well in here, City Hall, doing their work and taking the money; but the outside parties, who have to take the money out of their business to pay for it have as much right to be heard. While we may do a little injustice in City Hall, we must also remember there are many on the outside who need justice to be done them. So I say we must carefully consider it and then pass upon it. I do not know any better way. I do not know any way in which we can come to any decision better than to take this bill as it is and carry it through. If there is any amendment to be offered here tonight I should be glad to hear of it, but up to this time I have not seen anything that would convince me that the report of this committee is not the best we can get at this time.

Mr. Webster of Ward 3—In answer to the question of the gentleman a few moments ago in regard to the salaries of the clerks of the Fire Commission and Police Department, I would say that the clerk of police has to work seven days in the week, and the clerk of the Fire Department can attend the Tabernacle three times on Sundays if he sees fit.

Mr. Sibley of Ward 5—I have been very much amused at this discussion. It is on salaries, and we don't want to pay people so much as we have been paying them; and something has been said about the taxpayers and the hard times. There has been some difference of opinion; the subject has been pretty well ventilated, and I move the previous question.

Mr. Crocker of Ward 9—I hope the previous question will not be put, for, as I suppose, and as I think the Chair ruled at the last meeting, the order for the previous question will require us to take a vote on all the ordinances before us without order, amendment or discussion. It seems to me that if we should press all these ordinances to a second reading without amendment or discussion, trusting to amend them on their final passage, we should find ourselves in an awkward predicament. I think there are some gentlemen here who don't want those ordinances passed as they find them now. If we begin to amend them on the final passage, as each ordinance is passed, it becomes a law, and it is beyond our control. A gentleman may be willing to sacrifice his own ideas and wishes with regard to certain officers while they are going through, if other people are going to sacrifice theirs, trusting to a bill going through as a whole; but if when it comes to a final passage the gentleman will be compelled to see that salaries which he thinks ought not to be cut down are cut down, and are irrevocably passed upon, and when the Council comes to pass upon the other salaries, he will find that gentlemen whom he trusted to cut those salaries down will change their minds and the result will be entirely unsatisfactory and will be beyond recall; whereas, if we make the amendments at the present time, we can see whether we get the thing in a satisfactory shape or not, and then can reconsider our action upon the final passage of the ordinances, if it is necessary.

The President—The Chair will state the operation of the previous question in this case. It will cut off the motion of the gentleman from Ward 18, and, if the main question is ordered, it will bring the Council to a vote without debate upon the ordinances reported by the committee.

Mr. Sibley of Ward 5—I understand that the previous question is on the substitute offered by the gentleman from Ward 18. I don't understand that that question has anything to do, at the present time, with the report of the Joint Special Committee on Retrenchment. I moved the previous question on the substitute, but I will withdraw that motion, and move to take the vote in ten minutes.

Mr. Crocker—On what will the debate be limited to ten minutes?

Mr. Sibley—On the motion to recommit.

The vote to take the vote in ten minutes was carried.

Mr. Webster of Ward 3—I can only say that at the conclusion of these ten minutes—which I do not see any particular benefit of—I hope the previous question will be moved and enforced upon the main question. This policy of delay is not by the friends of the measure; but those who are more anxious to make amendments than to delay action. If they are so desirous of action, why did they keep the report on the table until they could not do so any longer. These same gentlemen would have kept the report upon the table until now if they could. This question shows that we should take a test vote upon it. However much we want to save salaries in City Hall, I believe they are too much and should be reduced some. I understand that the School Committee have sent in an estimate of salaries substantially the same as last year, and the Committee on Public Instruction have made a reduction of a hundred thousand dollars. Now, if we are going to economize here, we can insist upon it there, and we cannot do it otherwise. If we vote against retrenchment here, I propose to vote against it with all my power there. The question is whether we want retrenchment here or not? If you pass our report tonight it will be a test question. I hope we shall not be bull-dozed tonight. It was understood at the last meeting that a vote should be taken tonight and we can take it now, and it was said the main question would affect amendments. The committee consented to acting without the main question, but just before the vote came the substitute came in, and everybody wanted to consider it and the Council adjourned. Now it does seem to me that we might as well go on the record one way or another, as we will then know how to vote upon it. I trust the vote will be taken.

Mr. Richardson of Ward 10—I ventured to make a remark at the last session against this report of the Committee on Retrenchment, not because it was reported by new members, or young members, or by one person or party; but simply because I thought there were features in it, and the main features in it, which were inexpedient and truly impracticable. Possibly I didn't make myself clearly understood, and, therefore, I wish to repeat what I suggested at that time in regard to some characteristic features of this report. One is that passing these ordinances creates in my judgment a large number of salaried offices. For instance, you take the ordinance on salaries for the Treasurer of Boston, and you can illustrate them all by that one. Section 1 provides for the salary of the Treasurer; section 2 provides for the salary of the Cashier; section 3, for the Bookkeeper; 4, for the Teller; 5, for the Debt and Interest Clerk; 6, County Clerk, and so on. Then you look at the next section and you will find that these persons have their compensation fixed by salaries. You turn along at the top of the page and you find that it fixes the salary of the office boy. Now, there is nobody here—I don't care whether he is lawyer, insurance agent or broker—who will pretend to say, if those ordinances are passed, that we are not creating salaried offices. Now, then, referring to the rules of the Common Council, we find that by rule 67 all salaried officers shall be elected by ballot. The result in my judgment—I don't see how you can avoid it unless you repeal the rule—is that every person for whom you provide a salary in this ordinance must be elected by ballot. You cannot help it. Now, then, there is another feature which I think is wrong. If you elect all these officers by ballot and if you fix their salaries by ordinance, then this office boy receives his authority not from the head of his department, but from the City Council. It is plain, I think, to everybody that proper authority in that department is suspended, is abolished, is done away with. The head of the department is no longer responsible for it; he can no longer control, no longer discharge the employes. It is impossible to discharge one of these men whom we have elected, and whose salary has been fixed by the City Council. No matter if he saw in the course of a year that he did not require the services of the persons mentioned in the ordinances, he could not discharge him, and you could not possibly get rid of him this year because you have made a salaried contract by that vote and you cannot discharge it. I made that remark at the last session, and I think that the

gentleman from Ward 3 [Mr. Webster] suggested that the ordinance read that the head of the department might be allowed so and so. That is so in one or two ordinances, but in the large proportion of them it is not "shall be allowed these clerks," but it is the same language in regard to the clerk that is used in regard to the head of the department, and you make them equal. I think that will be practically discharging all subordination and control by the heads of departments of all the persons in the departments, which is wrong. I think that will be the inevitable result of it. I think, further, that the amendment which was last substituted by the gentleman from Ward 18 is impracticable. As I read it or understand it, he proposes to reduce the salaries of all these parties, while, in the first place, legally, there is no salary to all these parties. Can gentleman say that this office boy has a salary? He is employed upon wages; he has nothing to start upon. When the gentleman comes to a department he looks down through the list of clerks; he says we reduce your salary ten or twenty per cent. What is his salary? There is no salary in the legal sense. It is mere compensation or contract that he had last year with the head of the department. The year before he had a different compensation, but there was no salary. The argument is baseless, as it is trying to erect a house without a foundation. The fact is, as I said before—I don't say this in hostility to the purpose of retrenchment—I say this, as the gentleman from Ward 18 said, this is the most extravagant city in the world in the point of payment of its salaried officers.

The time for debate having expired, a vote was taken, and Mr. Howes's motion was declared lost.

Mr. Duggan doubted the vote, and called for the yeas and nays, which were not ordered—4 for, 42 against—and the question came upon giving the ordinances a second reading.

Mr. Wilbur of Ward 20—I wish to offer the following orders in place of the ordinances in the Retrenchment Committee's report, and if the President will allow me I would like to explain them to the Council, so that members can understand them as we go along. If gentlemen will first look at the report of the Retrenchment Committee they will see that the first is the Executive Department, next the City Clerk's office, and then next the Clerk of the Common Council, and so on. The orders that I propose to offer as substitute for the report of the committee are in the shape of orders instead of ordinances, as proposed by the committee. While I heartily endorse the report of the committee so far as it goes, in regard to the reduction of salaries, I do not like the fixing of the salaries by ordinance. The substitute, as the orders will be read, taking each department by itself—

Mr. Flynn of Ward 13—I call for the reading of the substitute which the gentleman has presented before he goes on with the debate.

The President—The Chair understands the orders presented by the gentleman simply substitute the word "order" for "ordinance."

Mr. Flynn of Ward 13—I move that the whole document be read by its title, if it has a title, in order that it may come before the Council, and that we may dispose of it.

Mr. Pratt of Ward 21 raised the point that it was not proper to make a motion while the gentleman from Ward 20 had the floor.

The President—The gentleman only asked for the reading of the substitute.

Mr. Pratt—But he moved that it be read by its title. The gentleman has the right to make a speech before he offers the orders.

The President—The point is well taken.

Mr. Wilbur—I wish to explain to the Council.

Mr. Flynn of Ward 13—I raise the point of order that the gentleman from Ward 20 is not talking on any subject before the Council.

The President—The point is well taken.

Mr. Pratt—I respectfully appeal from the decision of the Chair. The Retrenchment Committee's report is before the Council, and the gentleman from Ward 20 is in order in speaking upon that.

The President—The Chair is of the opinion that the gentleman from Ward 20 has the right to proceed with his remarks upon the substitute. The gentleman from Ward 20 has the floor if he wishes to proceed.

Mr. Flynn of Ward 13—Do I understand the Chair to withdraw his statement that the gentle-

man was not in order, and that he can now go on? The President—The Chair withdraws that ruling.

Mr. Flynn of Ward 13—Is it not proper for any gentleman to ask for the reading of a document before speaking upon it? He has already presented it to you as the presiding officer, and there is no other business before the Council.

The President—The gentleman from Ward 20 has the floor and he will proceed.

Mr. Wilbur—I will withhold any further remarks. I only asked the indulgence of the Council for a few moments so that I might explain the matter before it was read, and that the Council might understand it.

The President proceeded to read the substitute of Mr. Wilbur, which was in the usual form of a salary bill, and which made reductions from salaries as now paid. In the first order the salary of the Mayor's clerk is reduced from \$1800 to \$1600.

Mr. Wilbur—The report of the Retrenchment Committee fixed this salary at \$1800 as at present.

Mr. Mowry called for the reading of the orders and the President proceeded to read them, as far as the City Clerk, whose salary it fixed at \$4500 and \$11,500 is allowed for clerk hire.

Mr. Flynn of Ward 13 moved that the further reading of the orders be dispensed with.

Mr. Crocker of Ward 9—I object to dispensing with the reading of the orders. It is very important to have them read, and I suppose it is not possible to dispense with reading them unless by a suspension of the rules. It is a most unheard of thing to dispense with the reading of an amendment. We cannot tell how to act upon an amendment without reading it.

In reply to a question by Mr. Flynn of Ward 13, the President said a suspension of the rules would be necessary in order to dispense with the reading.

Mr. Wilbur—I hope the reading may proceed a little further, for there is an order attached to the order in regard to each department directing the committees on the different departments to report to this Council what reductions should be made in the various departments; this, I think, will show the feasibility of the substitute.

Mr. Flynn—It is very evident that these orders have been put in here as a means of filibustering, and that it will take from now until eleven o'clock to read them, if the gentleman insists upon the reading.

Mr. Wilbur—I do not insist upon the reading of the whole orders, if you will allow them to be read so far that they can be understood.

Mr. Flynn—It is very evident that they were put in here for delay, and in order to test the sense of the Council I move that the rule be suspended, that the reading of the order may be dispensed with.

The Council refused to suspend the rule—41 for, 21 against; two-thirds being necessary.

The reading of the orders progressed to the end of the order in relation to the Collector's Department.

Mr. Richardsou of Ward 11 moved that the further reading be dispensed with, that the orders be printed, and that the whole subject be specially assigned to next Thursday evening at eight o'clock.

Mr. Webster of Ward 3 was very happy to do away with the reading, but if members wish to filibuster, those favoring the bill can stay till breakfast time if necessary.

Mr. McGaragle of Ward 8 thought that if they went on printing, the expense would be more than the whole saving of the Retrenchment Committee's report.

Mr. Wilbur did not intend to filibuster. He was anxious for retrenchment and would be glad to sit till two o'clock in the morning. He offered the substitute in good faith and to do justice to the heads of departments and employes. Mr. Flynn moved the previous question.

In reply to Mr. Crocker, the President said the main question would include the substitute, and then the question would come on the ordinances without debate.

Mr. Sampson suggested that Mr. Wilbur withdraw the substitute in order to facilitate business.

Mr. Pratt suggested that the main question would cut off amendments which it would be better to make on the second reading than on the passage of the bill.

Mr. Sampson raised the point that the amendments had not been read through, and the President ruled the point well taken.

Mr. Spenceley of Ward 19 hoped the substitute

would not be withdrawn. It should be voted down at once. If it is intended to delay action they might as well order a lunch at once.

Mr. Webster of Ward 3 moved that the orders in the substitute be read by their titles.

Mr. Wilbur withdrew the substitute in order to facilitate business, on condition that the ordinances were to be taken up section by section.

Mr. Flynn of Ward 13—I move the previous question and that the thirty-nine ordinances be adopted by their titles.

Mr. Wilbur—Then I do not withdraw the amendment. I withdrew it on the condition that the ordinances would be taken up section by section, and if that is the understanding I will withdraw; otherwise I will not.

Mr. Jackson of Ward 16—Did not the Chair declare the amendment withdrawn?

The President—The gentleman from Ward 20 withdrew the amendment.

Mr. Beeching of Ward 1—I understand that the object is to put this bill as a whole just as it stands without any opportunity for amendment. That seems to be very unfair. There is a desire on the part of some of the gentlemen here to have some of those ordinances amended, in order that justice may be done as nearly as it can be. A majority of those present admit that great injustice will be done in certain cases if the report of the Retrenchment Committee is taken just as they have given it to us. Although the committee admit that in some cases injustice has been done, amendments can be made by taking up ordinances section by section. In some respects I favor the Retrenchment Committee's report, but if it is pressed, I shall be obliged to vote against it, because I am unwilling to take it just as it stands. I want it understood that I go for retrenchment. I stood for retrenchment last year, and I stand there this year; but I think some discretion should be used. The committee seem to have got the opinions of the heads of departments, and acted directly opposite to those opinions in some cases. We cannot have an opportunity to improve the report if the previous question is ordered.

Mr. Flynn of Ward 13—My object is to test the sense of the Council. The ordinances can be amended on their final passage.

Mr. Crocker—It is bad policy for us to pass this to the second reading under the previous question, so that no amendment can be made, for if the amendments are postponed until the final passage of the ordinance many of them will be beyond our control, and we cannot help ourselves. The alterations should be made on the second reading, and if we make a mistake we shall have a chance to look into it and find out what it is.

Mr. Sampson—I hope the previous question will not prevail. Now is the time to make amendments, if ever. I am in favor of retrenchment, but I believe in fixing salaries by ordinance. Here is the ordinance in relation to the Directors for Public Institutions which the Board of Aldermen overlooked. The City Council has no control over these salaries, the authority being vested in the Directors by statute, except the Master of the House of Correction and Superintendent of the Lunatic Hospital. In the other branch this statute provision in regard to the Overseers of the Poor was discovered in time to have that ordinance stricken out.

Mr. Webster of Ward 3—I hope the motion will prevail, though I don't want to choke off discussion. The committee have not been fairly treated; the bill has not been discussed upon its merits. It has been laid upon the table two or three evenings and members have brought in amendments. Those favoring the bill will stay here all night if necessary. The Council has discussed the matter thoroughly and I think it ought to be prepared to have a test vote.

Mr. Thompson of Ward 9—As one who is opposed to ordering the previous question at present, I wish to state that the reasons assigned by the gentleman from Ward 3 are not the reasons which dictate my action. I am in favor of retrenchment to as full an extent as the gentleman himself can be. But I am thoroughly opposed to this scheme of fixing salaries by ordinance. I believe it is as vicious a principle as can be introduced into the City Government, and this committee is trying to force this principle down our throats. They are refusing to give us a test vote upon that question separate and apart from the vital question of retrenchment. If they will present a test question, whether we wish to fix salaries by orders or ordinances—if the previ-

ous question can be moved upon that, I should be prepared to vote for it. But I am thoroughly opposed to ordering the previous question upon whether we shall vote for the ordinances at this time. I want my vote to be in favor of retrenchment. But I am opposed to this scheme of fixing salaries by ordinance, and I want the test to come there.

Mr. Beeching—My chief objection to the previous question is that it prevents amendments. If we make mistakes in the second reading we can correct them on the third. I go for retrenchment just as much as the gentleman from Charlestown, but I am not in favor of rushing this thing through without improving it. If the bill is right, and a majority of the Council favor it, it will pass. It is not absolutely necessary that it should be passed tonight as a whole, and we can finish it next Tuesday evening.

On motion of Mr. Crocker, the yeas and nays were ordered on the ordering of the main question, and it was ordered—yeas 37, nays 34:

Yeas—Messrs. Blanchard, Brintnall, Burke, Cannon, Cox, Cross, Day, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mullane, Nugent, O'Connor, O'Donnell, Pope, Reed, Roach, Ruffin, Sibley, Spenceley, Thordike, Vose, G. B. Webster—37.

Nays—Messrs. Barnard, Barry, Beeching, Blodgett, Brown, Clarke, Coe, Crocker, Danforth, Felt, Ham, Hibbard, Hiscock, Howes, Mowry, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson Roberts, Sampson, Shepard, Smardon, Souther, Stone, Thompson, Upham, Warren, E. R. Webster, Wilbur, Wolcott—34.

Mr. Crocker moved a reconsideration of the vote just taken, and suggested that it would facilitate business to divide the question, so that the question could be taken up on each ordinance separately.

Mr. Flynn raised the point that the motion was not in order, which the President ruled well taken.

Mr. Crocker said the motion was not made for delay, but simply to have the question divided, so that the general questions could be voted on separately from the ordinances.

Mr. Webster read the rule showing the motion to reconsider could not be made on the ordering of the main question, and the President again ruled the point well taken.

The question came up on giving the ordinances a second reading, and the President called attention to the verbal amendments made by the Aldermen.

The ordinances were passed to a second reading by their title.

On motion of Mr. Crocker, the several ordinances were read by their titles, and were put upon their passage.

Mr. Sampson of Ward 17 offered an amendment to the titles of the several ordinances in the usual form used in the salary orders, so that the salaries should be established by orders instead of ordinances.

Mr. Sampson—I think the feeling among a majority of the members of the Council is that the salaries should be fixed by orders instead of ordinances; and I think that many of us will vote for the report if the salaries are established by orders instead of ordinance. I believe the establishment of salaries by ordinance to be a pernicious principle.

Mr. Wilbur—The substitute which I offered is in the form of orders, and they make retrenchment in the various departments and it does not lessen the reduction made by the Retrenchment Committee. I offer them as substitutes for each section of the ordinances as they are taken up.

The President—The Chair understands that the substitute is substantially the same as that of the gentleman from Ward 17.

Mr. Pratt—I move that the subject be recommitted to the Committee on Retrenchment with instructions to report a salary bill reducing the salaries of all persons in the employ of the city five per cent. below the present rates. I offer this in no spirit of filibustering. I do not admit the right of the committee, under the order by which they were appointed, to choke down our throats these ordinances reported by them, and I do not find any authority for them to report ordinances establishing salaries. To test the genuineness of the gentleman's desire for reform, I offer this motion, and if it shall prevail it will accomplish retrenchment in a better way than the report of the

Retrenchment Committee does. From the report before us I find that the amount paid for salaries is \$2,347,571, and a reduction of five per cent. upon that amount will save to the city \$117,378, as against \$95,000 reported by this committee. If the object be to retrench, that retrenches a number of thousand dollars more than the report of the committee does. If they desire to make a fair and equitable reduction, that does it. Twenty per cent. off a man's income is a pretty large amount; ten per cent. off a man's income means a change of home, means cheaper rent, and means hardship in the family; and I do not believe, sir, that we would be doing justice by the faithful and efficient employes of this city by reducing them in many instances to the extent that is recommended by the committee—in some cases twenty per cent. The gentleman urged that the cost of living is less than it was formerly—that rents are cheaper, that a dollar goes farther than it did in former years. Grant it. If a dollar goes for a head of a department it goes farther for those employed in other branches of the City Government. If it is fair to reduce the pay of the Inspector in the city proper, it is fair to reduce those in the Bunker Hill wards. I contend that the fairest reduction is to take off a certain per cent. that will not be a hardship, and carry it right through the whole list of the employes without impartiality. If we reduce them a small amount this year, then next year they can be reduced five per cent. more. I am open to any arrangement that is just and equitable.

Mr. Burke of Ward 2—There appears to be a desire on the part of a good many to evade the question of retrenchment. We have had four amendments offered this evening, and yet I have not heard a single member of the Council say he is not in favor of retrenchment. I am in favor of retrenchment. But it seems to me there are many things in the committee's report which might be amended. If the ordinances come up one at a time, and we act upon them, and the majority see fit to amend them, why not do so? But it seems to me that this introduction of new orders is by gentlemen who are not in favor of retrenchment. The gentleman has offered a motion that the salaries be reduced five per cent., but these salaries have been raised over twenty-five per cent., it seems, and in the short space of eight or nine years I noticed that their pay has been double. I should like to know what man in this Council within eight or nine years has had his salary doubled in the employ of other parties. I say not a single individual. I don't think a percentage reduction will do justice to the heads of departments or the employes either. I think on the whole the report of the committee is as good as we can get, and I think we had better proceed to try ordinances separately and get the sense of the Council upon them.

Mr. Flynn of Ward 13 moved the previous question.

Mr. Pratt hoped it would not be ordered, as many were desirous of making amendments.

Mr. Pierce—Will not the question be susceptible of division after the previous question is ordered?

The President—It will. Each order can be acted upon by itself.

Mr. Thompson called for the division of the question, before the order for the main question.

Mr. Flynn withdrew the motion for the previous question, and moved that the question be taken in three minutes.

Mr. Thompson called for the division of that question.

Mr. Reed of Ward 17 hoped the amendment of Mr. Sampson would prevail. He was in favor of establishing salaries by order, provided the ideas of the committee could be carried through.

The motion to take the vote in three minutes was carried, but it appearing that no one desired to speak, Mr. Beeching moved a reconsideration, which the President declared out of order unless the rules were suspended.

On motion of Mr. McGaragle, the rule was suspended.

The three minutes having expired, the question was put. Mr. Pratt's motion was lost, and the question recurred upon the amendment of Mr. Sampson.

Mr. Webster of Ward 3 had no objection to establishing salaries by order. In fact, in many cases he advocated it in the committee, and he read from the committee's report the reasons given for establishing salaries by ordinances.

Mr. Sampson's amendment was adopted, and

the question was upon the passage of the several amended orders.

Mr. Thompson called for division of the question, so that the thirty-nine amended orders could be taken up separately.

The thirty-nine amended orders in the bill were then read seriatim, the title in each case being fixed as provided in the amendment by Mr. Sampson, and the word "order" substituted for "ordinance" wherever it occurred.

The question was put in each case upon each case separately, and the ordinances were passed one by one.

Discussion was, by vote of the Council, in each case limited to one minute.

Amendments were discussed accordingly, as follows:

*Mayor's Clerk*—\$1800. Mr. Wilbur moved to make it \$1650. Lost.

*City Clerk*—\$4000. Mr. Wilbur moved to make the salary \$4500 and to allow \$11,500 for clerk hire, explaining the differences between that and the committee's report.

Mr. Richardson of Ward 10 favored the amendment, as it was in the line of the remarks he had made. The true way in all the departments is to appropriate so much for clerk hire in the various departments, to procure competent and faithful heads, and make them responsible. The expense will be less, and it will avoid the election of so many new salaried officers. He did not believe any one wanted to go into an election of all those various clerks, and to establish salaries in this way was the only way to secure subordination and obedience.

Mr. Thompson said the committee's scheme was intended to revolutionize the manner in which the business of the City Government is conducted. The question is a grave one, affecting not a few dollars and cents only, but the entire principle upon which the Government is administered. He did not believe at this late hour that the Council were prepared to give the question the consideration to which it was entitled, and for that purpose he moved an adjournment.

The question was put by the Chair, who was in doubt, and on motion of Mr. Beeching of Ward 1 the yeas and nays were ordered.

Yeas—Messrs. Beeching, Blodgett, Brown, Burke, Clarke, Crocker, Danforth, Felt, Hibbard, Mowry, Pearl, Pratt, J. B. Richardson, Souther, Thompson, Warren, Wilbur—17.

Nays—Barnard, Barry, Blanchard, Brintnall, Cannon, Coe, Cox, Cross, Day, Dee, Doherty, Dugan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Hiscock, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mullaney, Nugent, O'Connor, O'Donnell, Perham, J. H. Pierce, O. H. Pierce, Pope, Reed, Roach, Ruffin, Sampson, Shepard, Sibley, Smardon, Spenceley, Stone, Thorndike, Upham, Vose, E. R. Webster, G. B. Webster, Wolcott—41.

Absent or not voting—Messrs. M. W. Richardson and Roberts.

Mr. Barnard of Ward 24 moved to specially assign the matter to next Thursday evening at half-past eight o'clock, in order to allow time to transact business this evening.

The motion was lost by division—24 for, 35 against.

Mr. Clarke of Ward 22 moved to lay the subject upon the table for fifteen minutes, as there were various reports and orders which ought to be submitted and business that should be transacted.

Mr. Barnard agreed with Mr. Clarke, although he was perfectly willing to stay here until midnight to transact the city's business.

Mr. McGaragle and Mr. McDonald both believed that it was important to settle the question tonight.

The motion to table was lost.

Mr. Pratt moved to especially assign it to three o'clock this morning, which the Chair ruled out of order as being dilatory in its nature.

Mr. Pratt respectfully appealed from the decision of the Chair.

Mr. Sibley raised the point that no appeal could be taken unless it was seconded and the appeal was lost for that reason.

Mr. Pierce of Ward 24 asked for a division of the question involved in the amendment, which Mr. Wilbur again explained.

Mr. Flynn of Ward 13 moved the previous question.

Mr. Thompson urged that the main question should not be ordered, as there seemed to be a disposition to make the changes without discus-

sion, and to force it upon the Council without mature consideration. It would appear by the record that he was opposed to reducing salaries, but it was because he was opposed to forcing the report down the throats of members.

Mr. Clarke of Ward 22 moved to adjourn to tomorrow evening at 7½ o'clock, but his attention being called to the fact that it was past midnight, he made the motion for Friday evening. The motion was lost.

Mr. Pratt moved to lay the whole subject on the table until half past one o'clock, because he acquiesced in the committee's intention to keep them there till morning.

The President ruled the motion out of order as dilatory.

Mr. Kelley of Ward 3—At our last meeting some gentlemen said they did not wish to be bulldozed. I believe we have been pretty well bulldozed by one or two lawyers. I believe in meeting this question fair and square. The committee reduced the City Clerk's salary just as he asked, and what right have they to force \$1000 on him? Many employes have salaries that are too high. Gentlemen get up here and preach retrenchment, but throw every obstacle in the way; I don't believe in that doctrine. The gentleman [Mr. Pratt] says he did n't preach for Tilden and reform, and I can't see that he goes for reform in any shape. I call for the previous question.

The main question was ordered. The amendment was lost, a call for the yeas and nays by Mr. Crocker being lost.

Mr. Crocker advocated a postponement of the matter till the next meeting, as it should not be passed hastily. He thought the committee were inclined to force it through; but if they attempted it, filibustering might prevent it.

Mr. Sibley did not consider it a great hardship to sit a while longer; at Washington they had an all-night session recently. The gentleman had had fifteen months to consider this matter.

*Clerk of Common Council and Assistant.* Mr. Wilbur moved to amend by making the salary of the assistant \$1200. It is too small to reduce \$100.

Mr. Burke favored retrenchment, but objected to staying all night. He moved to adjourn. Lost by a division—26 for, 39 against.

Mr. Thompson moved to postpone further consideration to nine o'clock Friday evening, and that when the Council adjourn it be to that hour.

Mr. Sampson moved to substitute next Thursday evening, the regular meeting.

Mr. Spenceley urged action then and there. Four-fifths of the delay had been caused by those opposing retrenchment. He would stay there till morning dawns and the bell rings for eight o'clock.

Mr. Crocker thought they had not had time to act upon it. They had been gaining a little, and three or four more trials would give a majority.

Mr. Sampson said he had an engagement for Friday evening, and presumed others had.

Mr. Howes hoped they would sit till 9 A. M., if necessary to settle it.

Mr. Thompson was not anxious to delay, but made the motion in good faith.

The motion to assign to next Thursday evening was lost, and Mr. Thompson's motion to assign was lost.

Mr. Flynn of Ward 13 moved that discussion on each ordinance be limited to one minute.

Mr. Howes moved to make it ten minutes.

Mr. Pierce of Ward 24 thought it would be hurrying the matter through too hastily.

Mr. Spenceley moved to make the time three minutes and Mr. Crocker moved to make it an hour, and the last two motions were lost. Mr. Thompson raised a doubt, but the President refused to entertain it, as coming too late.

The motion for three minutes was adopted.

Mr. Beeching said the subject should be acted upon calmly, and to secure that end he moved to adjourn.

On motion of Mr. Thompson, the yeas and nays were ordered, and the motion was lost—yeas 25, nays 45.

Yeas—Messrs. Beeching, Blodgett, Brown, Burke, Clarke, Coe, Crocker, Danforth, Felt, Hibbard, Mowry, Pearl, Perham, J. H. Pierce, Pope, Pratt, J. B. Richardson, M. W. Richardson, Smardon, Stone, Thompson, Upham, Warren, Wilbur, Wolcott—25.

Nays—Messrs. Barnard, Barry, Blanchard, Brintnall, Cannon, Cox, Cross, Day, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Hiscock, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin,

McClusky, McDonald, McGaragle, Morrill, Mul-lane, Nugent, O'Connor, O'Donnell, O. H. Pierce, Reed, Roach, Ruffin, Sampson, Shepard, Sibley, Souther, Spenceley, Thorndike, Vose, E. R. Webster, G. B. Webster—45.

Absent or not voting—Roberts.

Mr. Clarke changed from yeas to nay before the vote was declared.

Mr. Ham of Ward 14 moved to assign the subject to nine o'clock of the next meeting.

Mr. Day said it was a dilatory motion.

Mr. Ham's motion was lost.

Mr. Wilbur's amendment was lost.

A motion to adjourn by Mr. Crocker was lost—23 for, 42 against.

*Clerk of Committees*—\$2750. Mr. Danforth of Ward 10 moved to make it \$3000. Lost.

Mr. Wilbur moved to make it \$2600. Lost.

*Assistant Clerk of Committees*—\$1500. Mr. Clarke moved to make it \$1700. Lost.

*City Messenger.* Mr. Wilbur moved to make the salary of the First Assistant \$1000. Lost.

*City Collector*—\$4000. Mr. Wilbur offered his order in relation to this department as a substitute, making the Collector's salary \$4500.

A motion to adjourn by Mr. Crocker was lost.

Mr. Wilbur's amendment was lost.

*Teller in City Treasurer's Office*—\$1800. Mr. Crocker moved to make it \$1810.

Mr. Spenceley said all these amendments are for dilatoriness.

Mr. Sibley—The gentleman from Ward 9 is perfectly harmless. It is only to filibuster.

Mr. Crocker said he thought it was not in the shape to hurry it through tonight.

The amendment was lost.

Mr. Hibbard thought a great mistake had been made in all the ordinances and moved to strike out "at the rate of" and insert "shall not be more than."

Mr. Richardson of Ward 10—That suggestion has been made a dozen times, but the Common Council does not see it.

Mr. McGaragle—Too bad.

Mr. Hibbard's amendment was lost.

Mr. Danforth moved to adjourn; he thought they had done very well and may as well finish it up at the next meeting. Lost by a division—25 for, 37 against.

*Auditor of Accounts*—\$5000. Mr. Pratt moved to make the salary \$5500, as that would be more proportionate. The Auditor performs the duties of three other officers, and the proposed reduction is unjust. The amendment was lost.

*Chief Clerk in Collector's Office.* Mr. Coe asked why the chief clerk was reduced only \$200, while other similar employes were reduced \$500.

Mr. Webster of Ward 3 said Mr. Ricker was a valuable man, and came very near being elected Collector himself. Anybody will see that his salary should not be reduced more.

Mr. Richardson of Ward 10 said the trouble was they were fixing salaries for men and not for the officers. If a man is discharged or resigns, the new man gets the same salary.

*Deputy Collectors*—\$1400. Mr. Pratt moved to make the salary \$1500. Lost.

*City Engineer*—\$4500. Mr. Pratt moved to make it \$5000.

Mr. Wilbur said the work of the Engineer is very important, and it is not good policy to reduce the salary of such an able officer.

Mr. Danforth favored this amendment, calling attention to the vote of 7 to 5 in the other branch on this salary, while on others it was 9 to 3.

The amendment was lost.

Mr. Howes raised the point that the President should preserve order and decorum, and said several members were making a free lunch room of the Council chamber. He moved that they be invited to go into the lobby.

The President—The gentleman's point of order is frivolous.

*City Solicitor.* Amendments to make the salary of the Solicitor \$5500 and First Assistant \$3500, by Mr. Pratt, were lost.

*East Boston Ferries.* Mr. Beeching—This is a case in which I think great injustice is done by the committee. I move to strike out all those sections relating to the employes, and if that is done, I will move that it be referred to the Directors, who by ordinance now have the matter in charge.

Mr. Burke of Ward 2—The ordinance already refers this matter to the Directors of the Ferries, and I don't see why we can change it by any vote of ours. I second the motion to strike out, so that we may leave it where it belongs, in the hands of the Directors.

Mr. Flynn of Ward 13 hoped the Council would pass the ordinance as it came from the committee. The amendment was lost.

Mr. Reed offered an amendment which he said had been inadvertently omitted by the committee and was the same as that provided in the ordinances relative to the city hospital and public library, that the trustees of the East Boston Ferries may, with the approval of the Committee on Ferries, designate the additional number necessary to be employed, etc.

Mr. Reed's amendment was rejected.

Mr. Howes moved to strike out the section similar to the one offered by Mr. Reed in regard to the ferries, saying that what was left to one branch ought also to be left to the other. The amendment was lost.

*Registrars of Voters.* Mr. Pratt moved to make the salary of the Registrar appointed in 1877 \$2500. Lost.

*License Commissioners*—\$1000. Mr. Pratt moved to make the salary \$2000.

Mr. Hibbard hoped this amendment would prevail; the reduction looks like free rum, and he did n't know but that it meant that.

The amendment was lost.

*Superintendent of Faneuil Hall Market*—\$2200. Mr. Clarke called attention to the fact that the committee had omitted the compensation of \$150 a year allowed for a boy to remain in Faneuil Hall while the superintendent was out. He moved to amend to allow this amount for a boy.

Mr. Pratt of Ward 14 moved to adjourn.

Lost—13 for, 38 against.

Mr. Clarke's amendment was lost.

Mr. Hibbard moved to make the salary \$2000.

Mr. Hiscock moved to make it \$2500.

Mr. Hibbard said the Superintendent of Markets sat in his office, and did nothing but collect rents once a month, and that \$1500 was sufficient.

Both amendments were lost.

*Superintendent of Public Lands*—\$1800. Mr. Clarke moved to make it \$2000.

Lost.

*Police.* Mr. Pratt moved to make the salaries of policemen appointed after the passage of this order \$2.75, instead of \$2.50. Lost.

Mr. Danforth moved to strike out "after two years' service," and insert "first month's service." A person who is competent to be a policeman can learn the duties in less than two years, and having learned them is entitled to full pay. Two dollars and a half is very small pay for a patrolman.

The amendment was lost.

*Superintendent of Sewers.* Mr. Pratt moved to make the salary \$3200. Lost.

*Health Department.* Mr. Pratt moved that it be referred to the Committee on Ordinances to report whether it conflicts with the statutes. Lost.

*Assessors.* Mr. Clarke called attention to the fact that no provision had been made for the thirty-three clerks required in this department, which must have been an oversight.

Mr. Pope of Ward 14 raised the point that a quorum was not present.

The President said forty-four members were present.

*Clerk of Park Commissioners.* Mr. Vose said he understood this office was abolished, and there is no necessity for passing the order.

Mr. Clarke said the office was abolished, and moved to strike out the provision.

Mr. Spenceley said the clerk might be wanted by and by if we lay out parks.

The amendment was lost.

*Superintendent of City Hospital.* Mr. Pratt moved to make the salary \$2500. Lost.

*Superintendent of Public Grounds.* Mr. Pope of Ward 14—Being voted down does not frighten me. I understand that the Superintendent of Common has not had his salary raised for a great many years, yet the committee have reduced him. I move to make it \$2500.

Lost.

*Superintendent of Streets.* Mr. Pratt moved to make the salary \$4000. Lost.

*Directors for Public Institutions.* Mr. Sampson of Ward 17 called the attention of the Council to what he presumed was an oversight of the committee, and read from pages 447 and 454 of the Laws and Ordinances to show that the fixing of salaries of the employes under the Directors for Public Institutions was in the hands of the directors by statute. Therefore, if this order is passed it would not be legal, to prevent which he moved that it be stricken out.

Mr. Clarke said the case was exactly the same

with the Park Commissioners, and he did not see how they could alter this matter now.

Mr. Spenceley said that if the order was illegal it was null and void, and it would do no harm to pass it.

Mr. Sampson desired the matter referred to the City Solicitor.

Mr. Sampson's amendment was lost—21 for, 28 against.

Mr. Pope of Ward 14 called attention to section 17, by which the salary of the chaplain at the institution was reduced to \$1050, and there was a discrepancy between the order and the recommendations of the committee in their report. This salary had not been raised since 1865, and he moved to make the salary \$1100.

Mr. Webster of Ward 3 said the salary was \$1200, and the reduction proposed was \$150, which, according to his mathematics, left \$1050.

Mr. Pope said he was looking at another section, and would withdraw the amendment.

Mr. Sampson moved to amend section 19, as he understood the committee had acted under the impression in regard to the clerk of the House of Industry, who is able, and whose duties are very onerous. Since then he was employed at a salary of \$800 a year, and was promised a thousand next year. That gentleman was transferred to the Marcella-street Home, and in February the directors took the assistant at Rainsford Island for the position, who receives but \$600 a year and has a family living in Boston.

Mr. Spenceley—The gentleman's time has expired. He says it is illegal. I don't see what difference it makes whether they pass it or not.

The amendment was lost.

Mr. Pope of Ward 14 moved to make the chaplain's salary \$1300. He did not see how a committee could bring in such a report as that. He would resign if he belonged to such a committee.

The amendment was lost.

*Public Library.* Mr. Pratt moved that this order be referred to the Committee on Public Library. Lost.

Mr. Pratt asked for a reconsideration of the vote whereby the time was limited to one minute, that he might briefly give the reasons for the reference, and he moved to suspend the rule. Lost.

Mr. Wolcott of Ward 11—As the time is limited, I can only enter a protest against the action proposed in regard to the Public Library. I think it will tend to retard the growth and impair the efficiency of this, one of the noblest institutions of Boston. Since 1872 the daily circulation of books at the library has increased three times, and the cost per book, which is the best test, has diminished one-half. I think that is sufficient proof that the library is conducted economically and efficiently.

Mr. Pope of Ward 14—I can only say that I second the gentleman's protest. I have it here before me—and the circulation of the library has increased six times, and the Superintendent has a standing offer of \$6000 to go elsewhere; and when you strike at the Public Library in this way, I think it will injure it very much.

Mr. Hibbard—I believe the Public Library of Boston has a record of being the best-managed institution of the kind in the United States. There has never been a cent of expense for horse-car fares or dinners.

Mr. Pope—The expense of conducting that library has been decreased from twenty-five to ten cents per volume.

On motion of Mr. Perham, the yeas and nays were ordered, and the amendment of Mr. Wolcott to make the salary of the Superintendent \$3600 was lost—yeas 23, nays 39:

Yeas—Messrs. Beeching, Coe, Cross, Danforth, Hibbard, Hiscock, Howes, Morrill, Mowry, Perham, J. H. Pierce, O. H. Pierce, Pope, Pratt, J. B. Richardson, M. W. Richardson, Shepard, Souther, Upham, Warren, E. R. Webster, Wilbur, Wolcott—23.

Nays—Messrs. Barnard, Barry, Blanchard, Brintnall, Brown, Cannon, Clarke, Cox, Day, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClusky, McDonald, McGaragle, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Reed, Roach, Ruffin, Sibley, Spenceley, Stone, Thorndike, Vose, G. B. Webster—39.

Absent or not voting—Blodgett, Burke, Crocker, Felt, Loughlin, Roberts, Smardon, Thompson—8.

Mr. Wolcott moved to amend the remaining sections by striking out "sums to be paid." The action of tonight he considered in the main wise, but this was against the interests of the city. It



will work great harm to one of the best and noblest institutions in this country.

The amendment was lost—22 for, 35 against.

Mr. Pratt moved to amend section 4, by making the salary \$1700 instead of \$1500. The person who occupies this position not long since had an offer of \$2000 a year to go to Connecticut to take charge of a public library there, and he is only kept here by the assurances that he is to have the \$1700. He is a most valuable assistant and a good proof reader, and the trustees will be put to a great deal of trouble if he leaves.

The motion was lost.

Mr. Howes moved to amend section 10 by making the salaries of two assistants \$1040 a year, instead of \$1000. The salaries of these persons are the prices paid by the trade for binders. You might as well try to cut down the salary of a locomotive engineer who belongs to the association as to cut down the salaries of these officers.

The amendment was lost.

Mr. Pratt moved to lay on the table and especially assign to next Thursday evening, as it would not be materially injured by lying over one week.

The motion was lost.

Mr. Hibbard never did any filibustering and did not want to now, but he wanted to stand up and defend the Trustees of the Public Library. He moved to appropriate \$68,410 to the trustees for salaries during the next municipal year.

Mr. Pratt spoke of the hardships which would ensue to the employes of the library by the proposed reduction. In that institution is the best example of civil-service reform in the city. Employes enter it at a salary of \$500, and for faithful service are advanced to \$800 a year.

The motion was lost.

*Water Department.* Mr. Coe of Ward 13 moved to amend section 13 by making the salary \$2.75 a day for Inspectors, instead of \$3, and asked Mr. Webster the reason of the difference in this case.

Mr. Webster said he could not be the entire brains and mouthpiece of the committee. This matter had gone from his memory.

Mr. Coe—The explanation is entirely satisfactory.

Mr. Coe's amendment was lost—15 for, 27 against.

Mr. Wilbur moved to make the salary of the Water Registrar \$3000. Lost.

Mr. Pratt moved to make the salary of Inspectors \$3 a day. Lost.

The various ordinances having been passed, Mr. Pope of Ward 14 moved to adjourn. Lost.

Mr. McGaragle moved the suspension of the rule, that he might make a motion to reconsider the vote whereby were passed the several orders.

Mr. Sibley hoped it would not prevail. If anybody felt inclined to move the reconsideration he could do so, and the Council would have a week to look the matter over.

Mr. McGaragle did not propose to stay there until half-past two o'clock for nothing.

The motion to suspend the rules was lost—34 for, 20 against; two-thirds being necessary.

Mr. Ruffin moved to adjourn. Lost.

Subsequently, on motion of Mr. Flynn of Ward 13, the Council refused to reconsider the action whereby the orders were passed.

#### PETITIONS PRESENTED.

By Mr. Barnard of Ward 24—Petition of W. H. L. Smith, for compensation for damages for injuries received by defect in the highway. Referred to Joint Committee on Claims. Sent up.

By Mr. Pope of Ward 14—Petition of T. A. Splaine, that the vote of the Committee on Common, etc., in regard to boats on the Public Garden and Common ponds be reconsidered. Referred to Joint Committee on Common, etc. Sent up.

#### SUPERINTENDENTS OF BRIDGES.

Mr. Ham submitted a report from the Joint Special Committee on the subject, nominating the present Superintendents of Bridges for reelection. Accepted. Sent up.

#### THE OLD SOUTH.

Mr. Day of Ward 4 offered an order—That the Committee on Legislative Matters be instructed

to oppose before the Legislature any measure by which the city of Boston shall be compelled to appropriate any money towards preserving the Old South Church.

Mr. Day—My idea is to oppose that because there is an act before the Legislature requiring the city to appropriate a hundred and fifty thousand dollars for this purpose, and I do not think the city is in a condition to do so. As the matter is pending before the Legislature I thought it was best to have an order passed to oppose it. The taxes derived from that building are about twelve or fifteen thousand dollars a year and the city becomes a contributor to that amount, and I think that is all that should in justice be demanded of the city.

Mr. Wolcott of Ward 11—I move that the order lie upon the table. The act proposed is merely permissive, and I think that would not hurt the city. I do not like to have matters of such importance introduced at such a late hour.

Mr. Day—I was aware that the hour was late, but still I think it ought to be acted upon in some shape. I think there is a good deal in getting permission from the Legislature, and if they get permission they will succeed in getting the money appropriated. Therefore, I offer the order.

The order was laid upon the table.

#### FIREMEN'S CHARITABLE FUND.

Mr. Pope of Ward 14 offered an order—That the Committee on Fire Department be requested to consider and report upon the expediency of reporting an ordinance so as to provide for the payment of money received from fines from the members of the Fire Department to the treasurer of the Charitable Association of said department; the same to be used for the relief of firemen injured in the discharge of their duties. Read twice and passed. Sent up.

#### SEVENTEENTH OF JUNE.

Mr. Shepard of Ward 4 offered an order—That a committee, to consist of three members of the Common Council, with such as the Board of Aldermen may join, be a committee to arrange for a suitable observance of the Seventeenth of June next, and that they be authorized to expend for that purpose the income of the Foss and Babcock Fund, and in addition thereto a sum not to exceed \$500; the same to be charged to the appropriation for Incidentals.

Ordered to a second reading.

#### PAY OF LABORERS.

Mr. O'Donnell of Ward 7 offered an order—That the Committee on Accounts consider the expediency of paying the laborers in the departments of Health, Paving, Common, Sewers and Water semi-monthly, instead of monthly, as is now the custom.

Mr. Flynn of Ward 13—The Committee on Accounts have nothing to do with that matter. It belongs to the several departments.

Mr. O'Donnell—I offer it that they may consider the expediency of doing it.

Mr. Flynn—The Committee on Accounts are for the purpose of auditing bills. They have nothing to do with regulating the pay of those men.

Mr. O'Donnell—Then I move to refer the order to the committees on the several departments.

Mr. Flynn—I am on the Committee on Health, and I have yet to know that the men in that department have asked to be paid semi-monthly. Until that is done, I think it hardly proper to pass such an order. I move that the order be indefinitely postponed.

The President—The motion is not in order, the motion to commit taking precedence.

Mr. O'Donnell—I am surprised to hear the gentleman state that none of the laborers have expressed such a wish to him. I do not wish to take any labor off the committee's hands, but quite a number have spoken to me on the subject. They have waited on me at different times and stated that if they could obtain their wages semi-monthly, they could live at much less figures than now.

On motion of Mr. Webster of Ward 3, the Council at a quarter before three o'clock A. M. adjourned.



CITY OF BOSTON

Department of Public Works

Office of the Inspector

Report on the

Administration of the

Department of Public Works

for the year ending

December 31, 1900

Submitted to the

Board of Public Works

January 1, 1901

By the Inspector

W. H. ...

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## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

MARCH 26, 1877.

Regular meeting at four o'clock P. M., Alderman Clark, Chairman, presiding.

## UNION RAILWAY.

The Board took up the special assignment for four o'clock P. M., viz.—Hearing on petition of Union Railway Company for leave to run cars over certain tracks of the Metropolitan, Middlesex and South Boston railroads, to Temple place.

P. A. Collins appeared for the Union Railroad.

The Chairman asked if there were any remonstrants, and Harvey Jewell appeared for the Metropolitan Railroad.

Mr. Collins introduced James W. Emery, president of the Union Railroad, who explained the petition and the object sought. The application is made under the act of 1874, authorizing the Board to allow one road to run over the tracks of any other road. He contrasted the size of Cambridge in 1853, when the cars carried 5680 passengers, with the same in 1876, when they carried over 21,000. The average number of passengers per trip is less than that of any other road, and ample accommodation is furnished. When the location of the road was granted the business centre of Boston was in State street, but it has since moved up to Summer street, and the people of Cambridge desire to be conveyed nearer the business centre of the city. The two omnibus lines now running from Cambridge is evidence that further accommodation is needed. The road keeps a man on the bridges to keep count of the passengers in both the cars and omnibuses, and he gave statistics of the number of passengers carried by both the cars and omnibuses. The omnibus lines are licensed on the ground of competition; but he asked if there was any fair competition when the outlay for the omnibus lines is small and that for the cars is large; the railroad must furnish reasonable accommodations or be fined, while the omnibuses run as infrequently as the owners please. Mr. Emery further contrasted the restrictions imposed on railroads as against none on the omnibuses. For the present the company waived the application to run through Court street, which is now crowded with cars. The company are ready to meet all reasonable public demands, and they now ask the right to run six cars from the East Cambridge line through Portland street, up Washington street to Temple place, and return by Tremont street and Court street. The Cambridge omnibus line on this route run only twelve hours a day, taking the cream of the business, using in winter the tracks which the company have to clear of snow. The company had always endeavored to accommodate the people, and there had been no recent complaint by patrons except that they could not get farther south into Boston.

Mr. Collins presented the petitions of the Cambridge City Government in aid of the petition of the Union Railroad.

The petitioners here rested their case.

Mr. Jewell, on behalf of the Metropolitan road, said that, notwithstanding the changed aspect of the case, the petition should be treated as it is, viz., to run over the circuit to Temple place. This is the beginning of an attempt to make use of all the tracks for their benefit. The company is not a Boston company; the petition of the Middlesex road to go to Boylston was not listened to favorably until Charlestown was annexed. To grant this petition will greatly inconvenience the citizens of Boston, in the present condition of the streets. Passengers from Cambridge have the right to get tickets to convey them to Boylston street and back for five cents; and any passenger who takes a Cambridge car at Charles street has a right to a ticket to take him to Boylston street in a Metropolitan car for five cents. The system of commutation was established nine years ago, and the people who ride in from Cambridge use them, the checks costing nine cents and each company getting 4½ cents; but the Cambridge Railroad does not give the people of Cambridge that opportunity. He charged that this petition was brought in to kill off the omnibus line. He did not think the Cam-

bridge road were entitled to special consideration from this community, as their fares are higher than those of any other road in the State, they charging ten cents to Harvard square, 3½ miles, while the Metropolitan carries passengers for six cents to Brookline, Jamaica Plain, Meeting-House Hill and other places, four, five and six miles away. If the Cambridge road did their duty the Cambridge people, for nine cents, could go to the end of either of the Metropolitan lines. Mr. Jewell next spoke of the crowded condition of Court and Washington streets, Temple place, etc., where there are now 134 cars an hour, and which might be greatly increased by granting this application; the patrons of every road have the same interest in this that the Metropolitan corporation have.

Charles E. Powers, President of Middlesex road, said he did not appear to make any captious opposition to the petition. The Middlesex road is content with twelve cars an hour to the southerly depots, in addition to the number now allowed to go to Temple place, as he said a week ago, and if they had a right to run more than that he would not exercise it now; but they do desire to run more than that southerly from Cornhill. In case the restriction on the Middlesex road were removed, so that cars could run more frequently, he would not object to this petition; but with the present limitations he objected to the granting of the petition.

Benjamin Dean, counsel for the South Boston Railroad, explained the commutation system on that road, and said he had no doubt a proper adjustment of the system would give the Cambridge people all the accommodation they need. His road first intended to petition for the right to go to the northern depots via Court street, but after examination they concluded not to ask for it. He favored a central depot, near Cornhill, from where passengers could go to any part of the city, and thought it would be better for the people.

Mr. Stiles, proprietor of the East Cambridge omnibus line, said the railroad were trying to support ninety trips a day for the purpose of breaking down the omnibus line. He objected to this route in the city, as it was to kill off the coach line. All he asked was to be protected as far as possible.

E. W. James referred to the act of 1871 giving the West End cars the right to go to the South End, which they never obtained. Mr. Stiles accommodated the people of the West End, and the Cambridge Railroad never accommodated any one.

Mr. Collins, in closing the case for the petitioners, said he had no answer to make to Mr. James, Mr. Stiles, Mr. Powers and Mr. Dean; but had it not been for the Metropolitan road the commutation would have been much cheaper than it is. Commutation exists because there were enough poor men's friends in the Legislature, outside of the then Speaker of the House, to keep commutation on the statute book. The Cambridge road has not receded from its petition; but at present it sees that it is impracticable to run both ways on Court street. The company called attention to the problem of narrow streets which confronts the City Government, and waiving for the present the first part of the application, they ask for a route that is feasible and practicable, as is shown by one of the oldest horse-railroad men in the country. The future of Boston depends on a broad outlook; it must have elbow-room, physically and mentally. Here is a corporation bringing 20,000 people into Boston to do business every day. Commercial Boston includes all its surroundings, as does London; and we should provide means for transporting people back and forth with rapidity. The greatest obstruction in the streets was the standing of cars of the Metropolitan road at the Tremont House, which that road could remove if it would listen to complaints. The Cambridge road comes in direct competition with the Metropolitan road on Charles street, where the Metropolitan road runs without commutation, and he claimed that the fares were not as high as had been represented, and that there is harmony between the patrons and the corporation. He claimed that no substantial argument had been made against the petition; that the people of the suburbs are as much Boston as we are; the people of Cambridge ask for and demand this accommodation; and he asked the Board to study the best plan of securing the best and cheapest means of transportation to and from Boston.

The petition was recommitted to the Committee on Paving.

## DAY'S OMNIBUS ROUTE.

On motion of Alderman Viles (who stated that there had been a death in Mr. Day's family), the Board postponed, till 4½ P. M. next Monday, the hearing on the order granting leave to N. W. Day to run coaches from Cambridge Bridge, through Cambridge street, Bowdoin square, Green, Chambers and Cambridge streets, to the bridge, and remonstrance of Union Railway Co. against the same.

## PETITIONS REFERRED.

*To the Committee on Sewers.* Samuel Bond and S. H. Pierce, to be compensated for damages by the construction of a sewer in their land in Clayton street, Dorchester; John D. Western, for a sewer in Bishop street and in Starr street; Fire Commissioners, for a sewer in Centre street, to connect with the sewer in Green street, Ward 23; John Wall *et al.*, that floodgates be erected at the end of Wapping street and of Gray street, Charles-town; Ann Gay, for abatement of sewer assessment in Brook alley; Elizabeth Robinson, for abatement in Brook alley.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables—John A. Sawyer, new wooden, six horses, Ashford street; C. K. Bullock, new addition, one horse, Monument, near Eliot street, Jamaica Plain; Walter F. McConnell, old wooden, two additional horses, Copeland street; Sheppard & Chester, new wooden, two horses, Washington street, Ward 23; Mary Kelleher, old wooden, one horse, Longwood avenue; Jeremiah Plympton, new wooden, one horse, 7 Hawthorn street; Forest Hills Cemetery Corporation, for approval of the extension of their cemetery within this city.

*To the Committee on Paving.* Ralph Haskins, for the grading of Savin street; Smith and Nevins, for leave to sprinkle certain streets; A. D. Williams, *et al.*, that Island street, between Hampton and Gerard streets, be graded; Charles D. Curtis *et al.*, that sidewalks and crossings be laid on Lamartine, Boylston, School and Amory streets, Ward 23; Cheever Newhall *et al.*, that Wales street be put in order; Phineas B. Smith, Jr., *et al.*, that Washington street, from Dudley to Circuit streets, be paved with granite blocks.

Petitions for leave to move three wooden buildings by Caleb S. Packard, from Beacou park across Cambridge street, Ward 25.

*To the Committee on Police.* Flanders & Shorey, for leave to erect a projecting sign marked the "Domestic Steam Kettle" in front of 535 Washington street.

*To the Joint Committee on Bathing.* William G. Nelson, for appointment as a keeper of one of the public bathhouses.

*To the Committee on Lamps.* Philip Addison *et al.*, for lamps on Halleck street; Joseph Shaw *et al.*, for lamps on Duncan street.

John J. McMahon *et al.*, for lamps on Ewer street.

*To the Board of Health.* Lucy A. Allen, for leave to keep a lying-in hospital at 8 Hayward place.

*To the Committee on Streets on the part of the Board.* George Morrill, executor of Mary B. Barnes, for payment to an estate of a sum awarded for the widening of Cross street; C. M. Ellis, for damages for injuries by delay in finishing Oliver street.

*To the Joint Committee on Claims.* James Douahne, to be paid for injuries caused to his son by the fall of a brick at the corner of Washington and Water streets; Humphrey J. Donahue, to be paid for personal injuries caused by the fall of a brick from the building belonging to the city at the corner of Washington and Water streets; Patrick McLean, to be paid for personal injuries received by a fall in Hull street.

*To the Committee on Licenses.* Stumcke & Goodwin *et al.*, for the removal of the hack stand of John Graham from corner of Court and Brattle streets; Mrs. Eva Boutelge, for pawnbroker's license at 108 Dorchester avenue.

*To the Committee on Fire Department on the part of the Board, with Full Power.* Fire Extinguishing Liquid Company, for leave to give an exhibition of their method of extinguishing fires on the Coliseum Grounds.

## JURORS DRAWN.

Thirty-six traverse jurors were drawn for the Superior Criminal Court, April term.

## LICENSING OF FRUIT PEDLERS.

Alderman Wilder presented the petition of Peter B. Brigham and others, and moved that the petitioners be given a public hearing before the

full Board on Monday next at half-past five o'clock. He said they did not desire to have it referred to any committee, but wanted a hearing before the Board.

At the request of Alderman Robinson the Chairman read the petition as follows:

The undersigned citizens and taxpayers respectfully represent that the practice of issuing permits for the illegal use of the streets and public places of this city for the purposes of business, has of late obtained to such an extent that it has become a serious injury to public rights and to the business of the city, and that it seriously affects the taxable value of rentable property and attracts to the city a population which it is undesirable to encourage. They therefore pray that for the reason that said practice is illegal, and for other reasons, it may be discontinued, and the permits already issued may be withdrawn and cancelled. [Signed] Peter B. Brigham, Abram French & Co., Robert B. Brigham, E. W. Buswell, Washburn & Co., E. M. Montague.

The motion of Alderman Wilder to give the petitioners a hearing was carried.

## EXECUTIVE NOMINATIONS.

Communications were received from the Mayor making nominations of city officers, which were read and acted on, as follows:

Police Officers Without Pay—W. P. Blaney, Globe Theatre; George Faul, Ruggles street; James F. Carroll, Angelo Building; John H. Haines, David L. Haines, Stephen D. Lake, District Telegraph Company; Herbert W. Perkins, Commonwealth Building; Charles Bennett, Bunker Hill Reform Club; Charles Butler, Haverstreet Methodist Church; J. Thomas Gurney, Taber street; Liona P. Young, Boston & Maine crossing, Cambridge street; Samuel Hammond, John A. Reed, Back Bay. Severally confirmed.

Police Officer—James J. Collins. Confirmed.

Measurers of Grain—George P. Ray, James Lally. Confirmed.

Measurers of Wood and Bark—B. G. Prescott, Robert Hale, James C. Whitney, Alfred A. Hall, Randall G. Morse, J. B. L. Bartlett, F. C. O'Brien, Robert Vose, Ebenezer Curtis, William Seaver, Horace W. Crafts, Daniel E. Adams, Jonathan Frohock, Samuel Hosea, Jr., Alonzo H. Stowell; Brightou, Salma Kendall, William T. Osborn; Charlestown, Thomas J. Elliott, Elbridge Walcott, Charles A. Guild, Samuel L. Tuttle, John G. Abbott, J. W. Wiggin; West Roxbury, Robert Seaver, Frederick Seaver, C. M. Marshall, Horace Lindall. Severally confirmed.

Undertakers—Lewis Jones, John W. Pierce, Job T. Cole, William H. Brown, Benjamin F. Smith, John H. Peak, Jeremiah O. Sullivan, William E. Brown, James Haynes, Robert S. G. Marden, Hugh Taylor, Jeremiah Tinkhan, William D. Rockwood, Ira W. Orcutt, Philip Kennedy, George V. Field, Joseph S. Waterman, George A. Willard, John B. Burke, Lewis L. Jones, John Feeney, John McCaffrey, Alonzo T. Baxter, Alexis Alexander, Swain Barry, Joseph B. Cassidy, Joseph Weckerle, E. H. Drume, Isaiah Snow, J. P. Keefe, John Doolin, Bernard E. Murray, Ethan N. Coburn, William Manning, John Heintz, John Haynes, James Farrell, Ebenezer Bird, John W. Lavery, S. Gleason, George Johnson, Jr., Samuel J. Crockett, James Cotter, John D. Fallon, M. J. Mullen, M. W. Friedman, John Bryant, Patrick Denvir, John Reade, Matthew Holden, Benjamin Gould, James A. Cogswell, Jerome Billings, John L. Perry, Lorenzo Smith, John A. Kelly, John F. Murphy, John H. Hawes, John A. Lloyd, J. Richard Daley, A. A. H. Cogswell. Severally confirmed.

Inspectors and Weighers of Bundle Hay—Israel M. Barnes, Samuel B. Livermore, William S. Holmes, Jasper H. Eaton, E. G. Dudley, James T. Dalrymple, Edward W. Harding, Andrew J. Wheeler, Ebenezer Curtis, Charles E. Stephenson, Aaron Bradshaw, William P. Boardman, John A. Dyer, Edwin Y. Brown. Severally confirmed.

Inspectors of Petroleum and Coal Oils—Robert F. Means, Nathaniel Cleaves and Nathaniel P. Cleaves. Severally confirmed.

Superintendent of Wagons—Timothy R. Page. Confirmed.

Superintendent of Hacks and Carriages—Rufus C. Marsh. Confirmed.

Superintendent of Intelligence Offices—John M. Tobin. Laid on table on motion of Alderman Viles, who desired that the Board might have time to inquire into the merits and demerits of the party.

Sealer of Weights and Measures—Barnet F. Warner. Laid over on motion of Alderman Viles.

Superintendent of Pawnbrokers—James K. Crowley. Laid over on motion of Alderman Viles.

Superintendent of Faneuil Hall Market—George E. McKay. Laid over on motion of Alderman Viles.

Inspector of Provisions at Large—William F. Brooks.

Alderman Fitzgerald—I would ask the Alderman [Alderman Viles] if he wants this nomination laid over. If he wants to inquire about this person I am not willing to let it lie over, for I say it without fear of contradiction from him that he knows that gentleman as well today as he will one week from now. I rise now, because the gentleman is well known, he having formerly been a member of the Board of Aldermen.

Alderman Viles—I think all those new appointments should go over under the rule. His Honor has had them under consideration for the last two months, and it is due to this Board that we should have a week to consider them and that they should go over under the rule.

Alderman Robinson—I ask for the yeas and nays on that.

The Chairman—With the Alderman's permission, the Chair will read one other appointment:

For Superintendent of Faneuil Hall—William F. Brooks.

Alderman Wilder—I move that the nomination of B. F. Warner be taken from the table and acted upon at the present time.

The Chairman—There is no rule requiring these nominations to lie over. The rule simply refers to the nominations of police officers, which requires that they shall be laid over one week unless otherwise provided for.

Alderman Wilder—I move that the nomination of B. F. Warner be now confirmed.

Alderman Burnham—I am not acquainted with the gentleman nominated by his Honor the Mayor; neither have I any extended acquaintance with the gentleman who now fills that office. I have on my desk five or six letters having reference to the incumbents of offices nominated by the Mayor. I open this one from a firm who, perhaps, have more to do with the office of Sealer of Weights and Measures than any other, and it speaks in the highest terms of the present incumbent; that he has held the office ten years successively, and that his qualifications are superior; that he has been the cause of more improvements in the sealing department than all the others, and that he has been more economical in his department than any of the other appointees. Now, while I do not know anything about the merits of this appointment, yet it seems to me only fair that the communication having been delayed so long a time, the members of this Board should have one week's time to consider such appointments as have been sent to us. Therefore I could not, under those circumstances, vote to confirm the nominations at the present time; but I do not wish to be understood as saying that I am opposed to the nomination of his Honor the Mayor, or that they are not all proper nominations—nothing of that kind. But it seems to me that we should take time to consider the fitness of the candidates for the office.

Alderman Wilder—In relation to the nomination now under consideration, I deem it hardly possible that a single gentleman sitting at this Board does not know of Mr. Warner. But I would say, for any to whom he is unknown, that he was for many years a respectable merchant of the firm of Thompson & Warner, that in later years he has been more unfortunate than some of his fellow merchants, that he is a man maintaining a reputation above reproach, but by stress of circumstances which are affecting many good men at the present time, he even desires this small office. I have known the man for twenty or twenty-five years, and I am ready to state for the benefit of the Board that if he requires bondsmen, and my bond would be accepted, I am quite ready to go on his bond. I can see no reason for delaying action on nominations of this character. I feel quite satisfied, and I trust that the majority of the Board will feel satisfied, to at least confirm the nomination of Mr. Warner.

Alderman O'Brien—Since I have been a member of this Board I have always maintained that the heads of departments should be elected either by the people or by the City Council, for those are the proper parties to make such elections. In maintaining this I have been voted down, and it has always been maintained that the responsibility should be placed in the hands of the Mayor, and that he should be held responsible for all appointments that are made to this Board. Well,

now, I say I do not care how this matter works, even if it recoils on the men who have been unwilling to trust the City Council with the selection of the heads of the departments. I say the responsibility has been placed upon the Mayor. He has considered this matter three months, and I believe we ought to confirm these appointments, and let the responsibility rest where it belongs, and where the City Council has placed it. When a nomination comes to the City Council from a committee we have the privilege of voting for any man we please, and I shall use that privilege; but when we have intrusted this power to the Mayor, and when he can send in such nominations as he pleases, I say it is useless to contend against it. You might as well go to work and confirm them at once, and let the responsibility rest where the City Council has placed it.

The nomination of Mr. Warner was confirmed.

On motion of Alderman Thompson, the nomination of Mr. McKay to be Superintendent of Markets was confirmed.

On motion of Alderman Fitzgerald, the other nominations, which had been laid over, were taken up and confirmed.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Non-concurrence in the amendment to "an ordinance to amend an ordinance in relation to finance" (printed City Doc. No. 31), viz., Strike out "the city" in last line of section 3, and after "debt" at end of said line add "now standing, if any, to which said revenue is applicable; if not so applicable, then the said revenue shall remain in the city treasury, to be used and applied to such purposes as the City Council may order."

On motion of Alderman Fitzgerald, the Board receded from its former action in adopting the amendment, and the ordinance was declared passed in concurrence.

Order for the Committee on Finance to report such amendments to ordinances on finance as will make them conform to the statutes of the Commonwealth, came up amended so as to direct the Committee on Ordinances to make said report. Concurred, on motion of Alderman Fitzgerald.

Report of Special Committee to nominate Superintendents of the several bridges, who are to be chosen by the City Council. Accepted in concurrence.

Order for Committee on Fire Department to consider and report on expediency of reporting an ordinance so as to provide that the fines paid by members of the Fire Department shall be given to the Charitable Association of the Fire Department, to be devoted to aid disabled firemen. Passed in concurrence.

#### SALARIES OF CITY OFFICERS.

The report of the Joint Special Committee on Retrenchment, establishing the salaries of city officers, came up with amendments changing the ordinances to orders. The question was on concurrence in the amendments.

Alderman Fitzgerald—I do not rise for the purpose of asking this Board to non-concur in the amendment of the Common Council. Because as the child has come down to us I am afraid to let it go back again; possibly it might be killed outright. We have saved the spirit of our report, and I am content with that. But I rise more to speak of the manner in which the report has been received, and the criticism of our committee, who worked so laboriously and brought forth such unexpected good to the citizens of Boston. I was reading Harper's Weekly yesterday, in which there is an engraving purporting to be a transcript of a copy of a painting by the artist Wahler, and also a pen picture of the painting. The painting is one descriptive of an offender of the olden time in the stocks, his feet firmly pinned. The people were passing and re-passing, but he held up his head bravely, while they looked upon him. But to crowd his shame, a flock of geese came cackling before him, and that was too much for the old man, whom even the geese did not respect, and he burst into tears. I have no fault to find with gentlemen who have pitched into and criticised the report of our committee; but I have a great deal to say for the prattlers who have not only been finding fault with the report, but the committee itself, as if they were blamable for being on that committee, when the persons whom they should blame were the Mayor and the President of the Common Council, who placed such terrible men on that committee. When I read the speech of one of the

gentlemen who made such an exhibition of himself on that occasion, I said, in the language of Shakspeare—

"I thank thee, Jew, for teaching me that word."

His speech carried the retrenchment bill through, and I want to publicly thank him now for the work he did on that occasion. I hope the orders will pass as they have come up; and I intend, at some future time, to ask this Board to send a notification to the heads of departments to govern themselves accordingly.

The Board concurred in the amendments.

LOCATION ACCEPTED.

A communication was received from the Highland Railway Company, accepting the location granted by this Board on the 19th inst. Placed on file.

ASSISTANT CITY MESSENGERS.

A communication was received from Alvah H. Peters, City Messenger, nominating Foster M. Spurr and Henry B. Lotts as first and second assistant messengers respectively. Approved. Sent down.

JAIL EXPENSES.

A requisition was received from the Sheriff of Suffolk County for \$1891.97, being the expenses at the jail for March. Ordered paid.

AMOUNT REQUIRED FOR SINKING FUNDS.

A communication was received from the Sinking Fund Commissioners, transmitting the following vote passed March 21:

Voted, That the City Council and Auditor of Accounts be informed that there will be required to be taxed the coming financial year for payment to the Board of Commissioners on the Sinking Funds, Dec. 1, 1877, to meet the requirements of chapter 209 of the acts of 1875, entitled an act "to regulate and limit municipal indebtedness," and section 22 of the ordinance on finance, of 1876, the following amounts, viz.:

<i>For the Burnt District Sinking Fund:</i>	
Being 3½ per cent. on the outstanding 20-year bonds to be redeemed by this fund...	\$206,328
<i>For the New Sinking Fund:</i>	
Being 8 per cent. on the 10-year bonds and 3½ per cent. on the 20-year bonds outstanding to be redeemed by this fund.....	398,455
<i>For the Cochituate Water Sinking Fund:</i>	
Being 2 per cent. on the outstanding 30-year bonds to be redeemed by this fund...	230,854
Total.....	\$835,637

Referred to Joint Special Committee on Appropriations. Sent down.

BONDS REISSUED.

The chairman submitted a report from the Committee on Finance on communication from the City Treasurer covering an application of Robert S. Wyld, recommending the passage of an order—That the City Treasurer be and he hereby is authorized to issue certificates of the Water Loan Sterling Bonds in place of the certificates of £100 each, numbered 1521, 1522, 1523, 1524 and 1525, the property of Dr. Robert Stoddart Wyld of Edinburgh, Scotland, alleged to have been destroyed, upon satisfactory evidence of such destruction and loss being produced by the party claiming to own the same, on the condition that said party owning the aforesaid certificates shall give a bond to the city of Boston with good and sufficient sureties satisfactory to the Mayor, City Solicitor and City Treasurer, to indemnify said city from all legal claims in consequence of such reissue. Order read twice and passed. Sent down.

PAVING ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Ordered, That the assessment of \$7.91 laid upon John G. King for furnishing and setting edgestones on Fort avenue, be and the same is hereby abated; and that said sum be assessed on the Mercantile Savings Institution.

Read twice and passed.

Schedules of cost of edgestones in Ruggles street and Orchard park, with orders for the assessment and collection of the same. Orders read twice and passed.

FANEUIL HALL.

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall recommending the granting of the petition of Ezra Farnsworth *et al.*, for the use of said hall by the Congregational Club on May 31. Accepted.

LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Minors' Applications Granted—17 newsboys, 1 bootblack.

Dealer in Second-hand Articles Licensed—Louis Latz, 91 Merrimac street.

Wagon Licenses Granted—Patrick Cronin, 115 Eliot street; George Voye, 1103 Tremont street; Charles H. Poor, Castle street.

Auctioneers Licensed—Lucius C. Chase, 20 Char-don street; John Watson, 33 Ferdinand street; Hinds R. Darling, 33 Old State House; D. A. Hall, 231 Washington street.

Severally accepted.

ASSESSORS' DEPARTMENT.

Alderman Wilder submitted the following from the Joint Committee on Assessors' Department:

Report nominating the following-named persons for First Assistant Assessors:

William J. Ellis.	John H. Drake.
William N. Slarrett.	George S. Pendergast.
Nahum Chapin.	Michael Carney.
George D. Ricker.	Artemas R. Holden.
John Brown.	William B. Long.
William H. Cundy.	Ira D. Davenport.
John Leary.	John R. Giblin.
George W. Kingman.	Thomas Leavitt.
Joseph R. Grose.	Charles B. Hunting.
William B. Smart.	George A. Coming.
L. Foster Morse.	Gideon Walker.
Charles Nowell.	Henry Pierce.
William A. Wheeler.	George F. Williams.
Charles E. Grant.	Andrew J. Browne.
John R. Griggs.	George N. Bliss.
John Pearce.	Richard B. Smart.

Horace Loring.

Report accepted. Sent down.

Report that no action is necessary on petition of William L. Shearer, mortgagee, for remission of certain taxes erroneously assessed in 1875, the matter having been satisfactorily adjusted by the Board of Assessors. Accepted. Sent down.

SYSTEM OF WATERING STREETS.

Alderman O'Brien offered an order—That the Committee on Paving consider the expediency of watering all the main avenues of the city, for the following reasons: First, the health and comfort of the citizens demand it; second, we have now an abundant supply of water, and this work could be economically done by the Paving Department without great expense to the taxpayers; third, that a systematic watering of the main avenues would preserve the road bed of the streets and lessen the expense of taking care of them, especially on all macadamized roads, where the dust during the summer season is so disagreeable. Passed.

CLAIMS.

Alderman O'Brien submitted the following from the Joint Committee on Claims:

Report recommending reference to Committee on Paving of petition of Samuel E. Decker, to be compensated for damage to his land on Lincoln street, Ward 22, by the laying out and grading of said street. Accepted and referred accordingly.

Report of leave to withdraw on petition of Albert E. Fowle, for compensation on account of personal injuries received by reason of alleged defect in Allen street. Accepted. Sent down.

PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Report of leave to withdraw on petition of James Fitzpatrick, for a change of the bond given by him for land on Hanover street. Accepted. Sent down.

Ordered, That the Collector be and he hereby is authorized to cancel the bond given by Jesse and Lyman Boynton in 1869 for land on North-amptou street and Columbus avenue, upon their surrendering the agreement received from the city to convey said land; and that the Superintendent of Public Lands be directed to issue a new agreement to Jesse and Lyman Boynton, with all the conditions as were inserted in the previous one, upon their giving to the city a bond in the sum of \$15,955.14, made payable in ten annual instalments, with interest at six per cent., said bond and agreement to be dated April 2, 1877.

Read twice and passed. Sent down.

Report and Order—That the Collector be and he hereby is authorized to cancel the bond given by Henry G. Dorr in April, 1874, for land on Hamilton street, upon his surrendering the agreement received from the city to convey said land, and

that the Superintendent of Public Lands be directed to issue a new agreement to Henry G. Dorr, with all the conditions inserted as in the previous one, upon his giving to the city a bond in the sum of \$6527.11, made payable in ten annual instalments, with interest at six per cent., said bond and agreement to be dated April 2, 1877. Read twice and passed. Sent down.

#### CARE OF TRUANTS.

Alderman Thompson submitted the following:

The Committee on Public Institutions, to whom was referred the communication of the directors requesting that the Marcella-street Home be devoted to the pauper boys (now located at Deer Island) instead of minors committed under the truant and vagrant acts, as originally contemplated in the order passed by the City Council in 1875, having carefully considered the subject, would respectfully report as follows: In the year 1875 the directors, in making up their annual estimates, asked for an appropriation of \$45,000 for the purpose of erecting a new building at Deer Island for the accommodation of the truant boys then in the House of Reformation. This request was made by the directors in order that they might make a proper classification of the boys in the House of Reformation by separating the truants and vagrants from the boys committed during minority for juvenile offences. The appropriation was not granted, but in October, 1875, an order was passed by the City Council instructing the Committee on Public Institutions to report a suitable place separate and apart from the penal institution to which to send the truant and vagrant boys. The committee reported an order designating the building on Marcella street as a home for these boys, and authorizing the Committee on Public Buildings to fit up the same. Thus it will be seen that the action of the City Council in regard to the removal of this class of boys to the Marcella-street Home was never either requested or advised by the directors themselves. Pending the preparation of this building, it appears that the directors have carefully considered the subject, and having become convinced that it will be best for the interest of the city and also for the interest of all parties concerned, they have now sent in a request that they be authorized to remove the male paupers and neglected children to this new institution instead of the boy truants and vagrants. When this subject was under consideration in 1875 there were 155 truants and vagrants in the House of Reformation. The number of pauper boys in the pauper school was seventy-two. Since that time the number of truants has materially decreased, the present number being 112, while the number of pauper boys has steadily increased, the present number being 154, with a prospect of still further increase. In fact the directors state that if the truant boys are removed to the Marcella-street Home, they will soon be obliged to ask for an additional building at Deer Island for the accommodation of the pauper boys; whereas, by removing the latter class to Marcella street, the expense of providing more room will be obviated. The truant and vagrant children can then be transferred to the present pauper school-building at Deer Island, and thus a distinct classification can be effected. Your committee entirely agree with the conclusions of the directors and recommend that their request be complied with. In the consideration of this subject it has been often urged that a stigma is attached to a place where penal institutions are located, and for that reason the boys committed under the truant and vagrant acts should be placed in an entirely separate and distinct institution. The committee are of opinion that this reason applies with much more force to the removal of the pauper boys and neglected children, and that if there is an opportunity to remove either class from Deer Island, and thus free them from a real or supposed disgrace, the latter class are entitled to the first consideration. The committee recommend the passage of an order—That the Directors for Public Institutions be authorized to transfer the male pauper boys and neglected children from the pauper school building at Deer Island to the Marcella-street Home, and that said institution be devoted to the accommodation of the above class, instead of minors committed under the truant and vagrant acts, as originally contemplated.

The question was on the acceptance of the report.

Alderman Fitzgerald—I am a member of the

Committee on Public Institutions, and I dissent from the report of the committee. I did not think it worth while to state my reasons in the shape of a minority report, as I came to the conclusion that this order was, perhaps, sure to pass the Board. I had something to do with the original order which resulted in the taking from the Board of Health the Marcella-street Hospital and diverting it from the purposes for which it was originally intended. On the 16th of September, 1875, I introduced this order into the Common Council:

“Ordered, That the Committee on Public Institutions, to whom was referred the report of the Directors for Public Institutions, be requested to report in two weeks from this date, and that they be requested to report specially on pages 30 and 31 of said report, relating to the classification of the inmates of the House of Reformation.”

That was on the report of the directors asking for an additional appropriation to build another house on Deer Island for the purpose of separating the truant and vagrant children from the criminals. The condition of affairs at Deer Island today is a disgrace, and has been for years, to a city that prides itself on being so philanthropic as Boston. It has been a device to make thieves of honest but wild little boys. It has put them in a condition where their last state has been worse than their first, when they went to the island. It has placed a boy who has committed no crime *per se*—except that he plays truant—side by side with the pickpocket, and he is worse than a thief when he leaves the institution. And then—it is not the fault of the directors—you have boys there of sixteen or seventeen years old, and you send them out into the world without a trade or education, fit for nothing but to become thieves and idlers. As I was at that time a member of the Committee on Truants of the old School Board, there came a great many sad and heart-rending cases under my own observation, by which boys, through the forms of law, were committed to this institution, when the placing of them on probation would have done them more good. When teachers, through pique or irritability at a little boy who gave them trouble, wished to get rid of him, the easiest way was to make a complaint for playing truant, and before the parent knew where he was he was down to the Island. One case was particularly called to my attention, and I introduced this order. The Committee on Public Institutions made a report on that order:

“The Committee on Public Institutions, to whom was referred the annual report of the Directors for Public Institutions, with instructions to report upon the suggestions therein contained in relation to the classification of the inmates of the House of Reformation, having considered the subject, beg leave to submit the following report: When the appropriations for the present financial year were made up, the directors requested an extra appropriation of \$45,000 for a new building at Deer Island to accommodate the truant boys now in the House of Reformation. Your committee deemed it their duty, for reasons which they will presently state, to withhold their approval of that request, and their action was sustained by the City Council. No appropriation having been made, the question may be considered as settled for the present financial year; but as the directors have given considerable prominence to it in their annual report—dwelling upon the importance of speedy action in carrying out their suggestions—it is proper that the reasons which governed the committee should now be presented. In 1870 the directors applied for authority to build a Home for the Poor on Deer Island; but the proposition to establish such an institution in close proximity to the penal and reformatory institutions was so manifestly repugnant to the sentiments of the people that the application was refused; and the Committee on Public Institutions were instructed to select and report to the City Council a site for such an institution in some other locality. Various recommendations were made, but no definite action was taken until 1873, when the Austin Farm was purchased ‘as a site for a Home for the Poor and a Home for Neglected Children.’ Those are the words of the order made under which the purchase was sanctioned. Plans for such an institution were prepared last year, and the Committee on Public Institutions were authorized to procure proposals for erecting the buildings; but it was so late in the year before specifications could be prepared that the whole matter was allowed to go over to the present City Government. Your com-



mittee now have the subject under consideration, and as soon as the plans can be somewhat modified, with a view to save expense in the construction of the buildings, the committee purpose to submit them again to the Council and ask for authority to procure proposals. The objections which were urged against the location of a poor-house on Deer Island can be urged with much greater force against the proposed establishment of an institution for truants and neglected children. The committee fully indorse the statements made by the directors as to the desirability of separating these juveniles from those who are sentenced for crime; but the measures proposed by them do not sufficiently meet the requirements of the case. There is a stigma attached to the place where penal institutions are located, especially if they are located on an island; and the fact that a boy has been sent to Deer Island is often sufficient to prevent him from obtaining in after-life any position of trust or responsibility. It would make no difference if the boys were classified, as proposed by the directors. The public cannot exercise any discrimination between the different classes sent to the same place; and a stigma would attach as much to the truant or neglected child as it would to the juvenile criminal. In the case of the adult paupers, who have no future prospects of success in life, the effect upon society would be far less injurious if they were sent to Deer Island than it would if these children were sent there. In all the plans which have been prepared for the establishment on the mainland of an institution for the poor, provision has been made for those children who, in the words of the statute, 'by reason of the neglect, crime, drunkenness or other vices of parents, or from orphanage, are suffered to be growing up without salutary parental control and education, or in circumstances exposing them to lead idle and dissolute lives'; and it is only by making such provision, wholly separate and apart from the penal institutions, that the purpose which the directors have in view by introducing a system of classification can be intelligently carried out."

That was their report. Subsequently I introduced an order on the 28th of October:

"Ordered, That the Committee on Public Institutions be authorized to report to this Board, on or before the 11th of November, a suitable place separate and apart from the penal institutions, to which may be sent the minors heretofore committed to Deer Island under the truant and vagrant acts; said report to cover the estimated expense of putting said place in proper condition for occupation."

On the 11th of the following November Mr. Thacher submitted a report recommending that the Marcella-street Hospital be taken for this purpose. That, sir, is the history of this affair. Now, this report submitted today says the directors did not ask for it and did not want it. Why, sir, I was in constant communication with the man who was the body and soul and enlivening spirit of the Directors for Public Institutions for many years—I mean Mr. J. P. Bradlee—and he came and thanked me; and when it was going through the City Government he indorsed it, saying it was the very thing that was needed for those children. The Austin Farm was got for those poor and neglected children, but the directors ask that it be used for something else. The Marcella-street Home has been procured and prepared for the truants, through the very arguments which I am urging here tonight, and now that it has been put into the hands of the directors they ask that it be turned from the purpose for which it was dedicated and fitted up. And why? Because the poor children should be sent there and not the truant children. The argument used by the committee,—that the poor children will suffer more than the truants, if there be any stigma—is false in its theory and in its conclusion. There is no more stigma attached to the poor children on the Island than to the officers there. You might as well try to throw a stigma upon Colonel Underwood for being down to the Island, as to put a stigma upon the pauper children there. Two years ago the Committee on Public Institutions gave their reasons why they would not appropriate a cent for another building on the Island for truant children—it was no fit place to put them. We are under more obligation to provide a suitable place for truants than we are for paupers; and why? The paupers come to Boston from all over the country and demand a place to

stay; but the Legislature, by enactment, has given the city the right to take away a boy who has committed no crime—because it is no crime *per se* to play truant—from the parents who love him, and give him the education and moral training which he refuses to accept in a public school of the city of Boston; and the city of Boston owes it to that child and to the parents of that child, by all moral considerations, that when that child arrives at the age of sixteen or seventeen years, and leaves the care of the city of Boston, his character shall be as good as when the city took him under its protection and obliged him to receive the education which he voluntarily refused to receive in the public schools. Under the present system a boy of ten years—children of the rich and poor, as the case may be—are taken from their parents and placed side by side with the thief and pick-pocket, and the adept in crime—who may be young, to be sure, but nevertheless he is a criminal—and is kept there for two or three years; and when he leaves the institution he is as much a criminal as the boy pick-pocket, or the one who steals old lead from an empty house—just as much. That is how Boston has been treating the truant children of this city. I say far better were it for that boy if he had roamed the streets and never gone to school, and never been arrested and sent down to the Island to be detained three years by the course pursued by the city of Boston. It was to remedy that defect that I introduced that order; it was to remedy that defect that the Marcella-street Home was provided. While I was laboring in that matter I was in constant communication with the secretary of the directors in Pemberton square, and he related to me many instances where boys, committed to the Island, were ashamed to tell where they had been, and even lied to those who wanted to employ them; and when it was told that they had been in that institution those intending to employ them refused to accept their services. Mr. Bradlee took a great deal of interest in it at the time. Now, when the whole work is accomplished, we are told that the truant boys must remain where they are. It is true, they are to be separated, but they will still be in a penal institution. Should we put in a penal institution boys who have committed no crime? Now, it is said that the number of truants has decreased, and why? Because a rule was introduced some months ago into the School Board that no child should be arrested upon a warrant for truancy without first consulting the chairman of the district committee or the Mayor. Now, when a master or teacher gets dissatisfied with a child and proposes to the Truant Officer to issue a warrant, the officer must come to the chairman of the district committee, and if he does not see him he must consult with some member of the School Board or the Mayor, who is chairman of the board *ex officio*. By that means the arrests for truancy have been decreased one-half; and it would be better if the other half had not been made. In nine cases out of ten, probation, by frightening them, does just as much good as sending them down to the island. Now, sir, I contend that the truants should be sent to the place provided specially for them. Although we have a great many more pauper children now than we usually have, when times change, and this business depression is gone, you will have less paupers on the island, and the present building there will comfortably contain all the pauper children in the city. To be sure, they are a little crowded today, and there may be some reason for complaint; but that will all wear away when this depressed condition of the city and the country changes for the better. After going to so much pains to fit up this building for the truant children, I think the Board should not divert it from the purpose for which it was intended. Notwithstanding what the committee say, I say that the city in justice owes more to the truants, because it voluntarily takes upon itself to remove them from their parents, and it is bound in justice to do more to save them from any stigma than it is to save the paupers; because it is no disgrace to paupers who grow up to manhood at the island; but send a little truant boy down there and it is sufficient to blast his prospect in life hereafter, by being told that he has been down to the island.

Alderman Thompson—The Alderman who has just taken his seat would have us believe that the twelve Directors for Public Institutions know nothing of what is required there, and that the committee were not capable of forming an intelligent opinion upon this question. Now, sir, I believe that the report of the committee has not

been accepted, and I will ask for the reading of the petition of the directors, that the Board may understand it, and then I will endeavor to explain it.

The Chairman read the communication (which has been published) and Alderman Thompson continued;

The committee had a hearing the other day in reference to this matter, and the President and school committee of the directors recommended this change as strongly as possible, setting forth the many advantages to the children in case it was made. I understand that the directors are unanimous in their opinion that this is the best and wisest course for the city to adopt, and I have no doubt that, if Mr. Bradlee was a member of the directors he would agree with them. The circumstances have very greatly changed since the Alderman introduced the order. Instead of having 150 to 160 truants, we have now but 115, and we have 154 pauper boys and neglected children, where there were less than 100 then; consequently the directors find it will be necessary to enlarge the accommodations for the pauper boys, unless they are transferred to the Marcella-street building; whereas, if they are transferred, the truant boys can be placed in these quarters and the classification that the directors have so long desired to make can be carried out. Now, the fact is that no boys are sent to the truant school but those who cannot be managed at home, and it is all nonsense that their parents do not know they are there. Some of the truant boys practise stealing, and it was the testimony before the committee that the truant boys are very bad; and another argument is that they cannot be controlled at the Marcella-street Home. It has been the policy of the Government to remove poor and unfortunate people from Deer Island and make it more a penal institution. When the Alderman says the truant boys are unfortunate, and that the city should take care of them, I say it is because they have committed those offences, and their parents cannot control them, that they are sent there to be taken care of; whereas the unfortunate paupers have no choice—the truants can be bad boys and go there, or be good boys and not go there. The next appropriation asked for by the directors will be to take the pauper girls from Deer Island and place them on the Austin Farm. Another thing: if the truant boys are sent to Marcella street the ordinance has got to be changed. Another argument for sending the truants to Deer Island is that it is a sort of terror to them, and I dare say if they were sent to Marcella street there would be a great many more truants. The testimony before the committee was that sending them to Deer Island has a good effect upon them. Before this suggestion was made by the directors it occurred to me several times, and my own judgment was that Marcella street was the proper place to send the pauper children rather than the truants. When you take into consideration the fact that the twelve directors and a majority of the committee are of the opinion that the best thing to do is to make this change, I think that is testimony enough to convince this Board. I hope the report will be accepted.

Alderman Fitzgerald—The Alderman insinuated that I pretend to know more about this matter than do the directors and the committee. I do claim to know more about those truant boys who are committed to Deer Island than do the Committee on Public Institutions, or a majority of the directors—personally, I mean, sir. I claim that; and it is because I know so much about those children and the way they were committed to Deer Island that I took such an interest in the matter. He says they are all thieves who are committed to Deer Island.

Alderman Thompson—Many of them.

Alderman Fitzgerald—And that the island is a terror to them. Why, sir, it is a terror to the little boys and their parents, because they know that in future life the fact that they have been to Deer Island will stop their progress if they attempt to be anything; that, after getting over their wildness, if they become good, upright, honest citizens, it will be a bar to their progress. They feel it, and I agree thoroughly that it has a terror for the children sent there. Now, sir, I will give you an example of the way in which some of these boys are sent there, which came under my own observation the very week I introduced that order. As chairman of one

of the school district committees I was consulted by the father of a child whom a teacher would not admit into school (I presume he was a troublesome boy) and who had been complained of to the truant officers. A gentleman who was a member of the Council sent a note by the father requesting me to ask the master to admit the boy to the school. I gave him a note to the master, but he came back in fifteen minutes with tears in his eyes and said he had been informed that the boy had been sent to Deer Island. I immediately went to the judge for the trial of juvenile offenders who had charge of the case (there are several of them), and said it was a shame and a disgrace that any boy should be sentenced in that way. The judge said the boy had been sent to the island and the mittimus had been given to the officer. I went to the directors and in two or three days the boy was taken out, and he remained in school afterwards, a good boy. I spoke to the master and asked why he did so, and his answer was that under the rules he was not obliged to come and consult me; and I had a long argument with him, such as I have made to the Board of Aldermen tonight, that if it were his boy, or even the boy of his neighbor, he would hesitate long before getting a warrant to send him among thieves and pickpockets during minority. The result of that was I introduced an order into the old School Board to the effect that no boy should hereafter be arrested upon complaint of a teacher without first consulting the chairman of the district or the Mayor. Many boys are sent to the island in that way, and I am satisfied if the city of Boston had a general jail delivery of one-half the truant boys, after they have spent two months at the island, it would do them more good than detaining them there; and if they were left on probation, after the first offence, with the understanding that they would be sent to the island if they repeated the offence, it would be better. I knew of a big, tall boy, seventeen years old, who had been to the island two or three years, without any training or trade, who had been side by side with pickpockets and who had been sent forth into the world to meet those who had been in stores or learning trades. I do claim to know something about truant children who are committed to Deer Island. I have taken some interest in them, and I took some interest in the passage of that order. I know the directors think of them as criminals committed there during their minority; but I think differently of them, and I believe the city of Boston should. They have been guilty of no crime—none whatever. The argument that these boys are inclined to be pickpockets is false. It may be that they are wild, but they have committed no crime. It is to save them from temptation that this course was adopted; but the plan now proposed is to make them worse. I think that the order offered by the committee will be accepted and will pass this Board; but I feel that it is a duty I owe to myself and to those children to protest against its passage.

Alderman Thompson—The Alderman complains that the truants are associated with criminals. At present there are 175 reformation boys and 115 truants. One advantage of this change will be to separate the truants from the reformation boys. If there is any place on this continent where the unfortunate are cared for, I believe it is in this city of Boston, and the city takes care of those truant boys who cannot be controlled at home. I venture to say that the parents of the boy to whom the Alderman referred could not control him, and that he was sent to the place for truants, where he could be confined and taught, whether he would or not. As I said before, I do not pretend to know so much about this matter as the Directors for Public Institutions, in whose confidence I have a great deal of judgment; but it was my own judgment before the matter was brought to the committee that this was the better plan to adopt.

Alderman Viles—I am surprised that any one who has visited the institutions at Deer Island should oppose this order. These paupers and neglected children are poor from the force of circumstances, and they are sent down there to live with criminals. The directors have had this matter under consideration a long time, and they are unanimous that this change should be made. We now have 175 paupers and neglected children, and 70 truants. As the Alderman says, the truants are but a trifle better than the reformation boys. They "hook-Jack" from school, and "hook" bread

and milk, and "bunk" at night; consequently they are sent there. In a short time we propose to remove the old ladies to the Austin Farm, which is nearly ready, and if we remove the paupers, there will be nothing left upon the island but pauper girls; and we are in hopes, in a few years, to make some arrangement to remove them from there. The rooms vacated by the pauper boys will be used by the truants, and they will be in a building by themselves. It is the best thing that can be done. We might as well put them all in the same prison, together as to send the paupers down there. This is a step in the right direction, and I hope the order will pass.

Alderman Fitzgerald—I did not make a speech with any idea that I was going to change the votes of the members of the Board; for I have felt, from the recent visits to the institutions, where they have been taken in hand and shown around, that this thing was a foregone conclusion. I did not suppose I was going to change a single vote, for I know that this whole affair has been so well explained to members of this Board that anything I can say would not change a vote; but I simply rose for the purpose of protesting against it. I feel that the order is going to pass, and I am not so simple as to think it will not.

Alderman Viles—I am surprised that the Alderman should expend so much eloquence on an order of this kind.

Alderman Robinson—I have been interested in the discussion by my associates on the Committee on Public Institutions. I have been down there twice, but was able to go through the institutions only once. I agree with my friend Fitzgerald that playing truant is not a crime, although it may be a fault; and I think with him that the truants ought to be kept from those who steal and pilfer. I am not sufficiently acquainted with the facts to say whether they should be sent to Deer Island or not. It is a very beautiful place itself, but I had an idea before this order was offered, that the Marcella-street Schoolhouse was the place where the truant children should go. When the evidence was read before the committee by my friend Thompson, I was obliged to go to a meeting of the Police Committee, and did not hear it. I do not feel like taking any part in the matter myself, because I do not know sufficiently about it; but I have been very much interested in the discussion.

Alderman Fitzgerald—It was suggested that, if this truant home was established, the discharge of those boys should be placed in the hands of those who knew them best; who knew their history previous to being sent to the home—and that is the School Board of Boston. It is through their officers and teachers that they are committed; it is they who understand everything about them and the circumstances surrounding their family; and they are the best judges of when should be the proper time to discharge them. From my conversation at that time with Mr. Bradlee it was intended that the School Committee should have some supervisory charge of the boys, something to do with their discharge and the subsequent care of them when they went to school. That was another reason for locating it away from the island and putting it where it is. The committee have taken a different view of it, and I am sorry. There the boys will be isolated from criminals; but if they are sent down to the island the stigma will stick to them so long as they live.

The report was accepted, and on motion of Alderman Thompson the order was read a second time and put upon its passage.

The Chairman—The Chair would state that he regrets exceedingly that the order is put upon its passage at this time, because he has great doubts about the propriety of its being passed; and for the sake of obtaining information he would like to have the order lie over.

On motion of Alderman Robinson, the order was laid over till the next meeting.

**STREETS.**

Alderman Thompson submitted the following from the Joint Committee on Streets:

Reports of leave to withdraw on petitions of William Donnelly and James McCormick for leave to occupy a portion of the city's land on the corner of State and Congress streets. Severally accepted. Sent down.

**HEALTH.**

Alderman Viles submitted reports from the Committee on Health on the part of the Board, on petitions for leave to occupy stables, as follows:

That leave be granted to occupy stables by Peter

Brigham, 178 Portland street; John L. Kemp, Alaska street; Merriam & Norton, Monument street; Theodore Lentz, Boylston street. Severally accepted.

Reports of leave to withdraw on petitions of Hubbard Pierce *et al.* for stable on 193 Portland street, and W. E. Woodward for same on 992 Harrison avenue.

Also reports from the Joint Committee on Health of leave to withdraw on petitions of Robert T. Paine, Jr., for abatement of an assessment for removal of a nuisance on Hammond and Greenwich streets; and no action required on communication from Board of Health in relation to scarlet fever. Severally accepted. Sent down.

**MARKET LEASES.**

Alderman Slade offered an order—That in granting new leases to the occupants of Fanuell Hall markets for a period of five years from April 1, 1877, as authorized by this Board, March 19, 1877, the following form of market lease be adopted— [the form of the lease was appended to the order]:

Alderman Slade explained that the only alteration is that the rents are to be paid quarterly to the City Collector instead of the Superintendent.

The order was referred, on motion of Alderman Fitzgerald, to the Committee on Ordinances on the part of the Board.

**INDUSTRIAL SCHOOLS AT PUBLIC INSTITUTIONS.**

Alderman Fitzgerald offered an order—That the Committee on Public Institutions be requested to inquire into the expediency of establishing industrial schools for minors in the several institutions, under the charge of the Directors for Public Institutions. Passed. Sent down.

**ELECTIONS.**

*Assessor.* A certificate came from the other branch of the election of Thomas J. Bancroft in place of Joshua S. Duncklee, elected by this Board. An election was ordered. Committee—Aldermen Wilder, Dunbar.

Whole number of ballots.....	12
Necessary for a choice.....	7
Thomas J. Bancroft had.....	2
Joshua S. Duncklee had.....	8
Horace Smith had.....	2

And Mr. Duncklee was declared elected in non-concurrence. Sent down.

*Clerk of Committees.* On motion of Alderman Thompson the election of a clerk of committees was taken from the table, and an election ordered. Committee—Aldermen Thompson, O'Brien. William H. Lee received twelve votes, and was declared elected in concurrence.

*Trustee of City Hospital.* On motion of Alderman Viles, the election of a Trustee of the City Hospital was taken from the table and a ballot ordered. Committee—Aldermen Viles, Gibson.

Whole number of ballots.....	12
Necessary for a choice.....	7
George W. Pope had.....	7
Charles M. Kingsley.....	5

And Mr. Pope was declared elected in concurrence.

**NINTH - STREET IMPROVEMENT AND WORK FOR LABOREES.**

Alderman Burnham offered the following:

Resolved, That in view of the distress which now exists among the laboring classes in this city, caused by the depression in business and consequent lack of employment, it is the duty of the City Council to render such assistance as may be within its power, by providing work for the unemployed, where the same can be done consistently with the best interests of the city.

Resolved, That the Joint Standing Committee on Streets be requested to report to this Board, at its next meeting, whether the recommendations of the Street Commissioners relative to the filling of a part of Ninth street (submitted to this Board Jan. 8, 1877,) cannot be immediately carried into effect.

Resolved, That it is the duty of each department of the City Government to commence, as expeditiously as possible, any work under its charge which will furnish labor for the unemployed.

Alderman Thompson—If the Board desire any information from the committee I do not see why we cannot give it at the present time. The Ninth-street project is one that the Alderman has a great interest in himself. The committee are making some progress at present, and just as soon as they are satisfied that the prices for land are reasonable they will report in favor of it. It

seems to me that calling the attention of the Board to that thing under the present circumstances is out of place, and I hope the Alderman will withdraw the resolves, for the matter is receiving consideration just as fast as it can.

Alderman Burnham—I was inclined to offer that order at the present time, because, having listened to the eloquent presentation of another matter by the Alderman opposite, I was convinced that there is a philanthropic atmosphere pervading the Board, and I felt that it was a very opportune time to say what has been on my mind for some time in reference to Ninth street, to which the Alderman refers. I have a view of that matter different from the Alderman's, and I believe that it can be made a means of giving employment to a large number who are now unemployed. If the Board will give me their attention for a few moments—for I think this project has a bearing upon the resolutions I have offered—I should like to present the matter in a few words. I think that the audiences here, to which I will call your attention, indicate that something ought to be done. I find no fault with our Joint Committee on Streets. I believe they see and feel the needs of the times as much as any one. But in my opinion there is an unwarrantable delay in the granting relief, so far as we may, and I would remove that delay and open every avenue to employment that properly may be opened. The second resolve refers to a recommendation of the Street Commissioners made to us on the first week of this year, and to which the Alderman from the Charlestown District has particularly called our attention. It is the filling of an unfinished street, it happens to be in South Boston, a location where I am interested; but the Street Commissioners recommended it in answer to the inquiry from the City Council could they find a place where the Council could order an improvement that would give employment to the needy, and not thereby be dispensing charity, but really promoting the best interest of our city, without being false to the trusts imposed upon us? Such was the import of the inquiry. This the Street Commissioners considered, and presented to us a want of a section of our city that represents one-sixth of our whole population. Now, I stand here to claim for South Boston, with her one-sixth of the population, as ready consideration of all her wants (local or mutual), as any other section of our city. I desire to remind this Board of Aldermen that every expressed want of our citizens comes to us with equal claim for consideration, and I am led by this delay to query if such a feeling is impressed upon us as it should be. On this point I have in my mind a report and order from the Committee on Paving of the last Board of Alderman, directing the filling of Western avenue, which order passed during the last week of the municipal year; the estimated cost was \$30,000, one-third greater than the estimated cost of the filling of this improvement. That order passed without any delay, and without any explanation, other than what was in the report of the committee. Now, this is my point: I can hardly see why a want should be so promptly met in one direction, and so tardily met in another. But aside from any complaining, the action I have referred to, on Western avenue, was undoubtedly based upon the confidence the Board had that the preliminary examinations made by our heads of departments and standing committees cover the whole ground, and this matter is one before us today, with the recommendation of our able Board of Street Commissioners. I believe a thorough examination has been had, and this order should pass, and therefore I desire your attention while I speak of the character and necessity of this improvement. I am prepared, Mr. Chairman, to say it properly demands our attention now because in so doing we are acting wisely, and, with a commendable degree of foresight, promoting the present and future best interests of our city. It is one of the right things to do and now is the time to do it. That it is the right thing to do, I will show this Board when the matter shall come before us for our consideration, and that I can do to the satisfaction of this Board. But my present purpose is to show that now is the time to do it; that movements of this class should not be delayed in such times as the present, because they allow us to give employment to the unemployed. Tens of thousands are suffering because they can find nothing to do. They want the chance to labor; of this there is no question. Witness the throng that invade this hall; see the pressure upon the Paving

Department; see the importunity of every member of the City Council for personal aid; and what is true of that department is true in others—true all over the city. The cry everywhere is "Give us work." Now, nearly the whole cost of this comparatively small improvement (that may open one little stream of relief, since the owners are ready to give the unimproved land) is in the labor to be performed. It commends itself to us because such is its character. It exactly meets the present want, supplying—so far as it goes—not only labor, but a kind of labor in which all unemployed men who would rather work than suffer want themselves, or cause their children to beg, may do so, for the whole scope of the work is the simple levelling down of hills and transportation to the territory to be filled. We ought not to wink out of sight the stern necessity that confronts us. I pity the man whose heart is so hardened to suffering humanity that he cannot feel the burden now resting on our laboring people. Mr. Chairman, these are facts we are dealing with. You know, gentlemen of this Board, that there are thousands and thousands of needy, suffering men, with wives and children dependent upon them, that in the absence of labor are hungry and in want, and you know that with employment they would be independent. You know more than this, gentlemen of this Board. You know that besides the sufferings of those we class as the very poor—the always poor—there are cases of need harder, if possible, than theirs—plenty of them—never so many as since this year came in. Mr. Chairman and gentlemen of this Board, I have had scores of men come to me from closed manufactories (finished workmen they were), pleading that in my relation to the City Government I would devise some means to give them work. I have had trained laborers, skilled artisans—such as photographers, painters, carpenters, masons, cabinet makers, machinists, and such like trades—come to me, and you have had them. They were never before in such a strait, and they have said in answer to my inquiry were they ready to shovel snow, dig gravel, build streets—"Yes, anything." "Work we must have, or starve," "We owe store bills," "We owe rent bills," "We are out of fuel," "We have not a cent," "Work we must have." This is a true picture—and no fancy sketch. Ask your real-estate owners and brokers; they will tell you that among the middling classes there were never before in the history of this city so many unpaid rent bills. Ask your provision and grocery men, they will tell you they never before knew so many delinquent debtors. Go into the Collector's office; see the unpaid taxes on the mortgaged estates of the middling classes; reckon up the unpaid interest that, accumulating, is or has already wiped out the equity over the mortgage that represented the all of those who have lived in independence until now—and now only lack for the want of labor. On every hand the report is the same.

Although I had a little more to say, I do not know that it is worth while to continue my remarks in this direction; but two or three instances have come under my own personal observation which I will present to you. I think it was on Friday week that a man—in every sense a gentleman, although a laboring man—came to my house and said to me, "Mr. Alderman, can't you do something to give me work?" He said he was thirty-five years old, had a wife and six children, and was temperate. I put to him various questions in regard to his willingness to do certain work that would be regarded by a mechanic as menial to engage in; and he answered, "Yes; I will do anything. I am a stone mason, and in times past have earned from three to four dollars a day; I have lived in comfort until now; I owe store bills and have no credit; I have gone up and down the streets for four months, with not a day's work at my trade, and I do not see how I can live a day longer in this way." Said I, "How did you live yesterday?" Said he, "I only earned ten cents yesterday, and I purchased a quart of beans, that were boiled and salted, and that is all my wife and six children had for food yesterday." Another man, a carpenter, with seven children under fifteen years of age, came to me and said he had been out of employment three months. "How did you live yesterday?" said I. Said he, "I am ashamed to tell you, Mr. Alderman, but after nightfall, my child, with a shawl closely over her, so that our neighbors should not know her, went from door to door to beg." Another man, a painter, came to me, who being out of labor had lost his house

because unable to meet payments of interest, and who had had no labor at his trade since the fall, and now owed a quarter's rent, and was never before in such a strait. I have referred to these things because such a state of things does exist, and not that I have any personal desire that a certain improvement should be made more than any other. At a proper time I can show how my interest lies in that direction, and make it plain that I have no personal interest there in antagonism with the city. But my idea is that since this pressure is upon the laboring population, the City Government should do something to give them all the work within our reach.

Alderman O'Brien—How much would this improvement cost?

Alderman Burnham—I will have to refer the Alderman to the Joint Committee on Streets. I understood that the Street Commissioners estimated it at about \$34,000, and about \$25,000 of that would go wholly for labor in filling the land, which is directly applicable to this case, and will give employment to that amount.

Alderman Thompson—The proposition came before the Committee on Streets to lay out Ninth street. The commissioners said that if they deemed it for the interest of the city of Boston to require that Ninth street be laid out, it would cost about \$40,000; and we found that the labor bill would be about \$10,000, and that from \$25,000 to \$30,000 would be paid to real-estate owners, who, in the judgment of members of the committee from that section, wanted a great deal more than the market value of the land. The committee do not think it would be for the interest of the city to purchase land ostensibly for the purpose of helping poor people. It occurred to me that it would be better to distribute \$10,000 among the poor people and let the estates remain as they are. The committee considered that if this street was laid out, it should be done as such streets usually are which cross a portion of the flats. It will increase the land from one to three cents a foot, and the committee thought the abutters should be assessed for betterments, but they do not want it. We cannot find that there is business enough in that section to warrant an expenditure of \$40,000, \$10,000 of which is to go for labor, and \$20,000 or \$25,000 to the real-estate owners. Another question to be considered in connection with the improvement of that section is whether Swett street should be extended around South Boston Point, and whether now is the proper time to do it is another thing. If that is the proper thing to do, this Ninth-street expenditure will be all wasted, because the street will be intercepted at the point where it is proposed to carry it. But the committee propose that if this street is laid out the parties shall be taxed as other abutters are. But not a party is willing to be taxed a dollar for betterments, and they will contest it. The committee desire to do something to benefit the laboring people and the city, and not the land owners; and we have been looking around to see if we could do that. We appointed a sub-committee to find where was the best place. I do not object to South Boston, but I want to spend the money where the largest number will get the most benefit. I object to the committee being required to report back on this matter next Monday, for we can report all that is necessary today. Now there is Parker street, a portion of which the Legislature has obliged the city to take, and in a short time we shall be obliged to go to work upon it and put it in safe condition, requiring an expenditure of \$100,000.

Alderman O'Brien—I have been inquiring lately as to the amount of money that goes into the pockets of the laborers from the Paving Committee's work. We appropriate a million dollars for paving every year, and a great deal of sympathy is got up on account of the poor laborers who will be employed, and it is said that all the money goes into their pockets. Now, sir, not more than twenty-five per cent. of it goes to the laborers. Look at the condition of the regular laborers in that department. I am almost astonished that the Aldermen on that committee do not stop it. Last year this Board voted that the pay of the laborers in the Paving Department should be \$1.75, and I presume that order is still in existence. But they get round it in this way. Since last October until now, nearly six months, I will guarantee, if you will examine the pay rolls, that the men whom you say should get \$1.75 a day have not averaged more than eighty cents. You have put in new men at \$1.25 and the regular men have been thrown aside

week after week; they are not employed half the time, because they have to make way for the new men you employ. You set them to work on Monday and nine out of ten are discharged by Saturday. There is a great deal in that department that should be overlooked.

Alderman Gibson—Is the gentleman in order in talking about the Paving Department?

The Chairman ruled that the Alderman is in order, he speaking in regard to the employment of laborers.

Alderman O'Brien—If you pass the resolve and force the Committee on Streets to bring in this bill, I have no doubt that not twenty-five per cent. of it will go into the pockets of laborers.

Alderman Burnham—I have no desire to go into a discussion of the merits of the question at this time, although I am prepared to show that the statement of the Alderman opposite [Alderman Thompson] is calculated to deceive the Board in regard to this matter. I am prepared to show that it is a proper thing to do, for the interest of the whole community; that it is more than a local improvement and that the interest of the whole city will be promoted by it, and instead of the entire cost being more than \$40,000 and only \$10,000 for labor, it will be exactly reversed, i. e., \$34,000, the whole cost of which, \$25,000, will go for labor; and I shall be prepared to show that I have no selfish motive in advocating this measure, because all the land owners wish to give the land. I see no reason why the Alderman [Alderman Thompson] should ask in the present instance what has never been asked before in filling border streets. I can show several instances where the city has paid for retaining walls (which in this case are given in) and for the gravel on the slope where the street was filled. In some instances the city has paid for one-half the cost of retaining sea walls some 100 or 200 feet distant from the street, which, being filled, would open the territory to business purposes. But I have presented this resolution at this time solely in the interest of humanity. This improvement was presented by the Street Commissioners as one that would give employment to labor, and I do not see why some of the work cannot be done at present at fifty cents on the dollar for what it will cost two or three years hence, and thus relieve those who are unemployed. It is a proper matter to come before us, and I do not see why the Committee on Streets cannot investigate it and report in one week. I am glad to learn from the Superintendent of Streets that work has begun on Western avenue, and that 100 men are now employed there. That is the kind of work to do. If it is in South Boston, it is well; if in Roxbury, well; but if there is work that the city can do, let us do it.

Alderman Thompson—There seems to be a little conflict in the statement, made by the Alderman [Alderman Burnham] and myself. The Alderman and others own land for which they want a price that members of the committee say is more than its market value. Nobody proposes to give anything except a part of the land on the flats which are to be filled up. The Alderman owns land there and wants a certain price for it. Anybody will give land on the flats; it does not apply to that locality more than to any other. I can name many places where the assessed valuation would be much improved by filling up flats. The Alderman's proposition is to sell his land at a price which is considered large.

Alderman Robinson—I cannot see why the Alderman on my right [Alderman O'Brien] has made such an onslaught on the Paving Department. We thought we were doing the best we could. Undoubtedly all know that the pressure of poor people upon the committee has been terrible. When you see men with tears in their eyes begging for work to support a sick wife and children, it is heartrending; and all the committee can say is that they have no money to spend. The clearing of the streets of snow was a perfect godsend; it required no skilled labor. My associates and myself thought a dollar a day was too little to give those men, and in order to do justice to all we gave them \$1.25, twenty-five cents more than was paid by the railroad corporations. The established price for regular laborers in the department is \$1.75 a day; but the committee thought the men who were suffering for work should have some little chance, and we paid them \$1.25 a day, and we thought we were doing justice to them and to our own consciences; notwithstanding we spent more money than we ought, by the

kindness of the City Government we got out of it by a transfer.

Alderman Gibson called for the question, but Alderman Fitzgerald raised the point that there is no previous question in the rules, and the Chair decided the point well taken.

Alderman Burnham—It might seem to the Board from the presentation of this matter, as it is now being left, that there is a personal interest underlying all this. As I said, I am prepared, when the merits of this question are under discussion, to show it in its true light, so that the members of the Board shall see it as it is.

Alderman O'Brien—I hope no measure will go through this Board merely out of sympathy for the laborers, because you may be sure that labor will be but a small percentage of the cost. I repeat again that the paying of \$1.25 a day to the men in that department has reduced the regular hands so that they are not able to earn more than 80 cents a day; and I think it has injured them more than the men you put in there, by not giving them enough to support their families.

Alderman Fitzgerald—I am a member of the Paving Committee, and it seems to me that the poor man is made the grand hobby horse by which everything is to be carried through this Board. Whereas, I want edgestones and sidewalks in front of my house which will cost \$38.54 for labor, therefore, resolved, that the sidewalks and edgestones shall be put down in front of my house for the benefit of the poor laboring man. That is the whole of it. I hope the poor man will not be led astray by

such buncombe talk. My office is crowded with poor men, and I have a notion of putting in a bill to the Committee on Public Buildings for the damage, for it is as much a public office as any in this city. The committee found the temporary men receiving \$1 a day. We discussed it and were unanimously of the opinion that \$1 was too small for those poor men, and we agreed to give them \$1.25 a day. We had only a certain amount appropriated for paving, and the City Hall has been thronged for two or three months with men anxious for work. If the permanent men were allowed to remain they would swallow up the appropriation. We did what the captain of a ship, with ten days' ration, and out to sea for fifteen days, would do. We sent off the permanent men for a time and gave the poor men around City Hall a chance. I plead guilty to the crime, and I did it, as I thought, in the interest of the poor man. We told the permanent men that the work they had must be divided with those poor men. I am sorry it should reduce the pay of the permanent men, but I hope every one will appreciate the motive of the committee. If we had two millions of dollars we would be glad to employ them all. We were obliged to put all on short rations, and as people out at sea are content, so I think should the poor people be.

On motion of Alderman Burnham, the resolves were referred to the Joint Committee on Streets. Sent down.

Adjourned, on motion of Alderman Thompson.

## CITY OF BOSTON.

Proceedings of the Common Council,  
MARCH 29, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

Reference to Committee on Streets of a resolve in relation to the immediate filling of Ninth street, and in favor of commencing any work which will furnish work for the unemployed. Concurred.

Reports of leave to withdraw on petitions, viz.—Albert E. Towle, to be paid for personal injuries from defect in Allen street.

James McCormack and William Donnelly, severally for leave to occupy a portion of the city's land corner of State and Congress streets.

James Fitzpatrick, for change of bond for land on Hanover street.

Severally accepted in concurrence.

Report (no further action necessary) on petition of William L. Shearer for remission of certain taxes. Accepted in concurrence.

Appointment of Foster M. Spurr and Henry B. Lotts as Assistant Messengers. Confirmed in concurrence.

Order to cancel bond of Jesse and Lyman Boynton for land on Northampton street and Columbus avenue, and for the issue of a new agreement as therein set forth. Read twice and passed in concurrence.

Order to cancel bond of Henry G. Dorr for land on Hamilton street, and for the issue of a new agreement as therein set forth. Read twice and passed in concurrence.

Order to inquire into the expediency of establishing industrial schools for minors in public institutions. Passed in concurrence.

Report and order for the issue to R. S. Wyld of duplicate certificates of water loan sterling bonds, to replace certain ones which were stolen and burned. Order read twice and passed in concurrence.

Reference to Committee on Appropriations of a communication from the Sinking Fund Commissioners on amount required to be taxed. Concurred.

Report nominating First Assistant Assessors. Accepted in concurrence.

Mr. Pope of Ward 14 moved to suspend the rules in order to proceed to an election.

Mr. Spenceley of Ward 19—I hope this motion will not prevail. I have not had a chance to read them over yet. I hope it will lie over under the rule, and that we shall elect them at our next meeting.

The Council refused to suspend the rule, and the election laid over.

## UNFINISHED BUSINESS.

Order for a committee to arrange for a celebration of June 17, at an expense of \$500, etc. Passed—yeas 62, nays 0. Committee—Messrs. Stone of Ward 3, Day of Ward 4, Dee of Ward 5. Sent up.

Order to consider the expediency of paying laborers semi-monthly.

Mr. O'Donnell of Ward 7—I have inquired further into the matter, and have come to the conclusion that the order at first presented was correct, and that the committees on Common and Paving, Health and other departments have no right to consider that matter until the Committee on Accounts first instructs the Auditor to pay them semi-monthly. Therefore, I will withdraw the motion to refer to the several committees.

The order was read a second time and put upon its passage.

Mr. Stone of Ward 3—I would like to ask the chairman of the Committee on Accounts if that is the proper order to come before this committee.

Mr. Flint of Ward 8—I should say that the Committee on Accounts had nothing to do with it. I believe their business is to audit bills.

Mr. Stone—That is what I supposed.

Mr. Howes of Ward 18—Being on the Committee of Accounts, I would say that the gentleman who offered the order came to me some time ago and asked me in reference to it. I told him I thought the Committee on Accounts would be the proper committee. If the payments would be made semi-monthly there must be a new system of drafts by

the Mayor; and as the Auditor, would have to be consulted as to the advisability of it, I don't know any committee to do that but the Committee on Accounts.

The order was passed. Sent up.

## ELECTIONS.

*Assessor.* A certificate came down of the election of Joshua S. Duncklee as Assessor in place of Thomas J. Bancroft, elected by this Council. An election was ordered. Committee—Messrs. Webster of Ward 1, Souther of Ward 4, Vose of Ward 24.

Whole number of ballots.....	63
Necessary for a choice.....	32
Horace Smith.....	13
Joshua S. Duncklee.....	18
Thomas J. Bancroft.....	32

And Mr. Bancroft was declared elected in non-concurrence. Sent up.

*Superintendents of Bridges.* The election of Superintendents of Bridges was ordered under unfinished business; Committee—Messrs. Sardon of Ward 10, Pierce of Ward 24, Roberts of Ward 4.

*Federal Street.*

Whole number of ballots.....	65
Necessary to a choice.....	33
*Jacob Norris.....	65

*Dover Street.*

Whole number of ballots.....	65
Necessary for a choice.....	33
Angus Nelson.....	31
Daniel J. Holland.....	29
Daniel Holland.....	2
J. Augustus Reed.....	3

*Chelsea Street.*

Whole number of ballots.....	66
Necessary for a choice.....	34
*Edward T. Stowers.....	66

*Charles River.*

Whole number of ballots.....	66
Necessary for a choice.....	34
*Joel R. Bolan.....	47
Joel R. Boland.....	19

*Warren.*

Whole number of ballots.....	65
Necessary for a choice.....	33
*Charles H. Marple.....	49
J. Augustus Reed.....	1
Michael Hughes.....	16

*Malden.*

Whole number of ballots.....	65
Necessary for a choice.....	33
*John Howard.....	65

*Broadway.*

Whole number of ballots.....	65
Necessary to a choice.....	33
*John C. Poole.....	65

*Mt. Washington.*

Whole number of ballots.....	64
Necessary for a choice.....	33
*George H. Davis.....	40
George J. A. Colgan.....	24

*Meridian Street.*

*Reuben B. Wendell.....	65
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*Congress Street.*

*Matthew J. Callahan.....	67
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Those marked with stars were elected.

A second ballot was had to elect the Superintendent of Dover-street Bridge. Sixty-nine ballots were cast. Angus Nelson received 35, D. J. Holland 33, and J. A. Reed 1. Mr. Nelson was declared elected. Sent up.

## A SYSTEM OF VALUATION.

The President, under the head of unfinished business, said that notice had been given of the motion to reconsider the vote whereby was denied a second reading the order to oppose legislation altering the standard of value at which property is taxed, or change the system of appeal from the Assessors' valuation.

Mr. Ruffin of Ward 9—I have been requested to make that motion this evening for reconsideration, although I confess I don't know very much about the subject matter. It is done at the request of persons who are quite familiar with the subject. Mr. Hills and some other gentlemen connected with the Assessors' Department say that it is quite proper for such an order to be passed. It will be noticed that the order is quite broad and comprehensive in its character. We should oppose no legislation tending to make any radical change in the assessment of taxes unless a sufficient reason is given for it. I don't know that any reasons have been given yet why we should not oppose such legislation. All change is not reform, and anything which looks to unsettling

the usage of the Commonwealth should be approached with a great deal of care. From my little experience in the Legislature in this matter of assessing taxes, I think it should be looked after very carefully by the people of Boston. There always seems to me to be a disposition to put as much taxation upon the city of Boston as possible. I think it would be quite safe for us to oppose this change, and hence I make the motion to reconsider.

The President—The Chair would state that it is necessary for the gentleman who gave the notice to make the motion.

Mr. Webster of Ward 1—I am the man, and therefore I make the motion; but Mr. Ruffin is conversant with the order and understands it. I don't. I was asked to do this by some persons who are conversant with the matter.

Mr. Wilbur of Ward 20—If I understand the purport of this order, it is for the city of Boston to oppose any legislation in regard to a change of the mode of appeal from the decision of the Assessors. If I understand it, the law now is, that there shall be no appeal to a jury; and the bill that is before the Legislature looks to the adoption of a law that there shall be an appeal to a jury. This order comes here, it seems to me, a little disguised. It is to oppose any legislation altering the standard of valuation at which property is taxed, or change the system of appeal. If I understand the law proposed, it is to change the system of appeal, and that is the main point that this order has reference to—that there shall be no appeal from the decision of the commissioners. Now, it seems to me that there should be. I understand, however, that the hearings before the committee at the State House closed today. If that be the case I don't see any need of reconsidering this. But it does seem proper that there should be some appeal from the decision, that parties who are over-taxed shall have some remedy. I have not looked into it enough to see any great harm in it, and there might be some advantages.

Mr. Howes of Ward 18—I can coincide thoroughly in the remarks of the gentleman who last sat down, that it is unnecessary to take any action. It is not only a fact that the hearings have closed, but it is also certain that the chairman of the Board of Assessors has attended most of the sessions of the committee and applied his case as efficiently as any committee can do. It is a singular order to introduce here, and it seems to have emanated from some unknown source without consultation with any one. If the Assessors are aggrieved I think that they would appeal to the Committee on Assessors' Department and that the order would be introduced by them. I fail to find that the Committee on Assessors' Department know nothing about it. The order purports to state that no change is necessary and I hardly think anybody in the city would state that. I hope nothing will be done without the Committee on Assessors' Department knowing anything about it.

Mr. Ruffin—My only point is this, that if there is going to be any change in the mode of assessing taxes, we should know precisely what that change is; that it should not be a mere experiment; that if the system which has worked for many years is faulty and deficient, let us know what the changes proposed are; but before we make any change we should know explicitly and precisely what it means and what is intended to be done. My point is that the city of Boston should look jealously upon any proposed change unless they know it; you should take no steps unless you understand precisely what it means. This is a matter of dollars and cents to the taxpayers. Don't make a change unless you know precisely what that change is. I don't know or understand about altering the standard of value. I don't know what the phraseology means. I understand it was put in here for careful minds and cool heads to draw an order. I understand the standard of value is that fixed by the Assessors—it is their best judgment. It is proposed to change this system of appeal from the Assessors' valuation. I don't know how a change could be made in that department. The statutes state what appeal shall be made. The County Commissioners are to be appealed to. In this county the duty has devolved upon the Board of Aldermen before. Recent legislation has put that into the Board of Street Commissioners, as I understand. It is as safe to be there as in any County Commissioners. We understand that perfectly well, and I don't think any change is needed so far as that is concerned, and

I don't think that any change should be made unless we know what is meant by that change. We don't want any fancy legislation or experiments in such a matter as this. We want to be able to say it is for the city of Boston to halt; and I think it would be safe for the city of Boston to take that step and state that.

Mr. Mowry of Ward 11—I hope the reconsideration will not prevail. In the first place, as I understand the law an appeal can be taken to the Board of Assessors in the first instance and then to the Street Commissioners. Now, it seems to me that additional legislation ought to be desired in this matter. I think it is better to take a step still further and refer this matter to a jury. Certainly citizens have the right to refer almost all matters to a jury. And I see no reason why this matter of valuation should not be referred to a jury.

Mr. Spenceley—I don't see what we have to do with this. It is like prescribing for a child after it is dead. Mr. Hills has been up to the State House for two hours this morning, and the hearing is closed. I don't see what we have got to do with it.

The reconsideration was lost.

#### INVITATION.

An invitation was received to attend an exhibition of the Fire Extinguishing Liquid Company on April 3. Accepted.

#### INSPECTION OF PROVISIONS.

A communication was received from the Board of Health representing that by the act of 1876, entitled An act to amend an act to incorporate the Butchers' Melting and Slaughtering Association in Brighton, section 4, chapter 144, the Board of Health is authorized to appoint one or more inspectors to see that the rules and regulations for conducting the business of the association for the time being are fully obeyed by said association and their tenants, and also to see that none but healthy animals are slaughtered; the salary or salaries of said inspector or inspectors to be established by the City Council. This appointment has now become necessary, and the Board of Health is desirous of making the same as soon as the salary to be paid said inspector is determined. Referred to Joint Committee on Salaries. Sent up.

#### SCHOOLS.

A request was received from the School Committee for additional accommodations in the Andrew District. Referred to Committee on Public Instruction. Sent up.

#### PETITIONS PRESENTED.

By Mr. Smardon of Ward 10—Petition of Ellen Lemaine to be compensated for personal injuries received by a fall at the junction of I and Third streets; and of Ann McLean, to be compensated for personal injuries received by falling on Baxter street. Referred to Committee on Claims. Sent up.

By Mr. Brintnall—Petitions of the National Bank of the Commonwealth for a deed of land on Water street; and John J. McNutt for deed of a portion of land on Wareham street. Referred to Joint Committee on Lands. Sent up.

#### NOMINATIONS.

Reports of joint special nominating committees were submitted as follows:

By Mr. Sibley of Ward 5—For Trustees of Public Library, Weston Lewis, Benjamin F. Thomas.

By Mr. Pierce of Ward 24—For City Architect, George H. Clough.

By Mr. Beeching of Ward 1—For Harbor Master, Francis C. Cates.

Mr. Beeching moved to suspend the rule in order to proceed to an election of Harbor Master.

Mr. Crocker of Ward 9 thought the rule that nominations should lie over was made for a good purpose, to give members time to consider nominations.

Mr. Beeching said his only object was to despatch business, and as there was objection he withdrew the motion.

By Mr. Webster of Ward 1—For directors of East Boston Ferries, Samuel B. Hopkins, Daniel D. Kelly.

By Mr. Pierce of Ward 24—For Commissioner of Cedar Grove Cemetery, Nathan Carruth.

By Mr. Ham of Ward 14—Majority report, signed by Councilmen Ham, Clarke and Upham, nominating Nicholas A. Apollonio for City Registrar; and minority report, signed by Aldermen Fitzgerald and Wilder, nominating Albert H. Hoyt.



## CEMETERIES.

Mr. Thompson of Ward 9 submitted a report from the Committee on Ordinances, on the request of the Board of Health for authority to convey lots in cemeteries, recommending the passage of the following:

## An Ordinance

In addition to an Ordinance Relating to the Public Health.

Be it Ordained, etc.—

Section 1. The Board of Health shall have authority to grant and convey to any person or persons, by deed duly executed, sole and exclusive right of burial, and erecting tombs, cenotaphs and other monuments in any designated lot or lots which the city may own in any cemetery which is or may be placed in charge of said Board.

Sect. 2. The proceeds of the sales of such rights shall be paid to the Collector.

Sect. 3. The form of the deeds to be executed for the conveyance of such rights shall be similar to that already prescribed by ordinance for the conveyance of lots in Mt. Hope Cemetery.

Ordered to a second reading.

## PLAYGROUNDS IN THE CITY.

Mr. Perham of Ward 23 offered an order—That the Joint Standing Committee on Common and Public Grounds be requested to consider and report upon the expediency of providing suitable public playgrounds at convenient places in different sections of the city. Read twice and passed. Sent up.

## SINKING FUNDS.

Mr. Crocker of Ward 9 offered an Order—That the Auditor be requested to furnish to the City Council an estimate of the difference, if any, that would be caused by a repeal of section 22 of the ordinance on finance, in the amounts required to be paid on Dec. 1, 1877, to the Commissioners on the Sinking Funds on account of the Burnt District, the Cochituate Water and the new Sinking Funds; also an estimate of the amounts, if any, by which the other Sinking Funds exceed the smallest sum which with their accumulations would be sufficient to meet their respective debts at maturity.

Mr. Mowry of Ward 11 moved the reference of the order to the Committee on Finance.

Mr. Crocker—It is to ask the Auditor for certain information, and I do not know why we should ask the Finance Committee if we may be allowed this information. If the Council would like to have this information, I believe it is well to ask the Auditor to give it to us directly, and not refer it to the Finance Committee to say whether we shall be allowed to have the information.

The order was read twice and passed. Sent up.

## ORDER TO PAY BILLS REJECTED.

Mr. Felt of Ward 18, from the Committee on Accounts, submitted an order—That the following bills be allowed for payment by the Auditor of Accounts:

L. Foster Morse, chargeable to schoolhouses, public buildings, \$241.90.

George Curtis, chargeable to Northampton-street District, \$15.06.

George Curtis, chargeable to water works, \$7.25.

The order was declared passed to a second reading. Mr. Sampson of Ward 17 doubted the vote; the Council divided—7 for, 35 against—and the order was refused a second reading.

## DECORATION DAY.

Ordered, That there be allowed and paid to the commanders of each post of the Grand Army of the Republic and the N. P. Banks Army and Navy Veteran Corps \$200 towards the expenses of Decoration Day.

Ordered to a second reading.

## VISITORS TO THE COUNCIL.

Mr. Wilbur of Ward 21 offered an order—That the City Messenger be and is hereby instructed to allow no person or persons upon the floor of the Council Chamber, or in the ante-rooms of the same, excepting members of the City Council and reporters, while the Council is in session, and after the seats provided for spectators have been occupied, always excepting those persons who are permitted by the President of the Council. Read twice and passed.

## PLAYGROUND ON THE COMMON.

Mr. Spenceley of Ward 19 offered an order—That the Committee on Common and Public Grounds be requested to remove all obstructions from that part of the Common known as the Parade Ground and to prepare and maintain the same as a play-

ground for the youth of our city, and as a place for parades whenever required for such purposes.

The order was read twice and put upon its passage.

Mr. Spenceley—I do just want to say one word or two about our Common, because I believe we are losing sight of one of the grandest ideas which have come down to us from our grandfathers, or whoever made Boston Common public; because, sir, I think that a great many of us who have got up in life, who have grown up from boyhood, and have got into business and the cares of life, have forgotten that we were ever boys, that we ever loved to play and run and jump, and that we had a place to do those things in. I say I think we have forgotten it—certainly the gentleman who has been chairman of the Committee on Common for some years past has. I don't know as he ever was a boy, and I don't know that he ever wanted to play; if he did he has forgotten it, because for the last few years they have gone into this work of depriving the boys of this playground upon the Common. They have done it by every means in their power. They have cut it down year after year until we have at last no place where the boys can go to play ball and marbles or any game which they love to play. I offer this order, and I was almost going to ask for a ye and nay vote, because I want to let the people see how the Council stands on this question. Many of us who were not born in the city know how much we loved to roam over the country and how much land we used there. Now, gentlemen, think for a moment, that instead of a few boys in a country village, there are a thousand who can come to the playground; and how do you suppose they would feel if it is taken away? That is the case with the Common. I was amused at the remark which Alderman Slade made. He said we wanted to make a man wear a boy's boot. I think we have come down so that there is no boot or foot either, and I don't see where we can take it in. We want to give the playground back to the boys, and we want the Committee on Common and the Board of Aldermen to know how the Council feel about it. Now, look at the objections which we hear against this order. One gentleman says somebody was hurt there some years ago by boys playing ball at some ball game; that one man was hurt, another was struck, another man came pretty near being struck, another would have been struck if he had been there, but he was n't, and got clear. We are paying thousands of dollars every year to give our children exercise in the public schools—marching, drills and gymnastics; and we are also spending thousands of dollars to get pure air and ventilation in the schoolhouses. And yet the men who advocate this expenditure in the schoolhouses contend that a playground on the Common should not be had for the boys. I do not believe that is good logic. I believe the boys should have the use of the Common for games and that the air is best and purest there; while it is costing thousands of dollars in one place, they can have it free there. Now, suppose a man should go to the gymnasium and get struck by one of the clubs, or go to one of the drills and get punched by a bayonet, you would n't say the boys must n't drill any longer. We would say it is in the schoolroom and men have no business there; and we ought to say that men have no business on that playground. I contend that the boys have a prior right to go upon the playground. Nobody asks the committee to put a ban on the Common. We ask them to have just what we have always had, a place for the boys to play. It is good to have green grass, and I believe it would be a good thing to have three or four children stretched out upon the grass. There have been many objections made in the last ten years. I have a list before me. I don't know how many Aldermen have appeared in favor of taking away this privilege from the boys. I want to read the words of the president of the Massachusetts Charitable Mechanic Association. He says in his testimony before the Committee on Common in favor of letting the boys play base ball on the Common, with reference to the objection that base-ball playing is dangerous—and this is Joseph F. Paul—he says—  
“There is danger in other games just as well. He believed it better and had urged it upon the teachers that children had better, come out of school with good constitutions than have their brains crammed and their bodies dilapidated.”

That is just the principle we go upon. I suppose that another objection is that people going over to Commonwealth avenue and Arlington street, and across the Public Garden, object to it. I don't believe they have a right to the whole Common, and I think they have got to give up a part of the Common. If they do contend for it, I don't know but it will be as well to put a rope on the flagstaff and let them swing round the circle out of all danger. This City Hall is for a certain specific purpose; and so is the Common. We want the playground specifically for the boys, and that is what we ask and contend for. I hope we shall vote upon this question and send the order to the Board of Aldermen. I believe they have nearly all committed themselves in favor of this question and said they would be willing to give it to the boys after the Charitable Mechanic Association gave it up. I want to have a test vote to see if they are going back on their word.

Mr. Sibley of Ward 5—I suppose that the order offered by the gentleman hardly covers all this ground. I am in favor of the boys playing there, and nothing but boys. I therefore move an amendment that no young men over sixteen years of age be allowed to play there.

Mr. Spenceley—I hope the amendment will not prevail. There are often clerks who do not have any privileges during the year except to go upon the Common some afternoon and play ball; and I think we ought to give it to them. Personally I should favor it, but I don't know but it would be a hardship to some who are over sixteen years old.

Mr. Sibley—I supposed I was coinciding with the gentleman from Ward 19, as he mentioned the boys several times. I am in favor of boys playing, but it does seem as though some others have some rights. I want the boys to have the Common, and I don't want those great big fellows to go up and crowd the people out. When I heard about that boot, my heart was touched. I believe this will be an act of justice to the little fellows. They must have it; there is no other place. The gentleman from Ward 23 introduced a general order; but I hope this one will pass with the amendment.

Mr. Howes of Ward 18—I hope the order will pass with the amendment. I think the playground should be devoted to boys of that age; but it is a fact that it has been monopolized, not by boys, but by young men. The boys have virtually been driven off the Common.

Mr. McGaragle of Ward 8—I do not object to the order, but I offer an amendment to the amendment—"That the City Registrar be there with the paraphernalia of his office to take down the ages of the boys."

The President—Will the gentleman put the amendment in writing?

Mr. Crocker of Ward 9—It seems to me hardly advisable to require that all obstructions be removed from the playground. As it is today, children can play there and their little rosy faces can be seen lying in the grass if you want to. There is no occasion for taking down these fences and removing the lamp posts, unless you want to make a place where big boys and men can play ball and cricket. It is a fact that a great many people—grown-up people and children—have occasion to cross that part of the Common. They have to go from Beacon street to Boylston street, and along Charles-street mall; and they have to go from east to west, to and from Commonwealth avenue. When the boys are playing there with these balls as hard as cannon balls, it is really very dangerous for women and children. Children who are playing on the malls cannot be kept out of the way of them, and no one knows how far the balls will go. The gentleman says that one person has

been hurt and one person struck. My impression is that no person has been struck without being hurt; and if I am not mistaken, one person was killed from the effects of being struck by a ball. It seems to me that part of the Common should be used for the general good. A few years ago, when the playground was monopolized by baseball clubs, it was reduced to a dusty desert; there was not a blade of grass to be seen on the whole ground; it was an offence to the eye; the wind blew clouds of dust from it all about, and when these games were going on no person could safely go anywhere near it. It seems to me it was well that that state of affairs was stopped. Now, I believe in allowing children—and especially the smaller ones—to play on the Common and on the grass, and all over the Common, but I believe we should leave that part of the Common substantially as it is. We have sodded that part of the Common at a good deal of expense, and the grass is growing there. If we take reasonable care of it, and only let the smaller children play upon it, as they do now—notwithstanding these obstructions—it will remain a pleasant place to see and be a safe place to walk across. But if we remove all the obstructions and allow them to play base ball there, and to send balls as hard as bullets whistling about, it will be dangerous to all who have occasion to pass in the neighborhood.

Mr. Thompson of Ward 9—I shall favor the passage of the order introduced. My reasons are that I believe it is for the interest of the city of Boston that the young men and boys who have been playing upon the Common should continue to do so. For the past three years I have passed by the Common twice a day during the summer months, and during that time I have not considered myself in any danger. Grass may be a beautiful thing to look at; but it seems to me it would be much more beautiful to see two or three hundred boys playing there who would otherwise be back in the slums, or perhaps in saloons and other places, qualifying themselves to be criminals, and entailing expense upon the city in reforming them. I believe that to no better purpose can the Common be devoted than to the physical culture of our boys and young men. I am in favor of the order as originally offered. Harvard College has purchased, at great expense, a large piece of ground for the students to play ball upon and enjoy themselves; and they are spending money upon it. If the Common becomes a sandy desert, it can be put in good condition again at very slight expense. I hope the Council will pass the order.

Mr. Pratt of Ward 21—I think that all will agree that the playground should not be used as a ball ground. I do not rise to make a speech or offer a frivolous amendment, but I venture to offer this amendment, hoping to secure the purpose that the order has in view:

"Provided, That no organized base-ball club shall be allowed to use the ground for base ball."

The President—The amendment to the amendment is not in order.

Mr. Pratt—I offered it as an amendment to the original order.

On motion of Mr. Felt the main question was ordered.

Mr. McGaragle withdrew his amendment.

Mr. Clarke said it was getting late and moved to adjourn. Lost by a division—20 for, 42 against.

Mr. Sibley's amendment was lost and the order as originally offered was passed. Sent up.

Mr. Wilbur of Ward 20 moved to take from the table the order in regard to the Fourth of July celebration.

Adjourned on motion of Mr. Vose of Ward 24.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

APRIL 2, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE APPOINTMENTS.

Public Weighers—A. H. Gibbey, Timothy G. Donahoe, J. B. L. Bartlett, Henry Wheeler, Joel W. Bent.

Police Officers Without Pay—John E. Huntress and thirty-five others (reappointments).

Superintendents of Hay Scales—North scales, H. A. Davis; south scales, Levi Chadbourn; South Boston scales, John M. Johnson; East Boston scales, John A. Brown; Roxbury, Andrew W. Newman; Brighton, Benjamin F. Paine, Thomas Hunt; West Roxbury, John J. Blake, Horace Lindall, Salma Kendall.

Surveyors of Marble—William B. Bayley, Richard Power, William H. Cary, Daniel Higgins, John Kelly.

Severally confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* Petition for brick sidewalk in front of estate of Mercantile Wharf Corporation on Atlantic avenue and Clinton street; George H. Pike *et al.*, for street lamps on West Cottage street, Ward 20; Patrick O'Doherty, to be paid for damages caused by improper setting of edgestones at 675 Second street; Charles Chittenden, for the grade of Harvard street, opposite School street, Dorchester; Joseph H. Hill *et al.*, that South Eden street, Charlestown, be macadamized and put in order; Albion J. Tuttle, for leave to sprinkle certain streets; John S. H. Fogg, M. D., for abatement of sidewalk assessment on Silver street; James Guild *et al.*, that the main avenues and streets of the suburbs be watered at the city's expense; J. F. Taylor, for sidewalk on Washington street, opposite Lake street, Ward 25; William Troy and others, that Newark street be macadamized and rolled, and for edgestones, sidewalks and stone gutters.

Metropolitan Railroad Company, for a location in Northampton street, between Washington street and Shawmut avenue; also for certain connections with the Highland Railroad Company's track on Tremont street and Columbus avenue.

Drivers' Union Ice Company *et al.*, that Canal street, Charlestown, be graded and macadamized; also that edgestones and cesspools be laid in said street.

Michael Cunningham *et al.*, for flagstone crossing on Dorchester street, at foot of Telegraph street.

Timothy Calnan, for leave to sprinkle certain streets.

*To the Committee on Police.* W. & A. Bacon *et al.*, that extra police may be furnished for the Roxbury District.

*To the Joint Committee on Survey and Inspection of Buildings.* Henry Lawn, for leave to erect a wooden building on East Fourth street beyond the legal dimensions.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables as follows: David Gore, new wooden, one horse, Carletou street, Ward 24; Preutiss Sargent, new wooden, two horses, Canal street, Charlestown; Thomas Igo, old wooden, one cow and one horse, Greenwich street; D. F. Decatur, old wooden, three cows and one horse, Bickford street; heirs of Mary May, new wooden, one horse, Centre street.

*To the Committee on Sewers.* M. A. Wheelock *et al.*, for a sewer in Chambers street; Susan C. Parsous, that the amount awarded to the heirs of Asa Fuller for sewer damages on Canterbury street may be divided and apportioned to said heirs; Stephen Lynch *et al.*, for a sewer in Whitney street near Tremont street.

*To the Committee on Lamps.* George A. Wilson *et al.*, for lamps on Parsons and Bennett streets.

*To the Joint Committee on Claims.* Ellen Geary, for compensation for injuries occasioned by defective sidewalk in Prince street, near Hanover; Mary Cutler, for compensation for injuries occasioned by fall on sidewalk on Yeoman street. Jacob F. Kraus, to be paid for damages to his leasehold estate, No. 330 Tremont street, by change

of grade in 1869; Charles Lewis, to be compensated for personal injuries caused to his daughter by alleged defect in highway on Sixth street at corner of L street.

## THE REPORT ON W. E. WOODWARD'S STABLE.

A communication was received from W. Elliot Woodward, representing that he had just received official notice that the Board of Aldermen had refused him a permit to occupy a stable at 992 Harrison avenue. He says, "I have no stable at that place; I do not propose to build one; I have never petitioned for leave to occupy one there, nor have I given any authority whatever to petition or in any way to use my name." He requests that the communication be read to the Board. Placed on file.

## MARCELLA-STREET BUILDING.

The report and order authorizing the Directors for Public Institutions to transfer the pauper boys and male neglected children to the Marcella-street Home was considered under unfinished business. The question was on the passage of the order.

The Mayor read a resolve passed by the School Committee, March 27th ult., asking the City Council to refuse to divert the truant school on Marcella street from the purposes for which it was originally intended by the order of 1875.

Alderman Fitzgerald—I hope the Board will pause before it passes the order reported by the Committee on Public Institutions. It is unnecessary for me to go into all the arguments which I urged at the last meeting in opposition to this report of the committee. If I made a speech upon this question it would be but a reiteration of all I said on last Monday evening. I hope the Board will refuse to pass this order.

Alderman Thompson—The objections made by the Alderman who has just taken his seat, at the last meeting, were principally sentimental, and apply with the same force to the pauper children that they do to the truant boys. Since the last meeting I have visited the institutions and conferred with the directors upon this matter, and they are unanimous in their opinion that it is the wisest and best thing for the city to do to transfer the pauper children instead of the truant boys to the Marcella-street Home. If the City Council should decide otherwise it will be necessary for the Directors for Public Institutions to come here immediately and ask for an appropriation of from twenty to thirty thousand dollars to make the quarters of the pauper children at the island comfortable. They are now in such a crowded condition there that the health of the children is somewhat in jeopardy. It seems to me that with the experience our Directors for Public Institutions have had for years, that their opinion should have more weight than that of the School Committee. These gentlemen have been entrusted with this large institution, so responsible and so important to the city, and I think we should not hesitate to grant their request. There is no manner of doubt in the minds of the members of that board as to the wisdom of this action, and I hope it will pass without delay.

Alderman Robinson—Being associated on the Committee on Public Institutions with the Aldermen on my right [Alderman Fitzgerald] and on my left [Alderman Thompson], I remarked the other evening that I knew nothing at all about the matter. I have been so much occupied with other matters in different committees that I have not had time to look into the matter. I said at that time that I was very much interested in the discussion of the question, and that their remarks had given me more information upon those institutions than I had been able to get at the one visit that I made to the island. I cannot tell now which is right. My own feelings are rather in favor of letting the truants remain at the Marcella-street Home; but on the other side is the opinion of the Board of Directors, who have had the matter in charge a great many years. I ask to be excused from voting upon this question.

Alderman Clark—At the last meeting I asked to have this matter lie over to make some inquiries. I was strongly of the opinion, and I supposed, that the Marcella-street Home was fitted up for the purpose of a truant school, and I was surprised when the report came in recommending the change, because I was aware of the large expenditure which had been made for that purpose. But I have made some inquiries of the directors, and I find that it is their unanimous opinion that the change is judicious, and one that ought to be made; and, notwithstanding that this building was fitted up for a truant school, I am willing to defer to the judg-

ment of those men. I shall therefore vote for the change.

Alderman Fitzgerald—I feel and did feel when I protested against diverting this from the use for which it was originally intended, that this order would pass the Board; yet, nevertheless, I felt called upon to enter my protest against it, and in favor of those truant children. And I repeat again what I said at that time, that they are entitled to more consideration from this Board than the pauper children are. Truancy is no crime, and the only thing which justifies the State or the city in taking children from their homes and their parents, is to protect the State against the result of the ignorance of those children in their youth when they grow up to be men, and that is the only ground upon which the State or the city of Boston is justified in sentencing children to a truant school during their minority. Now, sir, if the object be to protect the character of the children, and make them useful citizens and members of society, the city of Boston owes this one thing at least to the children and to their parents—that if you give them an education which they refuse to accept voluntarily, you shall also give them, as good a character when they leave your institutions as they had before they were arrested by the truant officers. Now, sir, I hold that any child who goes to the schools down at Deer Island—I don't care how good he may be, I don't care how exemplary his conduct may be while at the island—when he grows up to the age of nineteen, twenty or twenty-one, it is a stigma and a stain upon his character in after life that he was sent to the institution at the island; and that, sir, is why the City Council, two years ago, passed the order appropriating the money for fitting up this institution; and that is why the School Committee, and that is why I, protest against diverting the Marcella-street Hospital from the purposes for which it was originally intended—though I feel that it is going to pass.

The order was passed.

A motion to reconsider, by Alderman Thompson, was lost. Sent down.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Order for a special committee (Messrs. Stone, Day and Dee) to provide for the annual observance of the Seventeenth of June next. Passed in concurrence, yeas 11, and Aldermen Thompson and Wilder were appointed on said committee.

Order for Committee on Accounts to consider the expediency of paying the laborers *semi-monthly* hereafter. Laid on the table on motion of Alderman Robinson, and subsequently taken up on the motion of the same Alderman, who stated that he at first thought it was a peremptory order, which would necessitate the hiring of an extra clerical force. As the order was for the committee to consider the expediency of the change, he had no objection to its passage. The order was passed in concurrence.

A request of School Committee for additional school accommodations in the Andrew District came up referred to Committee on Public Instruction. Concurred.

A request of Board of Health for an appropriation for payment of salaries of Inspectors of Provisions, who are appointed by said Board, came up referred to Committee on Salaries. Concurred.

#### PLAYGROUNDS FOR THE YOUTH OF THE CITY.

An order came down for the Committee on Common, etc., to cause all obstructions to be removed from the parade ground, so that boys may have the use of said ground.

Alderman Robinson moved the indefinite postponement of the order.

Alderman Fitzgerald—I wish the Alderman would give us his reason for asking for the indefinite postponement of the order.

Alderman Robinson—There is not time to go into the matter fully; but as we have—or rather the Common Council has—just decided that the Common is too sacred a place to hold an exhibition which would have brought sixty or seventy thousand dollars into the pockets of the mechanics of this city, and moreover it was going to bring hundreds of thousands of dollars into the pockets of the business men of this city next fall; and now this same Council passes an order to take away all the obstructions and fences and everything, so that people can play ball, and hit people on the head—as was done to a gentleman

who came to see me today, and who came within an ace of being killed by a ball striking his temple.

Alderman Fitzgerald—It seems to me that it is a very poor reason for moving the indefinite postponement of a question of that kind, because the Common Council did not do something that the Board of Aldermen wanted them to do, and therefore when the Council want anything we will not reciprocate and will refuse to pass an order which they have passed. If that rule is to apply, the Council would be constantly passing orders and we rejecting them. Now, it seems to me that some good and better reason ought to be given by the Alderman who delivered such an able speech in favor of the Charitable Mechanic exhibition on the Common. If his argument is good for the mechanics it is good for the boys, and he least of all should vote against the passage of this order, if he had no qualms of conscience in voting for the order to allow the exhibition, there is no reason for any qualms of conscience in voting for this order. To allow the Common to be used for what it has been used for years—to put it to a use to which the boys under British domination asked the governor at that time not to interfere with. It is simply allowing this Common to be played upon, and the fact that the Common Council refused to grant the use of the Common to the Mechanic Association is no reason at all why the boys should not have the use of the Common. If I remember aright—I shall not say who now—some of the Aldermen in favor of granting the use of the Common to the Mechanic Association—I think I heard them say it—had no objection to the order which came down as a substitute for it, and that if it came in the proper shape, they would not hesitate to vote for it. I know that some of the Aldermen expressed views of that kind. I shall not say it was my friend from Dorchester.

Alderman Robinson—It was not, sir.

Alderman Fitzgerald—But at the same time the argument of the Alderman from Dorchester is not a good argument to make against passing this order, because the boys have held the Common from time immemorial. I call for the yeas and nays upon this question.

Alderman Clark—I hope the order will be indefinitely postponed, because I do not believe that public necessity requires that we should turn the Common, which has been guarded so jealously by certain members of this Board and a majority of the Common Council, into a waste and a howling wilderness, as it was a few years ago. It is a spot which everybody takes a great deal of pride in. It has been the endeavor of the Superintendent of Public Grounds and the Committee on Common to keep it and the Public Garden in good condition for the last few years. It is very true that the boys played upon the Common during the Revolutionary days, and many days since, and that they play upon it now. Some few years ago a very large petition came to the Board of Aldermen to have that portion of the Common lying between Beacon and Charles streets and the path that leads down to the Public Garden, put in good order. It was a very strong petition, signed by several hundred gentlemen. After two patient hearings were given to the remonstrants and petitioners, the Board of Aldermen decided to seed it down. The other part was left for a playground, not for the boys, but for roughs of the city, and that is the class of people who have occupied it and did occupy it till it was seeded down. It was in evidence at the first hearing that no less than half a dozen gentlemen had been seriously injured by being hit by a base ball, and among them were Mr. Samuel Frothingham and Mr. Charles Faulkner, who were seriously injured. I have heard it stated by a physician in the neighborhood that it is almost a weekly occurrence for some one to be brought to his office after having been injured by a base ball upon the Common. Now the circumstances surrounding the Common are entirely different from what they were twenty-five years ago. It is now in the heart of the city, and it has become a great thoroughfare. I believe that the thoroughfare from the entrance at Spruce street to the West-street gate is greater during the day, and that more people pass there than go up and down Beacon street. Now, it is well known to everybody that ball playing is a dangerous sport, even if played by the youths of the city instead of the roughs who occupied the ground prior to its being seeded down. It was seeded down some three or four years ago at the corner of Beacon street, but it was not until last

season that the committee thought it expedient to seed down the other portion leading from the flagstaff to Boylston street; and not then until several serious accidents had occurred, and one of our own men had his shoulder broken, did the Committee on Common and Squares, decide to seed it down. It has been seeded down, however, and it has given universal satisfaction, and I have never heard any dissatisfaction expressed by persons in that section of the city. This order proposes to take down all the lamp-posts and all other obstructions. Last year the Committee on Lamps, either by the petitions of citizens or otherwise, ordered lamps to be put there, and they can be taken down on all occasions of parades; they can be taken down in half an hour's time, whenever the military have occasion to occupy the ground. It would be very dangerous in passing that section of the Common at night if the lamp-posts were taken down; for, as I said, it is a great thoroughfare, leading from Winter street to the West End. So that if it is desirable to keep the Common as a beautiful place for recreation, this order should not be passed, and it should not be passed on account of the dangerous games that will be played there. If these games are allowed to be played there you will deprive the children of the privilege of going upon the Common, because it will be exceedingly dangerous. No child can be taken out there in its carriage; no invalids could go there with safety, and you would deprive children and invalids of the privilege of going into the neighborhood of Charles-street Mall and the lower part of the Beacon-street Mall, if you allow the old ball ground to be put back in the condition that it was a year ago. This order contemplates turning the entire lower part of the Common into a playground, not for the youths of the city, but for young men from sixteen to thirty-five years of age, who have no other occupation but to go there and spend their days in lying on the grass, and occasionally plotting mischief for the night. For these reasons, Mr. Mayor, I hope the order will not pass. I believe it will be a very serious injury to the Common. If it had been supposed that the Board would have concurred in the passage of this order a very large remonstrance would have been presented here today.

Alderman O'Brien—If there is any one thing that I believe in, it is in keeping up old and time-honored customs. As the Alderman from the Highlands remarks, the Common has been the playground of our boys from time immemorial, that is for at least two hundred years, and I do not see why they should ever have been deprived of it. I not only go in for giving the boys the parade ground as a playground, but also of restoring it to our military companies, who have been deprived of that ground for drill and other military exercises. That the Common is invaded by the roughs of the city is, I think, no reason why we should deprive our boys of the privilege of occupying it. With all respect to the Committee on Common and Squares, if they, instead of driving the boys from their playground, had driven the roughs off, they would have been thanked by every citizen of Boston. Now, I believe it ought to be restored to our boys, and by an act of the City Council. If the Committee on Common had brought this matter before us for consideration, I doubt whether they would have been allowed the privilege of depriving our boys of the playground. I hope the City Council will now restore it to our boys for a playground.

Alderman Robinson—I am much obliged to my friend Alderman Clark for his explanation in regard to Boston Common. It is a subject that is new to me. One of the gentlemen that he spoke of has been to me and related the circumstance to which the Alderman has alluded. I claim this, and I am willing to stand on it—that the Common Council have decided that the Common is too sacred a place to be used, and therefore I think it should not be allowed for the uses of the boys as well as the mechanics.

Alderman Wilder—I am most decidedly in favor of the Common remaining the playground of our boys; but I want it used in a proper manner. I do not believe it is a proper place to play base ball. I believe that the present condition of the Common, with the new, fresh grass that will be up in a few weeks, makes it a decidedly more desirable place for the youth to go to, and spend their time in such play and amusements as do not endanger the lives and limbs of such of our fellow citizens as are obliged to go across the Common, as it will be by the passage of that order. This order contemplates the

removal of the lamp posts, which do not do the boys any harm. The lamp posts are not in danger from any amusements of the youth, except base ball. There has not been a military parade but what the lamp posts have been removed in half an hour's notice. I believe the best way to restore the Common for the proper use of the youth of our city is to indefinitely postpone this order; and for that reason I shall vote for the motion.

Alderman Clark—In answer to the Alderman from Ward 21, I would state that the greater part of the Common was seeded down by order of the Board of Aldermen and not by order of the Committee on Common and Squares. The subject came before the Board of Aldermen, I think, on two different Monday evenings, and they ordered that it should be seeded down and put in good condition. Now, I am in favor of having playgrounds for the youths of our city, and I shall favor the order which has been passed by the Common Council and sent to us today, providing for playgrounds in different sections of the city; and when that order comes before the Committee on Common and Public Grounds I shall do all in my power to provide suitable places so that the youths of the city can have an opportunity to play ball and engage in other sports which they choose to engage in. But when you go upon the Common and public squares and attempt to select your children and mine from the class who hang around about there during the day, you will have to increase your police force. You can make no distinction.

Alderman Fitzgerald—I thought I heard, in the discussion on the order granting the use of the Common to the Mechanic Association, an Alderman say he was in favor of allowing the use of the Common for the boys. That gentleman has just spoken and here is his [Alderman Wilder's] speech:

"I am entirely in favor of concurring with the Council so far as giving the boys the privilege of playing upon the parade ground is concerned."

That was on substantially the same order as has come down here, and was also offered by Mr. Spenceley. My friend to the left [Alderman Wilder] has changed his mind and wants this indefinitely postponed; but he said the other evening that he was heartily in favor of it. Now he hopes the whole thing will be indefinitely postponed. Now I hope the Board will not punish the Common Council because they did not grant the Mechanic Association the use of the Common. My friend [Alderman Robinson] says the Council thinks the Common is too sacred a thing for the use of it to be granted to anybody. He does not think so, and I hope you will not let the Council think you think so. The gentleman opposite [Alderman Clark] says he is in favor of such a place. Well, when we get the grand arboretum and the park extending from Dorchester Point to the Back Bay, that I heard so much about four years ago, it seems to me that we can have places for the boys to play. It seems to me that this request is a reasonable one. I agree with the gentleman that, if there are dangerous games on the Common, the committee should stop it. There are a great many games which boys can play that are not dangerous, such as leap frog, tumbling upon the grass, and a great many others that I do not remember. Base ball is not the only game, and there is a sufficient number of games to gratify them. The larger the city is growing, the more it is necessary for the boys to have a playground. If it was necessary a hundred years ago, it is a hundredfold more necessary today. I am thoroughly in favor of preventing dangerous games, and shall favor giving authority to the committee to prevent them. But I hope the Board of Aldermen will not refuse this in order to punish the Common Council.

Alderman Wilder—I do not know that consistency at this Board is anything so rare that the gentleman should be led to quote my remarks. The Alderman quoted me perfectly correct. I repeat it today. I am in favor of the Common being used by the boys today, and I am in favor of preserving it in proper condition for a playground for the youth of our city to indulge in all the games which the venerable Alderman to my right has forgotten, and which they remember. That is why I am in favor of indefinitely postponing any measure looking to putting it back again to a dirty field for playing base ball and attracting the very class of men and boys that we do not want to go there. It is because I am particularly desirous of preserving the Common for a playground and in its pristine purity that I shall vote for an indefinite postponement.

Alderman Fitzgerald—I should like to know how you will prevent dirty or clean boys from going on the Common if you make it free? The only way is for the clean boys to refuse to play with the dirty ones.

Alderman Slade—I doubt if there is a man in this city who has used the Common more, or any rougher, than I have. About twenty-five years ago I commenced in the cavalry, and I have scratched up about as much gravel and grass as any one else. When we first commenced no one could go on this parade ground that we talk so much about; it was nothing but a marsh and a mud hole. We began to parade up on Tremont street, and we paraded all over the Common, and nobody set any stakes for us, and those places belonged to the military, and we could go all over it. I do not think they should be kept off it; and neither do I think the boys should be kept off it. The modern style of playing base ball has not prevailed a great many years to my knowledge, and I think it is dangerous to play it upon Boston Common or anywhere else where people travel. So far as that particular place is concerned, I do not know who has a right to tell the boys who shall go there and who shall not. I am glad it has been filled up and grassed over, and I think myself that there is no necessity for this order. The Common can be used by the boys today without this order or any other day; and it can be used by the military. The lamp posts can be taken down very readily. The fences were put there to protect the new growth of grass until it gets so that it will stay there. I think it is well enough as it is; and when the grass is done growing and the soil gets hard enough to be travelled over with horses, I suppose the fences will be taken down. I should certainly be in favor of it. I believe the fences are there for the purpose of protecting the ground until such time as it gets hardened. At the same time I shall vote to indefinitely postpone the order; but I am not in favor of indefinitely postponing the boys having the privilege of playing on the Common.

Alderman O'Brien—The Alderman may have been very well acquainted with the Common in his younger days, but I think he could have hardly visited it lately. If you strike into any part of the Common you will see signs, "Keep off the grass." Neither boys, men, women nor children are allowed to go upon the grass.

Alderman Slade—The company I train in never stop to read them.

Alderman O'Brien—I was merely calling attention to the facts as they exist today. Everything but the pathways is so sacred that neither men, women nor children can touch it without being tapped upon the shoulder by a policeman. The fact is we might as well shut up the Common if we are going to deprive our citizens and boys of the benefit of it. I think we had better post "No Admission" at the entrance, and let people take an observation from the adjoining streets. So long as I can remember, this parade ground has been used by the boys for a playground and by the military. I do not see for the life of me why it cannot be used by them; and, after it has become thoroughly grassed down, I do not see why, with the new style of lawn mower that we have, it cannot be a better playground than it is now. I hope it will not be indefinitely postponed, because it will be saying to the boys, "You must not go upon the Common."

Alderman Fitzgerald—The Alderman [Alderman Slade] said there is nothing to prevent persons from going upon the Common—

"Section 18. No person shall walk, stand or lie on the grass on the Common, Public Garden or any public square or common lands of the city, whenever the Joint Standing Committee of the City Council on the Common and Public Grounds shall prohibit such walking, standing or lying thereon, and shall notify the public of such prohibition by a legible notice placed in those parts of the said Common, Public Garden and other squares and common lands from which said committee shall consider it necessary to temporarily exclude the public.

"Section 19. Any person who shall offend against any of the provisions of the foregoing section shall forfeit and pay for each offence a sum not less than one nor more than fifty dollars." [Ordinances, page 594.

Now, throughout all the Common the sign that the Alderman speaks of is posted up conspicuously, so that the people are prohibited from playing upon the Common under the penalty of a fine,

and if it cannot be possible to get through this Board an order to allow the boys to play just as they please, and as base ball is so dangerous, I shall move an amendment, "Provided that no baseball game be allowed on the Common, unless by consent of the Committee on Common and Squares." That, it seems to me, would meet the serious objection of the Alderman opposite and to my left. I do not know whether it would do away with the scruples of my friend from Dorchester who has such a sacred regard for the Common; and whether he would forgive the Common Council for doing such a sacrilegious act as refusing to give the Massachusetts Charitable Mechanic Association permission to hold an exhibition on the Common. There might be a provision that the boys should not play there before two o'clock. I understand that boys are not allowed to play on the grass on Prospect Park, in Brooklyn, and that allows the grass a chance to grow and remain green.

Alderman Clark—I hope the order, even as amended by the Alderman, will not pass. The committee have never deprived the children and boys of the privilege of playing upon the grass, and these little notices are simply to prevent people from cutting new paths. It is the custom of the people of Boston always to take the nearest route if they wish to cross the Common—regardless of the paths or the green sward. It is for the purpose of preventing people from making new paths that those notices are put up. Little children have always been allowed to play upon the grass as much as they pleased. There must be some regulations to govern the Common as well as the Public Garden, and I presume it was for the purpose of giving the committee some authority in the care of the Public Garden and the Common that that ordinance was passed. I believe that no member of this Board would care to have the Public Garden torn to pieces, even by children playing there; so that I hope that the order, even as amended by the Alderman, will not be passed, but that it will be left to the discretion of the Committee on Common and Squares. It is as Alderman Slade states—these fences are put up as a protection to the grass until it becomes so perfectly fixed as to allow of its being played upon by the children; and when that time arrives, which will be in a month from now, those fences will be taken down, the same as in other sections of the Common.

Alderman Fitzgerald—Do I understand the chairman of the committee on Common to say that the boys can play on that part of the Common if they please?

Alderman Clark—I mean to say that the boys of the Latin School are allowed to go there and play as much as they please.

Alderman Fitzgerald—Why should they be allowed to go there and others not?

Alderman Clark—The other boys have never asked permission; they go there *ad libitum*. The teachers of the Latin School asked permission for the boys to go there.

Alderman Fitzgerald—Do I understand that there is any need of the boys obtaining permission to play upon the Common?

Alderman Clark—There is no need of permission for any boys and children to go and play upon the Common, provided they do no more damage to the grass and grounds than the play of children will naturally do.

Alderman Fitzgerald—Are they allowed to play any games upon the Common?

Alderman Clark—They are allowed to play marbles, to pitch quoits, and poker, for aught I know.

Alderman Robinson—As I read from the programme, this order coming to us from the Common Council is "to cause all obstructions to be removed from the parade ground, so that the boys may have the use of said ground." It takes away the lamp posts and everything else. I don't see any necessity whatever for the passage of any such order.

Alderman O'Brien—As a matter of economy, every lamp post taken down will save the city \$50 a year.

Alderman Clark—And it would be an injury to the morals of the city of Boston \$1000 a year.

Alderman Fitzgerald withdrew his amendment. Alderman Robinson called for the yeas and nays, and the motion to indefinitely postpone prevailed—yeas 10, nays 2.

Yeas—Aldermen Breck, Burnham, Clark, Dunbar, Gibson, Robinson, Slade, Thompson, Viles, Wilder—10.

Nays—Aldermen Fitzgerald, O'Brien—2.

An order came down for the Committee on Common to consider the expediency of providing playgrounds for boys in the several sections of the city.

Alderman Clark—I call for the yeas and nays upon the passage of this order, because I believe it a very proper one. I am in favor of furnishing playgrounds for the boys, and I hope the Committee on Common will report in favor of them. The order was passed in concurrence—yeas 12, nays 0.

#### HEARINGS POSTPONED.

The hearing on the petition of N. W. Day for an omnibus route from Cambridge Bridge, and the remonstrance of the Union Railroad Company, were postponed until next Monday at half-past four o'clock.

The hearing on the petition of P. B. Brigham and others against the licensing of fruit peddlers, etc., was postponed until half-past five o'clock on Tuesday next.

#### REPORTS OF CITY OFFICERS.

*Superintendent of Market.* Report for quarter ending April 1. Received and paid into the treasury, \$26,684.27. Placed on file.

*Inspectors of Lighters.* The report of the inspectors of lighters for the quarter ending March 31 was received. Received \$130.53; expenses, \$17.15; balance divided by incumbents. Sent down.

#### BOND APPROVED.

The bond of George E. McKay, for \$10,000, as Superintendent of Market, with Thomas B. Harris and Everett Torrey as sureties, being presented duly certified, was approved by the Board.

#### PERMIT TO SELL BENZINE.

Alderman Burnham submitted a report from the Committee on Fire Department on the part of the Board in favor of granting the petition of Wadsworth Brothers & Howland for leave to keep and sell benzine, upon the usual conditions, at 76 Washington and 72 Friend street. Accepted.

#### NOMINATIONS OF FENCE VIEWERS, ETC.

Reports of joint special nominating committees were submitted as follows:

By Alderman Burnham: For Inspector of Lime—Ebenezer Curtis; Culler of Hoops and Staves—Horace A. Sawyer; Field Drivers and Pound Keepers—S. E. Partridge, Henry Morse, Bernard Crosby, James M. Davis, S. Augustus Rogers, Joseph E. Page; Fence Viewers—John Dove, Eben W. Whittemore, Woodbury L. Lewis. Accepted, and said nominations confirmed. Sent down.

#### FORM OF MARKET LEASE.

Alderman Breck submitted a report from the Committee on Ordinances on the part of the Board on the form of market lease referred to them, recommending the passage of an order—

That the existing conditions under which market leases are granted be amended as follows: Amend condition No. 5 by inserting after the word "underlet" the words "nor assigned." Amend condition No. 8 by striking out the word "twenty-fifth" and inserting in place thereof the word "first." Amend condition No. 9 by striking out the words "monthly to the Superintendent of the market" and inserting in place thereof the words "quarterly to the City Collector." Amend condition No. 14 by striking out the word "monthly" and inserting the words, "on the first day of each and every month, to the Superintendent of the market as aforesaid," and insert in place thereof the words "as above stipulated to the City Collector"; also by striking out after the word "Boston" the words "or the Superintendent of said market." Passed.

#### CLAIMS.

Alderman O'Brien submitted reports from the Committee on Claims as follows:

Leave to withdraw on petition of Joseph A. McCarty to be compensated for injuries to his harness and pung by reason of alleged defect in Washington street, as in their opinion if the petitioner has any claim it is against the Metropolitan Railroad Company and not the city of Boston.

Leave to withdraw on petition of Cyrus R. Kelly to be compensated for personal injuries caused by fall on Hanover street.

Severally accepted. Sent down.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Amusement Licenses Granted—Bertha Von Hillern, to give exhibition of pedestrianism at Music Hall, April 3; Caroline S. Brooks, for leave to ex-

hibit a model of "Iolanthe" at Amory Hall; Callender's Georgia Minstrels, Beethoven Hall.

Auctioneers Licensed—H. W. Bromfield, 1117 Washington street; George Abbott, 10 State street; W. R. McKay & Co., 126 Pearl street.

Wagon Licenses Granted—Davis, Sacker & Perkins, 5-7 Haverhill street; John Breslin, 64 Sudbury street.

Hack Licenses Granted—William Douse, 59 Federal street.

Victualler Licensed—James W. Peacock, 1075 Tremont street.

Minors' Applications Granted—Seven newsboys, one boot-black.

License for Dance-hall Refused—Thomas West, 41 Ferry street.

Report of leave to withdraw on petition of Stumcke & Goodwin *et al.*, for removal of hack stands of John Graham from corner of Court and Brattle streets.

Severally accepted.

#### HACK FARES FOR OLD SOUTH BALL.

Alderman Fitzgerald offered an order—That upon the occasion of the ball to be given at the Music Hall on the 9th instant, in aid of the Old South Preservation Fund, the rate of fare to be paid for the use of hacks by persons *returning* from the ball shall be established as follows: In the city proper for each carriage with one passenger, \$1.50; with two passengers, \$2; with three or more passengers, \$3. In going to the following-named portions of the city there shall be paid for the use of *each carriage* the following rates, viz., to Roxbury, \$4; to South Boston, \$3; to East Boston \$4 and tolls; to Charlestown, \$3; to West Roxbury, Dorchester and Brighton, \$6. Read twice and passed.

#### FLETCHER'S OMNIBUS ROUTE.

Alderman Fitzgerald offered an order—That leave be granted to William Fletcher to run a passenger wagon from the Fitchburg Railroad station on Causeway street, through Causeway, Merrimac, Washington, Devonshire, State and Broad streets to Rowe's wharf, and return by the same route; the rate of fare per passenger each way not to exceed ten cents. Read twice and passed.

#### FANEUIL HALL.

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall, on the petition of C. E. Appleton *et al.*, workingmen, who desire to discuss the subject of the present depression in business in Faneuil Hall this evening—That in consideration of the circumstances of the petitioners, the use of the hall be granted to them for this occasion only, free of expense. Accepted.

#### SWING SIGN.

Alderman Robinson submitted a report from the Committee on Police in favor of granting leave to Flanders & Shorey for leave to erect a projecting sign marked "The Domestic Steam Kettle" in front of 535 Washington street. Accepted.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports in favor of granting leave to move wooden buildings, by John Cavanagh, from 22 Preble street to Vinton street (three buildings); from 13 Rogers street to Vinton street; from 15 Rogers street to Vinton street; from 382 Dorchester street to 549 Dorchester avenue; from rear of 382 Dorchester avenue to Vinton street; by William Kelleher, from Ward street, Ward 22, to Longwood avenue, Ward 22; by Caleb S. Packard, from Beacon park across Cambridge street (three buildings.)

Report and order—That the sidewalk assessment of \$11.48 against the estate of Catherine O'Brien, No. 60 Regent street, be and the same is hereby abated. Order read once.

Report of leave to withdraw on petition of Union Railway Company for leave to run cars over the tracks of other street railroads between Bowdoin square and the Boston & Albany Railroad station. Accepted.

#### STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board, as follows on petitions for leave to occupy stables:

That leave be granted on the usual conditions to P. S. Briggs, corner Medford and Chelsea streets; C. R. Bullock, Monument, near Eliot street, Jamaica Plain; Walter F. McConnell, Copeland street; Jeremiah Plympton, 7 Hawthorn street; John A. Sawyer, Ashford street; F. B. Chittenden, Harvard street, Ward 24.



Leave to withdraw on petition of Capens heirs, for stable at corner of Oak and Green streets. Severally accepted.

ELECTIONS OF CITY OFFICERS.

*City Registrar.* A report came down, nominating Nicholas Apollonio, with minority report nominating Albert H. Hoyt. The report was accepted in concurrence and an election ordered. Committee—Aldermen Robinson, Dunbar.

Whole number of ballots.....	18
Necessary for a choice.....	7
Nicholas Apollonio had.....	9
Albert H. Hoyt.....	3

And Mr. Apollonio was declared elected. Sent down.

*Superintendents of Bridges.* A certificate came down of the election of Superintendents of Bridges. An election was ordered. Committee—Aldermen Robinson, Dunbar.

Whole number of ballots.....	12
Necessary for a choice.....	7

*Federal-street Bridge.*

*Jacob Norris.....	12
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*Dover-street Bridge.*

Angus Nelson.....	5
Daniel J. Holland.....	7

*Chelsea-street Bridge.*

*Edward T. Stowers.....	12
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*Charles River Bridge.*

*Joel R. Bolan.....	12
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*Warren Bridge.*

*Charles H. Marple.....	7
Michael Hughes.....	5

*Malden Bridge.*

*John Howard.....	12
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*Broadway Bridge.*

*John C. Poole.....	12
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*Mt. Washington-avenue Bridge.*

*George H. Davis.....	10
George A. J. Colgan.....	2

*Meridian-street Bridge.*

*Reuben B. Wendell.....	12
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*Congress-street Bridge.*

*Matthew J. Callahan.....	12
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Those marked with stars were declared elected in concurrence, and Daniel J. Holland was declared elected in non-concurrence.

Sent down.

*Commissioners of Cedar Grove Cemetery.* A report came up nominating Nathan Carruth as Commissioner of Cedar Grove Cemetery. Accepted in concurrence, and an election ordered. Committee—Aldermen Wilder and Breck. Mr. Carruth received 12 votes, the whole number cast, and was declared elected. Sent down.

*City Architect.* A report came up nominating George A. Clough as City Architect. Accepted in concurrence, and an election ordered. Committee—Aldermen Wilder, Breck. George A. Clough received 12 votes and M. W. Fitzsimmons received 1. Mr. Clough was declared elected. Sent down.

*Trustees of the Public Library.* A report came down nominating Weston Lewis and Benjamin F. Thomas for Trustees of the Public Library. Accepted, and on motion of Alderman Clark an election was ordered. Committee—Aldermen O'Brien, Clark.

Whole number of ballots.....	12
Necessary for a choice.....	7
Weston Lewis had.....	12
Benjamin F. Thomas.....	11
Charles L. Woodbury.....	1

Messrs. Lewis and Thomas were declared elected. Sent down.

*Harbor Master.* A report came up nominating Francis C. Cates as Harbor Master. Accepted in concurrence, and on motion of Alderman Robinson an election was ordered. Committee—Aldermen Viles, Robinson. Mr. Cates received 12 votes, the whole number cast, and was declared elected. Sent down.

*Assessor.* A certificate came up of the election of Thomas J. Bancroft as Assessor in place of Joshua S. Duncklee, elected by this Board. An election was ordered. Committee—Aldermen Clark, O'Brien.

Whole number of ballots.....	12
Necessary for a choice.....	7
Thomas J. Bancroft.....	3
Horace Smith.....	1
Joshua S. Duncklee.....	8

And Mr. Duncklee was declared elected in non-concurrence. Sent down.

The elections of the following-named officers were severally taken from the table and ballots were ordered, as follows:

*City Solicitor.* Committee—Aldermen Robinson, Dunbar. John P. Healy received 12 votes and was elected in concurrence.

*Superintendent of Streets.* Alderman Robinson moved to proceed to an election.

Alderman Fitzgerald—I do not rise to object to voting at the proper time, but the Paving Committee have under consideration an order to investigate the foremen in that department, and it seems to me that until we have concluded that investigation the election of Superintendent of Streets ought not to be had. It possibly will not reflect upon Mr. Harris, and I do not think it will; but pending the investigation the election of Superintendent of Streets should not be had.

Alderman Robinson—Although we have an order introduced by Alderman O'Brien to make certain investigations in regard to the foremen and sub-foremen, I cannot see for the life of me what it has got to do with the election of a Superintendent of Streets. There are no charges against Mr. Harris whatever, and it is necessary that we should go into an election. The order has no reference whatever to the Superintendent of Streets. Those foremen and sub-foremen shall have a thorough investigation and hearing, if I have any authority with the committee; but I see no reason for postponing the election of Superintendent of Streets any longer.

The election was declared ordered. Alderman Fitzgerald doubted the vote; the Board divided—9 for 3 against. The election was ordered. Charles Harris received 11 votes, Clemens Herschel 1. Mr. Harris was declared elected in concurrence.

*Superintendent of Sewers.* Committee—Aldermen Robinson, Dunbar. William H. Bradley received 8 votes to 4 for Samuel L. Minot. Mr. Bradley was declared elected in concurrence.

*Superintendent of Public Buildings.* Committee—Aldermen Robinson and Dunbar. James C. Tucker received 12 votes and was declared elected in concurrence.

*Superintendent of Common and Public Grounds.* Committee, Aldermen Robinson, Dunbar: John Galvin received twelve votes and was declared elected in concurrence.

*Superintendent of Public Lands.* Committee, Aldermen Dunbar, Robinson. Robert W. Hall received twelve votes and was declared elected in concurrence.

*City Engineer.* Committee, Aldermen Dunbar, Robinson. Joseph P. Davis received 12 votes and was declared elected in concurrence.

*City Surveyor.* Committee, Aldermen Dunbar, Robinson. Thomas W. Davis received 12 votes and was declared elected in concurrence.

*Water Registrar.* Committee—Aldermen Dunbar, Robinson. William F. Davis received 12 votes and was declared elected in concurrence.

*First Assistant Assessors.* Committee, Aldermen Fitzgerald, Clark.

Whole number of votes.....	12
Necessary for a choice.....	7

*William B. Long.....	12	*John H. Griggs.....	11
*William J. Ellis.....	12	Gideon Walker.....	4
*John H. Duane.....	10	Geo. N. Bliss.....	5
*Wm. N. Starrett.....	12	*Charles Nowell.....	12
*Michael Carney.....	10	John Pierce.....	7
*George S. Pendergast.....	12	*Henry Pierce.....	10
*Nahum Chapin.....	11	*Richard B. Smart.....	11
*Artemas R. Holden.....	12	*William A. Wheeler.....	8
*John Beacon.....	9	*Horace Loring.....	12
*William H. Cundy.....	11	*Phineas B. Smith.....	8
*Ira D. Davenport.....	12	Dudley Pray.....	2
*John Leahy.....	11	John Noble.....	3
*John H. Giblin.....	12	*Horace Smith.....	8
*George W. Kingman.....	10	Joseph L. Drew.....	6
*Thomas Leavitt.....	12	Theodore Moses.....	3
*Joseph R. Grose.....	11	Joh M. Leonard.....	1
*Charles B. Hunting.....	12	John W. Steere.....	2
*George F. Williams.....	12	J. M. Leonard.....	2
*George D. Ricker.....	12	John McElroy.....	2
*William B. Smart.....	12	C. Vincent Conologue.....	1
Charles E. Grant.....	7	J. H. Rogers.....	2
*George A. Comins.....	12	Joseph E. Hall.....	1
*Andrew J. Browne.....	12	Theophilus Burr.....	1
*L. Foster Morse.....	12	George Warren.....	1

Those marked with stars were declared elected.

A second ballot was ordered to fill two vacancies.

Charles E. Grant.....	4
Joseph L. Drew.....	9
Gideon Walker.....	4
George N. Bliss.....	1
John McElroy.....	1
Theodore Moses.....	1
John Pierce.....	1
F. A. Wilkins.....	1
Dudley Pray.....	1

Mr. Drew was declared elected, and a third ballot was ordered to fill one vacancy.

Gideon Walker.....	3
Charles E. Grant.....	7
Dudley Pray.....	1
Theodore Moses.....	1

Mr. Grant was declared elected. Sent down.

#### ARMORIES.

Alderman O'Brien submitted a report from the Committee on Armories, on petition of Company C, Ninth Battalion of Infantry, recommending the passage of the following:

Ordered, That the allowance of rent heretofore paid on account of armory occupied by Company C, Ninth Battalion of Infantry, M. V. M., at the corner of Northampton and Washington streets, be discontinued from and after April 1, 1877; and that the sum of \$700 per annum be allowed and paid on account of rent of armory for said company at No. 69 West Concord street, beginning April 1, 1877, and continuing until otherwise ordered; said sum to be charged to the appropriation for Armories.

Ordered, That the Committee on Armories be authorized to expend a sum not exceeding \$350 in furnishing and fitting up the armory of Company C, Ninth Battalion of Infantry, M. V. M., at No. 69 West Concord street; said sum to be charged to the appropriation for Armories.

Alderman Thompson—Does the lease of that armory expire on the 1st of April?

Alderman O'Brien—We were tenants there at will, I believe.

Alderman Thompson—Do I understand that the city pays the rent up to the 1st of July?

Alderman O'Brien—The city is not responsible or beholden in any way, as I understand it. They are merely behind the company.

The orders were passed.

#### INVITATION ACCEPTED.

An invitation was received to attend an exhibition of the liquid fire extinguisher tomorrow afternoon. Accepted.

#### ORDERS TO PAY FOR LAND DAMAGES.

Alderman Clark submitted the following from the Committee on Streets on the part of the Board:

Orders to pay for land taken and damages occasioned by widening and laying out streets, as follows: Antoine Mattell, \$2512.50, extension of Ashland street to South street; George Morrill, administrator of estate of Mary B. Barnes, \$3800, for an estate purchased of her on Cross street in accordance with orders of the City Council of Feb. 18 and March 21, 1864. Severally read twice and passed.

#### SOUTH BOSTON RAILROAD.

Alderman Burnham moved to take from the table the order for the thirteenth location of the South Boston Railroad, by which the cars of that company are allowed to run to Causeway street (City Doc. No. 34.), to be acted upon at the present time.

Alderman Thompson—I hope the matter will be allowed to remain upon the table. It will be remembered that at the hearing some weeks since, when the South Boston and Middlesex corporations were represented here, the South Boston company desired to run to Causeway street and the northern depots. At the time the matter was laid over by consent of both parties, the Middlesex corporation having petitioned for permission to run to the Old Colony depot. I understand there is some misunderstanding between the corporations as to the agreement at that time, and for the purpose of allowing them to come to some understanding, I hope it will remain on the table.

Alderman Burnham withdrew the motion.

#### ASSISTANT SUPERINTENDENT OF MARKET.

Alderman Slade offered an order—That the Superintendent of Faneuil Hall Market be authorized to employ, with the approval of his Honor the Mayor, one deputy to assist him in the discharge of the duties of his office. Read once.

Adjourned, on motion of Alderman O'Brien.

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CITY OF BOSTON.

Proceedings of the Common Council,

APRIL 5, 1877.

Regular meeting at 7½ o'clock P. M. Benjamin Pope, President, in the chair.

PAPERS FROM THE BOARD OF ALDERMEN.

Report of Inspector of Lighters. Placed on file. Petitions were referred in concurrence.

Report making nominations as follows: Inspector of Lime—Ebenezer Curtis; Culler of Hoops and Staves—Horace A. Sawyer; Field Drivers and Pound Keepers—S. E. Partridge, Henry Morse, Bernard Crosby, James M. Davis, S. Augustus Rogers, Joseph E. Page; Fence Viewers—John Dove, Eben W. Whittemore, Woodbury L. Lewis. Confirmed in concurrence.

Reports of leave to withdraw on petitions of Joseph A. McCarthy, to be paid for damage to his harness and pung from a defect in Washington street; Cyrus K. Kelley, to be paid for personal injuries from a fall in Hudson street. Severally accepted in concurrence.

Communication from School Board on occupation of Marcella-street Home. Placed on file.

Report and order to transfer the male juvenile paupers, etc., from pauper school at Deer Island to Marcella-street Home, and to devote said institution to above class, instead of to truants and vagrants. Read twice and passed in concurrence.

ELECTIONS OF CITY OFFICERS.

Certificates came down of elections by the other branch and elections occurred as follows:

*Harbor Master.* Francis C. Cates. Committee—Messrs. Webster of Ward 1, Jackson of Ward 16, Kidney of Ward 6.

Whole number of ballots.....	65
Necessary for a choice.....	33
Francis C. Cates.....	56
John T. Gardner.....	9

And Mr. Cates was elected in concurrence.

*City Architect.* George A. Clough. Committee—Messrs. Shepard of Ward 4, Kelley of Ward 3, Spenceley of Ward 19.

Whole number of ballots.....	67
Necessary for a choice.....	34
George A. Clough.....	43
Charles J. Bateman.....	18
M. W. Fitzsimmons.....	16

And Mr. Clough was elected in concurrence.

*Commissioner of Cedar Grove Cemetery.* Nathan Carruth. Committee—Messrs. Wilbur of Ward 20, Barnard of Ward 24, Day of Ward 4.

Whole number of ballots.....	61
Necessary for a choice.....	32
Nathan Carruth.....	60
John W. Martin.....	1

And Mr. Carruth was elected in concurrence.

*Trustees of Public Library.* Weston Lewis, Benjamin F. Thomas. Committee—Messrs. Howes of Ward 18, Hibbard of Ward 17, Mullane of Ward 12.

Whole number of ballots.....	65
Necessary for a choice.....	33
Weston Lewis.....	60
Benjamin F. Thomas.....	61
Charles Levi Woodbury.....	5
George A. Shaw.....	3
A. R. Holden.....	1

And Messrs. Lewis and Thomas were elected in concurrence.

*Directors of East Boston Ferries.* Charles Stanwood, Samuel B. Hopkins. Committee—Messrs. Pearl of Ward 2, Cross of Ward 16, O'Connor of Ward 8.

Whole number of ballots.....	70
Necessary for a choice.....	36
Daniel D. Kelley.....	43
Samuel B. Hopkins.....	41
Charles Stanwood.....	38
E. W. James.....	3
M. Barr.....	1
George Green.....	1
Daniel J. Maguinness.....	3

Mr. Hopkins was declared elected in concurrence and Mr. Kelley in non-concurrence. Sent up.

*Assessor.* Joshua S. Duncklee, in place of Thomas J. Bancroft, chosen by this Council. Committee—Messrs. Blanchard of Ward 21, O'Donnell of Ward 8, Loughlin of Ward 13.

Whole number of ballots.....	69
Necessary for a choice.....	35
Thomas J. Bancroft.....	42
Joshua S. Duncklee.....	27

And Mr. Bancroft was elected in non-concurrence.

*City Registrar.* Nicholas A. Apollonio. Committee—Messrs. Ham of Ward 14, Brintnall of Ward 5, Cox of Ward 15.

Whole number of ballots.....	70
Necessary for a choice.....	36
Nicholas A. Apollonio.....	38
Albert H. Hoyt.....	11
Jonathan H. Mann.....	20
Isaac W. Derby.....	1

And Mr. Apollonio was elected in concurrence.

*Superintendent of Dover-street Bridge.* Daniel J. Holland, in place of Angus Nelson, chosen by this Council. Committee—Messrs. Blodgett of Ward 8, Reed of Ward 17, McClusky of Ward 13.

Whole number of ballots.....	70
Necessary for a choice.....	36
Angus Nelson.....	43
Daniel J. Holland.....	27

And Mr. Nelson was elected in non-concurrence. Sent up.

*First Assistant Assessors.* William B. Long, William J. Ellis, John H. Duane, William N. Starrett, Michael Carney, George S. Pendergast, Nahum Chapin, Artemas R. Holden, John Brown, William H. Cundy, Ira D. Davenport, John Leahy, John H. Giblin, George W. Kingman, Thomas Leavitt, Joseph R. Grose, Charles B. Hnuting, George F. Williams, George D. Ricker, William B. Smart, Charles E. Grant, George A. Comins, Andrew J. Browne, L. Foster Morse, John H. Griggs, Charles Nowell, Horace Smith, Henry Pierce, Richard B. Smart, William A. Wheeler, Horace Loring, Phineas B. Smith, Joseph L. Drew.

On motion of Mr. Sibley of Ward 5, a committee of six was appointed to collect and count votes.

Committee—Messrs. Felt of Ward 18, Smardon of Ward 10, Wolcott of Ward 11, Webster of Ward 3, Mowry of Ward 11, McGaragle of Ward 8.

A recess was taken on motion of Mr. Sibley, at the end of which the committee reported as follows:

Whole number of ballots.....	69
Necessary for a choice.....	35
*William B. Long.....	60
*William J. Ellis.....	56
*John H. Duane.....	44
*Wm. N. Starrett.....	65
*Michael Carney.....	53
*George S. Pendergast.....	62
*Nahum Chapin.....	56
*Artemas R. Holden.....	63
*John Brown.....	55
*William H. Cundy.....	61
*Ira D. Davenport.....	55
John Leahy.....	33
*John H. Giblin.....	45
*George W. Kingman.....	50
*Thomas Leavitt.....	59
*Joseph R. Grose.....	57
*Charles B. Hunting.....	55
*George F. Williams.....	58
*George D. Ricker.....	57
*William B. Smart.....	63
*Charles E. Grant.....	49
*George A. Comins.....	50
*Andrew J. Browne.....	61
*L. Foster Morse.....	60
*John H. Griggs.....	59
Horace Smith.....	29
Joseph L. Drew.....	31
*Charles Nowell.....	56
Phineas B. Smith.....	27
*Henry Pierce.....	55
*Richard B. Smart.....	56
*William A. Wheeler.....	46
*Horace Loring.....	48
†Gideon Walker.....	63
†Geo. N. Bliss.....	62
John Pierce.....	54
Dudley Pray.....	14
John Noble.....	28
John W. Steere.....	23
†John McElroy.....	39
C. Vincent Conologue.....	26
Theophilus Burr.....	7
George Warren.....	6
Joseph E. Hall.....	1
P. H. Rogers.....	29
F. A. Wilkins.....	13
H. H. Holbrook.....	1
Levi W. Shaw.....	6

and one ballot with thirty-four names not counted.

The twenty-nine marked with a star were elected in concurrence, and those marked with a dagger, viz., Gideon Walker, George N. Bliss, John Pierce and John McElroy, were elected in place of John Leahy, Horace Smith, Joseph L. Drew and Phineas B. Smith. Sent up.

UNFINISHED BUSINESS.

An ordinance in addition to an ordinance relating to the public health, to allow the Board of Health to convey the right to erect monuments, etc., in cemeteries. Passed. Sent up.

Order to allow \$200 to each post of the G. A. R. and the N. P. Banks A. & N. Veteran Corps, towards expenses of Decoration Day. Passed—yeas 64, nays 1; Mr. Webster of Ward 3 voting nay. Sent up.

SINKING FUNDS.

Mr. Sampson of Ward 17 moved to reconsider the vote whereby was passed the order for estimates of differences that would be caused by a repeal of section 22 of ordinance on finance in amounts to be paid Dec. 1, to Commissioners on Sinking Funds on account of Burnt District, Cochituate Water and New Sinking Funds, and of amounts by which other Sinking Funds exceed the smallest sums which with accumulations would meet their respective debts at maturity.

Mr. Sampson—I have made this motion because I desire to offer a substitute for the order, in the form of an ordinance to repeal a portion of section 22 of the ordinance in relation to finance, and the

information which the gentleman asks for in the order I can give here. If the motion to reconsider prevails I will offer the ordinance to amend section 22, which will save this year in taxation the sum of \$160,000.

Mr. Crocker of Ward 9—I do not see any reason why this order should be reconsidered tonight. It is merely asking for certain information. The gentleman has brought information here which he proposes to present; but I have looked over the figures, and find that they do not cover the whole ground embraced in the order. It seems to me it would no harm to have in an official manner the facts called for in this order. The gentleman brings some of the facts; and the attention of the Auditor and the Finance Committee having been brought to the subject, the suggestion has led them to make an alteration in the appropriation bill, by which we will have to raise a hundred and sixty thousand dollars less by taxation than we expected. That is a very good result so far; but I should really prefer to have the information called for in full. I thought at first, from what the gentleman said, that he had all the information, and was prepared to offer it tonight. I find, however, that his figures do not cover one of the Sinking Funds; and as it is desirable to have information covering all the Sinking Funds, it seems to me that the order should not be reconsidered, but that it should be passed, and that the Auditor should give us this information. It is a simple matter; he has most of the figures; and the order is simply to require the Auditor to give us the full figures asked for.

Mr. Sampson—I wish to say that the action which the Finance Committee have taken, in presenting this proposed amendment tonight, is not at all on account of the order offered by the gentleman, but it arose from the discussions which took place in the committee on the Auditor's estimates. It is desirable that we should end this discussion upon the Sinking Funds, and that no gentleman who has a hobby about them should get up here and present it, but that we should leave it to the judgment of those whom we have elected to manage the Sinking Funds. Now, what is the condition of the city of New York today? They are trying to get their sinking funds in the same condition that we have them in Boston today. At present the sinking funds of New York do not provide for the debt of that city at maturity. The mayor of New York has called the merchants of that city around him to see what can be done to help the credit of that city. Their six per cent. bonds are selling at par, while the city of Boston's five per cents are selling at 112. Now I say it is best to let well enough alone. New York has not yet arrived at a solution of the problem; but a meeting has been called for next Saturday evening at Chickering Hall to see what can be done to help in the payment of their debt. I presume that every member of the Common Council who has read the New York papers knows how that community is exercised about the payment of its great debt, as they call it. Now, sir, that debt, in proportion to population, is but very little larger than the debt of the city of Boston. It is but \$133 to each individual, while the debt of Boston is \$126—almost as large. Yet we have no anxiety here as to the payment of our debt, and every one here is satisfied that the Sinking Funds are so managed that when the debt matures there will be a Sinking Fund to provide for its payment. We do not require the repeal of the twenty-second section of this ordinance; it will, in my opinion, and in the opinion of the members of the Finance Committee, cause great damage to the credit of the city of Boston. I have here the information respecting five of the sinking funds, and the gentleman from Ward 9 can go into the Auditor's office at any time and get all the information on the subject he desires. I hope the reconsideration will prevail.

Mr. Crocker—It seems rather strange that the Council should not be permitted to have this information. It is a very harmless order. The gentleman has the figures before him covering almost the entire question raised by the order I introduced last week. But the gentleman was so desirous that this information should not be given to the Council, that he moved a reconsideration and delayed the thing till this meeting, so that we should not get some information that he is afraid for us to have. I do not know what hurt it is going to do us. But he was afraid it would do some mischief, and so he moved the reconsideration—

a very unusual course in such a matter. The order simply asks for information; but he goes off in a long story about the New York people and what trouble they are in, what their sinking funds will not do, what mischief they are getting into, and the danger, etc., and how much better we are off. I do not see that that has anything to do with the matter. It is throwing dust. The simple question is whether we want this information. The gentleman may talk about my hobby; but if it is my hobby, I have accomplished some good by it so far, and I may be able to accomplish more. One change has been brought about this year in stopping the putting of the balances of appropriations into the Sinking Funds. That good result has been brought about, and since the last meeting the Finance Committee and the Sinking Fund Commissioners have made up their minds—I do not think there is any doubt but what it has been caused by this particular order that I have introduced; that they can ask for \$160,000 less for taxation than they were going to ask for. Now if so much good has been done by the introduction of a simple order introduced and laid over one week by a motion for reconsideration, I think my hobby has done a great deal of good; and I think it is well to keep the thing going and get a full reply, which might make the reduction as much as \$200,000 and it might be a great deal more. When gentlemen say they are anxious that a simple inquiry for information should not be answered, it seems to me to be rather suspicious that they want to hold something back; and whether it is asked for by a man who has a hobby or not, it is well to have it answered. I hope the order will not be reconsidered.

Mr. Spenceley of Ward 19—I hope this order will be reconsidered, and I do not think there is much doubt but that it will be. I never felt as if I wanted a Sinking Fund, for my part, but if the gentleman from Ward 17 can show us anything by which we can save \$160,000 from our taxation, I think I shall want to have it for a hobby. It is the most favorable aspect that this sea-serpent has assumed since I have been in this Council. The trouble with the gentleman from Ward 9 is that he does not want the gentleman from Ward 17 to give us the information he has. I hope the gentleman will have a chance to give us the information how we can save so much money.

Mr. Sampson—The gentleman from Ward 9 shows his inconsistency, because he stated that I had the information, in the main, which he asked for. Yet he goes on and says I am trying to withhold it. I merely submit the point to the Council.

Mr. Crocker—I do not like to be misrepresented. The gentleman has certain information which he is ready to offer. There is certain other information which he has not brought, and which I desire to have, and I desire that this order should pass that we may have it. The passage of this order is not going to prevent the gentleman from bringing in the facts and offering the amendment to the ordinance which he desires to offer. I do not propose to interfere with that, or with his giving us all the information which he chooses to give us. But it is not information in an official form from the Auditor. It is certain information which he has got from the clerk in the Treasurer's office. Now, the passage of this order will require the Auditor to give us the information over his signature, and it will not prevent the gentleman from doing what he proposes to do. It will not prevent us from saving this hundred and sixty thousand dollars, and it may do something more. Therefore, I desire to see this order passed, and I hope the reconsideration will not prevail.

The reconsideration prevailed, and the question recurring again on the passage of the order. Mr. Sampson offered the following as a substitute:

An Ordinance to amend an ordinance in relation to finance.

Be it ordained, etc.:

Section 1. Section twenty-two of the ordinance in relation to finance, as contained in the printed volume of the ordinances of the year 1876, is hereby amended by striking out all of said section after the word "law" in the thirteenth line, and inserting in lieu thereof the following:

"Provided, That whenever it shall appear to the commissioners that for any reason the sinking fund applicable to any debt will, if the annual payments as first established be continued, be more than sufficient to meet said debt at maturity, the commissioners may make such reductions in the

amount of such payments as may be consistent with the requirements of the statutes."

Mr. Crocker—I should like to hear the facts which the gentleman proposed to give in answer to the order. I noticed that the gentleman said he had the facts and was prepared to give them here tonight—I mean the facts inquired for in this order. [Mr. Crocker here took his seat, but Mr. Sampson not making any reply, he resumed.] It seems that now when he has got the vote reconsidered he does not propose to put in what facts he has. Therefore I hope the Council will not substitute this ordinance, but will pass the order as originally offered, and that the ordinance will be passed afterwards. I think we want those facts and figures. I had supposed the gentleman was going to give them, but I see he wants to keep them back. The gentleman does not want to show what the introduction of the order has developed. I should like to have the facts called for by that order appear, and, later, if the gentleman does not offer that ordinance I will offer it myself.

Mr. Spenceley—I move that this matter be especially assigned to next Thursday evening, at half-past eight o'clock. I think that all the members of the Council want to find out in reference to this matter.

Mr. Sampson—I hope that motion will not prevail, because it affects the amount to be raised in the appropriation bill. If this ordinance is passed before the appropriation bill is acted upon it will save us \$160,000.

Mr. Spenceley—Then give us the facts tonight.

Mr. Sampson—I have the facts, and I supposed that the gentleman from Ward 9 would accept this ordinance as a substitute. I obtained the figures from the Sinking Fund Commissioners, and they are just what the gentleman from Ward 9 inquired for: I find that the clerk has sent me only five Sinking Funds, when there are six; but I will read such as I have:

Amount required to be taxed in 1877 and paid to the Commissioners on the Sinking Funds, being sufficient with the Sinking Funds now in hand, with their accumulations at the Massachusetts standard of accumulations of interest in relation to life insurance (four per cent.), to extinguish the debt at maturity. For the

Burnt District Sinking Fund.....	\$166,100
New Sinking Fund.....	292,100
Cochituate Water Sinking Fund.....	214,500
	\$672,700

That is all that will be required to be asked for if this ordinance is passed tonight. In the first requirement of the Sinking Fund Commissioners, which was upon the interpretation of the statute by the City Solicitor, they required \$835,667; but under the second interpretation of the statute by the City Solicitor—and not by the offering of the order by the gentleman—if the ordinance is amended, they will require \$672,700.

*The Old Sinking Fund.*

Excess of Fund over amount sufficient,	
March 1, 1877.....	\$158,844.27
<i>The Consolidated Street Improvement Sinking Fund.</i>	
Debt March 1, 1877.....	\$3,568,292.00
Amount sufficient, at this time, to redeem the debt when due (1899-1900)....	\$1,505,640.80
Present assets.....	1,219,929.29
Amount to be raised during the next 22 years.....	285,711.51
\$8000 of this loan is, per agreement, redeemed in each year and the Sinking Fund receives the interest on the debt so redeemed, and that interest will amount to \$770,763.48, from this time up to 1899-1900, which at its present value.....	\$504,610.56
Leaving an excess of Fund.	\$218,899.05

Sum sufficient at four per cent. interest to tax on debt to extinguish the same at maturity is as follows:

- On ten-year loans, 8 9-1000 per cent.
- On twenty-year loans, 3 229-1000 per cent.
- On thirty-year loans, 1 714-1000 per cent.

Under this present ordinance as proposed to be amended hereafter, the commissioners will only ask for a sufficient amount to pay the loans at maturity.

Mr. Webster of Ward 3—I would like to inquire if this substitute or amendment is in order at the present time. It seems to be entirely different from the original order, which was that the order be requested to furnish information to the Coun-

cil; and the gentleman from Ward 17 proposed the ordinance as a substitute. It strikes me that it is of an entirely different nature and should be considered separately. Whatever may be done with this ordinance I think the Council should have this information.

The President—The Chair is of the opinion that the gentleman is entirely correct. The question is upon the special assignment. The amendment is not in order.

Mr. Crocker—If this amendment is to be ruled out of order, there seems to be no reason for a postponement of the order asking for information. We may as well settle the question tonight, and then the ordinance can be introduced as an independent subject afterwards, and we can consider that tonight or postpone it as we see fit.

The motion to assign was lost, and the order was rejected by a division—16 for, 38 against.

Subsequently Mr. Sampson offered the above ordinance.

Mr. Crocker—As long as this matter has come up again, I desire to say one word. I must say that I am not pleased at the manner in which the order introduced by me at the last meeting has been treated, and especially am I displeased at the manner in which it has been treated by the chairman of the Finance Committee. I introduced an order inquiring as to the effect of, and whether anything would be saved by, repealing section 22 of the ordinance in relation to finance. Gentlemen well know that I have been claiming, since the year began, that we have been paying too much money into the Sinking Funds, that a great deal of money might be saved from taxation, and that we might tax ourselves less than we do. At the last meeting I offered an order inquiring what would be the effect of repealing that section; and now the gentleman, after moving a reconsideration of that order, brings in an ordinance substantially repealing that section, by putting a proviso upon it, which substantially repeals it; but if the gentleman desires to do the thing in that way, I am content to have it done in that way, and I hope this ordinance will pass. But when the gentleman says the committee intended to do it before, and says it was not in consequence of my introducing this order, he goes out of his way to make unnecessary remarks insulting to a member of the Council. I believe myself that this ordinance has been introduced in consequence of the order I introduced at the last meeting. This ordinance substantially repealing that section was not heard of until I introduced that order, and the result of it has been that the Finance Committee now come forward and propose to substantially repeal that section and thereby save us some \$160,000 in taxation. It is a small matter to be claiming who has the credit of one thing or another; but I must say that when the chairman of the Finance Committee gets up here and claims the credit of it, and says that his committee were going to do this thing, I think he claims what does not belong to them.

The ordinance was read twice and passed under a suspension of the rules, on motion of Mr. Sampson. Subsequently a motion to reconsider, by Mr. Sampson, hoping it would not prevail, was lost. Sent up.

AUDITOR'S EXHIBIT.

The Auditor's exhibit for April 1, including the April draft, being the twelfth monthly payment of the financial year (City Doc. 39), was received. Sent up.

Total appropriations, \$17,474,218.67; expended, \$13,335,779.31; balance unexpended, \$4,138,439.36.

THE APPROPRIATION BILL.

Mr. Sampson of Ward 17 submitted the following (City Doc. 40):

The joint special committee to whom were referred the estimates of the Auditor of Accounts of the money which will be required to defray the expenses of the city of Boston and county of Suffolk for the financial year 1877-78, being City Document No. 28 of this year, would respectfully report that they have fully considered the same, with the following results:

They have received from the Board of Sinking Fund Commissioners a vote of said Board, revising their requisition for money for the Sinking Funds given in their vote of March 21, referred to this committee by the City Council, by which the amount required is set at \$672,700, instead of \$835,637, as in their vote of the 21st ult. [See Appendix.]

The reductions made by the Salary orders of

this year have been taken from the respective appropriations.

The Auditor of Accounts communicates to the committee that he estimates that there will remain in the treasury at the close of the present financial year, derived from the sources specified in the ordinance on Finance of March 27, 1877, the sum of \$700,000 [see Appendix], and your committee report an order providing for the use of the same towards meeting these appropriations for 1877-78.

The appropriations for rebuilding Neponset Bridge and the pier of the Mt. Washington Avenue Bridge, amounting to \$27,000, are omitted, the City Council having provided the same from the balance of appropriation for rebuilding Doverstreet Bridge.

The following table shows the appropriations, as estimated in the Auditor of Accounts' Estimates, compared with those voted by this committee:

Appropriations.	Am't as per Auditor's Estimates.	Am't as voted by Committee.	Incr'se	Dec.
Advertising...	\$2,500	\$2,500	....	....
Armories.....	22,000	22,000	....	....
Assessors' Department....	97,000	92,167	....	\$4,833
Auditor's Department....	18,000	15,650	....	2,350
Bd. of Health, Evergreen Cemetery, Quarantine Dept. and Fever Hospital				
Gallop's Island.....	93,500	86,800	....	6,700
Boston Harbor Bridges.....	6,000	5,000	....	1,000
Cedar Grove Cemetery...	55,235	53,293	....	1,942
Chelsea Bridge	5,000	5,000	....	....
Chestnut Hill Driveway...	115,000	115,000	....	....
City Debt.....	5,000	3,500	....	1,500
City Hospital.	....	672,700	672,700	....
City Registrar's Dept..	125,000	120,000	....	5,000
Collector's Department	10,490	9,650	....	840
Common and Pub. Squares	49,500	42,600	....	6,900
Commonwealth Ave. Fence	70,700	65,100	....	5,600
Contingent Funds.....	6,000	6,000	....	....
East Boston Ferries.....	13,000	13,000	....	....
Engineer's Department...	181,300	165,000	....	16,300
Fire Department, Fire Alarm Telegraph, and Bells and Clocks.....	28,000	25,479	....	2,521
Health Dept.	602,190	586,222	....	15,968
Incidental Expenses.....	387,500	365,000	....	22,500
Inspection of Buildings...	87,000	87,000	....	....
Interest and Premium..	18,600	14,000	....	4,600
Lamps.....	1,698,000	1,698,000	....	....
Law Dep'tm't.	493,680	490,000	....	3,680
Markets.....	20,740	18,440	....	2,300
Mount Hope Cemetery...	10,000	9,295	....	705
Mount Washington Avenue Bridge.	15,000	14,700	....	300
Neponset B'ge	8,000	....	....	8,000
New School-houses.....	19,000	....	....	19,000
Old Claims. ...	96,500	96,500	....	....
Overseers of the Poor....	2,000	2,000	....	....
Paving, Grading and Repairs of Sts.	141,400	141,400	....	....
Police.....	900,000	850,000	....	50,000
Printing and Stationery..	841,700	841,300	....	400
Public Baths..	27,500	27,000	....	500
Public Buildings.....	25,000	25,000	....	....
Public Institutions:	85,300	83,850	....	1,450
House of Industry.....	180,000	184,950	4,950	....
House of Correction	91,000	91,150	150	....
Lunatic Hospital..	59,500	59,720	220	....
Pauper Expenses.....	81,000	80,600	....	400
Steamer J. P. Bradlee.	18,000	18,170	170	....

	Am't as per Auditor's Estimates.	Am't as voted by Committee.	Incr'se	Dec.
Office Exp's	8,000	7,350	....	650
Marceila-st. Home.....	23,000	25,000	2,000	....
Alms-house, Aus'n F'm	17,000	18,000	1,000	....
Alms-house, Chast'n D.	9,000	9,000	....	....
Addition to Bld'g, K'n's-ford Island	16,000	16,000	....	....
New Pig'ty, Deer Island	8,500	8,500	....	....
Public Lands..	6,000	6,000	....	....
Public Library	121,000	118,126	....	2,874
Registration of Voters and Election Expenses.....	22,500	22,200	....	300
Reserve Fund	300,000	300,000	....	....
Salaries.....	34,300	31,950	....	2,350
Schools:				
School Instructors..	1,115,520	1,115,520	....	....
School Exp. Sch'l Com.	245,000	245,000	....	....
Salaries Off. Sch'l Com.	51,000	51,000	....	....
Schoolhouses, Public Buildings.	133,000	133,000	....	....
Sealer W'ghts and Meas...	4,200	3,700	....	500
Sewers.....	150,000	150,000	....	....
Sinking Fund Commis.....	800	800	....	....
Survey'r's Department....	39,500	36,176	....	3,324
Treas. Depart.	24,800	21,700	....	3,100
West Boston and other Bridges.....	6,500	6,500	....	....
Widening Streets.....	200,000	125,000	....	75,000
Co mty of Suffolk.....	365,000	365,000	....	....
	\$9,712,455	\$10,120,258	\$681,190	\$273,387

Total amount as required by the Auditor's estimates..... \$9,712,455.00  
 Add for city debt..... 672,700.00  
 Add for increase for Public Institutions 8,490.00

\$10,393,645.00

Less reductions made by committee..... \$246,387.00

And omitting Neponset Bridge and Mt. Washington-avenue Bridge pier appropriations..... 27,000.00

273,387.00

\$10,120,258.00

Deduct income as per Auditor's estimates..... \$1,669,100.00

Also cash in treasury, April 30, 1877, as per estimate of Auditor (see Appendix), viz:

From excess of liquor license revenue..... \$125,000

From excess of actual income and taxes over-estimated..... 75,000

Balances of un-expended appropriations.... 500,000

700,000.00

2,369,100.00

\$7,751,158.00

To which add 3 per cent. for non-payment of taxes during the financial year..... 232,535.00

We have the total amount to be raised by taxation in 1877, exclusive of the State tax..... \$7,983,693.00

The amount required by taxation last year exclusive of the State tax, was.. \$8,527,872.00

Your committee, therefore, recommend the passage of the accompanying orders making the appropriations for the financial year 1877-78, providing for the use of certain moneys in the treasury, April 30, 1877, levying a tax for the year 1877 to meet the same, less the income and cash in the treasury, and for payment of interest on account of non-payment of taxes.

For the committee,  
 FREDERICK O. PRINCE,  
 Chairman.

**An Order**  
Relating to Specific Appropriations for the Financial Year 1877-78.

It is hereby ordered by the City Council, That, to defray the expenditures of the city of Boston and the county of Suffolk for the financial year which will commence with the first day of May, 1877, and end with the last day of April, 1878, the following sums of money be, and the same are, hereby respectively appropriated for the objects and purposes as explained in the Auditor of Accounts' Estimates (City Doc. No. 28, 1877), and in the applications of the various committees and boards contained and printed in said document and in the appendix accompanying this document.

And it is further ordered, That no money shall be expended and no debts be incurred for any object or purpose for which a specific appropriation is herein made beyond the amount which is so specifically appropriated; provided, however, that any sums of money which may be subscribed or contributed by individuals to promote the objects of any of the following appropriations, and which form no part of the estimated income of the city, shall be strictly applied according to the intention of the contributors, and shall be credited to such appropriations accordingly, that is to say [the amounts are given in detail, as above printed], ten million one hundred and twenty thousand two hundred and fifty-eight dollars.

Ordered, That the moneys derived from the excess of revenue from liquor licenses, excess of income and taxes, over income and taxes, and of appropriations over expenditures, at the close of this financial year, April 30, 1877, and remaining in the city treasury at that date, be used toward meeting the aforesaid appropriations for the financial year 1877-78.

*Statement by the Auditor of Accounts.*

From the amount appropriated by the preceding order, viz.:	.....	\$10,120,258.00
Deduct the amount of estimated income as stated on page 23, City Doc. No. 28, 1877. ....	.....	\$1,669,100.00
Also the amount of cash estimated remaining in the City Treasury April 30, 1877, as per statement of Auditor of Accounts in the Appendix.....	700,000.00	2,369,100.00
We have the amount to be raised by taxation.....	.....	\$7,751,158.00
To raise this amount of \$7,751,158 will, in the opinion of the Auditor of Accounts, require a gross tax of.....	.....	\$7,983,693.00
From which, deducting the amount which will not be paid into the treasury within the financial year, say....	.....	232,535.00
We have the balance required, as before stated.....	.....	\$7,751,158.00

Orders laying a specific tax to defray the expenses of the city of Boston and the county of Suffolk for the financial year 1877-78, and providing for interest on non-payment of same.

Ordered, That the sum of seven million nine hundred and eight-three thousand six hundred and ninety-three (\$7,983,693) dollars be raised on the polls and estates taxable in this city, according to law, to pay the current expenses of the city of Boston and the county of Suffolk during the financial year which will commence with the first day of May, 1877, and end with the last day of April, 1878.

Ordered, That, in pursuance of the authority of chapter 225 of the acts of 1873, all taxes assessed for the purpose of providing for the expenditures of the city of Boston and county of Suffolk, and for paying the city's proportion of the State tax, shall be due and payable on the first day of November of the year assessed; and if the same shall remain unpaid, interest at the rate of six per cent, per annum shall be charged upon all such taxes as shall not be paid at that date; and, upon all taxes that shall remain unpaid on the first day of January next ensuing, after the same have been assessed, there shall be charged interest at the rate of ten per cent, per annum; and all the interest that shall have become due from and after the above-named dates shall be added to and be a part of such taxes; provided, however, that the taxes assessed by authority of chapter 315 of the acts of the year 1873, upon the shares of na-

tional banks and of other corporations, shall be due and payable on the first day of November, and interest shall be charged as provided in said act upon all such taxes as remain unpaid after that date, at the rate of twelve per cent per annum.

The orders were passed to a second reading.

DEED GIVEN.

Mr. Clarke of Ward 22 submitted a report from the Joint Committee on Public Lands on the petition of the National Bank of the Commonwealth recommending the passage of the following:

Whereas, The city of Boston, by agreement dated Nov. 13, 1874, obliged itself to convey to the National Bank of the Commonwealth a certain parcel of land in said city, situated at the corner of Water and Devonshire streets, being shown on a plan made by Thomas W. Davis, City Surveyor, dated Oct. 13, 1874, and deposited in the office of said City Surveyor, upon the terms and conditions said agreement contained, and whereas the said bank has lost or mislaid said agreement, and is desirous of obtaining the deed of said land, it is therefore

Ordered, That a deed be given to said National Bank of the Commonwealth of said land, upon its compliance with all the stipulations contained in said agreement, and upon their giving a bond satisfactory to the City Solicitor to save the city harmless against said lost or mislaid agreement; and that his Honor the Mayor and the Superintendent of Public Lands are authorized to execute the deed accordingly.

Read twice and passed. Sent up.

VENTILATION.

Mr. Hibbard asked for a report from the Committee on Ventilation. He said that several members of the Council could not sit in their seats because of the draughts, and something ought to be done to properly ventilate the chamber.

Mr. Wilbur of Ward 20 said the Committee on Public Buildings had the matter under consideration and would be ready to report in a very short time.

BILLS ALLOWED.

Mr. Felt of Ward 18—At the last meeting I introduced an order here for the payment of two bills, one to George Curtis and the other to L. Foster Morse. That order was rejected by the Council. I now wish to make an explanation of that order. A month ago this matter of the payment of bills came up here and quite a discussion occurred, and objections were made to the payment of such bills, but no vote was passed upon it. Those bills are from the Auditor, and he states that the bill of Mr. Morse is for the sale of a schoolhouse and the remainder for advertising. The bill of Mr. Curtis is for supplies. As I said, a month ago no vote was passed to reject such bills in case they should come up again. It seems proper that the bills should be paid at this time, and if the Council sees fit it can pass a vote that hereafter such bills shall not be paid. I move a suspension of the rule in order that I may move a reconsideration of the vote by which the order was refused a second reading.

Mr. Sampson of Ward 17—I hope the motion will be reconsidered. There is no necessity for an order being passed by the City Council, because the ordinances and the statutes already fix that matter. I understand that each department has been notified that in consequence of the action last Thursday evening no bills will be passed for supplies purchased of any officer of the City Government. I hope these gentlemen will get their money.

The rule was suspended, and on motion of Mr. Felt the vote refusing the order a second reading was reconsidered and the order was read twice and passed. Sent up.

STONY BROOK NUISANCE.

Mr. Brown of Ward 23 offered an order—That the Board of Health be requested to examine the cellars and dwellings along the borders of Stony Brook in Ward 23, and report to the City Council as early as may be, to what extent said cellars and dwellings are affected by the overflowing of said brook; also to report whether in the opinion of the board the condition of the cellars is such as to jeopardize the health of the occupants of the dwellings and thus affect the sanitary condition of the above-named locality. Read twice and passed. Sent up.

SINKING FUND COMMISSIONER.

Mr. Sampson of Ward 17 submitted a report



nominating Newton Talbot for Sinking Fund Commissioner. Accepted. Sent up.

OVERSEERS OF POOR.

Mr. Sampson submitted a report from the Joint Special Committee on the Auditor's Estimates in favor of the passage of a resolve—That the Board of Overseers of the Poor be requested to make a like reduction in the salaries of the officers and employes of said board as has been made by the City Council in the various departments of the city. Ordered to a second reading.

FAST DAY.

Mr. Felt moved that when the Council adjourn it be to next Wednesday evening.

Mr. Howes of Ward 18 moved to amend by making it Friday evening.

Mr. Spenceley objected to Friday evening, because he and many others desire to go to church on Friday evening.

Mr. Howes said Friday was more convenient to those who desire to go out of the city on Wednesday.

It was voted to adjourn to Friday evening of next week.

FOURTH OF JULY.

On motion of Mr. Sibley of Ward 5, the Council took from the table the order for a committee to make suitable arrangements for the celebration of the next Fourth of July, at a cost not exceeding \$15,000.

Mr. Mullane of Ward 13 offered the following as a substitute:

Ordered, That a joint special committee, to consist of the President and one member of the Common Council from each ward, with such as the Board of Aldermen may join, be appointed to make arrangements for the celebration of the 101st anniversary of American Independence, at an expense not exceeding twenty thousand dol-

lars; to be charged to the appropriation for Incidentals.

Mr. Pratt of Ward 21—I move to amend the amendment by striking out the committee named and inserting the Committee on Retrenchment.

The President—The Chair thinks that motion would not be in order.

Mr. Pratt—Then I move that the subject be referred to the Committee on Retrenchment.

The motion to refer to the Committee on Retrenchment was put and declared lost.

Mr. Vose of Ward 24 doubted the vote, and on motion of Mr. Pratt the yeas and nays were ordered. The motion to refer prevailed—yeas 30, nays 26.

Yeas—Messrs. Brintnall, Coe, Crocker, Cross, Danforth, Day, Dee, Fagan, Felt, Hibbard, Hiscock, Howes, Morrill, Mowry, Nugent, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Sampson, Shepard, Sardon, Spenceley, Stone, Vose, G. B. Webster, Wilbur, Wolcott—29.

Nays—Messrs. Blodgett, Brown, Doherty, Duggan, D. A. Flynn, J. J. Flynn, Fraser, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mullane, O'Connor, O'Donnell, Perham, Reed, Roach, Roberts, Ruffin, Sibley, Upham, Warren—26.

Absent or not voting—Messrs. Barnard, Barry, Beeching, Blanchard, Burke, Cannon, Clarke, Cox, Fernald, Ham, Pearl, R. Pope, Souther, Thompson, Thorndike, E. R. Webster—16.

Adjourned on motion of Mr. Felt of Ward 18, and stood adjourned to Friday, April 13, at 7½ P. M.

ERRATA. In the minutes of the Common Council of March 8th, [page 140,] the remarks made by Mr. Fagan of Ward 19, in favor of the Retrenchment Committee's report reducing salaries, are erroneously reported as having been made by Mr. Nugent of Ward 19.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

APRIL 9, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE APPOINTMENTS.

Commissioner on Cambridge Bridges—Frederic W. Lincoln. Confirmed.

Police Officers—M. W. Parker and James E. Carroll. Confirmed.

Weighers of Coal—Randall G. Morse, Frederick C. O'Brien, Daniel E. Adams. Confirmed.

Police Officers without pay—David T. Haraden and twenty-four others in various sections of the city. Confirmed.

Weigher and Inspector of Bundle Hay—James L. Litchfield. Confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* Petitions for brick sidewalks in front of estates of A. H. Caton, 141-143 Newbury street, L. G. McKenney, 210 K street; Moseley & Fitz, Cook & Handy, Robert W. Gordon, G. H. Moseley, for leave to sprinkle certain streets; Eben B. Phillips, for leave to make excavation under sidewalk on Atlantic avenue near Pearl street; James McNeil, for the grade of Columbus avenue at Buckingham street; Norman Y. Brintuall *et al.*, that Miller street, Charlestown, be put in order; A. J. Robinson *et al.*, that Columbus avenue be paved with chestnut blocks; O. S. Sanders *et al.*, Joseph H. Carter *et al.*, that the new bridge on Columbus avenue be of the "deck" pattern; John W. Mitchell, that crossings be placed between Cambridge and Brighton streets, Charlestown; Joseph E. Brown *et al.*, that Isabella street be graded and that edgestones be set; Ann E. Noyes, that Longwood street be properly graded and repaired; William Hyland, that the sidewalk at the corner of Tremont and Chapman street be relaid; Cochran Brothers & Co., against the location and use of a wire rope running across Clinton street; William P. Hunt *et al.*, for a change in grade of Dudley street, at the intersection of the New York & New England Railroad; Francis A. Peters *et al.*, that the extension of Boylston street in Ward 23 be put in order.

*To the Joint Committee on Claims.* Catherine Driscoll, to be paid for personal injuries caused by a fall on Orleans street, Dec. 31, 1876.

*To the Committee on Sewers.* Bernard Norton, for damages and for abatement of assessment by reason of construction of a sewer in Quincy street.

*To the Joint Committee on Public Lands.* Receivers of the Mechanics' Mutual Fire Insurance Company, for leave to refund to certain owners of Suffolk-street district estates the dividends due thereon.

*To the Joint Committee on Streets.* Alden Spere, for damages by reason of alleged destruction by the city of a drain across West Chester park.

*To the Joint Committee on the Survey and Inspection of Buildings.* Boston & Albany Railroad Company, for leave to erect two wooden buildings on Third street, Ward 25.

*To the Board of Health.* Laura E. Brackett, for leave to keep a lying-in hospital at 27 Common street.

*To the Committee on Licenses.* John Carr, for hack stand at Providence Railroad station.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables as follows: William Howell Reed, new wooden, three horses, 65 Bainbridge street; John L. Dakin, new wooden, one cow, Wise place; Barker B. Kent, old wooden, two horses, Gate street; John F. Wilson, new wooden, two horses, 229 Highland street; Trustees City Hospital for leave to occupy wooden building on Albany street for a stable.

*To the Committee on Bridges.* John Dyer, for abatement of rent of tenement on Charles River Bridge.

*To the Committee on Lamps.* Merriam & Norton *et al.*, that a street lamp be located on Everett street, Charlestown; W. R. Clark, for an additional street lamp on East street, Ward 24.

*To the Committee on Steam Engines, etc.* Lennon & Co., for leave to construct and use two small furnaces for melting metals at 19 Spring lane.

*To the Joint Committee on Common, etc.* William V. Hutchings *et al.*, that Walnut park be properly cared for. The Mechanics' Exchange Association, that parade ground on the Common may be opened for the free use of children for playing football and other games.

## UNFINISHED BUSINESS.

Order for the Superintendent of Faneuil Hall Market to employ one deputy to assist him in his duties. Passed.

Order to abate an assessment on estate of Catherine O'Brien, for sidewalk on Regent street. Passed.

## MISCELLANEOUS PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Ordinance to amend section 22 of Ordinance on Finance, so that when the commissioners find that the Sinking Funds applicable to any debt will be more than sufficient to meet said debt at maturity, they may make such reduction in payments as will meet the requirements of the statutes. Passed in concurrence.

Order for Board of Health to examine the cellars of houses in the neighborhood of Stony Brook, to see if the health and lives of the inhabitants are endangered by the existing state of said brook. Passed in concurrence.

Order to allow \$200 to each post of the G. A. R. and the N. P. Banks A. & N. Veteran Corps, towards expenses of Decoration Day. Passed in concurrence—yeas 12, nays 0.

Order to pay certain bills of L. Foster Morse and George Curtis. Passed in concurrence.

Auditor's Monthly Exhibit, April 1, 1877 (City Doc. No. 39). Placed on file.

Report and order for conveyance to National Bank of the Commonwealth of the lot of land at corner of Water and Devonshire streets. Order passed in concurrence.

Report and an ordinance in addition to an ordinance relating to the public health, by which authority is given to the Board of Health to convey rights of burial, and of erecting monuments in cemeteries of this city, the proceeds thereof to be paid to City Collector. Ordinance passed in concurrence.

## ELECTIONS.

*Assessor.* A certificate came up of the election of Thomas J. Bancroft as Assessor, in the place of Joshua S. Duncklee, elected by this Board. An election was ordered. Committee—Aldermen Dunbar and Robinson. Mr. Duncklee received 9 votes and Mr. Bancroft 3. Mr. Duncklee was elected in non-concurrence. Sent down.

*Dover-street Bridge.* A certificate came up of the election of Angus Nelson as Superintendent of Dover-street Bridge in place of Daniel J. Holland, chosen by this Board. An election was ordered. Committee—Aldermen Dunbar, Robinson. Mr. Nelson received 8 votes, and Mr. Holland 4. Mr. Nelson was elected in concurrence.

*Director of East Boston Ferries.* A certificate came up of the election of Daniel D. Kelly as director of East Boston Ferries, in place of Charles Stanwood, chosen by this Board. An election was ordered. Committee—Aldermen Dunbar, Robinson. Mr. Kelly received 8 votes, and Mr. Stanwood 4. Mr. Kelley was elected in concurrence.

*First Assistant Assessors.* A certificate came up of the election of Gideon Walker, George N. Bliss, John Pierce and John McElroy, in places of Horace Smith, Joseph L. Drew, Phineas B. Smith and John Leahy, as First Assistant Assessors.

Alderman Wilder—Before action is taken upon this matter, I desire to state, for the information of the Board, that Mr. Davenport, who was elected by both branches, declines to qualify, leaving one vacancy. The Committee on Assessors' Department, at their meeting today, filled the vacancy by the nomination of Mr. John McElroy, who was elected in the other branch. I state this that the members of the Board may know that there are five candidates to be elected at the same time. At the proper time I will make the report.

Alderman O'Brien—I have been requested by a large number of neighbors in the West Roxbury District, who think their district has been overlooked so far in the election of First Assistant Assessors, to state that that district is one of the largest in the city, covering an area of 8000 acres, against 22,000 in the entire city, and they feel that they ought to have somebody there as First Assistant Assessor who is acquainted with the locality. The other branch of the City Government have elected Gideon Walker and George N. Bliss by sixty-two and sixty-three votes, and they are, I un-

derstand, considered to be very good representatives for that district.

**Alderman Clark**—If Mr. Davenport has been elected by both branches, it seems to me he should send in his declination to the City Council.

**Alderman Wilder**—I would ask for a suspension of the rule, which will enable me to make the report and place this matter properly before the Board.

The rule was suspended, and Alderman Wilder presented a communication from Ira D. Davenport declining the office of First Assistant Assessor, to which he has been elected. Accepted. Sent down.

**Alderman Wilder** submitted a report from the Joint Committee on Assessors' Department recommending the election of John McElroy as First Assistant Assessor in place of Mr. Davenport. Accepted. Sent down.

On motion of Alderman Wilder an election for five First Assistants Assessors was ordered. Committee—Aldermen Wilder and Breck.

Whole number of ballots.....	12
Necessary for a choice.....	7
Gideon Walker.....	11
George N. Bliss.....	11
John Pierce.....	8
John McElroy.....	10
Horace Smith.....	1
Joseph L. Drew.....	3
Phineas B. Smith.....	1
John Leahy.....	10
John Noble.....	1
F. A. Wilkins.....	2

Messrs. Walker, Bliss, Pierce and McElroy were declared elected in concurrence, and Mr. Leahy in place of Ira D. Davenport. Sent down.

**Commissioner of the Sinking Fund.** A report came up nominating Newton Talbot. Accepted, and a ballot ordered on motion of Alderman Clark. Committee—Aldermen Clark, O'Brien. Newton Talbot received 10 ballots, and Francis H. Peabody 2. Mr. Talbot was elected. Sent down.

**Prison Point Bridge Commissioner.** Later in the session Alderman Thompson submitted a report from the Committee on Bridges recommending the election of Frederic W. Lincoln as commissioner of the city of Boston on Prison Point Bridge. Accepted. Sent down. On motion of Alderman Thompson an election was ordered. Committee—Aldermen Dunbar, Robinson. Frederic W. Lincoln received 12 votes and was elected. Sent down.

DAY'S OMNIBUS LINE.

The Board took up the special assignment for 4½ o'clock P. M., viz.: Hearing on the order granting leave to N. W. Day to run coaches from Cambridge Bridge through Cambridge street, Bowdoin square, Green, Chambers and Cambridge streets, to the bridge, and remonstrance of Union Railway Company against the same.

George W. Drew appeared for Mr. Day.

Thomas J. Gargan appeared for the remonstrants and called on Mr. Emery, president of the Union Railway Company, who said they object to this application because the streets are so crowded that no more cars or coaches should be allowed to go through the streets named in the application; and as this was admitted the company did not further object, but the committee reported the proposed route which is the same as is run over by the cars and there is no demand for additional accommodations. The company run cars from Central square eighteen hours a day, including a special line averaging twenty-nine passengers a trip. No public complaints have been made of insufficient accommodations by the company, who pay over \$17,000 taxes, are bound to keep a portion of the streets paved to the satisfaction of the Paving Committee. The condition of Chambers, Green and Court streets forbade any further crowding with vehicles. The company had some statistics prepared showing the condition of the street. During eight hours on the 25th of January, on Cambridge street, there were 1345 teams and 262 cars; on the 26th, 1632 vehicles, 273 cars. On the 28th of February, on Green street, near Bowdoin square, at the same hours, there were 1670 teams, 390 cars; near Leverett street, 1874 teams, 390 cars. On the 24th of March, on Green street, near Leverett street, there were 2325 teams, 415 cars; near Bowdoin square, 1857 teams, 415 cars. Since then it was found that 12,400 foot passengers passed the last-named point during the same time. Another objection is a remonstrance signed by residents on those streets.

George Merrill called. To Mr. Gargan—Have been stationed on Bowdoin square and streets at

the West End. He produced some figures showing the width of the streets affected. Cambridge street—at Temple street, 32 feet; sidewalk, 8 feet; at Bowdoin street, 26 feet; sidewalk, 6 feet. Green street—at Pitts street, 22 feet; sidewalk, 7 feet; at Leverett street, 23 feet; sidewalk, 7 feet; at Chambers street, 21 feet; sidewalk, 5 feet. To Alderman Wilder—Those measurements are from curb to curb. To Mr. Gargan—There is a Cambridge car about every minute and a half; observed blocks there from three to eight times a day. To Mr. Drew—Have not seen any blocks there today. To Alderman Fitzgerald—Do not get the blocks at Temple street; it is between there and Bowdoin square. To Mr. Drew—No particular class of travel causes the blocks.

Edward L. Chase called—Had some figures showing the number of teams passing through Court street. On Jan. 25 there were 2157 teams, 330 cars; Jan. 26, 2137 teams, 372 cars. On Green street, Feb. 28, 2137 teams, 372 cars; March 24, near Leverett street, 1851 teams, 415 cars. These were taken from 8 A. M. till 1 P. M., and from 3 to 6 P. M. To Mr. Drew—Am conductor; never took such statistics in other streets in Boston.

George Francis called—took the number of teams and vehicles on Cambridge street. He repeated the figures given by Mr. Emery.

James E. Barker was called and gave similar statistics. The number of teams is greater in summer than in winter. Green street is narrow and hard to get through sometimes; often noticed blocks. To Alderman Fitzgerald—Sometimes cars and sometimes teams occasion the blocks; it is mostly teams; horse cars don't cause blocks so much as teams. To Mr. Drew—Have been employed by the railroad company about seven years.

Police Officer Leavitt of Station 3, whose beat has been on Cambridge, Green and Leverett streets for thirteen years, said Green street is crowded many times; many blocks there; some days none, some days half a dozen; they might average three a day perhaps; the horse cars might facilitate the passage of teams many times. To Mr. Drew—Saw but one block today; saw two Saturday; not very troublesome ones.

Officer George of Station 3, whose beat has been on Cambridge and Green streets for five years, said they are much crowded. He agreed with the previous witness in regard to the blocks. They might average three a day, perhaps a little more. There is more travel in summer than winter.

A. D. Earl, formerly a policeman on Cambridge street, corroborated previous statements in regard to the crowded condition of the streets named. There is too much travel for the street.

This closed the opening evidence for the remonstrants. Mr. Gargan filed the remonstrance of Chapin, Gurney & Co. and others, owners, occupants and residents on Chambers and Cambridge streets, as above referred to.

Mr. Drew introduced the testimony for the petitioners.

Samuel Jenkins of Cambridgeport—to Mr. Drew—Live on Clinton street. At certain times in the morning and afternoon almost every car from Harvard square is filled, and people in his vicinity can hardly get a seat unless one is lucky. Witness circulated the petition for Mr. Day's omnibus route and got eighty names of business men and others in about two hours, which, he thought, indicated a desire for more accommodations. The company charges eight cents for single fare; Mr. Day charges five cents single fare and twelve for half a dollar. To Mr. Gargan, witness gave the business of several of the signers of the petition. Witness keeps a stable and comes to Boston almost every day. Have seen the cars filled when not coming to Boston. Do not know one of the petitioners who do business in Boston. To Mr. Drew—Had seen blocks on Cambridge street. To Mr. Gargan—Only when he has business in Boston does he come to Boston. Moved out of Boston seven years ago; lived at the Quincy House formerly. To Alderman Viles—Do not know whether the Cambridge cars are more crowded at the times named than any other lines out of Boston. To Alderman Fitzgerald—The blocks on Cambridge street are mostly by horse cars.

John C. Stiles, proprietor of the omnibus line from East Cambridge to Summer street, said he was acquainted with the different modes of getting to Boston, and thought a line of coaches was needed from Cambridgeport to Boston. Cambridge is not so crowded by a third or half as Washington street. To Mr. Gargan—Run from 6 A. M. to 7½ P. M., and do not furnish any ac-

commodation for the public in the evening. He goes home every night in the cars. At times the Cambridge cars are more crowded than other cars are. None of his coaches go on Green street. To Alderman Fitzgerald—The blocks between Bowdoin square and Temple street are right at the place where the horse-cars stop to land their passengers. In his judgment the blocks are caused about equally by the cars and the teams.

N. W. Day, the petitioner, said he began his route Nov. 1; ran two coaches, now ending at the foot of Green street, which has no connection with any cars or any other thoroughfare for travel. He desired to go to Bowdoin square. Many more people will patronize him if he can leave them there. There have been many people who spoke to him about a line of coaches. He named several people in Cambridge who had spoken to him in favor of the route. To Mr. Gargan—Am not yet a citizen of Cambridge; came from Maine last September. The coaches begin at twenty minutes past six; don't run a regular line in the middle of the day; could not tell how many passengers he carries any day; run to the Tabernacle Sundays; charge ten cents; cannot make two coaches pay to Green street; think they would pay to Bowdoin square. To Alderman Fitzgerald—The coaches would pass Bowdoin square once in three-quarters of an hour. To Mr. Gargan—Might have said it would be like a down-Easter; if he put on two coaches and made it pay, he would like to put or more.

Mr. Gargan recalled Mr. Emery, who made a statement in regard to the rates of fare on the Cambridge road. Some years ago he made a calculation which showed that the Cambridge road carried passengers farther than did any other company for the same amount. The railroad company paid \$30,000 of the \$100,000 necessary to make West Boston Bridge free. To Alderman Fitzgerald—There is no demand for transfer tickets.

Mr. Drew made the closing argument for the petitioner, claiming that the route was desired by a large class of people. The railroad has so increased its passengers that it ought to be satisfied; but instead of that, they object to the public having further accommodation. The item of six cents a day difference in the fares is considerable to many poor people with small wages.

Mr. Gargan closed the hearing for the remonstrants, claiming to represent not only the company, but also many residents and property owners in Boston. Reviewing the evidence, he contended that no public necessity existed for the granting of the petitions; that but one of the petitioners for it paid taxes in Boston; that the crowded travel in the streets affected forbade it, and the running of these omnibuses is an entering wedge to more; that horse cars facilitate public travel, as on Washington street eight policemen keep it clear of blocks, while before the horse cars it took thirteen; that the company pays tribute for its privileges, while Mr. Stiles and Mr. Day pay nothing; that not a Boston man had asked for it, but many abutters and occupants had remonstrated against it.

On motion of Alderman Viles, the subject was referred back to the Committee on Licenses.

#### FRUIT STANDS IN PUBLIC STREETS.

The Board took up the special assignment for 5½ o'clock P. M., viz., Hearing on remonstrance of Peter B. Brigham *et al.*, against the issue of any permits for fruit-stands, etc., in the public streets.

Alderman Fitzgerald asked how long the hearing would be, and said that if it was to be long he would prefer to have it next Monday.

J. Wilder May, counsel for the remonstrants, said he did not propose to call any witnesses, but he would rather postpone the hearing than address a reluctant Board.

Alderman Clark understood there were other parties who desire to be heard, and if the Board could not give the proper time he should favor a postponement.

On motion of Alderman Clark the hearing was especially assigned to next Monday at half-past four o'clock precisely.

#### REPORTS OF CITY OFFICERS.

*Superintendent of North Scales.* Report for quarter ending March 31. Receipts, \$538.53; expenses, \$19.15. Sent down.

*Paymaster of State Aid.* Report for quarter ending March 31. Receipts, \$19,590; disbursed,

\$19,292. Number applicants in January, 1371; in February, 1196; in March, 1296. Sent down.

*Fire Commissioners.* Report of fires and alarms for March. Sent down.

*Inspector of Milk.* The annual report of the Inspector of Milk was presented. Number of cows kept within the limits of the city of Boston, 1739, viz., Number in the city proper, 25; number in the Dorchester District, 580; number in the Roxbury District, 412; number in South Boston, 100; number in East Boston, 150; number in the Charlestown District, 22; number in the Brighton District, 160; number in the West Roxbury District, 290; total, 1739. Number of retailers of milk recorded since last report, 28; whole number of retail dealers recorded to date, 3416; number of samples of milk inspected since last report, 1988; number not adulterated, 1545; number more or less adulterated, 443; number of cases analyzed by chemist, 25; average amount of adulteration in the cases analyzed, 14.13; largest amount of adulteration (water intentionally added in 100 parts) in the cases analyzed, 35.38; least amount of adulteration (added water) in the cases analyzed, 00.30; number of samples analyzed, including above, and not adulterated, 4; whole number of samples of milk analyzed to date, 415; number of cases pending in the courts at the date of last report, —; number of complaints in the Municipal Courts, 6; number convicted in the Municipal Courts, 6; whole number of complaints in court to date, 285; whole number convicted to date, 213; whole number not convicted, 72; number of cases now pending in the courts, —; number of gallons of daily supply of milk for the city of Boston, 30,388; estimated daily cost to consumers, \$9724.16; number of gallons for supply one year, 11,091,620; estimated cost to consumers, \$3,549,318.40. The expenses of this office have been as follows, viz.: For the analysis of milk, \$240; stationery, record books, advertising, printing, etc., \$83.83; Inspectors' small bills for assistance, lactometers and other instruments, \$27.50; total, \$351.33. For violations of the milk law there have been in the Municipal Courts fines and costs amounting to \$324.60; one-half of the amount of fines has been paid to the complainants, viz., \$150. Sent down.

*Superintendent of Streets.* The annual report of the Superintendent of Streets was presented. The following is a recapitulation of the amounts expended in the Paving Department:

City proper, \$254,912.68; Roxbury, \$146,650.86; South Boston, \$111,969.54; East Boston, \$61,354.16; Dorchester, \$85,460.54; West Roxbury, \$96,514.64; Brighton, \$37,549.85; Charlestown, \$53,838.90; sprinkling streets, \$9290.90; incidentals, \$63,515.57; grade damages, \$16,358.87; charged to appropriation for paving, etc., \$937,416.51; burnt district, special appropriation, \$5791.69; Washington-street extension, special appropriation, \$900.50; Commerce-street extension, special appropriation, \$13,075.07; Swett-street extension, special appropriation, \$22,451.50; Back Bay streets and avenues, special appropriation, \$1106.15; total, \$980,741.42. The amount appropriated for paving, etc., for the present financial year, 1876-77, was \$950,000; total expenditures to Jan. 1, 1877, \$758,735.35; balance of appropriation unexpended Jan. 1, 1877, \$191,264.65.

The amount of bills for edgestones, constructing sidewalks and sale of material, lodged with the City Collector during the year 1876, was \$34,717.03. The amount paid into the city treasury during the same period, and credited as having been paid in by the Paving Department on account of work done by said department, was \$39,511.64. The following tables show the number of feet of new edgestone furnished and set during the past year: City proper, 811; Roxbury, 14,565; South Boston, 8704; East Boston, 4199; Dorchester, 6404; West Roxbury, 10,519; Brighton, 903; Charlestown, 1787; total, 55,192—equal to 10.45 miles. The following table show the number of square yards of new brick sidewalks paved during the past year: City proper, 3388; Roxbury, 7247; South Boston, 4052; East Boston, 2803; Dorchester, 595; West Roxbury, 55; Charlestown, 552; total, 18,692. Sent down.

#### FREE SOUP.

A report was received from the Chief of Police of the distribution of soup, under the order Dec. 5th, 1876, appropriating \$5000 therefor. The distribution commenced on Dec. 28th, and continued to March 31st, 94 days, at Stations 1, 3, 7, 8, 9 and 10, and at rooms hired in Districts 4, 6 and 15. Contracts were made for the season, the meats and vegetables being selected by the Superintendent

of Faneuil Hall Market. The expenditures have been \$4830.15, leaving a balance of \$169.85. Gallons made and distributed, 31,773; cost per gallon, 15 1-5 cents; families fed, 50,548; meals issued to families, 245,968; cost per meal, a little less than two cents. A daily record has been kept at each place of delivery, showing the name and residence of each family, with the number of persons therein and the quantity of soup delivered in each case, and the condition and necessities of each family have been carefully inquired into. All of the soup has been delivered to some member of each family, and has been carried home by them to be eaten at their dwellings. It is estimated that two-thirds of the persons fed were children. No soup has been given to tramps or station-house lodgers. Contributions of money amounting to about \$450 have been received from generous persons and expended for groceries, provisions, fuel, clothing and medicines for the sick, and distributed among those who were in needy circumstances. Sent down.

**BOND APPROVED.**

The bond of Barnet F. Warner, as Sealer of Weights and Measures, for \$3000, with M. Doherty and Leopold Morse as sureties, being presented duly certified, was approved.

**FENCE VIEWER APPOINTED.**

Alderman Thompson presented a petition from Z. C. Howland and others, residents of Charlestown, for the appointment of John R. Wolston as a Fence Viewer, and representing him to be a competent person therefor. In connection therewith, Alderman Thompson offered an order—That John C. Wolston of Charlestown be and he is hereby appointed a Fence Viewer within the limits of this city. Read twice and passed. Sent down.

**LICENSES.**

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Wagon License Refused—Michael J. McLaughlin, 502 Tremont street.

Auctioneers Licensed—George A. Shaw & Co., 50 School street.

Wagon Licenses Granted—F. H. Merriam, 57 Meridian street; H. H. Bachella, 30 Federal street. Severally accepted.

**FANEUIL HALL.**

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall in favor of granting the use of said hall to the Ancient and Honorable Artillery Company to use said hall on June 4th next. Accepted.

**LAND DAMAGES.**

Alderman Clark submitted the following from the Committee on Streets on the part of the Board:

Order to pay Joseph Lambert \$70 for land taken and all damages occasioned by the widening of Walkhill street. Read twice and passed.

**SEWERS.**

Alderman Viles submitted the following from the Committee on Sewers:

Reports and orders of notice for hearings on Monday next on expediency of constructing sewers in Centre street, West Roxbury, between Green street and Seaverns street; in Whitney street, Roxbury, northerly from Tremont street; in Chambers street, between Eaton and Cambridge streets; in Eagle street, East Boston, between Putnam and Knox streets. Orders passed.

Ordered, That the following changes be made in assessments for sewers:

On Hereford street, transfer assessment of \$47.72 from John H. Buttrick to Josiah Gooding.

On Carolina avenue, transfer assessment of \$74.06 from G. Walker to Thomas W. Tucker.

On Starr street, transfer assessments of \$53.75 from M. McGuire and \$22.27 from B. Mullen to P. Crosby.

On Smith street, transfer assessments of \$14.85 from John J. Kennedy to Mrs. Haley; also \$14.85 from said Kennedy to Peter Kelley; also \$14.85 from said Kennedy to Bridget A. Healey; also \$17.82 from said Kennedy to Frederick McKenzie; also \$17.82 from said Kennedy to Thomas Sproul; also \$17.82 from said Kennedy to John Tobin.

On Green street, transfer assessment of \$43.76 from Otis Lincoln to Paul Lincoln.

On Green street, transfer assessment of \$28 from Catherine Kelley to B. F. Cobleigh.

On Warwick and Marble streets, transfer assessment of \$30.95 from Taunton Savings Bank to S. Thompson.

On Exchange street, transfer assessment of \$64.60 from Ella S. Butters to Ella S. King.

On Elm street, transfer assessment of \$115.36 from Samuel G. Reed to Adelle M. Carter.

On School street, transfer assessment of \$58.63 from James H. Rand to J. M. Rodocanachi.

On Granger street, transfer assessment of \$30.76 from S. B. & J. H. Pierce to Daniel Regan.

Also, Ordered, That the following amounts be abated on account of overestimate of land:

Sylvanus P. Freeman, Everett street.....	\$35.53
Paul Lincoln, Green street.....	26.87
J. McMorrow, Lamartine street.....	5.28
Albert Nichols, Adams street.....	7.07
Eastern Railroad, Haynes and Orleans streets..	44.25
Peters, Page & Mehan, New Boylston street..	5.41
Bailey L. Page, Spring-park street.....	55.63
John G. Day, School street.....	42.68
Jeremiah O'Sullivan, Smith street.....	9.90
Adelle M. Carter, Elm street.....	22.74
Margaret Sahenger, Chestnut street.....	1.84
E. C. Wentworth's heirs, Green street.....	16.64
Robert Davis, Seaverns avenue.....	4.50
W. Thomas, Green street.....	6.27
Albert Nichols, Adams street.....	7.10

Also, Ordered, That the following amounts be abated on account of release of right of way:

William R. Gray, Dudley to Quincy street....	\$307.31
Betsy J. Pope, Dudley to Quincy street.....	702.42

Alderman Thompson—I desire to inquire in regard to the abatement of \$700. It seems to me it is a large abatement.

Alderman Viles—It is for the release of a right of way for a sewer through a man's private land.

The orders were passed.

Orders rescinding order of Dec. 26, 1876, of sewer assessment on Walnut avenue and laying a new assessment as appended to this order. Orders read twice and passed.

**PAVING REPORTS AND ORDERS.**

Alderman Robinson submitted the following from the Committee on Paving:

Report and order for brick sidewalk in front of the estate of the Mercantile Wharf Corporation on Atlantic avenue and Clinton street. Order read twice and passed.

Report and order of notice for hearing on Monday, April 30, at four o'clock P. M., on petition of Metropolitan Railroad Company for location in Northampton street, between Washington street and Shawmut avenue; also for certain connections with Highland Street Railway tracks. Order passed.

Ordered, That the assessment of \$7.50 laid upon Rebecca C. Billings, for furnishing and setting edgestones on Bickford street, be and the same is hereby abated; and that said sum be assessed on Edward Kelly.

Ordered, That the assessment of \$7.50 laid upon David F. Decatur, for furnishing and setting edgestones on Bickford street, be and the same is hereby abated; and that said sum be assessed on Edward Kelly.

Read twice and passed.

**SECOND ASSISTANT ASSESSORS.**

Alderman Wilder submitted a report from the Joint Committee on Assessors' Department recommending the election of the following-named persons to be second assistant assessors:

Isaiah Whitten,	Thomas Haney,
William A. Foss,	Hosea B. Bowen,
John Bryant,	Charles L. Storrs,
D. D. Taylor,	John J. Gartland,
Dennis G. Quirk,	Dudley R. Child,
John Carvin,	Samuel P. Oliver,
Michael D. Collins,	Francis E. Hines,
Edward J. Riley,	Joseph White, Jr.,
Thomas J. Anderson,	Edward W. Dolan,
Walter Harmon,	Henry L. Carter,
William S. Whitney,	George Warren,
Increase E. Noyes,	Michael J. Killion,
John R. Briggs,	Alexander Dickson,
Levi W. Shaw,	Charles E. Temple,
Redmond J. Allman,	William Withington,
John J. Murphy,	John Haggerty,
	George Warren,

Report accepted. Sent down.

**BRIDGES.**

Alderman Thompson submitted the following from the Committee on Bridges:

Ordered, That Charles River Bridge be closed to all public travel, April 10, 1877, and remain closed until certain repairs thereon are completed. Read twice and passed.

Ordered, That the Committee on Bridges be authorized to expend a sum not exceeding \$700 in repairing the draw of Charles River Bridge; to be

charged to the appropriation for Bridges. Read twice and passed.

SQUARE ON COMMONWEALTH AVENUE.

Alderman Clark offered an order—That the Committee on Common and Public Grounds be authorized to expend an additional sum, not exceeding \$2000, for grading and curbing the squares on Commonwealth avenue, west of Gloucester street; to be charged to the special appropriation for that object. Read twice and passed. Sent down.

RECORD COMMISSIONERS.

Alderman O'Brien offered an order—That the Record Commissioners be authorized to publish a second report, to contain a transcript of the first volume of the town records and of the Book of Possessions, to be printed, bound and distributed in the same manner as their first report, at an expense not exceeding \$1000; to be charged to the appropriation for Printing. Referred, on motion of Alderman O'Brien, to the Committee on Printing. Sent down.

ARMORIES.

Alderman O'Brien submitted the following from the Committee on Armories:

Report on petition of Company A, Ninth Battalion of Infantry, recommending the passage of an order—That the Committee on Armories be authorized to expend a sum not exceeding \$150 in furnishing the armory of Company A, Ninth Battalion of Infantry, M. V. M., at the corner of Lowell and Causeway streets; said sum to be charged to the appropriation for Armories. Read twice and passed.

STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports in favor of granting permits to occupy stables on the usual conditions by Mary Kelleher, Longwood avenue; D. F. Decatur, Bickford street; Prentiss Sargent, Canal street, Charlestown; David Gore, Carleton street, Ward 24; heirs of Mary May, Centre street. Severally accepted.

Alderman Burnham moved to take from the table the order for the thirteenth location of South Boston Railroad (to Causeway street).

Adjourned on motion of Alderman Clark—8 tor, 4 against.





## CITY OF BOSTON.

Proceedings of the Common Council,  
APRIL 13, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Reports of city officers. Placed on file.  
Petitions were referred in concurrence.  
Reference to the Committee on Printing of an order to publish second report of Record Commissioners. Concurred.  
Appointment of John R. Wolston as fence viewer. Confirmed in concurrence.  
Order for an expenditure of not exceeding \$2000 additional for grading and curbing certain squares on Commonwealth avenue. Passed in concurrence.

## ELECTIONS.

Reports nominating, and certificates of election of city officers, came down, and action was taken thereon as follows:

*Commissioner of Prison Point Bridge.* Report nominating F. W. Lincoln, and certificate of his election. Report accepted in concurrence. On motion of Mr. Wilbur of Ward 20, the rule was suspended and an election ordered. Committee—Messrs. Day of Ward 4, Cox of Ward 14 and Kidney of Ward 6.

Whole number of ballots.....	56
Necessary for a choice.....	29
Frederic W. Lincoln.....	54
E. W. James.....	2

And Mr. Lincoln was elected in concurrence.

*First Assistant Assessor.* Report nominating John McElroy as First Assistant Assessor in place of Ira D. Davenport, declined. Accepted in concurrence.

Certificate of election of John Leahy as such assessor.

Mr. Clarke of Ward 22 withdrew the name of Joseph L. Drew, at the request of that gentleman. An election was ordered.

Committee—Messrs. Pierce of Ward 24, Fernald of Ward 15 and Ngent of Ward 19.

Whole number of ballots.....	63
Necessary for a choice.....	32
John Leahy.....	43
Phineas B. Smith.....	19
Joseph White, Jr.....	1

Mr. Leahy was elected in concurrence.

*Commissioner on the Sinking Fund.* Certificate of election of Newton Talbot. An election was ordered. Committee—Messrs. Danforth of Ward 10, Flynn of Ward 16, O'Connor of Ward 8.

Whole number of ballots.....	64
Necessary for a choice.....	33
Newton Talbot.....	31
Francis H. Peabody.....	32
Michael F. Wells.....	1

There being no choice, a second ballot was ordered.

Whole number of ballots.....	67
Necessary for a choice.....	34
Francis H. Peabody.....	56
Newton Talbot.....	11

Mr. Peabody was elected in non-concurrence. Sent up.

*Assessors.* Election of Joshua S. Duncklee as an Assessor in place of Thomas J. Bancroft, chosen by this Council. An election was ordered. Committee—Messrs. Reed of Ward 17, Perham of Ward 23 and Fraser of Ward 6.

Whole number of ballots.....	69
Necessary for a choice.....	35
Thomas J. Bancroft.....	31
Joshua S. Duncklee.....	38

Mr. Duncklee was elected in concurrence.

*Second Assistant Assessors.* A report came down nominating Second Assistant Assessors.

Mr. Pope of Ward 14 called attention to a clerical error in the report of the nominee from Ward 25. The name should be George W. Warren, instead of George Warren. The committee were in doubt as to the gentleman's full name, and supposed it would have been found out before the list was printed.

The report was accepted in concurrence.

Mr. Burke of Ward 2 moved to suspend the rule, that the Council might proceed to an election.

Mr. Jackson of Ward 16—I trust, sir, that the rules will not be suspended tonight. I find that

there are very many members of the Council who are not thoroughly acquainted with the various names presented for our suffrages tonight. And I think it no more than right that the matter shall be laid over for one week. Therefore I hope the rule will not be suspended.

Mr. Mowry of Ward 11—Permit me to ask if these officers are elected by districts or as a whole; and also if the time has not expired for the election of these Assessors?

The President—The Chair understands that the Council is to vote upon these Assessors by districts or wards.

The motion to suspend the rule was lost.

## THE APPROPRIATION BILL.

The orders of the Special Committee on the Auditor's Estimates (City Doc. No. 40), making specific appropriations for the ensuing year and levying an annual tax, were considered under unfinished business.

On motion of Mr. Sampson of Ward 17 the orders took their second reading by their titles and were put upon their passage.

The various items in the appropriation bill were read by the President. Discussions occurred and amendments were offered, as follows:

*City Debt*—\$672,700. Mr. Crocker of Ward 9—I desire to say a few words on that item. I do not propose to offer any amendment myself, though if one were offered I should vote for it. I simply desire to draw attention to the fact that in determining that amount the Sinking Fund Commissioners and the Finance Committee, or whoever the authorities were who determined it, have reckoned the rate of accumulation on the basis of interest at four per cent. That is, in determining how much we have got to raise to make up the necessary sum to meet the debts at maturity. They have estimated that the interest which the Sinking Funds would produce would be only four per cent. I believe that that is not a proper basis for reckoning; that it ought to have been reckoned on a basis of at least five per cent., in which case this sum could have been reduced \$120,000 more—it has already been reduced \$160,000—and we should have to raise about \$120,000 less by taxation the present year—we should relieve ourselves from taxation more than we did by the reduction of the salary bill. This rate of four per cent. referred to is the basis on which life insurance companies are required to calculate certain funds which they are by law required to keep. But this is a very different case from that. When a life-insurance company or any corporation has got to lay aside a fund to produce a certain amount in the future, it is necessary to allow for bad investments, for loss of interest, for taxes and for the expenses of running the institution. In this case of our own Sinking Funds we have no expense worth mentioning; we have no taxes; and so far as the money has been invested in our own bonds, bearing six per cent. interest. There is no uncertainty about the rate of interest it will produce; it is not as if the money was invested in bank stocks or railroad stocks, which might fail to pay dividends or go down in the market. So far as regards the existing Sinking Funds the money is invested—substantially the whole of it, but not entirely—in our own bonds, bearing six per cent. interest; and if the money is so invested at six per cent. interest in our own notes where there cannot be any reduction for taxes and expenses, then certainly we may safely reckon that it will produce more than four per cent. interest. I believe that four per cent. is not a proper basis to reckon this upon, and that the Sinking Fund Commissioners and the Finance Committee, if they had done their duty properly in the matter, would have reckoned it upon the basis of five per cent. instead of four. I do not think we ought to reckon it on the full basis of six per cent., because the money to be invested in the future may not be so well invested as that which has been invested in the past; but it seems to me that the basis of five per cent. would be a proper one upon which to reckon accumulation, and the result of this change would be to decrease taxation this year about \$120,000. I make this statement that members of the Council may understand what they might have gained by the different mode of reckoning. As I said before, I do not care to make any motion. This matter of reducing taxation this year is well understood to be something that would particularly work to the credit of our present Democratic Administration, and in

that I personally am not particularly interested; and if the gentlemen who desire to get the credit of this reduction of taxation do not see fit to do anything about this, I don't care to push the subject. I should, however, be glad to see taxation reduced, no matter who got the credit of it. Prior to last week we were proposing to put into our Sinking Fund one hundred and sixty odd thousand dollars, which it is now admitted on all hands there was no occasion for. Now I say that this \$120,000 is equally unnecessary. We might have reduced the amount to be raised on account of our Sinking Funds by about \$300,000, as well as by the \$160,000 which was last week graciously granted us by the chairman of the Finance Committee.

Mr. Sampson of Ward 17—I suppose the gentleman did not intend to misstate the facts, but as he is largely interested in property himself and as trustee for others, he knows that the different securities, such as we are putting in the Sinking Fund, cannot be had at such prices that they will earn five per cent., and that instead of our money drawing six per cent., there is over two millions of dollars in bank today, drawing from two and a half to three per cent., and has been for the last six months. On the first of next December we shall have \$860,000 more to invest, and I think the commissioners would be glad to have the gentleman show how they can get six per cent.

Mr. Crocker of Ward 9—In regard to what the gentleman says, I admit that we cannot expect in the future to invest the city's funds to as good advantage as we have in the past. But the Sinking Funds are in a great measure already invested. There are Sinking Funds amounting to \$15,000,000, of which \$12,000,000 are already invested in city six-per-cent. bonds. Now that six per cent. is already secured. The gentleman says we cannot hope to get more than four per cent. in the future. Now I say that is totally wrong and absurd on the face of things. Last year the income of our Sinking Funds, taking the average of the whole—part of it only got three per cent. from the banks and part got six per cent. from the city—was between 5 6-10 and 5 7-10 per cent., more than 5½ per cent. The gentleman says that next year you cannot get more than four per cent. That is certainly a very unreasonable statement. For the last year we got five and six or seven-tenths per cent., including the part that was not invested at all, but lying in the banks on deposit at three per cent. May we not hope to get as much at least as five per cent. average in the future? I believe we can. I believe that five per cent. is by no means too large a figure, and that the interest should not be figured at any less rate. The peculiarity of this case—and I want gentlemen to bear it in mind—is that this fund is not invested in all sorts of things which may have to omit dividends. It is invested in our own debt—more than four-fifths of it—bearing six per cent. interest, and it must continue to bear that interest until the debt is paid. There is no contingency about it. The only contingency is about this money that we put in this year which may not be invested so well. We have got all our Sinking Funds nearly large enough to take care of the debts, two of the funds are already more than large enough. And if the gentleman would reckon on a basis of five per cent., instead of four, it would appear that one of those funds, namely, the Old Sinking Fund, has been made a million dollars larger than was necessary. If the Council had done as I urged them in the early part of the year to do—that is, if they had asked the Legislature for authority to cancel bonds in the Sinking Funds—there would have been another \$60,000—the interest on that million of dollars—saved this year, and saved legitimately and rairly. We cannot now do it this year, but we may ask the Legislature for leave to do it next year. I merely mention this fact to show that there is another point in which we might, if we had chosen to do so, have made a saving this year.

*Commonwealth-avenue Fence*—\$6000. Mr. Stone of Ward 3—I move that that item be stricken out. Last year we appropriated about \$6000 for these parks on Commonwealth avenue, and I understood that they were to be simply graded and curbed, and that the fences would not be desired for the next two or three years; but this year they came in and asked for \$6000 to fence these parks, and I think that in this year of retrenchment and economy we should dispense with these fences. I trust that this item will be stricken out.

Mr. Richardson of Ward 11—I can only say that

this matter was considered carefully in the committee. It seems that the \$6000 is to meet or is to finish what now remains unfinished, that there are now a number of sections of Commonwealth avenue already completed with the fence, and that this \$6000 is simply to complete the additional two sections, the locality of which I am not prepared to state. It is simply to carry out what remains unfinished, and I hope that this \$6000 will remain in the appropriation.

Mr. Spenceley of Ward 19—I hope this estimate will be stricken out, because the gentleman who advocated this measure last year said they required a fence there, and that many people were ready to build on Commonwealth avenue when those squares are built. I should like to ask where are the houses they propose to build? Not one. Within the last two or three years we have spent \$35,000 in laying out Commonwealth avenue, and it seems to me that quite enough has been spent in that section at present. It is not called for. The streets are not graded. The plea was that if we should grass them down and set out some trees, then they should not wish for any fence. Now they have called for a fence, and as soon as they get this they will want something else. I believe it is well enough as it is, and I do not believe in spending so much money over on that "Wilderness of the Back Bay," where it is not needed. When they begin to build houses and show us something in the way of taxes, then will be time enough to spend money in completing those two squares.

Mr. Stone—The chairman of the Committee on Common verbally stated—he did not agree to the thing—that if it would allow him to have this money for curbing and grading he would not ask for any fence for the next three years. But now they come and ask for this fence. I see no reason why we should grant it this year.

Mr. Howes of Ward 18—I do not know that it is absolutely necessary that this fence should be put there this year. The point is that the work has got to a state which requires the fence. If the Council choose not to have one, it can remain so, but I imagine that when it is put up one or two or three years hence it will be much more expensive on account of the delay, and the ground will have to be turfed again. It is a question of utility. If the Council feel poor they might as well strike it out.

Mr. Day of Ward 4—The gentleman is correct. It will require more money to complete that avenue if this appropriation is delayed. It is proposed to ask for more money to grade the street and put it in order. Commonwealth avenue is extended to West Chester park, and Chester park is now extended to Beacon street, and when the avenue is completed it will make a beautiful series of parks. If the gentleman had inquired about the amount of taxes received from the Back Bay he would have found that this is the most proper section of the city in which to spend money. It is most desirable now to complete this work, for the houses to be built there will be more remunerative in taxes than those in cheaper localities. I take it it will be wise for the city to put that avenue in proper condition. It is the handsomest avenue in the city and should be fixed up.

Mr. Spenceley—The question in my mind is whether we need the fence. I should vote to put the street in good order rather than put an iron fence around the park. I am willing to vote to put the street in order, but I am not willing to vote for an iron fence where it is not needed. Who is going to hurt it? We are not going to turn the Common into a howling wilderness, as the gentleman said who is trying to get this through, and don't want the parade ground to be given up to the boys. Put the land in order, and by and by put up the fence. In the present business depression I say it is not well to put up an iron fence where it is not needed.

Mr. Day—This avenue is to be a series of beautiful parks. If it is put in a desirable condition it will be an encouragement for building to begin. The gentleman is a builder, and he knows that people will not build on the street in its present condition. It is acknowledged that Commonwealth avenue is one of the handsomest places to build residences on; but people will not build there until the city puts the street in presentable condition.

Mr. Spenceley—I am a builder, and therefore I speak from a builder's standpoint. I think that no building will be put up there for some years to come. Ask a man to buy a house on the Back

Bay, and he will laugh at you. There are more houses there than are needed. It is because there is no demand for the land to build upon. The avenue may be desirable for people going to Cambridge or out on the Mill Dam; but they do not want the land to build on. Put the street in order and that will cause buildings to be erected. What difference does it make to a builder whether the squares are laid out or not? Nobody is going to build a house there with the street in its present condition. I say we might as well save the interest on this money, as we shall get no benefit from the expenditure. If any gentleman can show me any benefit from it, I should like to vote for it. We simply place an iron fence around it and get no good from it.

Mr. Howes of Ward 18—I should like to correct the statement of the gentleman that no houses are built on Commonwealth avenue, and as a builder I should suppose the gentleman would know better. Many houses have been built on Commonwealth avenue this season, and probably more than on any other street. If he will turn over to the appropriation for Grading and Paving Streets he will find that a large part of that amount is for putting Commonwealth avenue in order.

Mr. Spenceley—I saw the chairman of the Committee on Streets today, and he said they were going to put in an additional appropriation for the purpose.

Mr. Wilbur of Ward 20—Does this complete Commonwealth avenue to West Chester park?

Mr. Howes—That is the case.

Mr. Wilbur—If that is the case I should like to see the appropriation remain in.

Mr. Sampson of Ward 17—It was the understanding of the committee that this appropriation will complete the avenue.

The motion to strike out was lost.

Police, \$841,300. Mr. Coe of Ward 23—Mr. President, I move to reduce this amount \$63,600, making it \$777,700. If this motion prevails, I shall introduce an order which I will read for information.

Mr. Coe read the order which was in the form of the salary orders passed this year, and fixed the pay per day of the members of the Police Department as follows: Captains \$3.75, lieutenants \$3.25, sergeants \$3, patrolmen \$2.75; patrolmen appointed after this date \$2.50 for the first two years of their service; superintendents of hacks, wagons, trucks and Intelligence offices, each \$3.75. Mr. Coe then continued:

The effect of this will be to reduce the pay of all persons connected with the Police Department, now paid by the day, and enumerated on page 52 of the Auditor's estimates, twenty-five cents per day, thereby saving to the taxpayers as I figure it \$63,601.25. My reasons for making this motion I will state as briefly as I can. It is now an "open secret," and therefore no harm can arise from mentioning it here, that the Committee on the Auditor's Estimates voted, with only two dissenting, that the sentiment of the committee was that the pay of the patrolmen should be reduced to \$1000 per annum—my amendment would reduce the pay to a little over \$1000. I presume one reason which governed them was the fact that Boston is paying its police more than any other city of the same class in this country, as will be seen by the following statement:

St. Louis pays.....	\$900 per annum.
Philadelphia.....	912 " "
Baltimore.....	936 " "
Chicago.....	1000 " "
Boston.....	1095 " "

The average of these four places is \$937, by which it appears that Boston pays \$158 per annum more than this average. The present pay of the New York and Brooklyn police is \$1200 per annum, but a bill is now before the Legislature at Albany, which will probably become a law, reducing their salary to \$1000. Even if this bill does not pass, I think we should all hesitate to regulate our municipal expenses by the methods prevailing in New York city. If we look at this matter in another way, we shall see more clearly how much more our police costs us than other cities of the same class as ourselves. The cost of the police force for each inhabitant is as follows in the cities I have named:

St. Louis.....	\$1.03
Chicago.....	1.60
Brooklyn.....	1.63
Philadelphia.....	1.75
Baltimore.....	1.94
Boston.....	2.40

The average of these cities, without Boston, is

\$1.60, while Boston pays \$2.40, or fifty per cent. more. Thus it will be seen that, while each person residing in the five cities I have named, contributes on an average \$1.60 each year to support the Police Department, the cost to each person residing in Boston is on an average \$2.40. If it were possible to bring this cost for Boston down to as low a point for each person as in these other places, the cost of this department would be about \$560,000 instead of \$841,300, a saving of \$281,300. Should the proposed amendment prevail, and the reduction of twenty-five cents per day be made, we shall still be more than \$200,000 above the average. This increased cost cannot arise from our area being larger than the cities I have named, for this is not the fact. Boston proper covers a very small area, and here is where the principal part of our expenditure is made. Neither can it be said that we have a less orderly population, for that is not the case. I can hardly understand why the Retrenchment Committee, with these facts before them (for I suppose they must have studied the subject) should have passed by this very promising field for the exercise of their powers. They have carried a reduction in the pay of more than two hundred employes of the city, who have been receiving no more, and in many cases less, wages than are paid in the department in question. They go into the City Engineers' Department and take off ten per cent. from three transit men earning \$3@ \$3.50 for each week day, and twenty-five cents per day is taken from two assistant draughtsmen who were earning the same. The surveyors and draughtsmen in the Surveyor's office are also reduced. The watchmen in the markets, the water inspectors (save those fortunate enough to be employed in Charlestown) and the operators of the fire alarm, are all cut down. Even the pilots, tollmen, engineers, firemen, gatemen, watchmen and deck hands connected with the East Boston ferries do not escape, and to cap the whole, they even go into the kitchen of the City Hospital, and the chief cook and baker of that establishment have to pay the penalty with the others I have named of not being connected with the Police Department. I mention these facts to show that we have already reduced, and I believe very properly, too, the pay of many persons in the employ of the city, where the hardship will be full as great as in the case of the police. If the City Council sustain the Committee on Public Instruction, the pay of the teachers in our public schools will be reduced on an average more than this amendment proposes. I do not see why we should make exceptions, and why all should not be treated alike. If a reduction is right in one case it certainly is in the other. I am aware that those composing our police force are, for the most part, men of an exceptionally high class. If there were time I could spend some moments in stating their good qualities. I appreciate them all; they serve the city faithfully and well. But is it pretended that those I have mentioned, whose pay we have reduced, are any less entitled to favorable mention in this respect? They also were faithful public servants, but they did not escape, because a majority of this body felt that a reduction was right, and if right in one case it certainly must be in the other. Mr. President, every calling has its market value. No firm or corporation can hold its own, and pay for the same service a much higher price than its competitors. The same principle applies here. Boston is a competitor with the cities I have named for the business of the country. If we can transact it as well, and at less cost, it will come to us. One of the elements of low cost is low taxes, and to bring our taxes down to as low a point as is consistent with the proper conduct of our municipal affairs is our most pressing duty at present.

There is one point we should not forget. The pay of our police is as high as it has ever been. If they were receiving enough five years ago, they are receiving too much today. The cost of living has been very materially reduced, and this amounts to a practical increase of pay to them; \$1000 will go further today than \$1095 five years ago. This, I think, will be admitted. Therefore this reduction would be no hardship. The Mayor, in his inaugural address, states, that in his opinion, an increase of the police force is necessary. If his views prevail, the saving made by this amendment would provide for the pay of about seventy more men. If the force would still be costly, it would gain in efficiency, and at no increased cost to the taxpayer. Mr. President, the hard times are not yet over. The general verdict is that the business

of this spring has been a disappointing one, and the path ahead to a better and brighter state of things in business affairs is, yet, I am afraid, a long and hard one to travel over. We are *compelled*, by the necessity which is upon us, to spend large sums of money for sewerage and water, and I presume some would include among the necessities an expenditure for parks. These facts all remind us that our taxes *must* remain high, while our means with which to meet them seem to be decreasing year by year. I cannot conceive, in view of the facts I have stated, how any one can throw a vote against this amendment. If it passes this body it cannot fail, of course, to pass the other branch of the City Council, as they are so strongly committed by their votes, *so far*, in favor of retrenching in the pay of the employes of the city. I hope it will prevail.

Mr. Sibley of Ward 5—I hope the motion of the gentleman from Ward 23 will not prevail. He says we pay our police better than in the average of cities, and not so much as in New York and Brooklyn. Well, admit it. I think we have got a far better set of police. They are placed at a great deal of expense. They have to uniform themselves, and it is a pretty expensive bill. We have heard about clothes and a new coat. I suppose they are all coming. I believe that we have a noble set of men for policemen. Of course, in a body of 700 men there are some policemen who could be well weeded out. If there can be any reduction in the expenses in regard to so many policemen I should be very glad to see it. I think I have seen men on horseback when I could not see the use of their being mounted; but I am perhaps too economical. I don't believe it is economy to reduce the pay of such a class of men as we have for police. They are liable to be called upon to do many extraordinary jobs, and I don't see how any one in any other employment could ever desire the business. A policeman's life is not appreciated. He seems to stand between two fires. I admit that many people desire to be police, and some men ask for it that I don't suppose will make good police officers. I have had the pleasure of introducing a great many applicants to our past Mayor, but I presume he never appointed them. This is a matter of only twenty-five cents a day to 700 men, but it is quite an item for our treasury. I don't think, though, that every dollar they receive is too much. A policeman cannot live like any other man. If his children do not dress well he is talked about; he is a sort of public character, and I may say a sort of public functionary; he is a marked man. I am for economy. I should be glad to understand the Sinking Fund, and I like to save money. I am one of those lucky fellows who do not have much property, and I never dispute the valuation of the Assessors. I let them tax me what they want. I don't have any particular friendship for the police, but I have sympathy for them. My employment has been mostly in the streets. I have seen the time when I wanted a policeman, when they were engaged somewhere else, I suppose. I don't believe it is economy to reduce the wages of the police. There may be individuals who do not earn the money, but as a class they do. It seems to me that 700 men are a plenty, but so far as my information and opinion go, I don't believe it will pay the city of Boston to reduce their wages.

Mr. Howes of Ward 18—I trust that the amendment will be passed for some of the reasons suggested by the gentleman who last sat down. The difficulty with the gentleman from Charlestown is, that he should have adopted the same tone that he has adopted in the matter of retrenchment. The exact arguments he uses now were used by those opposing reduction, except that instead of the police and firemen, it was for some one in the employ of some other department. The police do a great many things, and I have no doubt they do them very well, but I am very certain in my mind that our police force does not compare favorably with the police force of other cities where they are paid a less amount than in Boston. More than that, we have an instance of men of a similar grade who are paid less salary. I am certain that if obliged to be one or the other on the same pay I should be a policeman rather than a fireman. The firemen are now paid a \$1000 a year, and the police ninety dollars more. The firemen have one day off in fourteen, and the police have twelve hours out of every twenty-four.

Mr. Spenceley—And two weeks vacation.

Mr. Howes—Yes, and two weeks vacation. The police are dressed in a uniform and so are the firemen, and the risk of spoiling the uniform is just as great in one as in the other. I think it is an unjust discrimination to pay the police more than you do the firemen.

Mr. Day of Ward 4—I suppose there is a great deal of buncombe to be fired off in this question, and if it is to be against the reduction of the police I want to be counted in. I think there is a vast distinction between the police and firemen. A man who loafs in a comfortable house is much better off than one who is expected to be on the street in all kinds of weather. A policeman is expected to be ready at a moment's notice to rush into a crowd; he comes out all bunged up and bruised up, and with his clothes torn and his body mangled, for which he gets no compensation from the city. To be sure they work Sundays and get a larger salary than the firemen, but if it were left to most of the police they would not work Sundays. It is not a matter of choice, but of compulsion. It is different with members of other departments. I voted for the retrenchment bill because I thought it a judicious measure, but there is a great difference in cutting down an employe in some ferry boat and City Hospital who is well paid. If you reduce the pay of the police and get a class of cheap men it will affect the character of the city. We have got a pretty good force now, and perhaps with some weeding out it may be better; but I don't believe you can better the force by reducing their pay. The man who risks his life is of value in the service of the public, and that is the reason why I shall vote against the reduction of the police.

Mr. Spenceley of Ward 19—I shall not vote for the amendment, for the reasons stated, and I am in favor of making the pay of both firemen and police adequate for the service rendered. I do not know how we will get good men, able and willing to perform these duties, for a less sum than we are paying now. I believe the policeman is worth \$1090 a year to the city of Boston, and I am willing to pay my proportionate part to support him at that rate. I believe they are differently situated from any other paid department in the city of Boston. I believe they are taking their lives into their own hands, and going out day after day, not knowing whether they shall ever return to their homes or not. As the gentleman from Ward 4 has well stated, they are called out at any moment. I don't separate the firemen from the police. They are in the same category, and both are liable to have their lives taken away from them at any moment, I think that we should give men who are put in these positions sufficient to support their families and lay by something for a rainy day, for the rainy day is liable to come at any time. Look at the hardships of the police, going out every day, whether storm or rain. While we are in our house comfortably clothed, the policeman is out in the soaking rain or driving storm. It seems to me that we cannot, in justice to ourselves, ask these men to work for less salary than we are paying them now. Another very important reason, as stated by the gentleman from Charlestown, is that these men are required to purchase a certain uniform, and they are liable at any time to get it torn from them and they must get another. They must be upon the street with just such clothing on and must obey every order; and yet you would wish to cut them down from the figure they are now getting. I should like to ask the gentlemen how much the policeman can save on \$1090 a year, and being required to pay \$24 to Leopold Morse for a coat?

Mr. Sibley of Ward 5—Not obliged to go there.

Mr. Spenceley—I know they are not obliged to go there; but the Committee on Police would like to have had them. I have looked it fairly and squarely in the face. I shall vote against the amendment.

Mr. Crocker of Ward 9—The gentleman who last spoke, unlike the one who spoke before him, puts the policeman and fireman upon the same footing, as both men risk life and limb in the public service. And I think that he is right, and that they do stand upon the same footing, and that we ought to put them on the same footing in regard to salaries, which, as I understand, we do not. The gentleman has reduced the pay of the firemen, and I do not see why the police should not be treated in the same way.

Mr. Spenceley—I never did, if the gentleman means me.

Mr. Crocker of Ward 9—The Council voted to reduce the pay of the firemen; and now the ques-

tion comes, Why should not the police be cut down? and it has not been answered.

Mr. Spenceley—I did not know that the Council had anything to do with the pay of the firemen. The commissioners fix their pay; we have nothing to do with it.

Mr. Crocker—I think it was included in our bill.

Mr. Spenceley—No, sir.

Mr. Crocker—At any rate, the pay of the firemen is lower than that of the police; and it seems to me that policemen ought to be reduced as all the other employes have been. I can see no reason why we should make them an especial exception. It is said that they are an exceptionally good body of men, and compare favorably with policemen of other cities. I think our public servants generally will compare favorably with the employes of other cities; but in spite of all that, we have thought that the public exigencies demand that their salaries should be reduced; and I, at least, have heard no reason why the police should be picked out as the sole exception and not be required to bear their share of the burden.

Mr. Webster of Ward 3—I have noticed a good many inconsistencies in discussing this matter of retrenchment; and it seems to me that the gentleman from Ward 18 has shown it very strongly. It was his desire that the police should be pensioned in their old age, and now he proposes to reduce their pay. Now, sir, I submit that it is more in accordance with the policy of this city to pay those men fair salaries for their services and give them a chance to lay up something before they get old, and take the same chances of having something to support themselves with in old age that others do. I don't believe the pensioning system is good policy for the city. This Retrenchment Committee started out with the idea that if they saw anybody getting a salary low enough they would not disturb it. I believe that if anybody will take the trouble to examine salaries, as I have done, he cannot fail to find that the pay of the police is as low as any of the rest of the employes of the city. Take the captains: they are responsible for their whole district, and have four dollars a day, which clerks and others in City Hall get, with no responsibility. I believe that three dollars a day is none too much for patrolmen, no matter what other cities pay. If we cannot afford to pay three dollars for first-class men, we cannot afford to carry on the force. We have many men on the force who should be discharged. Consider that the police have to work Sundays, that their uniforms cost a good deal of money, and that if they got cold while on duty or injured while arresting a criminal, it is no unusual instance for them to lose pay for two or three days. If their pay is too much let us reduce it. But the gentlemen who voted against the bill are trying to show that the committee have been inconsistent; whereas they have been entirely consistent. I believe that the firemen and police are paid well enough, and it is for this Council to say whether they are or not. But do not, for the sake of consistency, do the very thing you blame the committee for doing.

Mr. Howes—The gentleman who last sat down is very apt to charge inconsistency against any particular action which he does not thoroughly comprehend. As that would limit the proposed action to a very narrow range, I can hardly feel annoyed at the charge. I believe in cutting down the pay of the policemen, and I also believe in pensioning them. I do not believe in paying a man more than he is worth and turning him off in his old age. The principle I go on is to pay a man what he is worth and set aside something for his old age; so that incompetent men will not seek to get into the service merely for the money. My idea was to pension men after twenty years' service, and then only those who are worthy of it. The gentleman from Charlestown [Mr. Day] said the firemen are loafing around in the engine houses. If I understand the present system they have to patrol the streets just as much in bad weather as the police do. More than that the liability to accidents among firemen is greater, two to one, than among the police; and the number of fatal accidents is much greater. The whole matter of consistency is, that we pay one class of servants \$1000 and another class \$1095, when one performs just as good service as the other. I venture to say that one service is as good as the other. Personally I think the men in the Fire Department are a better class than the police; and

that men of the same calibre as the firemen can be got for policemen for the same money.

Mr. McGaragle of Ward 8—I am glad that the gentleman who has just taken his seat is really coming to his senses. I had the honor, a while ago, to introduce an order looking to the uniforming of the Fire Commissioners, and I held up the horrors which the firemen endure in the engine houses. The gentleman could not see it then as at present, but I thought time would bring him to it. I cannot see any reason for adopting this amendment. The gentleman who introduced it tells us a long story of the various departments reduced, and he also tells us of the contemplated reduction of teachers. I hope to see it. But he does not state that the school teachers are not compelled to live within the city and help to pay tribute to the city. The school teachers and employes in City Hall can live where they please and pay no tribute to the city which feeds them, while the policemen are required to live within the city and pay tribute, even if it is only the two-dollar poll tax. If the gentleman can give a good reason for reducing the pay of the police, I will go with him; but I don't believe he can. I should be glad to increase the pay of the firemen, but that is in the hands of the commissioners who cut their pay down.

Mr. Sibley of Ward 5—The gentleman from Ward 18 says our policemen do not compare favorably with the police of other cities. Now I am sorry to hear this from a Boston boy. It might have done for a reformer from Charlestown. He extols the firemen, and I agree with him. He seems to understand how much time and how much pleasure they have. All well. The department is well managed, no doubt; but so is the police. The gentlemen favoring this amendment opposed the retrenchment bill. I admit there were many items in it that if I could have had my way I would have changed; but this is the third year we have heard a great deal about salaries. I read and reread the bill, and I won't vote for a change in anything; I won't take away a cross of a "t," nor a dot from an "I." They passed by the police. I suppose the committee considered this matter fairly, and did not see fit to recommend a reduction in that department. I thought of it at the time, and I agreed with them. I hope the amendment will not prevail. I fail to see any argument for it, except in the line of economy, that has been introduced here. I never served on the Boston police, but I have been in the Fire Department. I know there is a great deal of work and a great deal of leisure. The men are not obliged to be so watchful, and it does not require so sharp an intellect as it does on the police force. The policeman is required to look about and see everything and arrest every criminal. The duties of the firemen are more plain.

On motion of Mr. Felt of Ward 18 the main question was ordered, and on motion of Mr. Sibley the yeas and nays were ordered on the amendment.

The amendment was lost—yeas 17, nays 46:

Yeas—Messrs. Coe, Crocker, Danforth, Felt, Ham, Hibbard, Howes, J. H. Pierce, O. H. Pierce, J. B. Richardson, M. W. Richardson, Sampson, Shepard, Smardon, Stone, Thorndike, Wolcott—17.

Nays—Messrs. Barnard, Barry, Blanchard, Blodgett, Brown, Burke, Cannon, Clarke, Cox, Cross, Day, Dee, Doherty, Duggan, Fagan, Fernald, Flynn, Fraser, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Perham, Reed, Roach, Roberts, Ruffin, Sibley, Spenceley, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur—46.

Absent or not voting—Beeching, Brintnall, J. J. Flynn, Mowry, Pope, Pratt, Souther, Thompson—8.

*Addition to Building at Rainsford Island, \$16,000.* Mr. McGaragle of Ward 8 asked what this was for.

Mr. Sampson of Ward 17—If the gentleman has ever been there he will know that there is great necessity for it. The inmates are very crowded on the attics and floors, and they can only be properly accommodated by an addition to the building.

*Public Library, \$118,126.* Mr. Pratt of Ward 21—I move to amend by adding \$3000. The reason I offer this amendment is that I see by turning over Document 40 and comparing it with the Auditor's estimates (City Doc. 28) on page 66, that there appears to have been a double reduction, which I would like to explain in this way: The

Trustees of the Public Library presented their estimates for carrying on the central library and the various branches, and they were duly warned by the Committee on Public Library that they must make their figures as low as possible, and they gave as the bottom figures \$123,000, which will be found on page 66 of Document 28. That, sir, was the estimate of gentlemen of the quality and reputation for business sagacity and understanding of the needs of the Public Library which the Trustees are conceded, on all hands, to possess. Those were the bottom figures necessary to carry on the Public Library in a respectable and decent manner, creditable to the city and for the usefulness of those who enjoy it. That estimate came before the Committee on Public Library, and as retrenchment is particularly in fashion this spring, the committee took a hand at it. First, the trustees retrenched; then it went to the Committee on Public Library and the Committee on Retrenchment; and I beg you to notice, sir, the direction in which they made the retrenchment. The Committee on Public Library reduced the estimate for salaries from \$73,500 to \$71,500; that is, they took off \$2000 from the estimate for salaries. It should be explained that the estimate for salaries in the trustees' estimate was at the same rate as the salaries were paid last year, conceded by all who have examined them to be considerably below the salaries paid in other departments in proportion to work done. The Public Library Committee cut off \$2000 from the salary item: that is the point I want to make. They did that under pressure brought to bear from one or two members of the Retrenchment Committee, who chanced to be on the same committee, as well as from their own judgment, and they did it in anticipation of conformity to it by the Retrenchment Committee, their report not having been made. Now, then, when this estimate, reduced from \$125,000 to \$121,000, comes before the joint special committee, they treat it just the same as they did the other matters that came before them. They were not present, possibly, with one exception, at the meeting of the Committee on Library, and I don't know whether it was before them that the reduction estimate made by the Public Library Committee of \$2000 was taken especially off from the item of salaries, and all the other items were passed. They took it—as you will see on page 3 of Document 40—they took it and reduced the amount already reduced off salaries by the amount which the Retrenchment Committee reported the salaries ought to be reduced: that is, \$2784 in addition. So you will see that, instead of reducing \$2874 off salaries, as would be expected under the operation of the retrenchment order, they have really reduced off \$4874, if we pass this item as it stands.

Now, Mr. President, it was fully examined by the Committee on the Public Library, and a good deal of time was spent both at the Public Library and at City Hall in examining into the matter. It should be well understood by all of us that the expenses of the Public Library are not only incurred for the maintenance of the central library, but for the large number of branches, constantly increasing; one at the South End is quite imminent. I think it quite probable that in a short time that will be established. That has been before the Council and referred to the Library Committee, which, perhaps, I am not at liberty to speak about now. The fact is, if we reduce the aggregate amount to be appropriated for the maintenance of the Public Library so much as this report contemplates, we shall seriously impair the effectiveness of the Public Library this year and impede the action of the trustees, and we shall be held by and by to vote an additional appropriation. I have called attention somewhat in detail to what I consider to be an accident, so to speak, in the reporting of the item as it is here. The item of salaries had already been reduced in the Public Library Committee, and it is reduced again by the amount proposed in the joint special committee's report. The amendment contemplates the restoring the amount to that recommended by the trustees and the Public Library Committee, but allowing to stand the reduction which the Retrenchment Committee reported, and which this joint special committee seem to have had in mind, not, however, supposing the amount had been reduced.

Mr. Webster of Ward 3—The expenditure for salaries last year was \$68,410; now they ask an increase of salary of about \$5000, making \$73,500. Now, supposing this entire reduction of \$4,000 is taken entirely off the salaries, it will still leave

them \$69,000, where last year they had but \$68,000. That is to say, while they are obliged to reduce about \$3000, according to the salary order, they still have \$1000 more for salaries than they had last year, which gives them a margin of \$4000 better than they had last year. Now, while I have no desire to cripple the library or undervalue it, I believe this margin of \$4000 will cover all extra expenses of bookbinding, all extra help they may have for the year, and will carry on the library in an efficient manner.

Mr. Sampson—The gentleman from Ward 21 [Mr. Pratt] is right. The only reduction made by the committee is that covering salaries, and that had been covered before. I hope the amendment will pass.

Mr. Pratt of Ward 21—I can't help but pass a word or two in reply to the gentleman from Ward 3 [Mr. Webster], to his statement about the increased amount asked for salaries this year, and I wish to make two corrections in his remarks. One is that the amount as it stands is \$4000 additional to what was appropriated last year. The amount asked for by the trustees was \$4000 more than last year. That was reduced \$2000 by the Committee on the Public Library, so that if this passes as it is now, as the figures stand in this report, evidently not by intention of the special committee, it will be allowing a less amount than was voted last year for salaries. But, sir, it was well understood by the Library Committee, of which the gentleman is one, and I am surprised to hear him put the matter in the light which he has—it was well understood by every member of the Library Committee that no addition to any salary was sought or asked for by the trustees, and no addition to any salary of any employe of the Public Library was contemplated in the estimate presented by the trustees and passed upon by the Library Committee. The addition of \$4000 which was asked for by the trustees, but which they did not get, was not to increase the salaries already paid, but to pay additional salaries, which had been found necessary during the last year to incur the payment of. It was found that books had been running behindhand in the matter of binding, and that many had to be rebound; that pamphlets had to be bound in large numbers; that certain acquisitions to the library had to be bound, and that the Public Library itself could do the binding in a better, more substantial and more economical manner by doing it at its own bindery, and in order to do it, it made a difference of three binders in the library. Well, the salaries of expert binders amount to quite a large item. It was also found necessary in one or two branches to employ additional help. The \$4000 was added after a careful estimate of what was necessary to pay for the additional help required. This figure of \$73,500 for salaries, including the binder's department, was figured in this way, as I was informed by one of the trustees: The average monthly pay roll for the last two or three months of the expiring year per month, was taken and multiplied by twelve. They saw no reason why the amount required should be less per month than it was during those months. They did see reasons why it might be more, but they simply took the amount of the monthly pay roll at the time they made the estimates and multiplied it by twelve and asked for that. Now, considering the fact that this is evidently a mistake, and that the only reduction intended by either committee was in the matter of salaries, I think every one will see it is but just to the public library that this amendment of \$2000 additional should be added.

The amendment was adopted.

*Schools and Schoolhouses*—\$1,544,520. Mr. Pratt of Ward 21—I would like to ask for information whether the amount for school instructors included in that item, \$1,115,520, is the amount asked for by the School Committee, and if not, what the reasons were for its being reduced.

The President read a communication which he had received from the School Committee protesting against the proposed reduction of the estimate for school expenses, and called attention to pages 71, 72 and 73 of City Document No. 28.

Mr. Pratt of Ward 21—I would like to ask some member of the Committee on Public Instruction to state reasons why such an enormous reduction should be reported on the item referred to. If any member of that committee would be kind enough to give us the information, I think we could vote more intelligently.

Mr. Pearl of Ward 1—Will the gentleman please repeat his question? I did n't understand it.

Mr. Pratt of Ward 21—I asked if some member of the Committee on Public Instruction, or gentleman familiar with the facts, would explain the reasons why the Committee on Public Instruction reported so large a reduction on the item for salaries of school teachers—the reduction amounting to nearly \$125,000 below the amount asked for by the School Committee. I think for so large a reduction in such an important department some reasons should be given, and I should be very glad to give them.

Mr. Pearl of Ward 1—I am not prepared tonight to answer the question of the gentleman. It was the unanimous opinion of the committee, at the time, I well remember, that there should be that reduction, and we so reported.

Mr. Coe of Ward 23—I would state for the information of the gentleman that of this reduction of \$123,208, the amount reduced on the regular salaries of the teachers was \$73,780. That is on the regular corps of instructors. There was also made a further reduction on music teachers, drawing teachers, evening-school teachers, French teachers, German teachers, deaf-mute teachers, military-drill teachers, etc., amounting to \$21,850, making \$95,630. The committee asked for \$113,300 for incidentals, and \$100,000 was voted them. The salaries of officers were reduced from \$57,350 to \$51,000; a reduction in janitors' supplies and fuel of \$8000 was reported, and so on; but of the whole amount of reduction \$73,780 was on the regular teachers. The committee in making this reduction estimated that there would be this year a reduction in the salaries generally in the City Hall and elsewhere. I think the chairman of the School Committee stated last year that they were prepared to make the reduction, and if the reduction had been made in other places the School Committee was prepared to make a reduction in the salaries of teachers of the public schools; and, as I have said, the committee estimated that the reduction would be made this year, and hence cut down the appropriation in this way.

Mr. Crocker of Ward 9—If I understand the communication from the School Committee, I believe it represents, or claims, I don't know for what reason, that the Council can't fix the salaries of the school teachers, and apparently claims that the School Committee may employ teachers and require the city to pay this amount in spite of any rates of the Council. I don't know whether there is any foundation for that claim, but I should hope we should not undertake to do anything we had n't a legal right to do, and should not take any position which would result in our finding in a later period of the year we had n't appropriated by \$125,000 enough to meet our necessary expenses. I simply should like to inquire whether any gentleman is prepared to state as to the legal position of this matter, and whether the School Committee can fix the salaries in spite of the protest of this branch.

Mr. Mowry of Ward 11—I understand by the ordinances the School Committee have authority, and are the proper persons to establish the salaries of the teachers.

Mr. Coe of Ward 23—The gentleman is correct in thinking that the Council has no right, as I understand it, to fix the salaries of school teachers. We have, however, the right to state the sum the School Committee can appropriate, and in getting at that sum we have, of course, a right to take the School Committee's estimate, and figure out on a basis of the number of teachers employed what they think to be right to give them; then the committee can take this sum and expend it in eight months or ten months. They can keep the salaries just where they are if they wish, but, according to the statement of the chairman of the board, they were prepared last year to make this reduction in case it had been made in the other employes of the city.

Mr. Mowry of Ward 11—I think the ordinances go further than the gentleman just preceding me has said. Section first of the ordinance in regard to the salaries of teachers says the School Committee shall have power to contract with them and determine the amount of their respective salaries.

Mr. McGaragle—I don't think we are fixing the salaries. We say we will give them so much money in round numbers to pay the running expenses of the school. If they want any more money they have got to come back to the City Council for it. We are not interfering in any way here with them at all.

Mr. Pratt of Ward 21—That is precisely the idea which I had supposed would prevail in regard to that item. If we pass it as it stands, we may say to the School Committee, "You will have to carry on the schools with that," but they can dispose of it as they please. Now what has been the result of reduction heretofore? The School Committee have endeavored to carry on the schools economically. I believe the schools are carried on with the employment of as few teachers as is practicable to carry on the schools efficiently. But I pass by that point for a moment. On looking at page 70 of this document number 28, I find that the School Committee in presenting their estimates stated that these estimates presented by them, as compared with those of last year, show a reduction of \$47,050 already, before it comes to this City Government. The estimates of last year, 1876-77, were reduced \$47,050, showing an aggregate amount of reduction of \$94,100 in the two years. Now, Mr. President, we don't come to this matter as it was during the war, as it was five years ago, as it was when rents were higher and living dearer, as has been talked here. We come to it with a reduction to the extent of \$94,100 in two years in the amount appropriated for the schools. Now, the committee also append to their report this statement, and coming from the source it does, it is entitled to great consideration: "The committee present these figures and state that these amounts are actually required to carry on the schools as at present constituted." Now, Mr. President, after the School Committee have been adjusting things for the last two years, to make a smaller sum of money go over the ground in supporting our public schools, we come and ask them to reduce about \$125,000 still further. Now, I submit that the point is just this: It will be what the gentleman on my left [Mr. Coe of Ward 23] has very well said, that the committee will have a certain sum with which to maintain the schools during the year. They will find that that will be sufficient to maintain the schools as they are now for a certain part of the year, and then they will have to shut them up, or else they will find that it will be sufficient to maintain a certain number of schools, and if they provide for them they must shut up the rest, or else they will find that they can run the same number of schools by turning out a number of teachers and so they will undertake to run, instead of sixty scholars to a teacher, 160 scholars to a teacher; or else they will find that instead of good, faithful, intelligent teachers now getting six or seven hundred dollars, or eight hundred dollars a year, they will have about five hundred dollars, and those who are getting larger salaries in proportion. Now, Mr. President, when it comes to a matter affecting our public schools, which are the pride and boast, and justly so, of all Boston citizens wherever they go in this country or in foreign countries, when it comes to taking off \$100,000 or more, below what the School Committee has given us as bottom figures, I say we ought to stop and consider well before we pass an item like that, and we do it, if we do it, in the face of the protest of the School Committee. Now, whether wisely or not, it has come down to us from our ancestors, from the founders of this municipality, that the School Committee shall have the provision for the maintenance of the public schools. The School Committee are to determine the qualifications and the compensations of the teachers employed in the public schools. The School Committee are to have the control of the public schools, all except voting the appropriations. From time immemorial we have had a good School Committee. We choose at large citizens of knowledge, ability and character, to represent us on the School Board of the city of Boston, and I submit that their judgment is entitled to respect in this chamber or anywhere else; and when they come to us with a report that shows on the face of it a reduction of \$94,100 in the last two years, notwithstanding the increase in the number of schools, notwithstanding the constant increase in the number of pupils instructed in those schools, notwithstanding that very fact would tend toward increase in the expense of supporting the public schools, yet they show us a good, bona fide reduction of nearly a hundred thousand dollars in the last two years, and then say they can't carry on the schools for any less—when we undertake to reduce the appropriation \$100,000 further, we strike a blow at the public schools.

Mr. Coe of Ward 23—I should like to have the



Council understand this matter. The School Committee say in their report, "The committee present these figures and state that these amounts are actually required to carry on the schools as at present constituted." That is, with the salaries of the teachers employed in the public schools as they are, and as they have been for the last two or three years. It provides for no reduction. Now, Mr. President, we can, of course, vote here to give the committee all they ask, and if we do not there will be no change in the salaries of the teachers in the public schools; or we can vote to give them the amount the committee allow them, and in order for a perfect conduct of the schools they will be obliged to cut down the pay of the teachers, and this reduction will provide for the reduction of the teachers all the way from five to ten per cent. That certainly is not a large reduction. It is not nearly as heavy a reduction as has been made in other departments here and carried through by the Retrenchment Committee. I simply state this point, so that gentlemen of the Council may understand it exactly. About \$100,000 of this reduction is grounded upon salaries; the rest is reduction in fuel and incidentals of various kinds.

Mr. Spenceley—The gentleman just up stole all my thunder, but I have a word or two to say. The gentleman opposite [Mr. Pratt of Ward 21] says the committee have already cut down \$47,000. Now I understand, sir, that this cutting down, as he calls it, does not come from the salaries, but simply from the consolidation of schools and the discharging of a number of teachers. As the gentleman last up [Mr. Coe of Ward 23] has said, it does n't touch the salary of any of the school teachers. On page 68 are the salaries paid the officers, and it is just the pay they have been receiving for the last five or six years, and it seems to me, sir, that we can afford to cut these men down five or ten per cent. The salaries in City Hall have been cut nearly double what we are asked to give these teachers. In 1861 these head masters were getting \$1800 a year, and were obliged to have charge of the school and also to teach a particular class in their own rooms. Now, as I understand it, they have to be at the schoolhouse two hours in each day, and that all the rest of the time they can be in their offices, receiving company. I say that we can afford to reduce those teachers. I don't know, but I think the gentleman from Ward 21 [Mr. Pratt] said some of the Public Library officers would resign if their pay was cut. We have n't heard of any resignations so far. I tell you these men will not resign. They will stick to their places, and we will get just as good a school, and just as able masters as we have got today, because the salary of \$3600 that we propose to pay them, in these times, is a good salary, and I don't believe our schools would be any less than they are now in the point of efficiency, by any reduction which we may make in reference to our teachers as the committee has reported.

Mr. Hibbard of Ward 17—I don't understand that there is any motion before the Council to reduce salaries. It seems to me there should be, if that is what we are trying to do. For one I am in favor of a reduction in our school expenses, for I think the teachers can afford to work for less than they do.

Mr. Wilbur of Ward 20—We cannot fix the salaries of the teachers; that is entirely with the School Committee. And furthermore, if we give the amount of money that is called for in this report of the committee, and it is not enough to pay the salaries, it makes no difference. The city of Boston has got to pay, whether there is an appropriation or not. The only redress I believe we have is, that after a certain time the City Council has authority to shut up the schools or pay the amount of salaries that they may have agreed to pay. That is the way I understand the statute provides.

Mr. Webster of Ward 3—The Chairman of the School Committee said before the Committee on Retrenchment—he gave his opinion very plainly and decidedly, as the record I think will show—that in case it was determined to move a general reduction of salaries, he had no idea that their department would object to it in the least. He thought they would meet us half way in the matter, and do about as we did. They had proposed to do the same thing last year, but because we did n't do so, they did n't do it. They reduced the number of teachers a good deal, but not their salaries. Now, taking him right at his word, supposing he wants to reduce about the same as we have done, this reduction now seems

very reasonable. You take the list of salaries which the Committee on Public Instruction proposed should be paid, taking them as a basis, and if these salaries are not all liberal compared with the salaries we are now paying in City Hall, then my judgment is entirely at fault. If we cannot save \$100,000 in the school expenses then there is no use talking about economy anywhere in the city of Boston. These salaries are large. I believe that the reductions proposed by this Committee on Instruction can be carried out, and if they wish to do as they say they do—meet us half way in the matter of retrenchment—there will be no difficulty whatever in paying good salaries and still saving this amount. Now, this idea that if we don't give them enough money they will run the schools but six months or so in the year—the fact is they do run them but seven or eight months. The teachers work about half the year, and the rest is vacation. They can't have any more money than we appropriate, and if they pay the teacher his salary in six months and give him six months' vacation the money goes all the same. It makes no difference whether school keeps six months or seven or eight, so long as the money is paid. They do get a vacation, compared with which no other department may be said to have any vacation at all. I believe this plan is reasonable for saving \$100,000; and if that retrenchment can't be made here, I will be very glad to undo what we have done in the way of retrenchment and leave things as they were.

Mr. Fraser of Ward 6—I believe the school masters and teachers of Boston don't receive very large salaries at present. The gentleman from Ward 19 [Mr. Spenceley] says that the masters are not supposed to devote more than two hours a day to their schools. I think if he should devote a little time to look into it, he would find different. The masters of the grammar schools are supposed to be at the schoolhouses at a quarter before nine o'clock, and devote the whole time of school hours to the general supervision of the school in their charge. They are supposed to devote from two to three hours a day with their own class; they are obliged to do it under the new rules, and I believe most of the grammar-school masters in Boston are very valuable men, and that they are not overpaid. I believe, likewise, the citizens of Boston, if a vote was taken tomorrow, would not scrimp the School Committee in their appropriations. I think money laid out for public education is laid out to the very best advantage. I have been a pretty close observer of the school system, and I find that whenever we have reduced the appropriation, instead of making a general reduction, the committee dropped so many teachers. I know this from actual knowledge, and the consequence was that in some thickly-settled districts of the city they put fifty-five or sixty scholars into a room. The result of it was that none of these scholars could receive just attention. It is impossible for a lady teacher to take fifty-five scholars and give them the individual teaching which is necessary. I believe that every dollar taken from the appropriation for school purposes is a loss to the city.

Mr. Pratt—It has been suggested that no amendment was offered. I had proposed to offer an amendment of \$100,000 additional to this item. That would bring it up to the amount asked for by the School Committee; but as I think the prevailing disposition is retrenchment, I will therefore offer this amendment to the total amount of the item for school instructors. As the Auditor is kind enough to state that the amount of reduction is \$73,000 on the item of instructors, and as I understand it covers the salaries of teachers and instruction of the schools, aside from the hired officers, etc., I therefore make my amendment to read \$73,000 additional to that item, and therefore additional to the total sum in the appropriation. I think there are two aspects of this case which ought to be considered. One is that we are asked for a certain amount by the School Committee, and they are gentlemen qualified and elected for the special purpose of taking care of the public schools; and therefore their request is entitled to respect. I do not know what higher authority we will be guided by, unless we have made as much investigation as the members of the School Committee have made. The other aspect of the case is that evidently on the face of this document a reduction of the small salaries is contemplated; or else the shutting up of the schools during a certain time of the year

or the dropping of a certain number of schools. Either you have got to shut up the schools for a part of the time, or you have got to reduce the pay of these teachers. Now, Mr. President, I have great respect for what gentlemen say who are accustomed to the prices paid for labor and the duties required of employes of business men. But I ask them also to consider the actual hours employed by the school teachers, and the actual duties and qualifications required of them. Why, sir, we require years of preparation and study before allowing them to come into a school to teach; we require a certain standard of character and versatility of genius for school teaching, and a certain amount of education; and then we require such an expenditure of energy not called for in any other calling. These teachers who receive \$750 a year have to teach from forty-five to seventy scholars, look after their behavior, attainments and ability to learn, and take them along in a course that will make them creditable to the institutions of the city. And we ask the school teacher to spend his days, evenings and Sundays and vacations in preparing himself for his duties in the schoolroom. If you examine the successful teachers, I venture to say you will find that they do not devote merely six hours a day in the schoolroom; but they spend not only their evenings and Sundays, but their vacations in qualifying themselves for teaching the more advanced classes; and when you get up to the higher grades, you find these teachers, whom you begrudge a two-months' vacation, so exhausted that they need it to acquire that vitality necessary in the business; or else they spend it in the pursuit of literary and scientific attainments to fit them for their duties. When we place upon teachers the responsibilities we do, it is no more than reasonable that they should be paid a fair amount. When you compare these labors and responsibilities with those of others, I say their salaries are small enough. I move to make the amount the same as called for by the committee.

On motion of Mr. Day, the main question was ordered.

On motion of Mr. Danforth the yeas and nays were ordered on Mr. Pratt's amendment and it was rejected—yeas 6, nays 49:

Yeas—Messrs. Cox, Danforth, Fraser, Pratt, J. B. Richardson, Sibley—6.

Nays—Messrs. Barnard, Barry, Blanchard, Brown, Burke, Cannon, Clarke, Coe, Cross, Day, Dee, Doherty, Duggan, Felt, D. A. Flynn, Ham, Hibbard, Hiscock, Howes, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mowry, Nugent, O'Donnell, Pearl, Perham, J. H. Pierce, O. H. Pierce, Reed, M. W. Richardson, Roach, Ruffin, Sampson, Swardon, Spenceley, Stone, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—49.

Absent or not voting—Messrs. Beeching, Blodgett, Briutnall, Crocker, Fagan, Fernald, J. J. Flynn, Jackson, Mullane, O'Connor, Pope, Roberts, Shepard, Souther, Thompson, Thorndike—16.

An amendment offered by Mr. Spenceley to the order laying a tax, so as to make the rate of interest charged on unpaid taxes eight per cent. instead of ten, was lost.

The orders (as amended) making an appropriation and laying a tax of \$9,757,258 were passed, as were also the order requiring the revenue from liquor licenses to be turned into the treasury, and the resolve requesting the Overseers of the Poor to make a reduction in the pay of the employes in that department.

Subsequently a motion to reconsider by Mr. Howes, hoping it would not prevail, was lost.

#### SCHOOL COMMITTEE.

A request was received from the School Committee for repairs on the Adams School. Referred to Joint Committee on Public Instruction. Sent up.

#### PETITIONS PRESENTED.

By Mr. Vose of Ward 24—Petition from residents of Ward 24 that a playground be laid out in that section of the city, and suggesting various lots of land for the purpose. Referred to the Joint Committee on Common and Public Grounds. Sent up.

By Mr. McGaragle of Ward 8—Petitions of Mary McCann and L. Lepiere, for compensation for injuries received. Referred to Committee on Claims. Sent up.

By Mr. Warren of Ward 25—Petitions of residents of Ward 25 for a base-ball ground near Allston station. Referred to Committee on Common and Public Grounds. Sent up.

#### ORCHARD PARK.

Mr. Howes of Ward 18 submitted a report from the Joint Standing Committee on Common and Public Grounds of leave to withdraw on the petition of Joseph Kuhns to be paid for damages caused by a change of grade in Orchard park. Accepted. Sent up.

#### CREW OF FIRE BOAT.

Mr. Burke of Ward 2 offered an order—That the Committee on Fire Department be requested to report to the City Government what, if any, reductions have been made in the pay and allowances of the crew of the fire boat William Flanders. Read twice and passed. Sent up.

#### ACCUMULATION OF SINKING FUNDS.

Mr. Crocker of Ward 9—I hold in my hand an order which I wish to introduce, in order that we may obtain from the City Auditor an estimate to show the exact figures which I intimated in my remarks at an earlier hour which would be made by adopting a different rate of interest in estimating the accumulations of the Sinking Fund. It seems to me desirable that we should have the figures in authentic shape from the Auditor, so that the Council might take any action upon them later in the year if they think desirable. It is simply an order to obtain information that we may act upon if we see fit.

Mr. Crocker offered the following:

Ordered, That the Auditor be requested to furnish to the City Council an estimate of the amount of appropriation that would be required to be made the present year for the payment and redemption of the city debt, if the rate of five instead of four per cent. were taken as the proper standard of accumulation of interest; also, an estimate upon the same basis of the amount by which the old Sinking Fund and the Consolidated Street Improvement Fund exceed the smallest sums which, with their accumulations, would be sufficient to meet at maturity the debts which these funds were intended to provide for.

Read twice and passed. Sent up.

#### EMPLOYES IN WATER DEPARTMENT.

Mr. Fraser of Ward 6 submitted a report from the Committee on Water, representing that by the terms of the order establishing the salaries and employes of the Water Department, no persons can be employed in that department except such as are specifically enumerated in said order, and mechanics and laborers. In order to carry on the work of the department it is necessary that provision should be made for the employment of persons in other capacities than are set forth in said order, and the committee request the passage of an order—That section 14 of the order establishing the salaries of the officers and employes of the Water Department, passed March 27, 1877, be amended to read as follows:

"Sect. 14. The Boston Water Board, with the approval of the Committee on Water, may designate the number of engineers, overseers, mechanics, laborers and other persons who shall be employed in the Cochituate and Mystic Water departments, and shall with like approval, establish the salaries of the persons so employed."

Mr. Clarke of Ward 22—Does this include the Sudbury River works?

Mr. Fraser—It includes everything that comes under the contract of the Water Board, Sudbury, Cochituate and Mystic.

The order was read twice and passed. Sent up.

#### OLD SOUTH CHURCH.

On motion of Mr. Day of Ward 4, the order to oppose legislation to authorize the city to expend money to purchase the Old South Church was taken from the table and indefinitely postponed, Mr. Day stating that the action of the Legislature had made it unnecessary to pass the order.

Adjourned, on motion of Mr. Swardon of Ward 10.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

APRIL 16, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE APPOINTMENTS.

Railroad Police—M. A. Clark, H. B. Buffum, Charles McDonald, for Boston, Revere Beach & Lynn Railroad. Confirmed.

Measurer of Wood and Bark—James A. Cogswell. Confirmed.

Weigher and Inspector of Bundle Hay—Charles E. Avery. Confirmed.

Measurer of Upper Leather—Frank A. Clark. Confirmed.

Public Weigher—William A. Roundy. Confirmed.

Police Officers Without Pay—William Lovett and twenty others in various sections of the city. Confirmed.

Undertaker—Fred S. Pinkham. Confirmed.

Member of Boston Water Board for three years—Albert Stanwood. Confirmed by ballot—yeas 10, nays 0. Sent down.

Park Commissioner for three years—Charles H. Dalton. Confirmed. Sent down.

Member of Board of Health for three years—James M. Keith. Confirmed. Sent down.

## PETITIONS REFERRED.

*To the Committee on Paving.* William P. Cross *et al.*, that Broadway be repaved between H and K streets; John F. Osgood *et al.*, that Guild street be provided with sidewalks and edgestones; Preston & Merrill *et al.*, that Mt. Washington avenue, from the bridge to Federal street, be paved with granite blocks; James W. Tobey *et al.*, that the city defray a portion of the cost of sprinkling Blue Hill avenue; Henry P. Coffin *et al.*, that Washington street, between School and Keyes street, be put in order; T. C. & C. F. Newcomb *et al.*, that Newcomb street be graded and put in order.

Petitions for brick sidewalks in front of estates of John Morgan, Dorchester avenue, corner of Greenough place; Joseph Dorr, 102 Marcella street, 92 Marcella street, and on Marcella street near Centre street; Henry G. Denny, 37 Court square; Hannah Reardon, 79 Boynton street.

J. C. Willis *et al.*, that the sidewalks in Akron street be paved with brick; John Berghen, for license to sprinkle streets in Ward 25; John C. DeWitt, for a crossing on Tremont street opposite the Common; George O. Boynton and others, that the sidewalks on Regent street may be paved with brick; Glendon Company *et al.*, for grading of Eighth street; John Cavanagh, for leave to move a wooden building from 292 Dorchester avenue to 297 Dorchester avenue.

*To the Joint Committee on Claims.* Mary A. Pickthall, for damages for personal injuries received by a fall on Bunker Hill street.

George J. Arnold, M. D., *et al.*, in aid of J. P. Sawin, that suitable compensation be allowed said Sawin for injuries at the hands of a mob July 14, 1863; Kate Connolly, to be paid for personal injuries received by a fall on Kneeland street.

*To the Joint Committee on Survey and Inspection of Buildings.* Boston & Albany Railroad Company, for leave to erect a wooden building on Grand Junction wharf.

*To the Committee on Sewers.* Bailey L. Page *et al.*, for abatement of assessment for sewer in Spring Park avenue; Nathan Weston *et al.*, for a sewer in King street, Dorchester.

*To the Committee on Lamps.* John Sheahan *et al.*, that street lamps be located in Hall's court, Ward 24; William V. Hutchings, for street lamps in Llewellyn avenue, Roxbury.

*To the Joint Committee on Water.* Proprietors of the Boston Theatre, Globe Theatre and Boston Museum, representing that the Inspector of Buildings has required them to introduce into the theatres under their control water from the high service pipes for the better protection of the public; that as this requisition is not for private, but for the public benefit, it is thought equitable and just that the cost of the same should be paid by the city and not by the proprietors of said theatres.

*To the Committee on Bridges.* Alvah W. Davis *et al.*, for permission to moor a boathouse along-

side Meridian-street Bridge; W. J. Doud, for leave to let boats from the Meridian-street Bridge.

## FREE FERRIES.

A petition was received from W. A. Simmons, Collector of the port of Boston; the Warren Steamship Company, by Warren & Co., agents; the Leyland Steamship Company, by Thayer & Lincoln, agents; the Cunard Steamship Company, by James Alexander, agent; the Boston & Albany Railroad Company, by D. Waldo Lincoln, Vice President; the Eastern Railroad Company, by A. P. Rockwell, President; the National Dock and Warehouse Company, by La Fayette Burr, Treasurer, and 361 merchants of Boston, for free ferries between East Boston and the city. The petitioners say—

To the Honorable the Mayor, Aldermen and Council of the City of Boston—The undersigned, merchants and others engaged or interested in the Foreign Shipping Trade of Boston, hereby petition your honorable body that the tolls presently charged on passengers and carriages of all kinds, using the ferries plying between the city and East Boston, may be made free to the public; and respectfully offer the following reasons in support of this petition, viz.:

## REASONS.

1. South Boston, Charlestown, Cambridge, Chelsea, and all places accessible to the city via the Milldam, have the use of bridges for this purpose, which are maintained at the public expense and for the general benefit of the community, free of any toll upon passengers or carriages.

2. It would seem to be only just to East Boston to put it upon the same footing as these other sections of the city, in this particular.

3. There are now thirty thousand people (30,000) residing in East Boston, to whom it is a hardship to pay tolls upon these ferries every time they cross the harbor. The people of the island are largely employed in the city, and the burden of the tolls presses heavily upon their earnings.

4. The water frontage of East Boston is largely used (as it is admirably adapted) for shipping purposes. Three-fourths of the cargoes landed from incoming, or loaded into outgoing vessels engaged in the foreign trade of this port, are handled at East Boston; owing to the elevator, railroad, wharf and warehouse accommodations which have been provided there for this business. Your petitioners submit that the enterprise of the railroad and shipping companies, and wharf and warehouse proprietors, who have ventured to provide these facilities, deserves protection and encouragement, and that the goods which they handle should, by means of free ferriage, be put upon a par with goods landed from or loaded into vessels at the city proper.

The cost of the tolls and the additional cost of teaming to and from East Boston, is used as an argument with shippers and consignees to induce them to discountenance the landing or shipment of their goods at East Boston. Your petitioners respectfully urge the claims of East Boston upon your protection in this important particular. The natural advantages of East Boston for shipping purposes should be developed to the utmost extent, in the interests of the growing trade of the port, and the disadvantage of its isolation from the city by the waters of the harbor should be as far as possible lessened, by removing the charge of ferriage, and thus placing goods landed on each side of the harbor on an equal footing as respects public charges.

5. The abolition of the tolls for ferriage will popularize East Boston as a place of residence, thus enhancing the value of real estate there, and also bringing into requirement for building, trading and commercial purposes the large area of territory beyond East Boston, including Breed's Island, Winthrop, and North Chelsea, which has hitherto been but sparsely occupied. The rapid progress which has been made in developing this territory, recently, indicates that its taxable value to the city will yet be very great.

Your petitioners believe that the abolition of the tolls on the ferries between the city and East Boston will accelerate this result; but they rest their petition mainly on the broad ground that it will be a great public benefit.

Alderman Gibson presented petitions of members of the Board of Trade in favor of free ferries.

Referred to Joint Committee on the Ferries. Sent down.

## SEWER HEARINGS.

Hearings were had on orders of notice of intention to construct sewers in Eagle street, East Bos-

doing, using that discretion that the Committee on Licenses are supposed to use in the licensing of these vendors.

Alderman Clark—I will withdraw the motion to refer, but I hope the order will lie over one week, for I am not prepared to vote upon it.

Alderman Wilder—I have no objection to the order lying over for one week. I do not wish to force any action upon it. I believe it to be a question of importance and one that has been very generally discussed outside of this room for the last three or four weeks. It is well known, at least I am informed, that the city is already defendant in one or more suits that have been brought in cases of this kind, and that is a question that has an important bearing. I believe that the minds of the gentlemen are already made up on it. At the same time I have not the slightest objection to its lying over. I don't want any hasty action upon it.

Alderman Gibson—I hope it will lie over one week, and I move that it be specially assigned to next Monday, at five o'clock. I should like to look over it again, as I am not thoroughly posted about the matter of these stands.

The matter was specially assigned to five o'clock on Monday next.

#### FOURTH OF JULY.

An order came down for a committee of eight to arrange for a celebration of the next Fourth of July, at an expense not exceeding \$10,000, with a substitute providing for a committee of one from each ward, with the President of the Common Council, and such as the Board of Aldermen may join, the expense not to exceed \$20,000. Both orders having been referred to the Retrenchment Committee by the other branch, the question was on concurrence in the reference.

Alderman Fitzgerald—If I may be permitted to change the order, I would move to insert that the Retrenchment Committee be the committee to disburse that money. The Common Council seem to have so much confidence in the Retrenchment Committee and in the judicious manner in which they disburse this money, that I would move to amend the order by saying that the Committee on Retrenchment shall be the committee to arrange for the celebration.

The Mayor—The question is upon concurrence in the reference to the Retrenchment Committee.

Alderman Fitzgerald—Then I hope the Board will non-concur.

Alderman Clark—It seems to me to be the proper committee to refer this subject to. If it is a question of appropriating thirty thousand dollars I shall oppose it. We appropriated thirty thousand dollars for celebrating the one hundredth anniversary of our independence, and I should hope that in the future we shall spend a less amount. I am willing that the Retrenchment Committee should be the committee to arrange for celebrating the next Fourth of July, but not at an expense of thirty thousand dollars. I hope it will be referred to the Retrenchment Committee, and that they will report what is necessary to expend. But before passing the order I want to know how much is to be spent this year. I believe that a moderate amount is necessary, but I think we should not spend twenty or thirty thousand dollars. I believe that ten thousand dollars is as much as we should spend in celebrating the next Fourth of July.

Alderman O'Brien—It appears to me that the committee who are to consider this matter ought to be the committee who are to spend this money. As the Alderman says, I think the Committee on Retrenchment have shown themselves very competent and capable of taking charge of any duty that the City Council imposes upon them, but it is not certain that the Committee on Retrenchment, after considering this matter, will have the expenditure of this money. You make us the Committee on the Fourth of July Arrangements, and then we will tell you what money we want, and show the city how to expend it, and you can give us what money you please. But I don't believe in referring it to the committee unless you put the other authority upon us. It is well known that the gentleman who proposed this matter in the other branch is desirous of obtaining a reputation as a joker. He thinks he has done good service for the Retrenchment Committee—and he has, for he has enabled us to pass our retrenchment bills. It is well known that the Committee on the Fourth of July have the hiring of several large halls, and the gentleman is desirous of having one of those halls for the purpose of showing his peculiar faculty of joking; but if that gentle-

man is desirous of showing his peculiar faculty of joking, he ought to hire a hall himself. I think this matter ought to be indefinitely postponed. I shall move that it be indefinitely postponed.

The motion to indefinitely postpone was carried.

Alderman O'Brien offered an order—That a committee of five on the part of the Board of Aldermen, with such as the Common Council may join, be a committee to make arrangements for the celebration of the Fourth of July next, at an expense not exceeding \$15,000.

Alderman Clark—I move to amend by making the sum \$10,000, and that the committee be the Retrenchment Committee.

The question was put on the larger sum, and the Board refused to make the sum \$15,000.

Alderman Burnham called for a division of the question, and the Board voted to make the sum \$10,000, and to make the committee the Retrenchment Committee. The order as amended was then passed—yeas 12, nays 0. Sent down.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports in favor of granting licenses to sprinkle streets by Augustus Stevens, Orsamus Nte, Philip Sowden, Jr., Malachi Clark, John Gormley, Adoniram Curtis, Smith & Nevins, Albion J. Tuttle, Timothy Calnan, Moseley & Fitz, G. H. Moseley, Cook & Handy, and Robert W. Gordon. Severally accepted.

Reports and orders for brick sidewalks in front of estates of A. H. Caton, 141 and 143 Newbury street; L. G. McKenney, 210 K street. Orders read twice and passed.

Report and order to grade and pave Isabella street from Columbus avenue to Ferdinand street and for edgestones and paved gutters. Order read twice and passed.

Order to sprinkle with salt water—Beacon street from Parker street to Brookline line; Brighton avenue from Beacon street to the Boston & Albany Railroad bridge, and Brookline avenue from Beacon street to Maple avenue, for the purpose of preserving the roadway; the expense not to exceed \$400 per month. Order read twice and passed.

#### HUNTINGTON-AVENUE SQUARE.

Alderman Clark submitted a report from the Joint Committee on Common, etc., on petition of Samuel N. Brown, Jr., *et al.*, that the lot of land between Huntington and St. James avenues be laid out as a public street or square. That they believe if the said lot were converted into a public square it would be a great improvement to the locality in question, and they would recommend that if it is conveyed to the city free of cost it be accepted and put in order. The committee are of opinion that until the lot is conveyed to the city no action is necessary on the part of the City Council. Accepted. Sent down.

#### FIRE DEPARTMENT.

Alderman Burnham submitted a report from the Joint Committee on Fire Department on petition of James Crosby and others, recommending the passage of the following:

##### An Ordinance

To Amend an Ordinance to Establish a Fire Department.

Be it ordained, etc.

Section 1. Any person who shall have served for seven successive years in the Boston Fire Department shall be entitled to a certificate to that effect signed by the Mayor of the city for the time being, said certificate to be issued by the Mayor upon a written notice from the Board of Fire Commissioners that the person is entitled thereto. Read twice and passed. Sent down.

#### PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Ordered, That the Collector be and he hereby is authorized to cancel bond No. 9, given by James Fitzgerald June 13, 1870, for land on Hanover street, in No. 2 district, amounting to \$7921.50, upon his surrendering the agreement received from the city to convey said land, and that the Superintendent of Public Lands be directed to issue two new agreements, one to James Fitzgerald, the other to Thomas Fitzgerald, with all the conditions inserted as in the previous one, upon their giving to the city two bonds each in the sum of \$5087.19, made payable in six annual instalments with interest at six per cent., said bonds and agreement to be dated April 2, 1877.

Read twice and passed. Sent down.

Report and order that a conveyance from the city of Boston be made to John J. McNutt of that portion of the land described in an agreement of said city to convey a lot of land on Wareham street in Boston, now held by said John J. McNutt and Joseph G. Shed, administrator of Nathaniel O. Hart, late of Boston, deceased, intestate, which, by an agreement between the holders of said agreement, said John J. McNutt now occupies by a building erected by him thereon, to wit: A piece of land measuring 67 77-100 feet on Wareham street, and containing 7793 50-100 square feet, and adjoining land of said McNutt, said conveyance to be accepted by him as a full performance and satisfaction of said agreement so far as his interest therein extends, and upon his paying to the Collector the sum of \$3602.29 previous to the delivery of said deed. Order read twice and passed. Sent down.

#### ARMORIES.

Alderman O'Brien offered an order—That the Committee on Armories be authorized to engage, for the term of one year from April 1, 1877, the drill hall of the Massachusetts Institute of Technology, to be used evenings for the accommodation of militia organizations of this city; the expense, not exceeding the sum of \$600 per annum (including gas), to be paid quarterly to said institute and to be charged to the appropriation for Armories. Read twice and passed.

#### CLAIMS.

Alderman O'Brien submitted the following from the Joint Committee on Claims:

Report recommending reference of petition of Jacob F. Kraus for damage to his leasehold estate, 330 Tremont street, by change of grade in 1869, to the Joint Committee on Public Lands. Accepted. Sent down.

Report of leave to withdraw on petition of James Brennan for damages caused by an imperfectly secured coal-hole cover. Accepted. Sent down.

#### HEALTH.

Alderman Viles submitted reports from the Committee on Health on the part of the Board as follows:

Report that leave be granted the trustees of the City Hospital to occupy a wooden building on Albany street for a stable for six horses. Accepted.

Report and order that permission be given the proprietors of Forest Hills Cemetery to occupy, for the purpose for which they were incorporated, the following-described parcels of land, viz.: First—A parcel of land purchased of I. H. Cary and containing 1.112 acres; Second—A parcel of land purchased of I. H. Cary, containing .95 of an acre; Third—A parcel of land purchased of J. Seaver, containing 18.792 acres; Fourth—A parcel of land purchased of Ann T. Seaverns, containing 146,014 square feet of land; Fifth—A parcel of land purchased of Charles Brooks. Order read twice and passed.

Report that leave be granted Thomas Curley to occupy a stable on Greenwich street, Ward 24. Accepted.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Wagon Licenses Granted—W. C. Bray, Central wharf; Gove & Hardy, 52 Chardon street; Alexander Ellis, 9 Federal street; E. Kinsman, 52 Charles street; Edgar E. Gray, 1951 Washington street.

Auctioneers Licensed—Wilkins & Seaverns, 498 Tremont street.

Auctioneer's License Refused—Thomas S. Drowne, 99 Court street.

Amusement License Granted—Boston Base Ball Club, to give exhibitions this season.

Victuallers' Licenses Renewed—Charles Francis, State street and Atlantic avenue; Sumner Townsend, 1045 Tremont street; R. E. Ghozzi, 150 North street; Martin E. Moran, 142 Dorchester avenue; Annie D. Blakelin, 890 Washington street (transfer from William Jones); Charles E. Carter, 50 Pleasant street; Adoniram J. Washburne, 135-137 Blackstone street.

Minors' Applications Granted—9 newsboys, 5 bootblacks.

Severally accepted.

#### FANEUIL HALL.

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall, in favor of granting the use of said hall to S. P. Hibbard *et al.*, on April 23, at noon, for meeting of marketmen to be conducted by Moody and Sanky.

#### RYAN & SON'S OMNIBUS LINE.

Alderman Fitzgerald submitted a report from the Committee on Licenses, on petition of C. W. Ryan & Son, recommending the passage of an order—That leave be granted to C. W. Ryan & Son to run one passenger wagon from Bowdoin square through Chardon, Merrimac, Washington, Devonshire, State and Broad streets, to Rowe's wharf, and to return by the same route, the rate of fare per passenger each way not to exceed ten cents. Read twice and passed.

#### PERMIT FOR STEAM ENGINE.

Alderman Gibson submitted a report from the Committee on Steam Engines in favor of granting a permit to Lennon & Co. to use two small furnaces for melting metals at 19 Spring lane. Accepted.

#### STREET DAMAGES.

Alderman Clark, from the Committee on Streets on the part of the Board, submitted an order to pay Paul D. Wallis and Edward S. Rand, Jr., trustees, \$4170.41 for land taken and damages occasioned by the laying out and extension of Parker Hill avenue. Passed.

#### THE APPROPRIATION BILL.

The report and amended orders making specific appropriations for the next financial year, and for laying a tax to meet necessary expenditure (City Doc. No. 40, amended) were considered among the papers from the Common Council.

The order making the appropriations was read, and the Mayor announced that he would read each item separately, and if no amendment was offered or objection made the item would be considered passed.

Discussions occurred and amendments were offered as follows:

*Public Institutions*—\$518,440. Alderman Thompson—I do not like to have this report go through without some explanation, and I do not like the Committee on Public Institutions to be ignored. The amount is so small and the state of the market has changed so much that I do not know that I shall insist upon the action of the committee being adopted by this Board. But I do think that when a committee spends a good deal of time investigating these items some considerations should be paid to them. I find that the committee recommend a reduction of six thousand dollars in the estimate for the House of Industry by taking \$4500 off from the item of subsistence. That I would not now advocate in consequence of the present state of the market in regard to flour and breadstuffs and perhaps other things that might be required. But there is another item of five hundred dollars for the agricultural department, and I think, if the Board desired, it could be reduced, for if I remember right, there is a sufficient amount for the present year and over. Then the medical department was reduced \$500, on account of the pauper children being removed from there to Marcella street. Then there is \$500 for water that the directors asked for, the same as last year; but there has been a reduction in water. But the amount is so small that I will pass by the other institutions till we come to Marcella street, and there the committee could not have fully considered the amount of salaries. The amount appropriated for salaries in the Marcella-street institution is \$6000, and the committee reduced this \$500. But the Committee on the Auditor's Estimates and the other branch have given the directors all that they asked for, except the slight reduction of salaries made. I merely wish to call attention to these facts, because I do not want the committee who have made this report and made those reductions wholly ignored. I don't propose to offer any amendments, because the amount I would reduce now is not more than \$2000.

*Public Library.* Alderman Thompson—There seems to have been some misunderstanding in regard to the appropriations for salaries at the Public Library. The Retrenchment Committee reduced the salaries \$2874, and I think that was on the basis of last year's appropriation, when the trustees asked for \$79,000. This year they asked for \$73,500, an increase in consequence of the library. The Committee on the Library voted that they would allow all the trustees asked for, with the exception of \$2000 reduced on salaries, which made the amount \$71,500, and a further reduction was made by taking off the amount that the Retrenchment Committee reduced the salaries. That explains the discrepancy which arose between the committee on the Auditor's estimates and the action of the Council.

Alderman Burnham—I was about to make the same remarks that the Alderman opposite has made. I had my attention called to it by the President of the Board of Trustees of the Public Library in a letter in which he expressed the wish that the amendment adopted in the other branch should pass this branch, and gives as one of the principal reasons that through some misunderstanding the salaries reported by the Committee on Retrenchment were those paid on May 1st, 1876, and not the salaries at the present time, and include the binders added to the force during the year, and which even now are insufficient for the work to be done. It seems to me that it is proper that we should concur in the amendment of the other branch, and make the amount \$2000 larger.

*Schoolhouses, Public Buildings.* Alderman Thompson—In this item I suppose is included the new houses and new building, and we can reduce it \$20,000. There is an appropriation of \$80,000 for the Washington Village schoolhouse, and I think the contract has just been made for \$49,000. The architect tells me that \$15,000 or more will be sufficient to complete and furnish that schoolhouse, which will leave in the treasury \$15,000 which can be transferred to the appropriations for schoolhouses this year. Then again there is the estimate of \$50,000 for the schoolhouse in the Allston District.

Alderman Fitzgerald—\$40,000.

Alderman Thompson—It is fifty in the Sherwin District.

Alderman Fitzgerald—Forty in the Brighton and fifty in the Sherwin District.

Alderman Thompson—The architect tells me that it can be reduced ten thousand dollars. Since the city has been so fortunate in making the contracts for new schoolhouses, he is satisfied that ten thousand dollars can be taken off from that appropriation without risk; and it occurred to me that we could reduce the other appropriation twenty thousand dollars by reserving the amount after completing this schoolhouse, and, if in order, I would move a reduction of twenty thousand dollars in the item of schoolhouses, public buildings, by making it \$113,000, instead of \$133,000.

The amendment was adopted.

Subsequently Alderman Fitzgerald called attention to the matter, and explained that the reduction should have been made upon the specific amounts appropriated for those objects, and on his motion the last-mentioned vote was reconsidered, and he explained that the appropriation for schoolhouses, public buildings, was for repairs on the schoolhouses and not for the erection of new buildings.

The items in the appropriation for new schoolhouses were then amended on motion of Alderman Thompson, in conformity with the suggestion of Alderman Fitzgerald, by reducing that for the Allston Schoolhouse to \$30,000 from \$40,000, and that for the Sherwin District from \$50,000 to \$40,000.

*Paving, and the Back Bay Streets and Avenues.* Alderman Clark—I move to reconsider the vote whereby the appropriation for paving was fixed at eight hundred and fifty thousand dollars. I desire that because I wish to make an amendment to the appropriation.

The reconsideration was carried.

Alderman Clark—I desire to state to the Board that I have at all times considered that \$850,000 was too small an amount to be devoted to that department for the present year; and I make the motion to amend at this time from this fact. It is well known that Commonwealth avenue, West-Chester-park street and Huntington avenue are accepted streets of the city, and that in 1871 an agreement was made between the City of Boston and the Boston Water Power Company that upon the completion of Huntington avenue, West-Chester-park street and Commonwealth avenue, the city would accept those streets as public highways and proceed to build suitable iron bridges across the railroads, also immediately put the streets in proper order for public travel. I would call the attention of members of the Board to City Document 83, which you will find upon your desks, of the year 1871, in which it says—

“Ordered, That in case N. C. Munsou, within two years, will construct or cause to be constructed and graded to an elevation of not less than eighteen feet above mean low water, the following street and avenues, viz.: Commonwealth avenue, two hundred feet wide, from its present termination to its junction with the proposed extension of West-Chester-park street; Huntington avenue,

one hundred feet wide, from Boylston street to Camden street; and West-Chester-park street, from the Boston & Providence Railroad to Beacon street, according to a plan of ‘lands on the Back Bay,’ numbered one, made under the direction of Jonathan Preston and others, commissioners, dated Dec. 6, 1864, and shall convey or cause to be conveyed said avenues and street to the city of Boston, and shall release and procure to be released to the city all claims by all persons affected thereby for damages on account of the grading of said avenues and street to said grade, or to any higher grade which may be found necessary or expedient to carry the same over the said railroad or over the Boston & Albany Railroad by means of bridges, including all land damages as well as all damages for the sloping of the earth upon abutting lands which may be necessary or expedient in maintaining said avenues and street at grade eighteen, or any increased grade, as aforesaid, or for so increasing the grade in order to cross said railroads; and also securing to the city the right so to have the earth slope as aforesaid without any retaining wall or bulkhead to support the same so long as may be necessary in order to maintain said avenues and street at their full width; then the city will pay to said Munson, or his assignees, the sum of \$300,000, and will proceed forthwith to construct suitable iron bridges over said railroads, for public travel, and will keep said avenues and street in safe condition for public travel from the time said grading shall have been completed, and said deeds and releases given, until they are accepted or laid out as public streets, and the city will assume and pay all assessments for betterments on account of such laying out or acceptance of said street and avenues within the limits above named.”

Now, in the latter part of 1875 those streets were graded up to grade 18, and releases satisfactory to the City Solicitor and to the Board of Aldermen were obtained, and the City Council voted to pay the sum of three hundred thousand dollars, less some twenty thousand dollars to pay for such slight variations as might be necessary to correct any grades—it was about two hundred and sixty-five thousand dollars—to the Boston Water Power Company for those streets; and the streets were accepted as public highways of the city. Immediately after the streets were accepted as public highways of the city, the city proceeded to construct the bridges over the Providence and Boston & Albany railroads at West-Chester-park street, at an expenditure of something like one hundred or one hundred and fifty thousand dollars—I forget the precise amount. Those bridges were substantially completed late in the autumn. The grade of the streets has been raised to both approaches of the Providence and the Albany railroads, and West-Chester-park street extended from Columbus avenue to Beacon street in order for public travel, with the exception of such necessary work as may be necessary in macadamizing and furnishing gutters, etc. Commonwealth avenue is in the same condition, and in about thirty days the bridge over Huntington avenue will be completed and in order for public travel. As I understand it, there has been no appropriation made for putting either of these avenues in order; and at the earnest request of a large number of parties interested in that property, and also for the purpose of having those avenues open to public travel, the Joint Committee on Streets gave a hearing to those parties last Friday evening—when a good many gentlemen, taxpayers and citizens, appeared before the committee, and among them were some of those who purchased and contracted for land on the Back Bay immediately after the passage of the agreement between the city and Norman C. Munson, and the value of the land they purchased was seventeen hundred thousand dollars. Upon the strength of that agreement Huntington avenue was laid out. Among those gentlemen present were Peleg W. Chandler, Franklin Haven, George O. Shattuck, Mr. Avery, Colonel Russell, Governor Rice, who is one of the trustees for a large piece of property, F. G. Dexter and S. G. Lothrop, who is trustee for a large property and the representative of the Suffolk Savings Bank, who is interested in the land. They represented to the committee that they were anxious to put their lands into the market and that they propose to do so as soon as the streets are in order; that they had paid into the city treasury over a hundred thousand dollars in taxes on property on the left side of the avenue, and that as much has been



paid in on the right side, and a large amount of taxes has been paid in, of course, on property on West-Chester-park street extended and on Commonwealth avenue. Now, the committee, after hearing the arguments of the parties in favor of this project, and after considering the fact that there was an express agreement by the city that when these avenues were completed and accepted the city would proceed forthwith to put them in order for public travel, and from the fact that we had already expended a large sum in building two splendid bridges—probably the finest in the State—over West-Chester-park street, and they considered the fact that every inhabitant on Commonwealth avenue had put in a petition for the Committee on Paving to have that avenue put in order and in travelling condition, and that West-Chester-park street is a great thoroughfare from the southern portion of the city to the Milldam, and also from South Boston and Dorchester, and that it will take the travel which Dartmouth street now takes; and the committee came to the unanimous conclusion that the appropriation for paving should be increased \$150,000. That only makes the appropriation the same as it has been in years past, and in my opinion the sum of \$850,000 is no more than it should be for the general work that comes before that committee. I know it is hard times, and that we must keep the appropriation as low as possible; but we must remember that there is no department from which poor men receive so much as the Paving Department, and I think that about two-thirds of the appropriation went for labor last year; and we know that a large amount of the work on the avenues can be put out to the laborers. Those facts require no argument. It was the unanimous opinion of the Committee on Streets that the paving of those avenues should be asked for, and that it was best to ask for it in the Board of Aldermen. I would state that the Committee on Paving—

Alderman Robinson—What is the penalty in case it is not done? Can the city be indicted?

Alderman Clark—That is a legal question. It is unquestionable that, in case of an accident the city can be indicted; but whether there is any forfeiture in case the city did not do it, is not for me to determine.

A large number of prominent citizens and heavy taxpayers came before the committee and urged that it was a matter of good faith and legal obligation on the part of the city to put West Chester park, Huntington avenue and Commonwealth avenue in suitable condition for travel. It appeared at the hearing, and was shown by the testimony of several of the gentlemen present, that in 1871 a conference was held by representatives of the city, the Water Power Company and a number of prominent gentlemen. These gentlemen proposed to invest large sums of money in the development of the Back Bay, if some concerted action could be taken with a view to the uniform development of the whole territory. It was agreed by the Water Power Company that they would convey the fee of these avenues to the city and fill the same to grade 18 if the city would pay \$300,000 and would agree that on the completion of the filling of the avenues that it would proceed forthwith to build the necessary bridges and put the avenues in suitable condition for travel. The capitalists interested in the development of the Back Bay agreed that if this were done they would make the contemplated purchases of territory abutting on the avenues and proceed forthwith to fill the adjacent territory. The city therefore passed an order in accordance with this agreement, which was approved by the Mayor, Nov. 27, 1871. On Dec. 9, 1871, a large purchase of lands on Huntington avenue was made in the faith of this order, which involved an outlay of nearly \$2,000,000. Other purchases and improvements followed.

The Boston Water Power Company, the assignees of Munson, finally completed the locations and street named in the order of Nov. 27, 1871, and in 1875 the city accepted the same and paid the sum named in the order (less certain deductions agreed upon). West Chester park was laid out as a public highway in 1873; Huntington avenue and Commonwealth avenue in 1875. The abutters on these avenues joined in making the required releases to the city to carry out the aforesaid contract.

The parties before the committee claimed that everything had been done on the part of all the parties except the city; that they would never have undertaken the development of this large

territory and expended so much money in the filling of the same, if they had not believed that the city would put these avenues in suitable condition for travel as soon as they were completed, as it agreed to do in the order of 1871. That they have increased the taxable property of the city by several million dollars, and that all this outlay of money is useless to them until the city fulfils its portion of the agreement. Certain parties on one side of Huntington avenue represented that they had paid to the city nearly one hundred thousand dollars in taxes since their purchase on the faith of this order. As these avenues have been laid out as public highways for more than a year and a half, the committee also call the attention of the Board to the legal obligation of the city to put them in suitable condition, the city being liable to indictments if they remain in their present condition.

The committee also believe that these avenues will be main arteries for travel as soon as completed.

Those are the facts, and as one of the members of the Committee on Streets, I believe that no investment can be more judiciously made, for as soon as those avenues are completed it will induce building in that section, and thereby increase the taxable property of the city. There is quite a number of houses uncompleted there now, and several others are contemplated. The members of the Paving Committee were invited to attend the meeting of the Committee on Streets before referred to, but two of them could not attend. This is a matter which the Joint Committee on Streets has had charge of, and therefore they were called together to hear the statements which those gentlemen had to make, and it was expected that the report would be made to the Council last Friday evening, instead of to the Board of Aldermen. I should hope that the Board of Aldermen would make this additional appropriation of \$150,000 to pave these Back Bay streets and avenues in accordance with an agreement made between the city of Boston and Norman C. Munson, or his assigns, and which was approved by the Mayor Nov. 27, 1871.

Alderman Fitzgerald—It seems to me that it is rather an unusual way of getting streets paved. I do not see why my friend from South Boston should not ask for an additional appropriation to pave Ninth street, or why some member of the Council who is interested in another part of Ninth street should not move that \$10,000 should be appropriated for that street; or why my friend from Charlestown should not move an amendment of ten thousand dollars to pave a street in Charlestown; or why the Alderman from the West End should not move \$10,000 to be applied in that section of the city. If the city of Boston is obliged to keep the public streets in repair, and is indictable for not doing it, I do not see any special reason why Huntington avenue or Commonwealth avenue should be any more favored than Commercial street out to Dorchester and all the other avenues there that they are asking to be paved. People who buy land on streets not thoroughly repaired do so under the impression that at some time the city of Boston will pave and grade those streets and make them more eligible to people who desire to build there. I presume that the owners and abutters on Ninth street think they are unfairly dealt with, because they do not have a special appropriation for paving and grading that portion of the city; and I have no doubt they could use as excellent an argument tending to show that that street should be made an exception to the other parts of the city as these avenues are proposed to be made. My objection is to passing a specific appropriation for that specific purpose, and for that particular section of the city any more than for any other sections of the city. I have no doubt that the grading and paving of those streets ought to be done; the only question is whether the whole of it ought to be done this year. It seems to me that it is settling an important question in five or ten minutes.

Alderman Clark—I take it that the general labors and repairs and the necessary paving of new streets are all estimated in the appropriation which the committee have asked for, and that the repairs on the various streets at the South and West Ends and in Charlestown have been considered by the committee, and that they have included those estimates in the appropriation asked for. But this is asking for an appropriation to carry out an agreement which the city made in 1871, and which has, I presume, been overlooked by the Committee on Paving. It is asking for an amount to do

something which the city has agreed to do, and which it is bound to do. This work was commenced in the latter part of 1875 by the building of those bridges immediately after those streets were accepted by the city. A much longer time was given to the contractors than ought to have been given them, and had they been completed by the last of August or first of September, very likely a special appropriation would have been asked for to go on and commence the work upon the streets last year. But this is simply carrying out an agreement and is to continue a work already commenced. We have accepted and paid for those streets, and West Chester park is to be an enormous thoroughfare immediately upon its completion; there is no doubt about that. Commonwealth avenue is now completed to West Chester park, and when it is put in good condition it will be a great thoroughfare as well as ornament to the city of Boston. I have no doubt a good many new houses will be commenced there during the present year even, or during next year at the farthest if this work is done. It is not asking for a special appropriation to repair any particular street; it is simply asking for an appropriation to carry out a bargain and agreement which the City Council entered into in 1871, and to continue work already begun under that agreement. We have already commenced the building of the bridges, and have raised the approaches to those bridges. In my opinion the Paving Department cannot do what is necessary to be done to those streets with the appropriation of eight hundred thousand dollars, including the taking care of Charlestown and the North, West and South ends and all the other ends of the city, and which I believe it is necessary to do. I therefore ask to make the paving appropriation one hundred and fifty thousand dollars.

Alderman Fitzgerald—My objection is to the manner in which it is put in here. It is practically deciding in five minutes on the expediency of grading those avenues. Although I am a member of the Committee on Paving, this is the first time that I have heard of it, and I know nothing about them. It is deciding in five minutes on the expediency of ten per cent. of the entire paving appropriation; and that is why I object to it. If it is necessary to pave West Chester park, we can consider that as we are going to consider all the other streets of the city. The appropriation can be made, or \$75,000 can be added to the paving appropriation, for I think that will be large enough this year, and we can consider whether that amount of money should be spent there. It may not be necessary to expend that amount, and it may be more necessary to spend seventy-five thousand dollars in some other locality. We do not specify what streets shall be paved in the general appropriation that we pass; and that is why I object to this. I think it ought to be considered by the Committee on Paving, and if it is necessary to spend \$150,000 in that section I shall vote for it when the time comes. I object to putting it in for a specific appropriation for a particular object that I know nothing about. We simply know that a certain agreement has been made between the city and other parties—not the parties who are asking this; they are not the parties who had anything to do with the agreement any more than I have. I suppose they bought land there under the impression that the city of Boston would pave the streets, and I suppose the city ought to do something towards putting those streets in order, in accordance with that agreement. I do not object to the appropriation, but I do object to deciding in five minutes upon a subject about which I know nothing.

Alderman Thompson—This matter has been called to the attention of the Committee on Streets since the last meeting in consequence of no appropriation having been made for putting those avenues in order. As much as I regret the necessity for increasing the appropriation bill, I certainly look upon this matter as one justly due to the gentlemen interested in this property. They do not ask to have these streets paved, but to have them put in order for travel, macadamized, and the gutters paved. West Chester park is completed, with the exception of the finishing. It is in passable condition now. It requires macadamizing in order to protect people who travel over the avenue. This agreement was made in 1871, when everything was in the full tide of prosperity, and when it was proposed to make more land in that section of the city; and certain parties proposed to fill that land if, after it was filled, the city would put those ave-

nues in order. This document which I hold in my hand was approved by the Mayor on the 27th of November, 1871. On the strength of the pledge of the city's faith in that document, Mr. Munson went to certain citizens and said, Here is a tract of land; we have the pledge of the city that those avenues shall be completed in a certain time. Those gentlemen went forward and purchased seventeen hundred thousand feet of land, paying for it a dollar a foot in cash, or its equivalent at that time. As soon as that was done the assessors taxed these gentlemen for the full price of the land. On the following May they were taxed \$1 a foot on the land, which amounted in taxes to some \$20,000 or thereabouts. It is only within a few years that the price has been reduced to eighty cents; and we all know that the land is worth nothing like that. At the same time we all know that the city has received that amount in taxes on the land that those people own, and to much of which there is no approach, because the agreement made by the city has not been carried out. But the city is not at fault. One reason why it has been delayed was because of the great fire, when everything was put off, and of course those citizens did not expect that that portion of the city would be looked after first. Then came the panic and there was another unavoidable delay. Now West Chester park has been completed, and also Commonwealth avenue, and those gentlemen have come forward and say they want this agreement carried out. It is a matter of justice that those gentlemen ask for. As I said, I regret the necessity of increasing the appropriation bill; but I say it is right for the city to do this. It is doing the thing that the city is obliged by its agreement to do, and carrying out an agreement made in good faith. In consequence of this agreement, all the lands in that section appreciated, and for which the owners were taxed. We have West-Chester-park street and Commonwealth avenue built, and are we going to leave them in that condition the rest of the year? We all know that West-Chester-park street will probably be travelled over as much as any other street. The Alderman asks if the city is liable for indictment. I understand there has been a case in South Boston where a street remained uncompleted for two years, and the courts decided that the city was liable for indictment if it did not go forward and complete the street and put it in proper condition. Those people do not ask for this on the ground of favor, but as a matter of justice. I have spent a great deal of time in investigating this matter. This agreement was the cause of the sale of 1,700,000 feet of land at \$1 a foot. It seems to me we are obliged in good faith to put those streets in good order, and I believe that now is the time to do it. I would also suggest to the Alderman who made the motion that he amend it by providing that the appropriation of \$150,000 shall be for this specific purpose and for nothing else.

Alderman Clark—I accept the amendment.

Alderman Fitzgerald—How have they got at these estimates? The Committee on Paving know nothing about it. How have they figured the amounts necessary to do this work?

Alderman Thompson—I will answer that. The attention of the Committee on Streets was called to this document, and to the necessity of the city acting in good faith in carrying it out; and they said this is a matter which the Committee on Paving should attend to. But it was stated that it had to be acted upon on Friday night by the Council, or tonight, in order to get it through; consequently the Joint Committee on Streets and the members of the Paving Committee on the part of this Board were invited to be present and take part in the hearing. But the members of the Paving Committee had a hearing, or rather two members of the committee had a hearing on the Police Committee, and consequently could not appear. Although the Committee on Streets have as much as they can attend to, ordinarily, yet they consented to act in this matter. After investigating this matter and finding that the city was pledged to do this thing by the agreement entered into in 1871, the Superintendent of Streets was sent for and consulted in regard to the matter; and he said it will take so many feet of this, and so many feet of edgestones, and thus and so, and he could not give any estimate less than fifty thousand dollars for each of the three avenues. That is how we arrived at that amount. Although it is important that this appropriation should be made, yet if that amount is not required

why, of course, it will not be spent there, and it can be used in some other section of the city and be transferred for that purpose. But I look upon it as a necessity that the city has got to meet, and as an act of justice to the citizens who have been paying taxes to the amount of a hundred thousand dollars. There is one particular tract of land that sold for seventeen hundred thousand dollars, and the taxes that the city has already received on that land amounts to nearly one hundred thousand dollars; and that is land on Huntington avenue, with no manner of approach to it. The property is over there and they can do nothing with it. They simply say, You put your street in order so that we can make our land available and sell it. One gentleman said to me, If you or any other gentleman will so come forward and take my share in this for fifty thousand dollars, I will leave it; but do what you can to pledge the city to carry out its agreement. I hope the Board will do so.

Alderman Clark—I withdraw the motion to add to the paving appropriation, and now move that a separate item be added to the appropriation bill of one hundred and fifty thousand dollars, to be expended upon Huntington and Commonwealth avenues and West Chester-park street.

Alderman Burnham—I have, in common with many other members of this Board, spent a great deal of time and anxious thought upon this matter of decreasing the appropriation bill, and it has been a query in my mind whether in some matters we were not taking a course that is hardly justifiable; and I would say, now that the appropriation for paving and grading streets is before us, that I am in favor of increasing the appropriation and that I think it should be made one million dollars. The appropriation was \$950,000 last year, which was a decrease from the year before, and now it has been cut down a hundred thousand dollars more.

Mr. Chairman, I believe this reduction in the appropriation for paving streets is economizing in the wrong direction. I only see one true course in regard to streets, paving, bridges, and such like things to be, to annually repair the wear of the past, gradually to consummate what has been wisely begun, and in some degree reach forward to the growing wants of the future. Now, I believe we all admit that we must keep our repairs up to a standard as high, at least, as this: spend annually a sum sufficient to keep our streets, paving, bridges, building, Common and squares, sewers, etc., as good at the close of the year as at the beginning. I call this a self-evident proposition, and in that direction have nothing more to say. As to the growing wants of our city, I believe it is wise to meet some of them by present appropriation—in these days of business depression I would not say all, but a certain class. If wants exist that are inevitable things, if future development will without any question require their being supplied, they are worthy of our consideration now; and I do not see any force in the assertion that there is not an immediate present need, and therefore the business prostration of the hour should lead us to give them the go-by. As I see it, it is unthrifty to push on to the future what should be done now. It is a false economy, that, under these circumstances, sets aside, for the time being, things which must soon be done, and therefore I distrust the spirit that is at work today. If I understand it, this kind of economy adopted, continued in, is likely to paralyze us altogether. It is the kind that kills all enterprise. This kind of economy is worse than worthless—it loses today by putting off that which must be done at a time near at hand, and can be done now with the greatest saving, to be done when it must, somewhere in the future, at a greatly accumulated cost. Is it not evident that streets already begun must be finished?—if partially graded must the not be fully constructed? Shall we cease to pave our worn-out streets? Shall we cease to extend our sewers in new territories, or to further consider our project of intercepting sewerage? Shall we not build schoolhouses when needed, because of the business prostration of the hour? This intelligent Board cannot give other than the right answer—a belief in the future forbids it. I am not ashamed to make my record that I believe in the future; the present darkness to me already heralds a coming day. I say it needs no prophet's vision to behold Boston's name and interests spanning the present dark hour and reaching over to future light. And here let me say emphatically, that future is to be cared for by this Board of Aldermen as truly as is the present; in spite of

weak-kneed croakers, Boston will not go to seep just yet; nor will she long stand still; neither will she go backward and die out altogether. On the contrary, her march is onward to the goal of a higher rank among the cities of these United States. No city has better vantage ground, and you all know it, and the country knows it. The inherent energy of Yankee pluck, though dormant today, is sure to waken to life and activity. Our modes of doing may change. There will be changes in our industries, but our demands for commerce and domestic manufactures are to exceed the past. Five years ahead will differ only from five years ago in the intensity that shall mark the next swing of the business pendulum. Yes, Mr. Chairman, I assert it again, the call of this hour is to believe in the future of Boston. Our capitalists have learned—a bitter lesson, by the way—that the dazzle of the investments toward the setting sun, that are now so shrunken and depleted as to nearly paralyze all enterprise, was only glitter, and that the real lies nearer home. Our next outlook will not be toward railroads in the far West. When this business paralysis gives place to health we shall have our line of railroad North and West, via Hoosac, to Ontario, and South and West, via Poughkeepsie Bridge, to the coal and petroleum and the wheat fields, and these, as well as the vast beef and pork products of the mighty West, will come to Boston—come to us because, everything else being equal, business always chooses to itself a course toward the shortest and most level line, and the best harbor for the outgo to the Old World; and we shall take, for the same reasons, the returning commerce that is to supply a vast importing want of our inland States. Is not, then, Mr. Chairman, our course of action in regard to improvements that reach the future somewhat clearly defined? and shall we not say, if improvements calculated to develop foreshadowing wants are today found to be justifiable; if these improvements can be done today at the minimum cost; if they involve immediate benefit to the people, and are calculated to accelerate business in the present and future; if these consequences will follow our act, that act cannot be in the wrong direction. Let us at least not take the backward track. To appropriate for these needed improvements the same amount as heretofore is only holding our own at best, but to appropriate less is a manifestation of a want of pluck which looked back upon in the near future will bring a tinge of shame that this Board of Aldermen of the city of Boston had so little faith in Boston.

I believe it is wise to make this additional appropriation, although I do not believe it should be made by a special appropriation.

Alderman O'Brien—If we pass an appropriation for \$850,000 for paving, I see nothing to prevent the committee from making this improvement if it is actually necessary, and if it exceeds in importance all the other improvements that come before that committee. Why this Paving Committee should have so much money every year is something that I do not exactly understand. We tonight went to work deliberately and cut down our appropriations for schools and schoolhouses, and now we say that the paving of our streets exceeds so much in importance our schoolhouses, and that we cannot cut down that appropriation, but it must be kept up to the very highest possible appropriation that has been made for years. I say that in this great depression of business, when people find it hard work to pay their taxes, every department of the City Government should be cut down, the Paving as well as the School Department. The Sewer Department, for instance, two years ago, asked for \$300,000; last year, owing to the depression in business, they asked for only \$200,000; and this year, owing to the depression in business and to the fact that taxes are so hard to pay, we ask merely for \$150,000. Are our streets more important than our sewers, that the Paving Department must be kept up to the very highest point? I do not see why, if this work is necessary, it cannot be done out of the \$850,000. There is nothing in the matter before us now that would prevent the Paving Committee from doing that work out of the \$850,000. They do not give us any schedule of the streets they are going to grade or put in order. You appropriate this money, and they recommend from time to time what work they want to do; and I believe it will be a very proper inquiry for that committee to make if this work does not exceed in importance almost any other work that comes before them, and if they report to this body that it does,

and ask for \$150,000 to do it, I shall certainly vote for it, and have it come out of the general paving appropriation. But why we should increase our appropriation now I do not understand; and I do not believe in it. I hope it will pass just as it is recommended by the committee.

Alderman Thompson—In answer to the Alderman's inquiry why this appropriation should be made, I think he understands from his experience here why it should be increased. He knows quite well that last year \$950,000 were appropriated for paving, and it is all gone now.

Alderman O'Brien—I would correct the gentleman. The appropriation for paving last year was \$900,000.

Alderman Thompson—And \$50,000 were transferred to that appropriation; and we all so rejoiced that there was a surplus during the winter with which to employ poor persons in removing snow. Now, sir, if there is any committee that should be provided with means it is the Committee on Paving, because we know how dependent a great many people are for labor, and how they come here for the city to employ them. The Alderman speaks of the case of the School Department, and asks why they should not be reduced. Why, sir, they have reduced their appropriation this year. They asked for \$1,707,000, and the committee of which I have the honor to be a member took the liberty of reducing it \$123,000, and mainly in the salaries of teachers; but, as I said before, and regret exceedingly, that that action has not been agreeable to the School Committee. While I am up I wish to correct a statement made a while ago in regard to our schools. I said it cost the city of Boston a hundred per cent. more for salaries; I should have said the expense of maintaining the schools of Boston was a hundred per cent. more than in any other city in the United States, and I have that from an ex-member of the School Committee and this Board, who has all the statistics, and if it is desirable to show them it can be done.

Alderman O'Brien—The Alderman certainly misunderstood me. I meant to say that we had reduced the appropriation for every department—for schools, for public buildings, for sewers—and now we say that this Paving Department transcends all other departments so much that we cannot reduce it a dollar. I believe there is more chance for economy in that department than in any other department in the City Government. I believe that the appearance of the streets of Boston is better, and that they are better taken care of today than the best streets of New York, Philadelphia or Baltimore; and if we desire to save money, I believe that is the very department to save it in. If we turn our attention during the coming year merely to the repair of streets, I believe we should be just as well off at the end of the year as we are now, and that our streets would be in better condition than the streets of any other leading city in the country. I assert the fact here that we expend too much money on our streets. I do not believe there is need of paving every street in the city of Boston, and some time during the past week I have thought I would stand up here and advocate a reduction of this appropriation of \$850,000; but when these new schemes are brought forward, I think the Paving Committee can do this work, if it is necessary, out of that sum, if we pass this order as it is.

Alderman Clark—The appropriation for paving has been reduced a hundred thousand dollars. It stands at \$850,000, instead of \$950,000 last year. It is a very liberal reduction for the Paving Department. I believe that the Alderman [Alderman O'Brien] introduced an order into this Board which if carried out will very largely add to the expenditures of the department, namely, watering all the principal thoroughfares at the expense of the city. I believe it a very judicious order, and that it is right and a good thing to do, and I shall vote for it when it comes before the Board; but that adds to the expenditure of the Paving Department, and certainly it does not look towards economy if you pile upon them such orders as the sprinkling of the highways and byways of the city. It would not take less than \$150,000 a year. Now, I do not understand that there has been any curtailing in the means of educating the children of the city. I understand from the chairman of the Committee on Public Instruction that by the letting out of certain contracts about \$20,000 less will be required than was expected. But the appropriation for paving has been reduced a hundred thousand dollars from last year, and we

ask for a hundred and fifty thousand dollars to carry out an agreement made in 1871 to put certain streets and avenues in order when they were raised to grade 18 and accepted by the city. It has nothing to do with the appropriation for the Paving Department. It can go into the appropriation for paving if the Board see fit, for I am willing to trust it to that committee, although I think a special appropriation for that purpose would look better and sound better to the public if it was said that the Committee on Paving had asked for \$850,000, and that the city to carry out an agreement entered into in 1871—which was a very wise agreement, and which has increased property so that the city has received \$100,000 for it in taxes, which shows that it was a wise agreement for this City Council to enter upon. I am very glad to know that it is considered—and I am perfectly well aware of the fact that it is so considered all over the country,—that the streets of Boston are kept in a cleaner and better condition than those of any other city. I am very glad to know it.

Alderman O'Brien—I don't mean to stand up here and oppose this improvement; but I believe that the Committee on Paving can make this improvement out of their appropriation. The gentleman last up has alluded to the order that was put in to water the streets. It was put in more for the economy of the matter than anything else. It was put in for the Committee on Paving to consider and ascertain whether it would not be a saving to the city of Boston to water the road beds of the main thoroughfares instead of having them blown away every summer affecting the health and comfort of our citizens.

Alderman Burnham—I am very glad to hear the gentleman on the opposite side of the Board speak of his confidence in the Paving Committee and say that he has no desire to make a special appropriation of this \$150,000, because I can most heartily vote for the additional appropriation for paving, while I could not as heartily make it a special appropriation. I think the proper way is to make this appropriation and leave it in the hands of the Paving Committee to make those improvements. It is well known that there are petitions before the Board for the paving of other sections of the city. It may be that the demand for them will be stronger than that for the completion of Commonwealth avenue. There is one petition signed by many heavy taxpayers which has already been referred to the committee, for the paving and grading and fixing the street from Congress-street Bridge over the new territory recently filled on the north side of the harbor. Now, it may be possible that it would be for the interest of the city that that should receive the attention of the Committee on Paving. I could mention other sections of the city where similar improvements are petitioned for. It may be we might not want to spend \$150,000 in this one direction. I am glad that the standard of our streets is to be kept up, and I believe that we need this amount this year, and should grant it; but I hope the amendment will simply be that we should increase the paving appropriation \$150,000.

Alderman Robinson—I have not taken any part in this debate. The Committee on Paving were animated with a spirit of economy when these estimates were made. If we had listened to all the petitions and demands for paving and repairs on streets, instead of asking for \$900,000—which has been cut down \$50,000—we should have asked for a million and a half, if not more. But we were animated by a spirit of economy, to let that go which was not absolutely necessary, considering the depression of the times; and we asked for \$900,000. There was not a single thought entered our minds that it was necessary to build any of those avenues spoken of to-night. I knew nothing about it until Saturday, when some persons mentioned that Governor Rice and other distinguished gentlemen, whose names have been read here tonight, had made an agreement, which has been presented by the Committee on Streets. I asked afterwards the chairman of the Committee on Streets about it, and saw this document for the first time. But I want to say that the appropriation of \$900,000 asked for by the committee was the very smallest possible amount with which they could keep the streets in repair, and it had no connection whatever with this work. If that is deemed necessary to be done, the appropriation will have to be increased on that account, and if any portion of the people desire new improvements, the committee cannot possibly do justice to the city and get

along with less than \$850,000; and then a great many things will be laid aside which are necessary to be done.

Alderman Fitzgerald—I hope the impression will not go abroad that this Board has made an appropriation of \$150,000 to satisfy any gentlemen. There is no agreement between the city of Boston and those gentlemen coming here. There is no more agreement between those gentlemen and the city than there is between any other gentlemen whose lands are upon a street that is not macadamized. They are here simply to appeal to our sense of what they consider fair play. There was an agreement between Mr. Munson and the city of Boston, and under that agreement they claim that the city of Boston should do certain things; but so far as they are concerned there is no agreement between them and us. It is simply whether public travel and convenience, and not simply the private convenience of those who own land, demand that something should be done in that locality. I think myself that public convenience demands that something shall be done on West Chester-park street, which is newly built. I believe a great many carriages will pass over it out Beacon street and to the Brighton road, which is a short way to get there for the people at the South End; and that is why I shall vote for it, if at all, and not because there is any agreement between those gentlemen and the city of Boston. I have no doubt that those gentlemen who bought seventeen hundred thousand dollars' worth of land did so with the idea that this should be done to accommodate them. The principal reason I shall vote for this is because public travel and public convenience require it, but I do not think that it will require \$150,000 this year.

Alderman Robinson—Will the gentleman state who these assignees of Mr. Munson are?

Alderman Fitzgerald—The Boston Water Power Company were the assignees, and they bought that land on speculation. I respect that desire which makes them wish to speculate in Back Bay lands, and they undoubtedly did so with the idea that the city of Boston would do these things; but up to this time the city of Boston has not thought it necessary. No bridge had been built across that street then, but now it is connected and there is some reason why they should come to the city and ask that the street be put in order for public travel. I think that a part of it should be done at least, but I think \$150,000 this year is a little too much; a part of this amount could well be expended for this. If the gentleman opposite would make his amendment \$100,000 I think we could accomplish all we want this year.

Alderman Thompson—I did not quite finish my speech when the Alderman opposite interrupted me a little while ago. My friend on the right has answered the question that it will require this additional \$150,000 out of the usual course, and I was going on to say that it is estimated that these gentlemen paid seventeen hundred thousand dollars for seventeen hundred thousand feet of land, which at fifty cents a foot amounts to \$900,000, and consequently at a dollar a foot it would amount to double, though I only rise for the purpose of asking my friend to make an amendment that the appropriation for paving be increased to a million dollars.

Alderman Clark—I withdraw the amendment for the specific appropriation, and move to amend the paving appropriation by increasing it to \$1,000,000.

Alderman O'Brien—I would like to ask why the Committee on the Auditor's Estimates reduced the appropriation from \$900,000 to \$850,000?

Alderman Slade—I was one of that committee, and can answer the question in a very few words. The motion was made and carried without any reason given at all. I opposed it very strongly, and protested against cutting it any lower than was asked for; therefore I am in favor of putting it back. If we add \$100,000 to the appropriation we can get along very well.

Alderman Clark—In answer to the Alderman from Ward 21 [Alderman Fitzgerald], I admit that there is no agreement between the city and the gentlemen who came here and asked that those streets be put in order, but the agreement was made between the city and Norman C. Munson, and was passed by the City Council and proved by the Mayor, Nov. 27, 1871, and there is an express agreement that if certain things are done by Norman C. Munson, the city would do certain other things—that is, put the streets in order for public

travel. Now, the city did proceed immediately to put the streets in the condition that they agreed to, by building the bridges and other things last year, and this appropriation is asked for simply to go on and carry out the agreement which the city entered into at that time. There was no agreement made with those parties on Huntington avenue and West Chester-park street, but the agreement was made between the city and Mr. Munson, and that agreement should be kept in good faith.

Alderman O'Brien—Did Mr. Munson ever fulfil his part of the agreement?

Alderman Clark—Mr. Munson did fulfil his agreement to the letter. He raised those streets up to grade 18; they settled, and he raised them again, and at the time of their taking by the city, a deduction was made of some \$30,000, on account of the fact that Huntington avenue had settled and was not fully up to grade 18.

Alderman Robinson—Did the city pay \$300,000?

Alderman Clark—The city paid \$265,000 to the Boston Water Power Company, instead of \$300,000, as agreed to.

Alderman Fitzgerald—So far as the Committee on Appropriations were concerned, they cut down the appropriation for paving because, I presume, the greater part of them were under the impression that the city could do less paving this year than in former years. While \$850,000 is appropriated, it is not specified for any particular street. If the Committee on Paving were to report the amount necessary to be done—taking the petitions before them as a guide—they would ask for \$2,000,000. Now, the Committee on Paving, without looking into any specific street, or the wants of any particular section of the city, have asked for \$850,000 for paving, leaving it to the future to determine what streets that money shall be expended upon. Huntington avenue and West Chester park could well come in for a part of this amount. It seems to me that a hundred thousand dollars will be sufficient to meet all the wants of Huntington avenue and West Chester park for the present.

Alderman Gibson—It seems to me that these avenues ought to be put in proper repair. Probably every gentleman knows how the surface of the street crumbles and washes and blows away before the edgestones are set and watercourses laid; this season it may not be necessary to do any more, and it seems to me that now is a good time to do it, when everything is so cheap. This expenditure will undoubtedly bring many improvements on the property, and the city will receive some return for it in taxes.

Alderman Clark's amendment was adopted.

City Hospital—\$120,000. Alderman Slade—Before finally passing this order, I wish to call attention to the appropriation for the City Hospital. The trustees asked for an appropriation which they say is necessary for sanitary reasons. I had the pleasure of going to the City Hospital and examining every part of it, and I am satisfied that they ought to have this extra \$5000, which has been cut off. I think every dollar spent in the hospital is spent as economically as it is in the power of man to do it. The servants of that institution are paid lower than in any institution I have ever seen. Last year they dug out from under one of the wings an immense amount of sewage that has caused a great deal of annoyance to the inmates of the building, and which was said to be almost unbearable. They have got one wing commenced, and now the other wing is commenced and is in as bad condition as the first one was; and they say it cannot be continued without this appropriation was made. I think they ought to have it. If I did not think so, I would not advocate it. I hope this Board will add the \$5000 they ask for, and which the Committee on the Auditor's Estimates cut off. I am not one of the Committee on City Hospital, and I would a great deal rather this motion would come from that committee. I think any member of this Board who would go there would say it is necessary.

Alderman O'Brien—The Committee on City Hospital examined this matter and thought the appropriation should be made as reported by the trustees; and why the Committee on the Auditor's Estimates made this reduction I cannot understand, except from the general impression that the City Hospital is very expensive. I am convinced that it is a great charity, but at the same time it is a very expensive one, but if they are going through with the work I cannot see very well where the appropriation can be reduced.

Alderman Slade moved that the appropriation be made \$125,000.

Alderman Thompson—This matter was careful-

ly considered by the Committee on the Auditor's Estimates, and several gentlemen gave their opinion in regard to it, and they thought it could be put off this year. On the representations made in the committee, I voted to strike it out, and it would be very inconsistent in me now to vote on the other side. I don't know but this institution is conducted economically; I only know that the gentleman at the head of it, when he represented the city of Charlestown, was the most expensive man we ever had in connection with our affairs.

Alderman Clark—I am very glad of the opportunity to vote to increase this appropriation \$5000. I voted in committee against cutting it down. I believe it is right that they should have it. I believe with the gentleman [Alderman Slade] it is one of the most benevolent institutions in the city of Boston, and that it is most economically conducted. I regret that my friend from the Bunker Hill District [Alderman Thompson] should have so poor an opinion of the President of the institution [Mr. William H. Kent], under whose management the expenses have been reduced \$1.50 per head.

The amendment was adopted.

*Widening and Extension of Streets*—\$125,000.

Alderman Clark—I wish to call the attention of the Board to the fact that the appropriation for Laying Out and Widening Streets was reduced \$75,000. It seems to me that that is a tremendous reduction, as it places the Street Commissioners in a position to make no improvements whatever, even though they are absolutely necessary. It seems to me that it ought to be increased to \$200,000 at least. Much of this money will be required to pay for streets already laid out. For instance, if a party in South street, the widening of which the city is committed to and has appropriated \$40,000 for widening at Summer street, desires to commence building, and gives notice of his intention, he will be notified that he must set back his building in order to give a part to the city to widen the street to sixty feet. If this amount of money is put into the hands of the Street Commissioners, it would not allow an improvement of that kind. Notice has been given of intention to build on Chauncy street, where the city inaugurated a policy of widening by taking land of the Sears estate. With so small an appropriation the Street Commissioners would not be able to carry on such work as is absolutely necessary. I should oppose any large expenditure in street improvements unless it would be by a loan. I should not wish to put in the tax levy a large amount to be spent upon widening streets this year; but at the same time they should not be cut down to less than \$100,000. I move that the appropriation be fixed at \$200,000—the amount they ask for.

Alderman Fitzgerald—I hope that motion will not prevail. The Alderman was a member of the Committee on Appropriations, and I think he will remember that we cut down the appropriation to \$100,000, and he afterwards got it raised a little. My impression is that we should have no more street widenings this year, or for some time to come. We have spent \$22,000,000 in widening streets during the past few years, and I think it is time to stop. We have appropriated this money to meet expenses which the Alderman says must be met, and the committee were decided in the opinion that no more money should be spent in widening streets.

Alderman Clark's motion was lost.

*Police*—\$841,300. Alderman Slade—I don't rise to make a motion, but if the Board will allow me to make a single statement, I wish to say that under the head of police there are fifteen special officers for the bathhouses. The Committee on Appropriations are of opinion that these officers should be appointed for four months, and they have taken out of the estimates of the Police Committee the sum of \$490. I ask to have that placed on the appropriation for Public Baths. Unless some money is given to the Department of Public Baths we cannot employ these special policemen, because there is not a cent appropriated. I urged it in the Committee on the Auditor's Estimates. I give the Board this warning, that unless this appropriation is made for that purpose I don't see how the public baths can be carried on.

Alderman Thompson—I can tell the gentleman how to get out of that, and that is by simply coming to the Board of Aldermen and requesting the Board to direct the Chief of Police to detail so many officers.

Alderman Robinson—They can get good men for the bath houses at \$2.50 a day, and there is no

reason why this expense should be charged to the Police Department.

Alderman Viles—As chairman of the Committee on Baths, I am informed by those who have been on the committee, that \$25,000 is as little as that department can be run with. We shall call on the Police Department for good men; we don't want poor men there. We don't want an antediluvian, because he would soon get cleaned out.

Alderman Robinson—The policemen cannot be well spared at the bath houses during the summer when the police force are taking their vacations.

The several orders in the appropriation bill were passed as amended, and also the order levying a tax for the ensuing year.

A motion to reconsider by Alderman Thompson, hoping it would not prevail, was lost. Sent down.

#### BOATS UPON THE PUBLIC GARDEN POND.

Alderman Fitzgerald presented a petition from F. A. Splaine, requesting a hearing on his petition for leave to place boats on the Public Garden pond. The petitioner represents that the Committee on Common has given the privilege to a person who is an agent for others, while the petitioner himself has several times offered to pay for the privilege.

Alderman Clark—I move that that petition be indefinitely postponed.

Alderman Fitzgerald—I hope no action of that kind will be taken upon the petition. It was given to me to present, and I don't know anything about it. Unless there are good reasons for it, I should hope that it would not be indefinitely postponed, as it was directed to the City Council.

Alderman Robinson—That petition was before the Committee on Common and Public Squares, and we had a full hearing. Mr. Splaine made a statement before the committee, and the party who lets the boats also made a statement in the presence of that gentleman, and he stated entirely contrary to what is said in that petition. He stated that some years ago a gentleman formerly a member of this Board, loaned him money and assisted him to buy his boats, and that he owns them now himself. Taking the two men, Mr. Paget was the better man, and he received the right to put boats upon the Public Garden.

Alderman Clark—The Committee on Common have prepared a report giving Mr. Splaine leave to withdraw. He has been an applicant for that position two or three years, and has been patiently heard by the committee; and every year he has been given leave to withdraw by the unanimous vote of the committee. The party who is running those boats did borrow money from a gentleman to buy them, and he has paid for them. He is a poor, sickly man, almost in consumption, and one reason urged against him was that he went South to spend his winters. He cannot stand the rigors of this climate; but last summer he was not able to earn money enough to go South. I have seen some squibs in the newspapers, and I think I saw one in the Post, that was incorrect. The parties came before the committee with counsel, and they gave Mr. Paget a patient hearing; and Mr. Splaine asked permission to be present, and was present. It was stated in the papers that he asked to be present and was refused. Mr. Splaine was present at the hearing given Mr. Paget, and Mr. Paget was not present at the hearing given to Mr. Splaine. Mr. Paget was put under oath, so that the committee might know that his statements were true. Two years ago the same attempt was made to deprive him of this privilege, and we remember a petition from almost every man, woman and child that he be allowed to continue to run boats in the pond, and the institution on Berkeley street sent in a petition, sent by the managers, who stated that he had been very kind to the children there, and they thanked him for the uniform courtesy that he bestowed upon them. It is a clear case of an attempt by Mr. Splaine to deprive a poor, honest man of his business that he has enjoyed many years; and the statement in regard to other parties owning boats is false in every particular.

On motion of Alderman Fitzgerald, the petition was placed upon file.

Alderman Clark submitted a report from the Committee on Common, stating that after giving a full hearing on the petition of F. A. Splaine for leave to place row boats upon the Public Garden pond, they recommend that the petitioner have leave to withdraw. Accepted. Sent down.

## SOUTH BOSTON RAILROAD.

Alderman Burnham—There is a matter upon our table which has laid there six weeks, and it is doing injustice to the section in which I live. I move to take from the table the order for the thirteenth location of the South Boston Railroad Company, giving them the privilege of running their cars to the northern depots, and hope that it will be acted upon at the present time.

Alderman Thompson—I rise to a point of order—that the gentleman is out of order, as motions, orders and resolutions have not been called for.

Alderman Fitzgerald submitted a report, which was acted upon, and the discussion was resumed.

Alderman Burnham—I hardly think the gentleman on the opposite side has been courteous to me. Motions are often made under the call for reports of committees. I hardly like to be crowded off in that way, though I am willing to give way until the reports of committees are all in, and then I shall bring up this matter.

Two reports were submitted and acted on, and Alderman Thompson offered an order, but was called to order by Alderman Clark, on the ground that motions and orders had not been called for, and the Mayor ruled the point well taken.

The Mayor called for motions, orders and resolutions, and some routine business was transacted, and Alderman Burnham again moved to take from the table the thirteenth order for the location of the South Boston Railroad Company.

Alderman Thompson—I rise to a point of order. The reports of committees are still in order.

The Mayor—The Chair has called for motions, orders and resolutions; the reports of committees have passed.

Alderman Burnham—I do not intend at this late hour to detain the Board. My motion is that the order be taken from the table.

Alderman Thompson—I move that that motion be laid upon the table.

Alderman Burnham—I do not think that is a right motion to make.

Alderman Fitzgerald—I raise the point that that motion is not in order.

The Mayor ruled Alderman Thompson's motion out of order.

Alderman Burnham—My motion was that the order be taken from the table.

Alderman Thompson—And I moved that that be laid upon the table.

Alderman Fitzgerald—How can a motion be entertained to lay upon the table what is on the table already.

Alderman Burnham—If the Alderman from Charlestown will withdraw his motion I will move that the order be specially assigned to next Monday afternoon.

Alderman Thompson moved to adjourn. Lost.

Alderman Burnham renewed the motion to take the order from the table.

Alderman Thompson moved to table the motion to take from the table.

Alderman Fitzgerald raised the point that no such motion was in order, and the Chair ruled it out of order.

Alderman O'Brien—I call for the question. If the gentleman's [Alderman Thompson] motion is not in order, the question now before us is upon taking the order from the table.

The Mayor—The Chair waited to see if an appeal would be taken from his decision.

Alderman Thompson—I hope that motion—

Alderman Fitzgerald—I raise the point of order that no discussion is in order upon the question of taking from the table.

The Mayor ruled the point well taken, and was about to put the question, when Alderman Thompson said: I hope the motion will not prevail, and—

Alderman Fitzgerald again raised the point that no discussion was in order, and hoped they would not deal with this like boys, but that they would come to a vote upon it, as it was getting late.

The Mayor—The Chair thinks this is not a debatable question, if the Board insists upon having the rule enforced.

The motion to take from the table was declared carried.

Alderman Thompson called for the verification of the vote by yeas and nays, and the result was verified—yeas 10, nays 1—Alderman Thompson voting nay.

Alderman Thompson moved to adjourn. Lost.

The Chair read the order and it was put upon its passage.

Alderman O'Brien—This question has been before us a long time. I believe every member of

the Board understands it, and I now call for the previous question.

Alderman Thompson—There is no previous question here. I desire to call the attention of the Board to the phraseology of this order, and would like an explanation. The order reads as follows: [The Alderman read the order.] The order is different from any other one ever passed. The words "subject to the provisions of law, and until otherwise ordered by the Board of Aldermen," are omitted. Now if this order is passed and this right is given to the South Boston Railroad Company, it is irrevocable and cannot be rescinded. It is out of the hands of the City Council. The provisions usually incorporated in orders of this kind have been left out. There is no doubt about the mistake, and before it is put upon its passage gentlemen had better look into the subject a little more carefully, and I would therefore recommend that the order be recommitted to the Committee on Paving, that this correction may be made. You will see when the order is passed, it is out of the hands of the Board of Aldermen and we have no control over the corporation in this connection.

Alderman O'Brien—Are not all the horse railroad tracks under the control of the City Government, under any circumstances?

Alderman Thompson—I understand not, unless there is a provision of law authorizing it.

Alderman Fitzgerald—I hope that motion will not prevail. It was drafted by the Committee on Paving and by the Superintendent of Streets, and it is correct. It is useless to say to this Board that the Board of Aldermen have no control over the tracks of any corporation to whom they give a license to run their cars in the streets of the city. The statutes of the Commonwealth give us that right, and if the gentleman has no other objections to offer, and if he thinks he can make that ordinance better, let him offer an amendment. It is only done to make delay. The people of South Boston are suffering for this accommodation. The Committee on Paving reported weeks ago and the question should be decided here, so that the people of South Boston and the railroad corporation will not be kept upon the rack here week after week. If we intend to grant this location, let us do it, and let the people know it. If the gentleman has an amendment, let him offer it. This order was drafted by the gentleman who has drafted all the orders for locations for horse railroads for several years past.

Alderman Thompson—There are other reasons why this order should not be passed, but this was the reason which in my opinion the Board should consider first. The words "subject to the provisions of law and until otherwise ordered by the Board of Aldermen" are incorporated in every other order passed by this Board, and they are left out in this case. It was placed in other orders by the City Solicitor, and as this order appears now, it is imperfect and should not be passed without those words. Mr. Mayor, some month or six weeks ago, when this question came up, the South Boston and Middlesex railroads appeared here with their petitions. The South Boston Railroad desired to go to the northern depots, and it was proposed and agreed here that if they went there the Middlesex road would go around into Beach street and Federal street upon the tracks of the South Boston Railroad to the Old Colony Depot, and the South Boston road would not object to that, and neither would the Middlesex Railroad object to it. The petition of the Middlesex road for that location has been before the Paving Committee ever since that time. I don't understand why the committee do not report. It will be remembered that the president of the Metropolitan Railroad spoke of this agreement as a marriage between the two roads, and on that suggestion it was recommended that the two orders should go through together, and that the two roads should have the same rights. That was the understanding and agreement between these two roads, and I don't understand why the petition of the Middlesex Railroad should be kept back and this order be reported upon and passed, thereby giving the South Boston corporation the privilege of the business over the Middlesex and Metropolitan roads without an equivalent. That is one of my objections to the passage of this order at present and until the two orders can go through together. But, Mr. Mayor, the reason why the South Boston Railroad objected to the Committee on Paving making their report in regard to the Middlesex location—and I am very sorry that the Committee on Paving should be subject to the dictates

and restrictions that the South Boston corporation has put upon them, that they are not at liberty to make a report upon a petition from citizens and an independent corporation, without the consent of the South Boston Railroad corporation, who will not consent until the Middlesex Railroad take up their curve that goes around from Lincoln street into Beach street, and that is why this order is kept back, and that is why the Committee on Paving is siding with the South Boston corporation at the expense of the Middlesex corporation and the citizens at the northern section of the city. The Middlesex Railroad desired to use this location granted them a year ago, and which they could not use until a month ago on account of the injunction of the courts; and now they are requested to take up this curve so that all the cars which pass into Washington street from Charlestown and Somerville and the northern part of the city shall be obliged to go around into Federal street and return by way of Beach street. Now, sir, it seems to me that that is a very unjust thing, and it is very unjust to require this corporation and the citizens of the northern section of the city, who have equal rights with those of South Boston, to be compelled to go out of their way into Federal street on Sundays when they desire to reach the section of the city in which are all the churches and museums, and that section of which we have heard so much about the people of Roxbury desiring to get. You will require the people of Charlestown to come down Washington street and go around to the Old Colony on Sundays, when there is n't a passenger there and no business, simply for the purpose of getting to Boylston street in the direction of these churches. I wish the Board to consider that fact, because it is a great injustice to the citizens of that section. I don't know why we should be compelled to go to that section of the city because there is a little jealousy between these two corporations. Why should n't we have the same privilege to go to the churches that other sections have? Then I think the Board should consider the fact that the Middlesex company have the privilege of running only twelve cars an hour, and their only desire was to run one line by the United States Hotel and seven cars around Federal street; and on Sunday they would not run any of their cars into Federal street, but they would all go around the United States Hotel. Now, sir, the South Boston Railroad Corporation, by some rule or order that has passed, this Board can run any number of cars on Tremont street. They can run twenty-four cars an hour, and I presume they do run from twenty-four to thirty cars. And not only that, they have a special grant to run up Washington street to Milk, and they are not restricted in the number of cars they run there; while here comes the Middlesex corporation, wanting to run five cars around the United States Hotel, and this restriction is put upon them, and simply because they don't want to take up their track. Now, sir, without any reference to the Middlesex and without caring for their interests particularly, I speak for the interests of the citizens where I reside, and who are compelled to go to Federal street every time they want to go to Boylston street. They want the same privileges that other sections of the city have, and for that they should not be carried out of their course every time they come into Boston. I wish the Board to consider these facts. It seems to me a clear thing that the Committee on Paving—

Alderman Fitzgerald—I raise the point of order that the gentleman is not talking to the question. He is talking about the location of the Middlesex Railroad, and he has talked upon that question for the last twenty minutes. It is not the question before the Board.

Alderman Thompson—I was giving my reasons why this order should not be passed. It was that this corporation has all these privileges—and if we remember all the arguments that the corporation made when it came here with tears in its eyes and told how many cars they were running and how few passengers they have—when they can run on Tremont street with no passengers in their cars simply because they have more cars than they require; and how the Middlesex corporation is taking away their business and passengers, and how they are unable to pay dividends; but he did n't tell you that the stock of this Middlesex corporation is selling twenty-five per cent. below par, and the South Boston fifteen per cent. above par; he did n't tell you anything about that; and this company have n't run down to Lincoln street thirty

days by the Boston & Albany Depot, and yet the counsel of the South Boston comes here and tells you how his corporation is sufferer. Now, I think as a matter of justice that this order should be re-committed, properly drawn and presented here by the Committee on Paving, because it is clearly an omission or mistake on the part of the committee or their clerk, for you cannot find a single order that has been passed by the city for the last three years that is made out as this has been. I hope the motion to recommit will prevail.

Alderman Fitzgerald—I should not have arisen to speak upon this question, but the Committee on Paving are accused of being in the interest of one corporation as opposed to another. Now, sir, that is false. I want to say in justification of the committee of which I am a member—

Alderman Thompson—I will ask the member—

Alderman Fitzgerald—Mr. Mayor, I refuse to give the gentleman the floor or allow him to ask any questions.

Alderman Thompson—Under the rule of the Board I have the right to ask for a question.

Alderman Fitzgerald—Under the rule he has occupied enough time in discussing the Middlesex Railroad location, which is not before the Board, and I want to say something about the South Boston, which is the question before us. This question has nothing to do with the Middlesex Railroad. If those corporations had private arrangements among themselves, which the committee did not recognize, and if the Middlesex Railroad got beaten, so much the worse for the Middlesex Railroad. We do not take advice from the counsel of the Middlesex Railroad. The committee did not do it, and if the gentleman has had at his ears a mentor in the shape of counsel for the Middlesex road—

Alderman Thompson—The gentleman is out of order. He is making allusions to myself which are entirely untrue.

Alderman Fitzgerald—It is true, sir. I saw him.

Alderman Thompson—Not while I was speaking.

Alderman Fitzgerald—You would have made a better speech if you had been let alone. The Alderman has occupied his entire argument in connection with the Middlesex Railroad, and it can be met now. Our reasons for postponing the order on the Middlesex Railroad location have nothing to do with the location of the South Boston Railroad. They have as little to do with each other as the poles or the antipodes. I know they have something to do with each other in the minds of the gentlemen who belong to the railroad corporations; but so far as the Committee on Paving are concerned, any bargain, private or public, made between these rival corporations we have nothing to do with, and we do not care about them. Our question is simply whether public interest required the allowing of the South Boston Railroad to go down from Cornhill to the depots, and we reported that it was expedient. The Alderman said that within the past three years no such order has been reported. Here is an order of a similar kind. [The Alderman read the order granting a location to the Metropolitan Railroad Company on Columbus avenue.] There is nothing about "in accordance with law," because the law specially provides for it, and it is a matter of statute regulation. There is no need of referring to the statute, and if we do not refer to it, it does not make the order any the less binding. The statute says we shall have certain rights over every railroad track in this city, and it is not necessary to specify that in the order. The Alderman opposite has been talking for the last half-hour upon the Middlesex Railroad track and the right of that company to go to the Old Colony depot. That question is not before the Board. We have not reported upon it yet. He seems to be thoroughly conversant with everything we do in the committee. I do not know how he finds it out.

Alderman Thompson—From your chairman.

Alderman Fitzgerald—When we report on the petition for the Middlesex Railroad Company to go to the depots will be time enough to discuss the question, but we do not know and do not care anything about the private arrangements which take place between the South Boston and Middlesex railroads.

Alderman Thompson—I made a statement that this petition of the Middlesex Railroad Company was kept back by the Committee on Paving, simply because the South Boston Railroad Company required that their curve should be taken up. I make that statement, and I will prove it, for I have it from the Chairman of



the Committee on Paving, that if the two corporations could agree, they would report in favor of the Middlesex company's petition. Now, sir, that is the reason why I object to this order passing now. The chairman of the Committee on Paving and the counsel for the South Boston Railroad have both told me that if the Middlesex company would take up their curve the committee would make the report, and the chairman of the committee has told me that until they would agree the committee will keep that petition back. These are the facts and they cannot be gainsaid, and the counsel for the South Boston Railroad would not deny it if he were here. Now, sir, it seems to me that this matter should be considered—this granting the South Boston Railroad Company the right to run over the tracks of the Middlesex corporation, I don't care so much for the Middlesex Railroad Company as I do that the people of Charlestown should be required to go around to Federal street on Sundays every time they want to go to Boylston street. It is an unjust thing. I don't object to the South Boston Railroad having this thing if they will carry out this agreement made before members of this Board. But, as I said before, when you consider the Middlesex corporation have the right to run but twelve cars an hour through Tremont street, and they wish to run five cars out of these twelve around the United States Hotel without any restriction. In regard to the order, I have the fact from Mr. Healy, the City Solicitor, who says that no order should be passed by this Board with the words "subject to the provisions of law and until otherwise ordered by the Board of Aldermen" omitted. Are the Board of Aldermen going to pass the order without that provision, when the City Solicitor says they should n't? Mr. Mayor, there is a great deal more to this than appears upon the surface, and what I regret most is that the Committee on Paving should be "bulldozed" into this thing. They talk about not taking sides with one corporation against the other. It is n't so; they do take sides. They have kept back that petition with a view of compelling the Middlesex corporation coming to the terms proposed by the South Boston Railroad. The Alderman says it is n't so. The chairman of the committee says he left me and the counsel of the South Boston Railroad to come together with the expectation that we could agree. Why should n't that question come here on its merits as well as this? The Alderman says the question before the Board is whether the South Boston Railroad Corporation shall have the right to run their cars over the Middlesex tracks to the northern depots. The Middlesex corporation have petitioned for the right to run to the several depots, and why should they not have that right? And it is answered simply by the fact of the restriction made by one corporation against the other.

Alderman Fitzgerald—I shall not allow members of this or any other board to insinuate that the members of the Paving Committee are partial or prejudiced.

Alderman Thompson—I did not insinuate; I said it boldly.

Alderman Fitzgerald—I will go further—the statements of the gentleman opposite [Alderman Thompson] about the Paving Committee are *false from beginning to end*; and if there be any feeling in favor of one corporation as opposed to the other, it must be evident to this Board that that feeling is not with the Committee on Paving, but with the gentleman opposite, who has just sat down. Our committee dealt with this matter before this question came before us at all with regard to laying the tracks down at the South End. We met it and dealt with it as we dealt with every question that came before us; and the charge that we are influenced by the South Boston Railroad Company, and that we are in favor of that company, as opposed to the Middlesex Railroad Company, is utterly false; and I repeat it again, *utterly false*. We had decided upon that question before it came before us. I don't know what the chairman of the committee has told the Alderman. The Alderman must have taken a wonderful amount of interest in the whole affair—more than he did in any other question. If the people of Charlestown are anxious to go to Boylston street, there is no need of their going to Federal street. They have the right to go to Temple place if they please.

Alderman Thompson—The Alderman has not

stated correctly. They have no right to go through Temple place.

Aldermen Fitzgerald—Not now?

Alderman Thompson—Not now.

Alderman Fitzgerald—They must go either one way or the other.

Alderman Thompson—The must go around through Beach street. The other location has been revoked.

Alderman Fitzgerald—I would state that what has been done with the petition of the Middlesex Railroad Company has no connection with this question; and what the Alderman says has no foundation. He does injustice to the committee, and what he says is all for buncombe.

Alderman Thompson—I raise the point of order that the gentleman has no right to assume what are my motives.

Alderman Fitzgerald—The gentleman has no right to make the charges against the committee he does.

Alderman Thompson—I will sustain them. The Alderman does not meet often enough with his committee to know what they do.

Alderman Fitzgerald—If it were after dinner, I should attribute the speech of the gentleman opposite to something charitable; but as it is, I must say his language is unwarrantable, undignified and unworthy a member of this Board. That is all I have to say. I shall not argue this question any more.

Alderman Robinson—In regard to some of the remarks that Alderman Thompson made in reference to the Committee on Paving, I would state that we listened patiently to the remarks of the presidents of the companies when the agreements were made between the parties, and at our first session we entered into a careful consideration, and we intended to introduce an order. But we had another meeting and they discussed the question *pro* and *con*, and gave precisely their reasons for and against, and the committee again came to precisely the same conclusion; I said to myself, as chairman, why cannot they agree upon that little point? It has no reference whatever to the order for the South Boston Railroad Company going to the North End. It was only a question of agreeing upon a little piece of track in Beach street. I said, it seems to me that the gentlemen representing the intelligence of the roads can agree upon that. I was told there was some difference between Mr. Powers and Mr. Dean, and that they were not on speaking terms. Well, I happened to meet my friend, Alderman Thompson, and I thought that if the pleasant countenances of those two gentlemen could meet together they might agree, and I proposed it. The matter was all explained here before the Board of Aldermen, and I and my associates supposed it was understood that the Middlesex road should take up that little curve in their track which would enable them to put three or four cars in the way of the South Boston road and take passengers away from them. We all thought it was in accordance with the agreement made here, and after the second meeting the committee came to the same conclusion.

Alderman Slade—In order to make this order entirely satisfactory, I move that the following words be inserted: "Subject to the provisions of law and until otherwise ordered by the Board of Aldermen."

Alderman Thompson—After the explanation of the Committee on Paving, substantiating everything I have said in regard to the Committee on Paving, that the petition of the Middlesex Railroad Company has been in the hands of the committee six weeks or two months; and yet I am told it is false; and because I make those statements I am unworthy to reply to. I don't know whether I am or not. What I said I will substantiate; and I want to see it denied. Now, I want to know why this petition is kept back? Why don't they report? What is the objection? Why don't they report and let it take its course with this order in favor of the South Boston Railroad? That is what I want to know; I don't see any harm in that.

Alderman O'Brien—I would ask if there is any injustice in this location that the South Boston road ask for? I believe there has n't been a member of this Board who has stood up here tonight and said that the South Boston road are asking for any more than they had a right to ask for. I believe that is the question before us, and we ought to deal with and act upon it, and either vote down or pass the order. When the

Middlesex road comes before us, I believe we will be justified in doing precisely the same with them. If they ask only for what is right and just it will be granted. But we are not now acting upon the Middlesex matter, but the South Boston matter is before us. I think it is a waste of time to be discussing the Middlesex petition. I believe we ought to pass this order, because it is just and right; and when the Middlesex Company comes before us and asks for what is right, I believe the Board will also grant it.

Alderman Thompson—The Alderman forgets the reason I give why it should n't be passed tonight. It was agreed to by the corporations that the two orders should go together; and another is, I have been told, the Middlesex petition cannot be reported until that road or its representatives comply with the wish of the representative of the South Boston road, and there is my authority. [Pointing to Alderman Robinson.]

Alderman Robinson—If it is on my authority, I don't recollect saying anything of the sort. I only desire them to agree. It had no reference to the agreement.

Alderman Thompson—What is the difference between them?

Alderman Robinson—The difference is in regard to a curve, the taking up of which myself and my associates considered was the agreement between the two corporations. I have said to myself I would not call up the matter on the table and should not vote for it.

Alderman Slade's amendment was adopted.

Alderman Thompson—Have n't you said to me you would n't report on the petition until the Middlesex road agrees to take up that curve?

Alderman Robinson—No, sir; I don't think I said that, but that I was in hopes you would agree; and I used all sorts of means to get you to agree.

Alderman Thompson moved to lay the order on the table. Lost.

Alderman Thompson offered an amendment in the form of an order granting the location asked for by the Middlesex road to allow cars to run to the Old Colony depot.

The Mayor ruled that the amendment was out of order, not being germane to the question.

Alderman Thompson offered an amendment—"Provided, that the South Boston Railroad Company shall run not more than twelve cars an hour through Boylston and Tremont streets."

Declared lost.

Alderman Thompson doubted the vote, and the Board divided—1 for, 8 against.

The order granting the location was passed, and a motion to reconsider by Alderman Burnham was lost.

#### SUPERINTENDENTS OF BRIDGES.

Alderman Thompson submitted a report from the Committee on Bridges, nominating the following-named persons for Superintendents of bridges partly controlled by Boston:

John E. Pickett, Superintendent of Cottage Farm Bridge.

John Galvin, Superintendent of Neponset Bridge.

Albert O. Hawes, Superintendent of Granite Bridge.

Daniel S. Lawrence, Adam Bowley, Superintendents of Chelsea Bridge.

William Norton, Superintendent of Cambridge Bridge to North Harvard street, Western-avenue Bridge to Cambridge.

A. D. Henderson, Superintendent of Western-avenue Bridge to Watertown, North Beacon-street Bridge.

The report was accepted and said nominations were confirmed.

Adjourned, on motion of Alderman O'Brien.



## CITY OF BOSTON.

Proceedings of the Common Council,  
APRIL 19, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

Report of reference to Committee on Public Lands of petition of Jacob F. Kraus, to be paid for damages to estate 330 Tremont street by change of grade. Accepted in concurrence.

Reports of leave to withdraw on petitions of James Brennan, to be paid for injuries from an imperfectly secured coal-hole cover; and of T. A. Splaine, for leave to place row boats on Public Garden pond. Accepted in concurrence.

Report of no action necessary on petition of S. N. Brown, Jr., *et al.*, that the lot of land between Huntington and St. James avenues be laid out as a public street or square. Accepted in concurrence.

Report and order to convey to John J. McNutt a certain portion of land on Wareham street. Order read twice and passed in concurrence.

Order to cancel bond of James Fitzgerald for certain land on Hanover street, and to issue new agreements therefor to James and Thomas Fitzgerald. Read twice and passed in concurrence.

## CERTIFICATES OF FIREMEN.

A report came down with an ordinance to amend an ordinance to establish a Fire Department in regard to certificates to firemen.

Mr. Thompson of Ward 9—I move that it be referred to the Committee on Ordinances.

Mr. Spenceley of Ward 19—I hope this matter will not be referred to the Committee on Ordinances. It is simply an old custom that we want to revive. It has been the custom for many years, with the exception of the two past years, to give these certificates to firemen who have served in the department seven years. During the last year the City Clerk thought it not just in order for him and the Mayor to sign these certificates, because the Fire Commissioners knew who these men were who had served seven years, and not the Mayor, as the appointment had formerly gone out from the Mayor; and therefore he refused to sign them. It is a certificate saying that a man has served seven years, a diploma such as many of us receive from societies to which we belong. It seems to me that as it is a simple matter it is well enough to go as it is, and not worth a special reference to the Committee on Ordinances. It carries no authority with it, and is merely a memento of service.

Mr. Thompson—I have no objection to the passage of the ordinance; but I observed that the chairman of the Committee on Ordinances was not cognizant of the fact that an ordinance was before the house, and I made the motion as a matter of routine, knowing that it is the ordinary custom for such ordinances to be considered by the Committee on Ordinances before their passage.

Mr. Crocker of Ward 9—I was attending to something about the Second Assistant Assessors when this matter came up. It seems to me, as the gentleman said, that all ordinances should go to the Committee on Ordinances before they are passed. I have no objection to this measure; but the Committee on Ordinances are to see that all ordinances are in proper shape, and I hope it will be so referred.

Mr. Spenceley—I wish that the Committee on Ordinances had attended to their duties, for we find the ordinances terribly mixed up. This is an old ordinance revived; that is all; and I did not know it required a reference to the Committee on Ordinances before it was carried into effect. I have no objection, if there is anything to be arranged so as not to conflict with the statutes, as so many of the ordinances do. I have no objection to referring it to the committee.

The ordinance was referred to the Committee on Ordinances. Sent up.

## EXECUTIVE NOMINATIONS.

Executive communications came down for concurrence in the appointment of Park Commissioner, Member of Board of Health and Member of Boston Water Board.

The President read the communication appointing Charles H. Dalton Park Commissioner.

Mr. Wilbur of Ward 20—I move that the confirmation of these appointments be by a yea and nay ballot separately.

Mr. Flynn of Ward 13—Has that been the custom in relation to Park Commissioner? I believe that appointment has generally been confirmed by a *viva voce* vote; unless there is some good reason given for going into a yea and nay ballot I shall object to it.

The President—Unless the Council decide otherwise, it will be by a *viva voce* vote.

Mr. Flynn of Ward 13—I have no objection if the gentleman desires it.

A yea and nay ballot was ordered to be taken on all the appointments, with the following result:

*Park Commissioner*—Charles H. Dalton. Committee—Messrs. Pearl of Ward 1, Wilbur of Ward 20, Barry of Ward 22.

Whole number of ballots.....	64
Necessary for a choice.....	35
Yes.....	62
No.....	2

Mr. Dalton's appointment was confirmed in concurrence.

*Member of Board of Health*—James M. Keith. Committee—Messrs. Ham of Ward 14, Perham of Ward 23, Reed of Ward 17.

Whole number of ballots.....	68
Necessary for a choice.....	35
Yes.....	23
No.....	45

And the Council non-concurred in the appointment of Mr. Keith. [See below for further action on this subject.]

*Member of Boston Water Board*—Albert Stanwood. Committee—Messrs. Beeching of Ward 1, Jackson of Ward 16, Loughlin of Ward 13.

Whole number of ballots.....	65
Necessary for a choice.....	33
Yes.....	63
No.....	2

And Mr. Stanwood's appointment was confirmed in concurrence.

## SINKING FUND COMMISSIONER.

A certificate was received of election of Newton Talbot as Commissioner of Sinking Funds in place of Francis H. Peabody, chosen by this Council.

An election was ordered. Committee—Messrs. Pope of Ward 14, Crocker of Ward 9, McDonald of Ward 12.

Whole number of ballots.....	63
Necessary for a choice.....	32
F. H. Peabody.....	35
Newton Talbot.....	28

Mr. Peabody was declared elected in non-concurrence. Sent up.

## THE APPROPRIATION BILL.

The appropriation bill (City Doc. 40) came down with sundry amendments, which were read by the President.

On motion of Mr. Sampson of Ward 17, it was voted that the amendments be acted upon separately.

*City Hospital.* Insert \$125,000 instead of \$120,000.

Mr. Sampson of Ward 17—I trust the Council will concur with the Board of Aldermen in this amendment. This appropriation was reduced in the Committee on the Auditor's Estimates, but upon further investigation it is shown that that amount will be absolutely required for the hospital this year.

Mr. Spenceley of Ward 19—I simply want to say in regard to the City Hospital that I do not believe we have an institution run more economically than it is at the present time; and I hope the Council will concur with the Board of Aldermen in this addition of \$5000 to the appropriation. We need every cent of it, and I think it will be judiciously spent.

The amendment was concurred in.

*New Schoolhouses.* Grammar Schoolhouse, Allston District, insert \$30,000 instead of \$40,000; and Primary Schoolhouse, Sherwin District, insert \$40,000 for \$50,000.

Mr. Sampson of Ward 17—I trust the Council will not concur in that amendment. The estimates were made very closely, and the Alderman [Alderman Thompson] who had the alterations made in the other branch informs me that he did so under a misapprehension, and that the amounts named in the bill will be required for these schoolhouses.

The amendments were nonconcurrent in.

*Paving and Grading Streets.* Insert \$1,000,000 in place of \$850,000.

Mr. Wilbur of Ward 20—I trust that we shall not concur with the Board of Aldermen in making the sum \$1,000,000; but I move as a substitute that we separate the item of \$1,000,000, so that \$150,000 shall be appropriated for the specific purpose of completing West Chester park, Commonwealth avenue and Huntington avenue; and that \$850,000 be appropriated for paving and grading streets.

Mr. McGaragle of Ward 8—I would offer an amendment that the entire appropriation be spent at the South End.

The President—The Chair thinks that amendment is irrelevant.

Mr. Pierce of Ward 18—I would suggest a further amendment by having all the money spent in Ward 8.

Mr. Flynn—I hope the substitute will not prevail and that the Council will concur with the Board of Aldermen, for this reason: In 1871 the City Government entered into a contract with the Boston Water Power Company and other landholders on that territory, that company giving to the city millions of feet of land in streets by the payment of \$300,000, and the city of Boston agreed that when the streets were built up to grade eighteen and delivered to the city, the city would keep them up to grade and in proper repair. The city also agreed to build two bridges, one over West Chester park, which is already completed, and another on Huntington avenue, which is about completed. On the other side Mr. Munson and the Water Power Company have done their part, according to the terms of the agreement printed in City Document 83, which is on the desks of the members; and, therefore, all that they ask is that the city fulfil its part of that contract by putting those streets in order for public travel, so that the abutting owners can build on the line of the streets. All they want you to do is to fulfil your part of your contract, which the city of Boston is bound to do. By the amendment coming from the Board of Aldermen it is proposed to build those avenues up to grade, and I hope the amendment to put it into a specific appropriation will not prevail.

Mr. Sampson of Ward 17—I hope the substitute will prevail, for I am in favor of carrying out this contract and of appropriating \$150,000 for that specific purpose. It seems to me that the appropriation had better be made specifically for that purpose, for, even if the whole territory is not completed this year, the remainder of the appropriation will be held over next year and applied for that purpose. If we appropriate \$850,000 for paving and \$150,000 for this purpose, it will amount to the same thing.

Mr. Flynn of Ward 13—If the Council will only pass the appropriation to carry out the city's part of the contract, I have not the slightest choice as to how it is done. I only want the city to fulfil its part of the contract with the parties on those streets. I have no objection to the substitute, after the explanation.

The substitute was adopted and the amendment as amended passed.

The total amounts in the appropriation bill and in the order laying a tax were then amended in accordance with the above adopted amendments. Sent up.

SECOND ASSISTANT ASSESSORS.

A certificate was received of election of Second Assistant Assessors. An election was ordered.

On motion of Mr. Sibley of Ward 5, it was voted that the committee to collect and count votes consist of six.

Mr. Howes of Ward 18—With the permission of the Council I would like to make a short statement. In Ward 18 Samuel P. Oliver was the unanimous choice of all the representatives from that ward, and they were a unit in that matter. Since the last meeting I understand that some one has introduced a ballot in favor of a candidate known to no one in that ward, and, so far as I know, one who has had no experience. It seems singular to me that persons outside should dictate to a ward who shall be its assessor. It is something decidedly novel and unique in the history of this Council.

Mr. Burke of Ward 2 said he had been requested to state that Mr. Hartnett of Ward 2 is not a candidate.

Committee—Messrs. Coe of Ward 23, Mowry of Ward 11, Roberts of Ward 4, Blanchard of Ward 21, Hibbard of Ward 17, Upham of Ward 24.

On motion of Mr. Sibley of Ward 5, a recess of thirty minutes was taken, at the end of which the committee reported as follows:

[Those marked with a \* were elected in concurrence, and those with a † in non-concurrence.]

Whole number of ballots.....68  
Necessary for a choice.....35

Ward 1.		Ward 16.	
*Isaiah Whitten.....67	George Shackford..... 1	John J. Gartland.....29	Frederick A. Wilkins.....22
Ward 2.		Joseph H. O'Neil.....17	
*William A. Foss.....67	Ward 17.		
Ward 3.		Thomas A. Fallon.....32	
*John Bryant.....66	John Flanigan..... 1	†Dudley R. Child.....36	Ward 18.
Ward 4.		*Samuel P. Oliver.....35	
*D. D. Taylor.....35	George Flanagan.....33	Gardner F. Sanderson.....32	Dudley R. Child..... 1
Ward 5.		Ward 19.	
*Dennis G. Quirk.....66	Francis E. Hines.....31		
Ward 6.		W. H. Wallace.....29	
*John Carvin.....56	John Donnelly..... 1		
*Michael D. Collins.....61	John W. Hendrick..... 5		
James L. Quigley.....16	Elbridge G. Scott..... 1		
Ward 7.		Ward 20.	
*Edward J. Riley.....65	Frederick H. Field.....39		
Ward 8.		*Edward W. Dolan.....57	
*Thomas J. Anderson.....62	Joseph White, Jr.....39		
Charles Roberts..... 3	Ward 21.		
Ward 9.		Matthew R. Walsh.....37	
*Walter Harmon.....65	*George Warren.....59		
Joseph H. O'Neil..... 2	Henry B. Carter.....37		
Ward 10.		Ward 22.	
*William S. Whitney.....56	Patrick H. Rogers.....34		
*Increase E. Noyes.....58	Michael J. Killian..... 7		
Michael A. Murray.....18	John H. Steere.....25		
Ward 11.		Ward 23.	
*John R. Briggs.....67	John J. Follen.....34		
*Levi W. Shaw.....68	*Charles E. Temple.....60		
Ward 12.		Joseph M. Leonard..... 2	
*Redmond J. Allman.....67	†Alexander Dickson.....40		
*John J. Murphy.....64	Ward 24.		
Ward 13.		*William Withington.....61	
*Thomas Haney.....65	John Haggerty.....34		
Dudley Pray..... 1	†Joseph E. Hall.....37		
Ward 14.		R. Hutchinson..... 1	
*Hosea B. Bowen.....67	Joseph H. O'Neil..... 1		
C. L. Storrs..... 1	Ward 25.		
Ward 15.		*George W. Warren.....65	
*Daniel J. Holland.....41	Charles L. Storrs.....26		

A second ballot was ordered to fill the vacancies in Wards 16, 19, 20, 21 and 22.

Mr. Jackson of Ward 16 moved to take a recess of five minutes to allow members time to prepare their ballots. Lost.

Ward 16.		Fred'k H. Field.....29	
Whole number ballots.....63	Necessary for choice.....32	Joseph White, Jr.....27	Edward W. Dolan..... 2
John J. Gartland.....23	Ward 21.		
Fred'k A. Wilkins.....22	Whole number ballots.....55		
Joseph O'Neil.....18	Necessary for choice.....28		
Ward 19.		*Matthew R. Walsh.....35	
Whole number ballots.....61	Henry L. Carter.....19		
Necessary for choice.....31	George Warren..... 1		
*Francis E. Hines.....41	Ward 22.		
W. H. Wallace.....19	Whole number ballots.....61		
William H. Wallace..... 1	Necessary for choice.....31		
Ward 20.		*Patrick H. Rogers.....38	
Whole number ballots.....58	John W. Steere.....23		
Necessary for choice.....30			

A third ballot was ordered to fill the vacancy in Wards 16 and 20.

Ward 16.		Ward 20.	
Whole number ballots.....63	Necessary for choice.....32	Whole number ballots.....67	Necessary for choice.....34
John J. Gartland.....25	Fred A. Wilkins.....22	*Frederick H. Field.....36	Joseph White, Jr.....31
Fred A. Wilkins.....22	Joseph H. O'Neil.....16		

A fourth ballot was ordered to fill the vacancy in Ward 16.

Whole number of ballots.....63	Necessary for a choice.....32
*John J. Gartland.....32	F. A. Wilkins.....26
Joseph H. O'Neil.....4	Abram Firth..... 1

Sent up.  
Later in the session, just after action on motion to reconsider the rejection of Mr. Keith's appointment, Mr. Wilbur of Ward 20 offered an order—That the Committee on the Judiciary be requested to obtain from the City Solicitor his opinion whether the validity of the election of Assistant Assessors for the present year is affected by the failure to comply with the provisions of section 4 of the ordinance in relation to taxes.

Mr. McGaragle of Ward 8 moved to lay the order on the table.

Mr. Pierce of Ward 18 raised the point that Mr. McGaragle was not in his seat.

The President ruled the point well taken.

The order was passed. Sent up.

FOURTH OF JULY.

An order came down for the Retrenchment Committee to arrange for the celebration of Fourth of July at a cost of \$10,000.

Mr. Flynn of Ward 13 offered as a substitute an order—That a committee consisting of his Honor the Mayor, the Chairman of the Board of Aldermen, the President and eight members of the Common Council, with such as the Aldermen may join, be a committee to make arrangements to celebrate the one hundred and first anniversary of the Declaration of American Independence; the expense attending the same, not to exceed the sum of \$15,000, to be charged to the appropriation for Incidental Expenses.

On motion of Mr. Flynn of Ward 13, the subject was specially assigned to 8½ P. M. next Thursday.

#### UNFINISHED BUSINESS.

Order for an expenditure of not exceeding \$2000 additional for grading and curbing certain squares on Commonwealth avenue. Passed in concurrence.

#### SINKING FUNDS.

A communication was received from the Auditor of Accounts in response to the order of April 19, inst., in regard to the difference in the amount required to be taxed this year for the Sinking Funds if the accumulations had been computed at five instead of four per cent.

##### *Appropriation Required at five per cent.*

Burnt-district Sinking Fund.....	\$138,970.00
New Sinking Fund.....	246,800.00
Cochituate Water and Sinking Fund.....	166,327.00

Total appropriation required as per five per cent. estimates.....	\$552,097.00
Old Sinking Fund, excess by the same basis of calculation of five per cent.....	\$885,287.71
Consolidated Street-improvement Sinking Fund by the same basis of five per cent..	315,180.79

The preceding estimates are based, as the four per cent. estimates were, upon paying the debt at par in currency as it becomes due; while of the debt now outstanding in round numbers, \$43,000,000, the amount of \$19,980,290.53 is to be paid in gold at maturity, and of these gold loans \$11,090,120.13 are payable in London.

Sent up.

#### STONY BROOK NUISANCE.

The following was received from the Board of Health:

In compliance with an order of the City Council, passed on the 10th inst., requesting the Board of Health to examine the cellars and dwellings along the borders of Stony Brook in Ward 23, we beg to state that the premises have been examined with the following result: On Lamartine, Washington, Boylston, Keys and Green streets, Boylston, Union, Greenwood and Brookline avenues, we found over one hundred dwellings whose cellars were flooded during the recent high state of Stony Brook to the extent of from two inches to three feet of water in depth, which remained in said cellars from two or three days to three weeks. The evidence showed that the same condition of the cellars occurred whenever the brook had suddenly been raised. From the examination made and the evidence obtained, we are satisfied that of 124 dwellings examined, at least 100 cellars were flooded as above stated by the high state of Stony Brook. It is a well-established fact that wet cellars and damp dwellings are prejudicial to health, and it is the unqualified opinion of the Board of Health that the recent and present condition of the above-mentioned cellars and premises was and is such as to jeopardize the health of those living over them, and that some remedy against the evil should be applied.

Sent up, on motion of Mr. Brown of Ward 23.

#### PETITIONS PRESENTED.

By Mr. Vose of Ward 24—Petition of O. H. Weed for leave to enlarge a wooden building in the rear of Culvert street. Referred to Joint Standing Committee on Survey and Inspection of Buildings. Sent up.

By Mr. Clarke of Ward 22—Petition of Benjamin F. Bean for release of a tax title held by the city. Referred to Joint Committee on Claims. Sent up.

#### INSPECTION OF OYSTERS.

Mr. Roach of Ward 7 offered an order—That the Board of Health be requested to inspect the oysters arriving at this port, opened, from Virginia and other places, as great complaint has been made in regard to them, and it is said that in many instances the sale of them has been injurious to health. Read twice and passed. Sent up.

#### DORCHESTER SCHOOLHOUSE WINDOWS.

Mr. Pratt of Ward 21 inquired if the Committee on Public Buildings are about ready to report

upon altering the windows in the Dorchester schoolhouse, referred to them some time ago.

Mr. Wilbur of Ward 20—I think the committee have passed upon that, and it was voted to alter the windows. I don't know the reason why the order has n't been introduced here.

#### MANAGEMENT OF THE FERRIES.

Mr. Pearl of Ward 1 offered an order—That a joint special committee, consisting of five members of the Common Council, with such as the Board of Aldermen may join, be appointed to investigate the statements which have appeared in the public prints relating to the management of the East Boston Ferries. Read twice and passed.

Mr. Pearl moved that the Committee on the Ferries on the part of the Council be the joint special committee on the part of the Council.

The motion was declared carried.

Mr. Sampson of Ward 17 doubted the vote.

Mr. Pearl explained that the two members of the Ferry Committee on the part of the Aldermen are also members of the Board of Directors; but the members on the part of the Council are familiar with the subject and therefore he thought it would be proper to have them on the special committee.

The motion was lost—11 for, 26 against.

#### REJECTION OF MR. KEITH'S APPOINTMENT TO THE BOARD OF HEALTH.

Mr. Spenceley of Ward 19 moved a reconsideration of the vote whereby the Council refused to confirm the appointment of James M. Keith as a member of the Board of Health, hoping it would not prevail.

Mr. Flynn of Ward 13 moved to specially assign the subject to 8½ P. M. next Thursday.

Declared lost. Mr. Flynn of Ward 13 doubted the vote, and called for the yeas and nays, which were ordered.

Mr. Flynn of Ward 13 moved the Council adjourn. The President put the question, and was in doubt.

Mr. Flynn of Ward 13 called for the yeas and nays on solving the doubt, and they were ordered.

The motion to adjourn was lost—yeas 26, nays 34.

Yeas—Messrs. Barry, Burke, Cannon, Clarke, Cross, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Jackson, Kelley (Ward 3), Kelley (Ward 6), Loughlin, McClinsky, McGaragle, Morrill, O'Connor, Pearl, Roach, Vose, Warren—24.

Nays—Messrs. Barnard, Beeching, Blanchard, Brown, Coe, Crocker, Danforth, Day, Felt, Hibbard, Hiscock, Howes, Kidney, McDonald, Mowry, Nugent, Perham, J. H. Pierce, O. H. Pierce, Pratt, Reed, J. B. Richardson, M. W. Richardson, Roberts, Sampson, Sibley, Smardon, Spenceley, Stone, Thompson, Upham, G. B. Webster, Wilbur, Wolcott—34.

Absent or not voting—Blodgett, Brintnall, Cox, Fraser, Ham, O'Donnell, Pope, Ruffin, Shepard, Sonther, Thorndike, E. R. Webster—12.

The President—The question is upon the special assignment.

Mr. Crocker of Ward 9—I think we voted upon that. The Chair decided that motion, and the gentleman from Ward 13 called for the yeas and nays on the question of reconsideration.

The President—The yeas and nays were taken on the adjournment.

Mr. Crocker—He called for the yeas and nays on reconsideration, and moved to adjourn and called for the yeas and nays on that; and now we have got to take the yeas and nays on reconsideration.

Mr. Flynn of Ward 13—I called for the yeas and nays on the motion to assign. The question does not now come up on the motion to reconsider, but my motion to specially assign is before the house, and on that I called for the yeas and nays. I believe that is the question before the house.

The President—That is as the Chair understands it.

Mr. Thompson of Ward 9—I only wish to state my recollection of the facts as they occurred in order. The motion to specially assign was put once and declared by the Chair to be lost. Following upon that the gentleman from Ward 13 called for the yeas and nays and they were ordered. Then he [Mr. Flynn] made a motion to adjourn, on which he again called for the yeas and nays, and they were taken. The only question then being the reconsideration, the gentleman called for the yeas and nays upon that.

The President—The yeas and nays have not been put upon the motion to specially assign.

The yeas and nays were again ordered on the special assignment.

Mr. McGaragle of Ward 8 moved that the further consideration of the subject be indefinitely postponed.

The President ruled the motion not in order.

The motion to specially assign was lost—yeas 27, nays 32:

Yeas—Messrs. Barry, Burke, Cannon, Clarke, Cross, Dee, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, O'Connor, Pearl, Pratt, Reed, Roach, Vose, Warren, E. R. Webster—27.

Nays—Messrs. Barnard, Beeching, Blanchard, Brown, Coe, Crocker, Danforth, Day, Doherty, Felt, Hibbard, Hiscock, Howes, Morrill, Mowry, Nugent, Perham, J. H. Pierce, O. H. Pierce, J. B. Richardson, M. W. Richardson, Roberts, Sampson, Sibley, Smardon, Spenceley, Stone, Thompson, Upham, G. B. Webster, Wilbur, Wolcott—32.

Absent or not voting—Messrs. Blodgett, Brintnall, Cox, Fraser, Ham, Mullane, O'Donnell, Pope, Ruffin, Shepard, Souther, Thorndike—12.

Mr. McGaragle moved the further consideration of the subject be indefinitely postponed.

Mr. Webster of Ward 3 moved the previous question.

Mr. McGaragle—The previous question on what?

The President—On the question of reconsideration, and it cuts off the motion to indefinitely postpone.

Mr. Flynn of Ward 13 called for the yeas and nays, and they were ordered on the motion for the previous question, which was about to be put, when Mr. Flynn of Ward 13 moved to adjourn. The President put the question, and was in doubt. Mr. Duggan of Ward 12 and Mr. Flynn of Ward 13 both called for the yeas and nays.

The Chair said the call for the yeas and nays was out of order, as the vote had not been declared, and the Chair was about to call on the Council to divide.

Mr. Flynn of Ward 13—Are the yeas and nays in order on solving the doubt?

The President—The Chair is about putting the question

The question was put by a division.

The President—The motion is lost—28 for, 31 against.

Mr. McGaragle (interrupting as the President was declaring the vote)—For the purpose of verifying the vote I call for the yeas and nays.

The President—The Chair had declared the result—28 for, 31 against.

Mr. McGaragle—I believe I have a right to call for the yeas and nays to verify any vote.

The President—The Chair had declared the vote.

Mr. McGaragle—I called for the yeas and nays before the vote was declared. I did not hear it declared.

The President put Mr. McGaragle's motion for the yeas and nays, and they were declared not ordered.

Mr. McGaragle doubted the vote, the Council divided, and the yeas and nays were ordered.

The motion to adjourn was lost—yeas 28, nays 31:

Yeas—Messrs. Barry, Burke, Cannon, Clarke, Cross, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, O'Connor, Pearl, Pratt, Reed, Roach, Vose, Warren, E. R. Webster—28.

Nays—Messrs. Barnard, Beeching, Blanchard, Brown, Coe, Crocker, Danforth, Day, Felt, Hibbard, Hiscock, Howes, Morrill, Mowry, Nugent, Perham, J. H. Pierce, O. H. Pierce, J. B. Richardson, M. W. Richardson, Roberts, Sampson, Sibley, Smardon, Spenceley, Stone, Thompson, Upham, G. B. Webster, Wilbur, Wolcott—31.

Absent or not voting—Blodgett, Brintnall, Cox, Fraser, Ham, Mullane, O'Donnell, Pope, Ruffin, Shepard, Souther, Thorndike—12.

The question then recurred on ordering the main question.

Mr. Flynn of Ward 13 moved that the matter be laid upon the table.

The question was put, and the Chair was in doubt.

Mr. Flynn of Ward 13 called for the yeas and nays on solving the doubt.

Mr. Spenceley of Ward 19—I rise to a point of order. These motions are made for a dilatory purpose.

Mr. Flynn of Ward 13—I would like to inquire how the gentleman [Mr. Spenceley] knows that they are for a dilatory purpose.

Mr. Barry of Ward 14—I rise to a point of order.

The President only is entitled to decide that question, and not a member on the floor.

The President—The question is upon the motion to lay upon the table, on which the gentleman from Ward 13 has called for the yeas and nays.

The yeas and nays were ordered and the motion to table was lost—yeas 28, nays 31:

Yeas—Messrs. Barry, Burke, Cannon, Clarke, Cross, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, O'Connor, Pearl, Pratt, Reed, Roach, Vose, Warren, E. R. Webster—28.

Nays—Messrs. Barnard, Beeching, Blanchard, Brown, Coe, Crocker, Danforth, Day, Felt, Hibbard, Hiscock, Howes, Morrill, Mowry, Nugent, Perham, J. H. Pierce, O. H. Pierce, J. B. Richardson, M. W. Richardson, Roberts, Sampson, Sibley, Smardon, Spenceley, Stone, Thompson, Upham, G. B. Webster, Wilbur, Wolcott—31.

Absent or not voting—Messrs. Blodgett, Brintnall, Cox, Fraser, Ham, Mullane, O'Donnell, Pope, Ruffin, Shepard, Souther, Thorndike—12.

Mr. Flynn of Ward 16 moved that the Council adjourn.

Mr. McGaragle—On that question I desire to be excused from voting.

Mr. Flynn of Ward 13—On that I call for the yeas and nays.

Mr. Howes of Ward 18—I would like to have the gentleman [Mr. McGaragle] state his reason for being excused.

Mr. McGaragle—I don't know that there is anything that compels me to assign my reason for not voting. If there is, I am perfectly willing to state it.

Mr. Richardson of Ward 10 read the sixty-second rule, as follows:

"Every member who is present when a question is put, if not excluded by interest, shall give his vote, unless the Council, for special reasons, shall excuse him. Application to be so excused on any question must be made before the Council is divided, or before the calling of the yeas and nays; and such application shall be accompanied by a brief statement of reasons, and shall be decided without debate."

Mr. Webster of Ward 3—Are these dilatory requests in order upon a motion to adjourn?

The President—The gentleman asked to be excused from voting on the motion to adjourn.

Mr. Day of Ward 4—As I understand it, the gentleman did not ask to be excused until the yeas and nays were called for.

The President—They had not been ordered.

Mr. McGaragle—I think I asked at the proper time.

The President—The question is on excusing the gentleman from Ward 8 from voting.

Mr. Flynn of Ward 13—And on that I call for the yeas and nays.

The yeas and nays were ordered, and the President again stated the question to be on excusing Mr. McGaragle.

Mr. Mowry of Ward 11—In accordance with our rules is not the gentleman obliged to give his reasons?

The President—The Chair decides that under the rule the gentleman should give his reasons.

Mr. McGaragle—I understand the rule to say a person may be excused on account of personal motives. I have a personal interest in not voting.

Mr. Mowry called attention to Rule 62, and the President read it.

The President—Does the Chair understand the gentleman from Ward 8 to give any reason?

Mr. McGaragle—I was interrupted while the reading was going on, and did not hear the rule. I am not familiar with it, and ask to hear it read again.

Mr. Thompson of Ward 9—Mr. President, I would like to call your attention to what has taken place, the evident intention of the parties being to defeat the motion now pending, by dilatory motions or attempting to get sufficient members from the room to leave us without a quorum. I ask the President to make a ruling whether those motions are not made for a dilatory purpose, and, if so, to overrule them. I ask that the Messenger be sent for the members in the anteroom.

The President—Debate is not allowed on this motion.

Mr. Webster of Ward 3—I rise to a point of order. The application to be excused must be made before the Council divide, or before the call for the yeas and nays. His application was not made until after the yeas and nays were called for.

The President—The yeas and nays had not been

called for when the gentleman from Ward 8 asked to be excused.

Mr. Crocker of Ward 9—I rise to a point of order. The reasons given by the gentleman from Ward 8 why he should be excused from voting were plainly frivolous, and show that his motion was intended to delay business, and ought not to be further recognized, especially as the gentleman himself has already left the hall, for if we excuse him he would not be here to vote.

The President—The Chair is inclined to believe the motion was intended to be frivolous, but as it was made it must be put to the Council.

The question on excusing Mr. McGaragle was about to be put, when Mr. Flynn of Ward 13 asked for a roll-call of the house to ascertain if a quorum was present.

Mr. Sampson of Ward 17—I would ask whether that is not a dilatory motion, as the gentleman who makes it has been trying himself to get gentlemen out of the Council Chamber to delay action.

The President—There are forty-one members present and the Chair declines to have the roll called.

Mr. Flynn of Ward 13 asked for the yeas and nays on the request of Mr. McGaragle.

Mr. Sampson—I raise the point of order that the gentleman [Mr. McGaragle] is not in the room.

The President—The Chair rules the point not well taken.

The call for the yeas and nays on excusing Mr. McGaragle was lost.

Mr. Flynn of Ward 13 moved to adjourn.

Mr. Crocker raised the point that the motion to adjourn was not in order while taking the question on excusing the gentleman from Ward 8.

The President—A motion to adjourn is always in order.

Mr. Howes—The motion now before the House is on adjournment, and how can that same motion be made?

The Council refused to excuse Mr. McGaragle from voting.

Mr. Richardson of Ward 10 moved the previous question.

Mr. Flynn of Ward 13 moved to adjourn. Lost. The main question was ordered.

Mr. Flynn of Ward 13—I ask for a call of the house to ascertain whether a quorum is present. I believe any member has the right to call for a roll call of the house to ascertain whether a quorum is present.

The President—There are forty-one members present, and the roll call would be dilatory.

Mr. Flynn of Ward 13—That is the count of the Messenger, as I understand. There is no official count by the President. I ask for the decision of the Chair upon that point.

The President—The Chair decides that there are forty-one members present. The question is upon the motion to reconsider.

Mr. Flynn of Ward 13—On that I think I called for the yeas and nays, and they were ordered.

Mr. Kelley of Ward 3—I call for the yeas and nays.

Mr. Thompson—I would state that I made that very point, that the gentleman called for the yeas and nays on the motion for consideration and he denied it, and said he called for the yeas and nays on the motion to assign. The Chair took the question on the motion to assign.

The President—That is the recollection of the Chair.

Mr. Flynn of Ward 13—My recollection is that I did call for the yeas and nays, and I think the record of the Clerk will show it; and I also called for the yeas and nays on the motion to adjourn. I called for the yeas and nays when the gentleman made the motion. I ask for the Clerk's record.

The President consulted with the Clerk, and said, "The Clerk has no such record."

The question on reconsideration was put, and before it was declared Mr. Kelley of Ward 3 asked, "Would it be in order to call for the yeas and nays to verify that vote?"

The question on ordering the yeas and nays was put and before it was declared Mr. Flynn of Ward 13 doubted the vote.

The Council refused to order the yeas and nays. The motion to reconsider was lost.

#### SALARY OF INSPECTOR OF PROVISIONS.

The rule was suspended on motion of Mr. Daforth of Ward 10, who submitted a report from the committee (on the request of the Board of Health), recommending the passage of an order—That the salary of the Inspector to be appointed by the Board of Health, in accordance with the provisions of chapter 144, acts of 1876, shall be at the rate of \$1500 per annum, beginning with the date of his appointment and continuing until otherwise ordered.

Mr. Kelley of Ward 3 moved to lay the order on the table for one week.

Lost.

The order was read twice and passed. Sent up

#### INSPECTOR OF LIME APPOINTED.

Mr. Webster of Ward 3 offered an order—That Daniel Higgins be and he is hereby appointed an Inspector of Lime within the limits of this city.

Mr. Sampson of Ward 17—Is that a proper order to be introduced here? Does not the appointment lie with the Mayor?

Mr. Webster of Ward 3—The statute says those officers may be chosen, but the ordinance does not provide how. By the advice of the Clerk of the Common Council and the City Clerk I introduced it here, and I consider their authority as final.

The order was read twice and passed. Sent up.

#### RULES AND ORDERS.

Mr. Clarke of Ward 22 offered an order—That the Committee on Joint Rules and Orders be requested to consider and report if any and what changes should be made in the present rules and orders of the City Council.

Referred, on motion of Mr. Clarke, to the Committee on Joint Rules and Orders. Sent up.

Adjourned, on motion of Mr. Smardon of Ward 10.







CITY OF BOSTON.

Proceedings of the Board of Aldermen,

APRIL 23, 1877.

Regular meeting at four o'clock P M., his Honor the Mayor in the chair.

EXECUTIVE APPOINTMENTS.

Police Officers Without Pay—Joseph W. Noble, Jr., and thirteen others in various parts of the city.

Measurers of Upper Leather—William Powers and William Austin.

Weigher and Inspector of Bundle Hay—Henry Bailey.

Public Weigher—Ezra O. Swift.

Severally confirmed.

Member of the Board of Health—James M. Keith. Confirmed. Sent down.

PETITIONS REFERRED.

To the Joint Committee on Claims. Patrick H. Roden, for compensation for personal injuries received by reason of an alleged defect in the sidewalk on Blackstone square; Mary McCarthy, for compensation for damage occasioned by defective sewer.

To the Committee on Licenses. William B. Ford, for the removal of Edward Brackett's hack stand from 105 Court street.

To the Committee on Police. G. R. Reinhardt, for leave to project two lanterns on the front of the old International Hotel, 625 Washington street.

To a Special Committee, consisting of Aldermen Burnham and Wilder. George Henry Dyer, for the benefit of the Franklin fund.

To the Committee on Lamps. W. O. Taylor, that street lamps be placed on Ashmont street, between Adams and Train streets, Ward 24; James Cleary et al., for a gas lamp in Fremont place, Charlestown; P. J. Donehey et al., that Elmwood place, Roxbury, be lighted.

To the Committee on Health on the part of the Board. Petitions for leave to occupy stables by Asa C. Partridge, new wooden, one horse, Washington street, Ward 24; People's Ice Company, new wooden, ten horses, Culvert street; Warren R. Wheeler, new wooden, five cows, Centre street; Joseph Dorr, new wooden, one horse, 43 Ellery street; R. Estabrook, new wooden, one horse, Putnam street; John Hogan, new wooden, two horses, Dorchester avenue; John Roessle, new brick, twenty-six horses, Pynchon street.

To the Committee on Paving. L. Hughes et al., that Porter street, Ward 25, be macadamized and put in order for public travel; Eastern Railroad Company, for leave to connect their tracks with the Union Freight Railroad tracks in Causeway street; Isaac P. T. Edmands et al., that Gray street in Charlestown be macadamized; Clement Colburn & Co. et al., for a crosswalk on Church Green square, Summer street; Nathan S. Wilbur, for a crosswalk on Dudley street at Hampden street.

Petitions for sidewalks in front of estates of Frances L. Fiske, corner Clareudon street and Commonwealth avenue; James E. McCammon, corner Sixth and M streets; Henry G. Denny, 186 H and 502 Eighth streets.

Petitions for leave to move two wooden buildings by William R. Cavanagh from Blue Hill avenue to Washington street, Ward 24.

Samuel Bigelow et al., that Shawmut avenue be paved with granite blocks from Brookline to Lenox street.

George A. Groves and ten others, that Brookline avenue, from Maple avenue to Francis street, be watered; George Manning and fifty-one others, that street crossings be laid across Parker street at Longwood avenue, and Prentiss street, Ward 22; George Tyler Bigelow et al., for a crosswalk on Westminster street at Westminster Hotel, and for a brick sidewalk on south side of Shawmut avenue and Westminster street; Union Freight Railroad, for leave to connect their track on Causeway street with the tracks of the Eastern Railroad Company; John D. Wester, that Bishop, from Newbern to Call street, Ward 23, be graded, and that sidewalks be laid; Gilman Page et al., that Monument street, Ward 23, be graded and put in order for public travel.

To the Joint Committee on Common, etc. T. A. Splaine, to be allowed to place boats on the Pub-

lic Garden pond, and offering to pay \$1000 for the privilege.

To the Committee on Sewers. George Coyle, for abatement of assessment for a sewer in Howard avenue; John Ryan, for abatement of sewer assessment in Paris street, East Boston; John L. De Wolf et al., that Tremont street, from the Providence Railroad to the line of Brookline, be watered by the city; John H. Robinson, for abatement of assessment for sewer in Exchange street, in Dorchester.

To the Joint Committee on the Ferries. Loughlin Bros. and 268 others of South Boston, in aid of free ferries; F. B. Austiu and 230 other citizens of Charlestown, in favor of free ferries.

UNFINISHED BUSINESS.

Order to fix the salary of the Superintendent of the North Beacon-street, and the Western-avenue (Watertown) Bridge at \$118 per annum. Passed. Sent down.

PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence. Communication from Board of Health, stating that upon investigation it was ascertained that over 100 cellars were flooded by the water from Stony Brook, in West Roxbury. Referred to Committee on Sewers.

Order requesting the Board of Health to examine into the condition of the oysters that are opened in Virginia, and other places, and are brought in that condition to this port. Passed in concurrence.

Order for appointment of Daniel Higgins as Inspector of Lime. Passed in concurrence.

Order for Committee on Joint Rules, etc., to report if any alterations are needed therein. Passed in concurrence.

Ordinance relating to certificates to be issued to firemen who have served seven years came up referred to Committee on Ordinances. Concurred.

Communication from the Auditor on the difference of amount to be raised at five per cent. and at four per cent. rates of accumulation for payment of city debt and interest. Placed on file.

ELECTIONS.

Second Assistant Assessors. A certificate came up of election of Second Assistant Assessors, as follows (all others having been chosen in concurrence): Ward 17—Dudley R. Child instead of Thomas A. Tallon; Ward 23—Alexander Dickson instead of John J. Follen; Ward 24—Joseph E. Hall instead of John Haggarty.

An election was ordered. Committee—Aldermen Robinson and Dunbar.

Whole number of votes..... 12  
Necessary for a choice..... 7

Ward 17.

Thomas A. Tallon..... 8  
Dudley R. Child..... 4

Ward 23.

John J. Follen..... 7  
Alexander Dickson..... 5

Ward 24.

John Haggarty..... 7  
Joseph E. Hall..... 5

Messrs. Tallon, Follen and Haggarty were elected in non-concurrence. Sent down.

Commissioner on the Sinking Fund. A certificate came down of the election of F. H. Peabody in place of Newton Talbot, elected by this Board. An election was ordered. Committee—Aldermen Robinson, Dunbar.

Newton Talbot had 8 ballots and F. H. Peabody had 4, and Mr. Talbot was elected in non-concurrence. Sent down.

EAST BOSTON FERRIES.

An order came up for the appointment of a joint committee to investigate the public charges relative to the past management of the East Boston Ferries, and Messrs. Thompson, Mowry, Roberts, Blodgett and Upham having been appointed on the part of the Council—

Alderman Gibson offered an amendment, that said investigation be public, and the directors of the ferries are directed not to make any change in the office of clerk, superintendent, or master mechanic until the further action of the City Council.

Alderman Thompson—I suppose there is some reason for offering this amendment. It seems to me we should not interfere with the directors in their management of the ferries without good and sufficient reason.

Alderman Gibson—The object of the amendment is to retain those men in their positions, so that they can have a fair investigation, while all parties are in a position to await the result. I know of no other object it has in view. Of course parties could be discharged while this investigation was going on. I, for one, go for having those men thoroughly investigated, and let them be judged by the facts that are produced. I know that when one ceases to be a member of a body he ceases to be amenable to that body. I believe that everything should remain as it is, and let those parties who are to blame suffer the consequences, let it be the clerk, the superintendent or the directors. It don't matter to me where the fault is. If it is the officers, let them be discharged; and if it is the directors, let us discharge them.

Alderman Thompson—I don't object to the investigation being public. It seems to me that that is quite proper, in view of the representations that have been made in the public prints; but I do not see why the City Council should be called upon to take an interest in any difference which may exist between the directors of the ferries. It seems to me that the Directors of the Ferries should have the same powers that the other boards have had. If in the opinion of a majority of that board a change should be made in any of the officers, they should be at liberty to make that change. I know nothing of the merits of this controversy; but at the same time I think the City Council should not be called upon to take any part in the management of the ferries. The City Council have elected good men for the management of the ferries, of whom the Alderman himself is one, and I do not see why we should make any change in the internal arrangement of the ferries. Therefore I propose that the matter should be left as it is, so far as it relates to changes and in the appointments to be made. I ask that the question may be divided, and that the question be taken upon that portion which requires that the investigation be made public, and upon that portion which restricts the action of the Board of Directors. I don't think it is proper to restrict them under the circumstances.

The Mayor ruled that the amendment was not susceptible of division, and put Alderman Thompson's motion in the form of an amendment to strike out all after the word "public."

The motion of Alderman Thompson was declared carried. Alderman Gibson doubted the vote; the Board divided, and the amendment of Alderman Thompson was carried—7 for, 4 against.

The amendment was declared adopted, and the question was put upon the passage of the order as amended.

Alderman Clark—I understand that the question has not been put upon the amendment offered by Alderman Gibson, that no employes shall be discharged until after the hearing.

The Mayor—The amendment was hardly susceptible of division, and the Chair suggested that Alderman Thompson should make his motion in the form of an amendment to strike out all after the word "public," and that is the proposition which was put to the Board.

Alderman Clark—Then I have voted unintelligently, and I move a reconsideration. I propose to vote for the amendment offered by the Alderman from East Boston as a whole. I understood the motion to be that the question be divided, and that the two parts be voted upon separately.

The reconsideration prevailed and the question was again put upon Alderman Thompson's amendment. The Mayor was in doubt, the Board divided—3 for, 8 against—and it was declared lost. The question then recurred upon the amendment of Alderman Gibson.

Alderman Thompson—I do not think the Board fully understand this question. The Alderman on my right [Alderman Slade] thinks it interferes with the investigation. The amendment I wanted was that the City Council should not interfere with the directors. It seems to me rather queer that the City Council should elect a Board of Directors and then pass an order interfering with them in the internal management of the ferries, which will be the case if the Board passes this order. After this investigation takes place, if it does not result to the satisfaction of some members of this Board, the City Council will be asked to designate the parties who shall fill the subordinate offices there. It seems to me it is entirely out of place for this Board to inter-

fere with the management of the ferries. We might with the same propriety go to the Directors for Public Institutions and say that they shall make no changes without the consent of the members of this Board. We should have thought of this matter before filling the vacancies in the Board of Directors. It is certainly inconsistent for us to go out of our way to dictate to the Board of Directors, and if not out of order I move a reconsideration of the vote whereby the Board reconsidered my amendment.

Alderman Gibson—I am surprised that the Alderman desires to throttle this thing. Here are certain things reflecting on those men which have been written in the papers. All we ask is that the golden rule be adopted. We want everything square. I have had the honor to be one of the directors of the ferries ever since the city purchased them, except a few months. My term expired in this board in January, and I was re-elected in May. Now the newspapers have said that certain things were true, and we want them investigated and we want to see if they are true. Now if there is any one who desires to make a statement in regard to it, let him do it. The papers give the impression that there is some corruption somewhere, and we want to check it. We are all held responsible for the money which the taxpayers contribute to the support of the Government. We are expected to know where it goes and how it goes. I do not want to interfere with any department, but when charges are made we should be direct in our duty if we did not give them a thorough investigation.

Alderman O'Brien—It appears to me that this investigation will cover a considerable period of time—several weeks, and perhaps a month. If you tie the hands of the Directors they will have no control over the employes. They could not dismiss a man, even for a misdemeanor. I think it is rather a serious matter to take the control of the ferries out of the hands of the directors. I do not know that you can do it by a simple order, for you cannot pass an order that conflicts with an ordinance. This matter is placed in the hands of the directors of the ferries by an ordinance of the city, and this Board cannot pass an order contradicting an ordinance. You cannot take it out of their control. I believe that the men should have a public hearing, and I shall vote for that with pleasure; but I doubt if you can pass an order taking this matter out of the hands of the directors of the ferries without repealing the ordinance.

Alderman Thompson—The Alderman at my left [Alderman Gibson] quite misunderstood my motives, or misrepresented me; I do not think he intended to misrepresent me. I want the fullest investigation; but I do not want the directors whom we elect to manage the ferries to have their subordinates in such a position that they cannot control them, as that certainly would be the result of passing this amendment. I have no idea that the directors desire to make any changes while this investigation is going on. I do not believe that they will. When the members reflect upon this matter, I think they will vote to reconsider. I will thank the gentleman to inform me how any frothing will occur by this motion.

Alderman Gibson—All I ask is that all parties shall be held in the harness during this investigation. We have got a little trouble with the master mechanic and the clerk, and the superintendent, and we want to keep them in the harness till this investigation is ended. I want to know what those parties have had to do with writing for the papers. We want to know where the fault lies. We must have somebody to hold responsible for it.

Alderman Thompson—Do I understand the Alderman to say that if the investigation does not substantiate the charges that he would have those parties retained whether the directors desire them or not?

Alderman Gibson—If the Alderman desires to anticipate my judgment, I would say that if those charges are not sustained, and if those parties prove to be true to the interest of the city, that I think they should be retained.

Alderman Thompson—Provided the directors are opposed to retaining them?

Alderman Gibson—Yes, sir, I would retain them there under the circumstances. That is my view every time, no matter if he is, the humblest man that walks the streets, or the highest; when this matter has been investigated, if this clerk shows that he has done his duty, he should be sustained.

My motto is to stand by the weak as well as the strong.

Alderman Fitzgerald—If the object of the Alderman opposite be to retain those whom the Board of Directors do not wish to be retained, or to dismiss those whom we wish to have them dismissed, then the proper way to do that would be to repeal the ordinance giving power to the directors of the ferries and retain the power in our hands. If the directors have arrived at that state that they cannot be intrusted with the management of the ferries and with the selection of their own officers, then the sooner we get rid of them the better. I don't know anything about the true inwardness of this case except as I saw it in the Boston Globe, a letter on one side from a director, and another letter on the other side from some one connected with the ferries. Now if the gentleman's proposition prevails, and all those parties are exonerated, we shall have to retain all those parties. I should object to that. I doubt if we should pass an order like that whether it would be binding upon the Directors of the East Boston Ferries, who have authority by the ordinance to assemble on the first Monday in May and elect a clerk who shall not be a member of the board and they may fix his salary, and may make such rules and regulations for the government of the ferries as they may deem expedient. Another section of the ordinance transfers all the powers and duties which the Legislature has given to the city of Boston in regard to the ferries to the Directors of the East Boston Ferries. Now, how can any mere order, which has not been referred to a committee, destroy the efficacy of this ordinance which gives them that power. You may call it an order, but it is tantamount to a repeal of that clause of the ordinance. How can an order of that kind, passed without a suspension of the rule, be binding upon the directors, and prevent them from discharging any person from that place without giving any excuse for it. If we have no confidence in the directors of East Boston ferries, and if there be such internal confusion among them as would prevent them from doing their duty, the better way would be to repeal all the sections of the ordinance giving them that authority. But so long as you let them remain, I think you had better not instruct them. But most of all I object to what the Alderman says, that if these parties are exonerated, that they should be kept in their places whether the directors wish them or not. They should have power to select whom they please, just as we have the right to select assessors and discharge them without a reason.

Alderman Gibson—The gentleman who last took his seat was chairman of the Retrenchment Committee, and they cut down the pay of the employes there, but I heard nothing about repealing the ordinance to do that. This is a similar case. If we had authority to do that, we certainly have authority to do this. I do not pretend to cope with the gentleman on law and upon the ordinances, but according to his own statement he certainly has violated the ordinances of the City Council.

Alderman Fitzgerald—The Committee on Retrenchment reported ordinances repealing every ordinance which came in conflict with every ordinance which they reported. Such a charge as that cannot be laid upon us.

Alderman O'Brien—I will read from the fifteenth rule for the information of the Board:

"No order or vote which is not in the form of an ordinance shall have the effect to amend, suspend or repeal any ordinance."

That is a joint rule, and any order we pass here tonight cannot amend, suspend or repeal any ordinance.

Alderman Thompson—I would call the attention of the Board to the fact that before the directors can act the matter has got to come before the City Council for action. I do not think the Board is going to do that. The effect of the order is to make the City Council take sides in this controversy one way or the other. That is what I want to avoid. I know nothing about it, one way or the other. I have confidence in the Board of Directors, and I want to trust the whole matter to them.

Alderman Wilder—It seems to me that this is a matter that ought never to have come here at all. We have a very efficient Board of Directors who are acting under the ordinances of the city, and if they have got into some private differences among themselves, whereby they have got into the newspapers, I do not believe it is our business to help them unsnarl the matter. I myself have perfect

confidence in the Board of Directors to run the ferries properly and to settle any differences that may come between them. If they are abused in the newspapers I believe they are capable of giving back as good as is sent. I move that the whole subject be indefinitely postponed.

Alderman Gibson—This order did not come here by any action of the Board of Directors, but it came from the other branch, and I did not know any way to get rid of it. I wanted to keep all those parties in the harness, and I wanted every person implicated to have a golden opportunity to clear himself. That is all I ask. I may have asked for it in the wrong way, but I would like to have it put so that each individual who has been referred to by the public journals shall be heard, and that all the facts shall be laid before the public. I have nothing behind the curtain, and I do not propose to have anything. I want a simple act of justice done to those men.

Alderman Wilder—I hope that all those parties will have justice done them. It only appears to me that the directors of the ferries are the proper body to bring this matter before. I do not believe this is the proper place to bring such matters. The City Council has other business to attend to, and I do not believe that they have any business in this case. With the full confidence that final justice will be done to all parties by the directors, I move that this matter be indefinitely postponed.

Alderman Thompson—The Alderman on my right is anxious to have this matter have a full and fair investigation. It has been submitted to a joint committee, and I have no doubt when that committee is appointed it will be fully and fairly investigated. The investigation has nothing to do with the retention of everybody in their offices. It is presumed that every member of any fair-minded committee will investigate it fairly; but to tie the hands of the directors in their management of the ferries seems to me to be out of place.

The Mayor ruled that the amendment takes precedence of the motion to indefinitely postpone.

Alderman Clark—I would suggest that the order be amended that the parties now employed shall not be discharged during the investigation, instead of until further action by the City Council.

Alderman O'Brien—I would suggest that the order be further amended so that the directors be requested not to discharge the parties; for I feel confident that this Board cannot order the Directors to do so and so. We might request them to do so and so.

Alderman Clark—I accept the amendment.

Alderman Clark's amendment was adopted.

Alderman Wilder—I move that the order be indefinitely postponed.

Alderman Clark—I hope the subject will not be indefinitely postponed. As I understand, this order was introduced by a member of the Common Council, who is also a member of the Board of Directors of the ferries, and one of the parties charged with having done acts which it is said he ought not to have done. He has asked for an investigation, and it seems to me to be nothing more than courteous than that we should permit him to have an investigation, and an opportunity to prove himself upright and honest. Therefore I hope the order will not be indefinitely postponed.

Alderman Thompson—I should like to know what the investigation has to do with his amendment. The investigation is going on, as I understand. The member who introduced the order, I understand, suggested that the investigation be made by the Committee on the Ferries; but a special committee was appointed in its place. I think that the indefinite postponement of the order is the most proper action. I ask for the yeas and nays.

Alderman Clark—I do not understand the matter as the Alderman from Charlestown does. The investigation cannot go on till this committee is appointed. If this order is indefinitely postponed the committee cannot be appointed and the investigation cannot go on.

Alderman Thompson—I would like to have the ruling of the Chair upon that. The amendment is that when this investigation is held it shall be thus and so. I am in favor of the investigation, and I understand that the question before the Board is upon the indefinite postponement of the amendment offered by Alderman Gibson.

Alderman Wilder—No, sir; the whole subject.

The motion to indefinitely postpone the whole subject was lost—yeas 2, nays 10—Aldermen Fitzgerald and Wilder voting nay.

Alderman Thompson—I move that the order of

ferred by Alderman Gibson be indefinitely postponed as amended.

The Mayor—The Chair rules that the Board has voted to incorporate that into the order.

The order as amended was passed. Following is the amendment as adopted and incorporated into the order:

“Said investigation to be public, and the Directors of the Ferries are hereby requested not to make any change in the office of clerk, superintendent or master mechanic until the investigation is closed.”

The Mayor appointed Aldermen Fitzgerald, O'Brien and Dunbar as said committee on the part of the Board.

Alderman Fitzgerald—It seems to me that it has been my misfortune to be put upon investigating committees, in whichever branch of the City Council I happen to be. I should prefer that some one else should ferry this matter over. This investigating is rather an unpleasant thing and I would rather some one else would perform the duty. I think I have had my share.

Alderman O'Brien—I would suggest that the gentleman's experience makes him a very competent member of such a committee.

Sent down.

#### THE APPROPRIATION BILL.

The orders making specific appropriations for the next financial year, and for laying a tax to meet necessary expenditure (City Doc. No. 40), came up with the following amendments:

1. Restore the appropriation for new schoolhouses to \$96,500.

2. Add to paving appropriation of \$1,000,000 the clause, “that \$150,000 of the said sum be set apart as a special appropriation for completing West Chester park, Huntington and Commonwealth avenues.”

3. Alter total of appropriations to \$10,277,258, and alter total of tax to \$8,145,404.

Alderman Fitzgerald—In regard to the amendment to the appropriation for a primary schoolhouse, Sherwin District, I would state that—I know it as chairman of the Committee on Public Buildings—we will have, after completing the Andrew Schoolhouse, some \$12,000 at least, and that amount can be transferred to the appropriation for new schoolhouses. In the Sherwin District our estimates were based on a twelve-room schoolhouse; but the schoolhouse insist that they shall have only a ten-room house, as they think that is quite sufficient for any primary schoolhouse. If we build even a twelve-room schoolhouse we shall not require this amount, and by the transfer from the appropriation for the Andrew District we shall need only \$40,000 at most to be raised by taxation to meet the necessary wants of the schoolhouses. I move that we concur with the Council in all the amendments to the appropriation bill except that, and that we insist upon that. I speak of that because I know of what I speak. I understood that in the other branch the Alderman opposite [Alderman Thompson] was given as the authority for raising the amount. The City Architect tells me he had not sufficient time to explain the whole matter to him, and I have no doubt the chairman of the Committee on Public Instruction will agree with me in insisting upon that and in concurring with the Council in all the other amendments.

Alderman Thompson—The Alderman is correct in his statements about the forty thousand dollars being sufficient. I thought the other evening, when I advised the amendment, that it would be passed by this Board, and that would be an end of it. But there will be a surplus in the treasury from the Andrew School Fund, after completing the building, and the city can with safety make the reduction proposed by the Alderman.

The motion of Alderman Fitzgerald was adopted, and the Board concurred with the Council in all the amendments except that relating to the Sherwin District Schoolhouse. The total amount of the tax levy was made to correspond with the amendment. Sent down.

#### THE LICENSING OF FRUIT AND OTHER STANDS IN PUBLIC STREETS.

The Board took up the special assignment for 5 P. M., viz.: Consideration of order to revoke all licenses for street stands, and for the immediate removal of said stands.

Alderman Wilder called for the yeas and nays on the passage of the order.

Alderman O'Brien—The present order is so sweeping, including as it does all kinds of street stands, without regard to the article sold, it ap-

pears to me that it would be an injustice to adopt it, and when adopted it would be still greater injustice to enforce it. It may be contrary to a strict construction of the statutes to allow street stands, but there is some doubt about it, and the poor people who earn a living in this way should have the benefit of the doubt. There are a great many laws and ordinances that are not enforced to the letter, and this may be one of them. Smoking in the streets is not allowed by law, but is now a very common practice, and any attempt to enforce it would be met with a decided opposition, perhaps even from the Alderman who offered this order. Railroad corporations cannot block up the streets more than five minutes at a time, with cars or engines, unless at a penalty of \$100, but according to the testimony of the Alderman from the Charlestown District, this law is constantly violated by the railroads at the North End, and any attempt to enforce this penalty would seriously interfere with the movement of freight and our export trade. Projecting steps are contrary to the statutes, but thousands of them are allowed to exist. Bow windows and porticos are not allowed to project more than one foot, but still thousands of them exceed this limit. Goods, wares and merchandise cannot be placed on the sidewalk more than one foot, but still goods, wares and merchandise are displayed on all our leading retail streets far beyond this limit, and it looks to me more like business to see such displays. No empty boxes, barrels or hogsheads can be placed on the street for more than five minutes without subjecting parties to a fine, but I never heard of any fines being collected, and it would be very inconvenient to business men to enforce it. No lumber, iron, coal, hale, box, trunk, crate, cask or package of any kind of goods is allowed on the sidewalk for more than five minutes, but enforce this law and there is scarcely a wholesale house in Boston but would rise up in arms against it, as it would almost prevent them from doing business. When we attempted to pass an order looking to the enforcement of this law, last year, one of the largest fruit dealers in the city made the remark to me that he would have to move to New York if such restrictions were enforced, as it would almost prevent him from doing business. There is no large house in the fruit trade but is compelled to place more or less goods on the sidewalk, and boxes of oranges and lemons, bags of nuts, bunches of bananas, crates of peaches and other fruit are to be found in front of their stores from morning to night, and for my part I like to see this display because it looks more like business, as though there was some life to trade. The wholesale boot and shoe trade, the grocers, the flour dealers and all large houses in almost every department of trade are compelled to violate a strict construction of the laws against street obstructions, and for my part I should like to see the law violated even more than at present, because it is an indication that business is active, and increased activity in business is precisely what we want. I merely call attention to these facts to show what we are coming to if we remove all street stands, because to be consistent we ought to enforce the law against all obstructions. Enforce all our laws and ordinances to the letter, and it would make it very uncomfortable for business men to do business.

At the same time, the dealers in fruit who occupy stores and pay taxes have good reason to complain of the present state of affairs. If the business were confined exclusively to the poor there would be very little or no objection to street stands, but it has become of such magnitude that capitalists are now in the business, and some of our street vendors are no longer mere retailers, but compete with our largest jobbers in the purchase of fruit, frequently buying from fifty to one hundred boxes of oranges at a time, and sometimes even a larger amount. With no rent and no taxes, they can afford to sell cheap, and unless this business is placed under more stringent regulations, stores devoted exclusively to the sale of fruit will have to be given up. Capitalists, who have no stores, who pay no taxes, who never intend to become citizens, supply many of the prominent street corners with all the fruit that is sold, interfering with the business of the regular dealers, and these men ought to be reached if possible. No one person should be allowed more than one stand, and no one should be allowed to sell fruit on the street who has accumulated any considerable amount of money. These permits should be given only to the poor, and if this is done I believe there will be no complaint.

The present order, however, is altogether too sweeping. It interferes with newspaper stands, and it is a great convenience to suburban to be able to purchase a newspaper when on their way to steam or horse cars. The peach trade is increasing quite rapidly. Large quantities are received by steamship and railroad in the season, and this trade requires a rapid distribution. Put a stop to street stands and it appears to me that the peach trade will have to suffer. It will interfere with just what is wanted during the peach season—a rapid distribution; and I don't see how we will be able to dispose of this crop without the assistance of street stands and street venders. The supply of grapes is also rapidly increasing. Grapes are no longer only a luxury for the rich, but the low price at which they are sold places them within the reach of the poor. We have not only become large manufacturers of wine, but the supply of grapes from California, from the West and from neighboring States is immense, and street stands and street venders place the crops in the hands of consumers at very low prices. This crop also requires a rapid distribution, and the enforcement of this order will interfere with it. Under this order chestnut venders would have to take their departure, and I don't see what we could do with the chestnut crop were it not for these little roasters that are to be found on every corner in the season of chestnuts, inviting the passer-by to invest a few cents. Now, in trying to drive lemons and oranges from our streets—and this fruit appears to be the objective point—you also force everything else with it, and this, it appears to me, will do more injury than good. The fruit trade that requires a rapid distribution will be sure to suffer, and the poor people who earn an honest penny in this way will also be sure to suffer. If any abuses have crept into the business let us get rid of the abuses without driving all the poor people from our streets. There is no large city that can afford to dispense with these aids in the distribution of our perishable crops.

To remedy the complaints as much as possible, without interfering materially with the present order of things, permits should only be granted to persons who are known to be poor. In order to interfere as little as possible with the regular dealers, who hire stores and pay taxes, no permit should be granted on any street, say within one hundred feet of any dealer. If the present order is rejected, I intend to offer an order with this limit, which, it appears to me, will protect the fruit dealers who occupy stores, and will give ample opportunity to street venders to do business.

With our present rapid communication, the whole fruit crop of the country is within our reach. The movement of this crop gives employment to our steamers and railroad lines and to thousands of our people. It requires a quick movement to dispose of it, and we cannot dispense with any of the aids that assist a rapid distribution, if we wish to compete with other large cities for the sale and distribution of this crop.

This matter has previously been before the Board. A well-considered report, made in September, 1874, closed with the following remarks:

"All permits granted by the committee are subject to revocation at any time on notice from the police, and as soon as any well-grounded complaint is made, showing an obstruction to public travel, or an improper use of the privilege, it is withdrawn. In reply to the complaints of fruit dealers who hire permanent places of business, it may be said that the sale of fruit from stands in the public streets and grounds, or by persons going about from house to house, has been permitted from time immemorial. The statutes do not require pedlers of fruit and provisions to have a license. Persons who have places of business to sell these articles do so with the full knowledge of what they have to compete with, and so long as the legitimate use of the streets is not seriously interfered with they have no just cause for complaint. In most instances, as appeared in the public hearing given by the committee, the complainants themselves occupy a portion of the public way, in front of their shops, for the display and sale of their stock. The committee see no reason for changing the policy which they have heretofore pursued in regulating street venders, and they are, therefore, of opinion that no further action is necessary upon the subject."

This report was accepted, and shows the feeling of the Board in 1874 on this matter.

Alderman Robinson—I am extremely happy to agree with my friend, Alderman O'Brien. As a

member of the License Committee I should have been as ready to vote on this matter at our last meeting as I am tonight, and should have voted the same way. Notwithstanding the astute arguments of the counsel for the petitioners it appeared to me that they could not be deemed of very great weight. He brought no evidence, but said there was no law to authorize this Board to grant permits to these fruit venders who had their little stands on the tit bits of the street, and therefore we were going contrary to law, or that we were breaking laws in so doing. I am no lawyer, and I failed to see what law we were breaking; there may be some legal point in it that my friend Fitzgerald can clear up; but I did not see, if there was no law against it, how we could be breaking any law. I know nothing about legal questions, but there is one sentiment of justice implanted in the heart of every man that leads him conscientiously to draw correct conclusions of right and wrong, which should be the basis of all law as well as the guide of a man's acts, no matter in whatever situation or position in life he may be placed, if he can look in the glass and confront that face before him boldly and honestly without flinching, he is right and feels satisfied with himself, for he knows well that though he may deceive others he cannot deceive that face that confronts him. Now, what law do we break in granting these permits? Not God's law, for the law of the Almighty constrains us in the way of charity, and these poor men and women who sell fruits on the corners of the streets are our fellow creatures—the humblest of them all is of equal importance in the eye of Omnipotence as he who may occupy the most exalted rank in life. We do not break the law of man, otherwise the able gentleman would have told us what law it was. It must therefore be the law of selfishness; but selfishness, though once in awhile commendable and necessary, should not be the governing motive of a civilized and enlightened community, nor should we be actuated by it, more especially when it would tend to deprive a poor class of people of one means of obtaining an honest living—the vending of fruit in the streets cannot be deemed other than honest.

It was urged that the shopkeepers who sell fruit have a right to the whole of the fruit trade, because they pay taxes and store rent; and all the signers of the petition, and dealers to the number of 1800, are voters. And a gentle hint was thrown out that if the chairman of the License Committee had an eye squinting ever so little towards the office of mayor some years hence, these were the men to please. For these poor Italians were not voters. Moreover they slept three in a bed, did not buy any dry goods, were content with the cast-off clothing given them by those more fortunate in life, and as soon as they succeed in raking and scraping together one thousand dollars or so by denying themselves, they return to Italy to live in affluence for the rest of their lives. Well, let it be so. We cannot regard them even then in any other way than a benefit to the public, and if they do the public good, why should the public complain? If, while they scrape this thousand dollars together, they enable the public generally to obtain the fruits of our own and foreign lands at a very much reduced price, why should we complain? If, notwithstanding they sell oranges and bananas brought thousands of miles cheaper than our own apples and pears raised among us or in the vicinity of the city are sold, and still gather by dint of sleeping three in a bed a few hundred dollars, why should Bostonians complain if they do take those few hundreds to Italy and revel in luxury among the fleas of Naples for the rest of their lives? It is their affair, not ours.

A vessel arrives loaded with oranges—a fruit that an enterprising merchant has sent thousands of miles to obtain—employing a vessel with her crew several months in the business; sometimes two or three arrive at the same time. Now, the shopkeepers or dealers can only take a portion of this fruit, how much I cannot say; but I will presume one-third part—that part being selected to keep the longest time without decaying. The other two-thirds must be sold at once or otherwise it rots, and does no one any good. These poor people come in and buy it at a less price, perhaps, than the dealers, after the wants of the latter have been supplied. It has to be sold at a very small profit. It is ripe, and the venders cannot afford to hold on for large profits and have it rot on their hands, hence it is sold very low. We all buy it of them as we pass;

and those of us who take the cars for the suburban wards, or the environs of the city, would hardly think of going into a store to buy unless by the quantity or for the purpose of buying fruit of a more choice character. Therefore our families would be deprived of some delicacies they now enjoy.

In peach time, short it may be, but I am told that some forty car loads arrive daily on the average in the height of the season. The grocers and dealers can only dispose of ten. The street vendors take the other thirty, and we revel in the luxury of a happy enjoyment of what nature in our own country gives us in so bountiful a manner, by being enabled to buy it at a moderate price on account of these very street vendors. If it were not for them no railroad companies would put on special fruit trains to bring it in fresh every morning, and that which we so much like would have to be sent elsewhere for sale.

I do not believe, gentlemen, that the sale of nuts or fruit in the streets, of any kind, by the street vendors injures the sales by the shopkeepers. What is bought in the streets is outside and irrespective of that which the large dealers sell to regular customers or country trade. I cannot believe that the sales of the street vendors interfere in any great degree with the sales of the grocers or those who pay rent for stores. We profess in Boston to be the most enlightened city in the universe—the Athens of America—the hub of all creation. In every large city of Europe, also in our own seaboard cities, we find this same class of people selling fruit, sometimes flowers, occasionally small wares of every description—such people are incidental to large cities. No one elsewhere, I am informed, ever dreams of putting a stop to the traffic; but here in our own city of Boston—one of the most beautiful in itself and its surroundings that the sun shines upon, a city renowned for its wealth and for the liberality of its citizens, the high character of its institutions and the high-toned benevolence of all—a body of men said to be the bone and sinew of the city, as many as eighteen hundred of them, come before this Board with a petition, and back that petition up, not with evidence, but by a very astute lawyer, and ask that these poor people, who are trying to earn an honest living in the streets, and who benefit the public at the same time, be deprived of their occupation, and that their permits be revoked, because they prevent the regular or larger dealers from making satisfactory profits or the larger profits of former times, and which they could make again were it not for these poor people—Italian, Irish, German, or whatever their nationality may be—prevent them. Why, gentlemen, it makes us think worse of human nature. I cannot believe that any considerable number of our own citizens would do such a thing. I cannot think that any considerable number of these eighteen hundred bone and sinew wish for it. It is contrary to humanity. In this most respected city of our free republic, blessed and sometimes chastened by our Almighty Creator, in times past showing whom God loveth he chasteneth—I say in this city to attempt to do what the monarchical nations of the Old World would not think of attempting to do, nor could do if they so wished—would seem to indicate that republics in some instances are more uncharitable than monarchies. It is said that republics are generally ungrateful, but let not cities oppress the poor.

It was said by the learned and able man who appeared as counsel for the petitioners—who, by the way, I never had the pleasure of seeing or hearing before—that these people go home when \$1000 or so were gathered, and live in Italy in affluence the rest of their days, eating macaroni and sometimes drinking wine. It should have been drinking wine and sometimes eating macaroni. No poor man in Italy, even those who break stones on the highway, thinks of eating a meal without his wine. No matter whether it is radishes, bread, macaroni, potatoes, polenta (which we call mush), that makes his meal, the wine always comes in—but such wine, when vinegar would be the proper name; yet it is enjoyed and is a necessity of the climate. We profess to be the country of the world where the oppressed will find protection, and where the poor and needy can find a welcome and a home, and generally an occupation whereby an honest living can be obtained. We have no right to complain of their going back to their own country. It is their right. Our own people go and return in the same manner. In almost every part of

the habitable globe where money is to be made a live Yankee may be found trying by indomitable energy to make his fortune, whether it is building railroads in Russia or Spain; whether as bankers in London, Paris, or in German cities; whether it is raising sunken ships at Sebastopol, or raising wool in South America; whether it is mining in Mexico or shipping tea from China or Japan; whether it is exploring the interior of Africa, or commanding armies for the viceroy of Egypt; whether it is collecting ivory at Zanzibar, or carrying the Bible to the benighted heathen in Asiatic countries; whether it is gathering the figs of the Mediterranean sold there by the street vendors, or digging gold in Australia, our own people are found in every city, town or locality where it is supposed money is to be made. And I much doubt if among them any great number can be found who do not look ahead to some day when they can return to their own land, to enjoy the fruits of years of toil, energy and labor, among their relatives and early friends, in spending judiciously their ample fortune they shall have amassed. It is true that many do not return, but the fault lies in themselves. Americans are not satisfied with any thousand dollars, nor will they sleep three in a bed from choice; a dogged determination to acquire a large fortune keeps them at their post too long. Ideas of Americans are higher than selling fruit in the streets. The intermixture of races in their blood gives them the high qualities of energy, perseverance, shrewdness and determination to conquer a position or achieve greatness wherever they may go; generally they all make their mark, be it for good or for bad. We never hear of their being interfered with by foreign governments. It may be that they hold positions of too much importance; but, however, we never hear any of our friends who have lived in foreign lands complain of bad treatment, or of having been interfered with in any occupation they may have followed of an honest nature. The amount of money brought home by those who come back far exceeds that which these poor Italians take away with them, and they spend it liberally also. It would take a great many Italian street vendors to take away what a Peabody has spent in his established institutions in this country, and which money was amassed in another land. Many Americans may die abroad—death comes upon all alike—but the United States is where Americans are born, where they all wish to die, but while they live they desire to fill the world with their renown and authority. Boston has furnished her quota of these energetic men; has derived much benefit from the labors of absent citizens. Why should such an order as that offered be passed, to deprive a few hundred poor people of an honest way of earning a living? Why should the public be deprived of the benefits derived from their vending fruit at a low price? If there are any abuses in the licenses let them be rectified, but do not pass an order to sweep all rights away. I move the indefinite postponement of the order.

Alderman Viles—While I shall vote to remove the fruit stands from the streets, I will merely reply to one or two assertions made by the Alderman last up. He said the fruit stands make no difference in regard to the sale of fruit in the stores. That is not so. I have been in a grocery store for twenty years, and we used to keep all kinds of fruits in their seasons—Malaga grapes, oranges, strawberries, bananas, etc.; but for the last ten years I have not kept any of those articles, for the reason that people on the street undersold me, and our fruits rotted on our hands. I shall not vote to remove them, for it is pretty hard to prevent a poor man from getting a living. I know that the street stands are demoralizing to the fruit stores on our street, and it is so all over the city.

Alderman Robinson—I bow to the ideas of Alderman Viles, for he probably knows more about this matter than I do. I simply made it as a casual remark, and if I am wrong I am corrected. I had supposed that the sale of fruit on the street corners did not interfere in any great measure with the sale of fruit that is sold in the stores, because as we pass by it is very easy for us to buy a dozen oranges or bananas in a bag, while we should not get them if we had to go to the store.

Alderman Fitzgerald—I presume that the origin of the custom of granting licenses to persons to sell fruit throughout the city grew out of the fact that there were a great many persons who could not rent stores, but if they received permission to commence with a capital of fifty cents or one dol-



lar, they could earn a livelihood for themselves, and thus prevent the city of Boston from supporting them. That has been the custom of the city of Boston since it became a city, and, I presume, long before that; and it has continued up to the present time. The Alderman who has been engaged in the fruit trade informs us that the business has been interfered with by the permits given by the Board of Aldermen to persons to sell oranges and fruits. This petition comes here ostensibly on the ground that the stands interfere with public travel; but really it is because it interferes with their trade. If the permits should be refused because the stands interfere with public travel, the Board should go further and revoke all licenses for truck wagons and express wagons upon our streets, for they are a greater obstruction to pedestrians and to the public travel generally than are the fruit stands. I take it for granted that the real reason for the petition of these people is that the stands interfere with the sale of their fruit. Now, if the Board of Aldermen are to prevent them on that ground, they should go further and prevent the fishmongers and the travelling peddlers going from house to house, selling articles of clothing and articles of that kind, on the ground that they interfere with people who have stores, and it should prevent the fruit vendors, who go from house to house to sell fruits and oranges, on the ground that they pay no rent, while the owners of stores pay rent and thereby help to support the city of Boston. If you go one step in that direction, you must take the other step in order to be logical. There is no reason why we should not revoke all the licenses for express wagons and teams that have stands on the streets of the city. I think the Alderman would not go so far as that. But I think the argument that should weigh primarily with us is this: that it is a fact that in each particular case we have poor persons who obstruct the street, but it does not follow that because John Jones obstructs the public way and is found guilty by the court, his neighbor, John Smith, also obstructs the street. But it has not been denied that this action is illegal by the tribunal from which there is no appeal—the Supreme Court; and therefore I think the Board of Aldermen should hesitate before voting that they have no authority to give licenses, which have been granted for a century, when nobody higher than they are have decided that they have not that power. I grant that in many cases the licenses may be passed, and I think the committee should see to it that no persons except those poor men who have large families dependent upon them should receive licenses, and I, as chairman of the committee, and my colleagues, will scrutinize them so that nobody, except those poor people who are unable to go into business, shall get a license to sell these fruits. I think that is all these gentlemen can ask of us until such time as it is decided by the Supreme Court; and even then I will go further and ask whether it is not a fact that it should be decided whether there is not an obstruction in each particular case. I hope the order will not pass, and I hope the Alderman to my right [Alderman O'Brien] will not offer his amendment requiring fruit stands to be located not less than 500 feet from a fruit store, which simply requires that they should be 1000 feet from a store. It will practically prohibit any licenses at all, because there are few such stores in some parts of the city which are 1000 feet apart. I hope the Alderman will see it in that light, and will not offer the order, but will allow the Committee on Licenses to exercise their judgment and scrutinize each case when it comes up. I have heard, also, another excellent reason from the Alderman on my right [Alderman Slade] and I should like him to state those reasons.

Alderman Slade—The Alderman is looking pretty hard at me, and I suppose he means me. It is true I have a good many personal friends in the fruit trade, and I have seen them and conversed with them a good deal during the last month. I do not think they would care so much about anything else, if the orange and lemon stands were out of the way. I think it is true that if we should pass so sweeping an order as this it would drive everything out of the streets, and it will have a tendency to keep away perishable fruit from the city. There is no doubt that two-thirds of all the peaches that come to Boston are sold upon the street stands. I know that on their arrival the storekeepers leave their orders for some of the best fruit that they can

keep for one or two days at their store, and that if not sold the dealers they have to sell the remainder to the street vendors; I don't know anything else that could be done with it. If all the sales on the streets were prohibited, I think we should cut short a good deal of the luxuries that we now enjoy. If I understand it, the trouble about this is that this trade has got to be immense with people who pretend to be poor, and have stands upon the streets, but the same persons will employ a dozen or fifteen, more or less, at a certain price per day, get the stands, furnish them with fruits, and take the benefit of the profits. I think this order should go back to the committee, and let them look into the matter. I have understood that some of these individuals who have numerous stands will go down to the auction sales of fruits and purchase more than any dealer would dare to purchase; and that makes a competition in fruit, because they know they do not have to pay any rent and can sell at much less than a dealer can, and therefore they can pay higher prices. Now if it is found that any person has fifteen or twenty stands upon the street and is reaping the benefit of them, I think that ought to be stopped. Perhaps if it had not been for that these dealers would not have been here. So far as protection is concerned, we all need protection in that light, because there is scarcely any commodity that we deal in that is not peddled on the streets. I know that the commodity that I deal in has been peddled on the streets for twenty years. I will make a motion, in view of what I have heard of this matter, that the order be referred to the Committee on Licenses, to see if they cannot do something that is right and proper to relieve those who come here and complain.

Alderman Robinson—I hope this Board will decide the question one way or the other. I don't know what the Committee on Licenses can do. This order is very sweeping in its nature. It provides that numerous permits shall be granted, and those permits already granted shall be revoked. Now, what is there for the Committee on Licenses to report on? There is nothing for them to consider, and there will be nothing for the committee to report upon in favor or against. As the whole argument of the counsel for the petitioners was made before this Board, I don't know why the matter should be referred to the Committee on Licenses. I don't know what decision the committee would come to on this matter, but I think this Board just as competent to decide upon it intelligently now as they would a fortnight hence. If they decided against the passage of the order, that is what the committee would do if called on to act upon it. I think the committee are no more able to judge of the justness of this order—not near so much—than the Board of Aldermen, who have listened to the arguments of the distinguished gentleman who argued this case.

Alderman Wilder—I have no new arguments to offer for the passage of the order, and I am aware that it is a foregone conclusion that this Board will reject it. Perhaps I would have been glad to find some way to make the order a little less sweeping in its character, but that was the only way to do it. It is admitted that there is no law for granting these licenses. This Government petitioned the State Legislature for a law, and a long, exhaustive hearing took place upon the subject. The matter was brought before the Legislature, was passed finally by one branch, was amended, and finally rejected, it being the conclusion of the legislators that the city of Boston did not require any such law. Now, suits have already been commenced against the city, one or more of which will be decided. I don't believe there is any gentleman here—I certainly believe that the legal member of this Board [Alderman Fitzgerald] would not hesitate to say that in his opinion, if a decision ever was arrived at it would be averse to the right of the city of Boston to grant these permits. The gentleman in his argument said there was no place to stop, and if we pass this order we should with the same propriety apply it to various other street obstructions. Now, if the gentleman would permit one foot of the sidewalk to be occupied for stands why stop at one foot? Why not give the whole sidewalk? If you have the right to concede one foot of the sidewalk, you have the right to concede the whole. I introduced the order not because I expected it would pass, but because I wanted to put myself upon record as opposed to granting permits in the pretended name of charity, or any other pretence, that we have not the right to do. I believe that when we

come to discuss the charity question it is very doubtful if it is wise and judicious to grant permits. I thank the gentleman opposite for stating the fact that is well known to everybody in the fruit trade. There it is not charity. It is helping the speculations of these men who know enough to secure prominent points, furnish them with a little stock for men unable to do business, and who have not to pay the necessary taxes that people do who are engaged in business. I would be the last man to deprive a poor individual of getting an honest livelihood. Now what does this order do? It simply restricts the Board of Aldermen from granting any more permits of doubtful legality. It does not restrain any gentleman who has a doorway or passageway or any other place under his control, if he desires to, because there is an opportunity of selling within such a place where it is no encroachment upon the public travel or public street. This order does not prevent him from doing that. I have two places adjacent to my premises, where I would be very glad indeed to give any poor person an opportunity to sell fruit. I don't believe the passage of this order would stop the vending of fruit in the streets. It is a proper business when done in a proper place. I think the record will show that two hundred permits were granted two years ago, and now the number is about four hundred. It has grown into a business which sbrewd men are speculating upon with the pretence that it is charity to poor men. I am especially opposed to it upon the charity view of the question. I hope the order will pass, although I don't expect it will.

Alderman Slade—After all the representations made here, why not refer it to the Committee on Licenses and let them look into it and see if they have gone too far? I think it ought to go to the Committee on Licenses, after the information we have got upon the subject.

Alderman Clark—It seems to me it is hardly necessary to refer this matter to the Committee on Licenses, because all licenses expire on the 1st of May. If the committee exercise their judgment, I think they will not allow permits to any speculative persons. I believe no permits should be granted to any but persons in necessitous circumstances. Many of the present occupants of stands are known to own their own houses and have money in bank; and in my opinion such persons should not have permits. So far as possible, the permits should be given only to citizens of the city. There are arguments on both sides of this question. The stands are an injury to dealers and grocers who keep fruit for sale, because the sidewalk dealers can undersell the keepers of stores, who are at a large expenditure. But on the other hand, the stands afford the means of support for hundreds and perhaps thousands of people. For the reason that the arguments are decidedly in favor of granting this permission, whether it is against the law or not, I shall vote for the indefinite postponement of the order. I do not believe it is best to refer it to the Committee on Licenses, as all licenses expire during the month of April. All licenses to be issued for the coming year should be carefully scrutinized, and the committee ought to grant permits only to such persons as are known to be in needy circumstances; and no licenses should be granted to persons who have been in the habit of buying fruit by the cargo and retailing it from the stands. I believe as the Alderman from Ward 24 [Alderman Robinson] has said, that the prohibition in the order is too sweeping, and it would be the means of driving the peach and grape trade, and I don't know but the orange trade, from the city of Boston. I should hope that the amendment of the Alderman from the Twenty-first Ward will not be adopted, inasmuch as it would drive the stands from some of the most convenient corners on the streets. You can hardly find a street where the stores are not nearer together than 500 feet. Such a provision would take the stands off of about two-thirds of Washington street; and certainly in my own neighborhood, one at the corner of Federal and Pearl street, will be driven out of market. I do not see how the importers of fruits can come here and ask that the permits for the sale of fruits in the streets be revoked.

Alderman Fitzgerald—Of course every member of this Board knows that there is not a charitable cause which requires money that impostors do not enter into and collect money which they should not collect. So it is in this case; and I

have no doubt some stands are owned by poor people and controlled by persons who employ them. But I know of none; it is simply an assertion, and neither the Aldermen nor the Superintendent of Licenses can point to any. There are suspicions, but there is nothing that amounts to anything to show that you get your fruit from a stand controlled by speculators. I know there was a case of a poor Italian doing business on the corner of Washington and Bedford streets, who was brought before us on the petition of a gentleman before whose place he was located, who asked to have his license revoked; and to our amazement we found that that poor Italian had been paying that man a dollar a day; and on the very night before he had paid him fifty cents, and his petition was then in the hands of the committee. The Committee on Licenses exercise a great deal of scrutiny in the selection of the persons to whom they grant permits. The residences and names are sent round to the different stations and the police officers report upon them and their condition. I have here several samples of these applications, and the reports of the police thereon. [The Alderman read the reports showing a thorough investigation by the police in each case, the poverty of the applicants and the recommendations of the police.] The persons are those who are deserving and unable to do anything except some business of that kind; and when any other cases come up the committee invariably refuse the application. I have no doubt that some who have nothing in the world, receive some supplies from outside parties who receive in turn some profit. But I have no doubt that the persons who sell the fruit get as much profit from them as those who furnish the supplies. I think the committee should not grant licenses to parties to sell where there are fruit stores; but that they should be where they would not materially interfere with the business of those who occupy stores for fruit purposes. But I think that ought to be left to the discretion of the committee.

Alderman Slade—I was not aware that the licenses were so near out, and that being the fact I would withdraw the motion to refer.

The motion of Alderman Robinson to indefinitely postpone the order prevailed.

Alderman O'Brien offered an order—That hereafter no permits for stands for the sale of fruit in the public streets shall be granted, except upon condition that such stands shall not be located at a less distance than one hundred feet from any store where fruit is sold.

Alderman O'Brien moved the reference of the order to the Committee on Licenses.

Alderman Robinson—Suppose a fruit stand is located on the corner of a street, or where there was no fruit store, and a store should be established there for the sale of fruit, how would the order affect that?

Alderman O'Brien—I should say that the fruit stand would have the preference by holding the position.

The order was referred to the Committee on Licenses.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Report that it is inexpedient to grant the petition of Joseph H. Carter *et al.*, that the new bridge on Columbus avenue be of the Deck pattern. Accepted.

Report that the City Surveyor be authorized to furnish James McNeil with the established grade of Columbus avenue. Accepted.

Reports of leave to withdraw on the petitions of Mary J. Moore, Morse & Remick, J. E. Adams & Co., to be paid for grade damages on Swett street. Severally accepted.

Report in favor of granting the petition of Eben B. Phillips, for leave to make excavations under sidewalk in Atlantic avenue near Pearl street, for the purpose of constructing a driveway. Accepted.

Report that a license be granted to John Berghen to sprinkle the streets in Ward 25. Accepted.

Order—That the sidewalk assessment of \$14.69 against the estate of Sarah F. Fogg on Silver street be and the same is hereby abated. Read twice and passed.

#### HORSE RAILROAD LOCATIONS.

Alderman Robinson submitted the following from the Committee on Paving:

*Metropolitan Railroad.* Report and order for location for the Metropolitan Railroad Company

as follows: A single track with suitable turnouts on Lexington street, from Meridian street to Prescott street, and to connect said tracks with the tracks of said road on Meridian street; also a single track on Prescott street, from Lexington street to the said tracks of said company in Chelsea street; also a turnout on said Prescott street, between Saratoga and Bennington streets. [The order contains the usual conditions.]

Order read twice and passed.

*South Boston Railroad.* Report and order granting a location for the South Boston Railroad, as follows: A curved track at the intersection of Federal street and Kneeland street to unite the track of said road on Kneeland street with the track of the Metropolitan Railroad on Federal street. [The order contains the usual conditions.] Order read twice and passed.

*Middlesex Railroad.* Report and order of location for the Middlesex Railroad, as follows: A curved track at the intersection of Lincoln street and Beach street, to connect the track of the said Middlesex Railroad on Lincoln street with the most southerly track of the South Boston Railroad on Beach street; also the right, until otherwise ordered, to enter upon and use with its horses and cars, to an extent not exceeding seven cars per hour, the tracks of the South Boston Railroad on Beach street between Lincoln and Federal streets, and also the track of the Metropolitan Railroad on Federal street between Beach and Kneeland streets and the track of the South Boston Railroad on Kneeland and South streets. [The order contains the usual conditions.]

Alderman Fitzgerald—I do not want to discuss this matter, as it was sufficiently discussed at the last meeting; but I want to say that the statement of the Alderman opposite [Alderman Thompson] about the right of the Middlesex Railroad to go around Temple place is not correct, and he was misinformed and labored under a misapprehension. The Middlesex Railroad has the right to go around Temple place when it deems fit, and it can take all or a portion of its cars around that way or by the other route. The president of that railroad says that on Sundays, instead of going through Temple place, in order to get to the churches on the Back Bay, the people prefer going down Summer street, through Lincoln street and up to the corner of Boylston and Tremont streets, rather than up Washington street and through Temple place to Tremont street. The whole matter is amicably settled now, and the people will be allowed to take that ride around the circuit in order to get up there. The chief reason they wanted the track to remain there was to allow the people to go around the circuit to get to the churches on the Back Bay instead of going through Temple place. The Alderman opposite said the right to go through Temple place had been revoked, and I said it was not so. I thought he was not correct, and I find it was not, as I found that a great many other things which I said were also correct.

Alderman Burnham—Do I understand that the Middlesex Railroad are compelled, by the action of this Board, to run seven cars an hour around by the Federal-street route to the Old Colony Depot? I do not desire to go into a discussion of this matter, but it seems to me there is something about it that is exceedingly foggy. The Middlesex Railroad came to us and asked to be allowed to run to the depots in the southern part of the city, and the matter was presented very strongly in that light on the 28th of February, 1876, by Mr. Powers, president of the Middlesex Railroad, at that time. [The Alderman read the testimony introduced by Mr. Powers on that date to show that the object of the petition was to accommodate the patrons on the Boston & Maine and other roads, who desired speedy communication with the southern depots.] Now it seems to me that we have granted them the privilege they asked for, and having received it, they desire something else; and my object in making the inquiry, if we compel them to run those cars to the depot is to know just what we are doing. I do not know that it is for the interest of the South Boston or any railroad to prevent them from doing so. But it does seem to me that we should settle this matter now so that we all will understand it. If it is not incorporated into the order that they shall run so many cars to the Old Colony Depot, I shall move to amend so that they shall be required to do so. The trouble with the order is that it does not compel them to do it, and they can turn down by the United States Hotel and not go to the Old Colony Depot at all.

Alderman Thompson—I don't see that this order

is different from any others passed by this Board, and I don't know of any order compelling a road to run any particular number of cars. This order permits the running of seven cars an hour, but it don't compel them to do it. I don't understand why the Alderman wants to compel them to run any cars there. Heretofore there has been a great deal of opposition to it, and I don't see why he should desire to compel the running of cars there prejudicial to the interest of the South Boston road.

Alderman Burnham—I asked for information. I am assured by the president of the South Boston road that the matter is satisfactory. It was not satisfactory to me, because I did not understand it. I have no amendment to offer.

The order was passed.

#### PERMITS FOR WOODEN BUILDINGS.

Alderman Wilder submitted reports from the Joint Committee on the Survey and Inspection of Building, recommending the passage of orders authorizing the issue of permits to erect wooden buildings as follows: Henry Lawn, East Fourth street, upon condition that a brick wall be built at each side of the proposed building; Boston & Albany Railroad on Grand Junction wharf and two buildings on Third street. Orders read twice and passed. Sent down.

#### CITY HOSPITAL STABLE.

Alderman O'Brien offered an order—That in conformity with the petition of the Trustees of the City Hospital of April 9th, 1877 (the required permission having been granted), the said Trustees be and are hereby authorized to abandon the present brick stable appertaining to the hospital, and to permanently occupy for a stable the wooden building formerly used as a smallpox hospital, now standing upon the southwest corner of same lot, together with a strip of land in the rear of said building, about 25x80 feet, for a stable yard. Read twice and passed. Sent down.

#### PUBLIC INSTITUTIONS.

Alderman Thompson offered an order—That in the construction of the new piggery at Deer Island, and the addition to the brick building at Rainsford Island (provided for in the appropriation bill of 1877-78), the Directors for Public Institutions be instructed to procure estimates and proposals from responsible parties for furnishing the material required for said buildings; but that the said directors be and they are hereby authorized to have discretionary power so far as relates to the labor to be used in the construction of the buildings.

Alderman Fitzgerald—There is an ordinance which obliges all boards having charge of the erection of public buildings belonging to the city, to advertise, and that order is intended to suspend that ordinance. It should be an ordinance that section so-and-so of chapter so-and-so shall not apply to the buildings to be erected on Deer Island—I mean if we want to comply with the joint rules and orders that no order shall repeal or suspend an ordinance. I merely suggest that the order should be in conformity with the ordinance.

Alderman Thompson—The committee were under the impression that this order, applying to a specific object, would not interfere with the ordinance. They do not want to interfere with the ordinance, but to pass an order for a specific purpose. I was under the impression that the order, under the circumstances, would answer the purpose. I don't think it necessary to repeal the ordinance.

The order was read twice and passed. Sent down.

#### STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Report that permits be granted to occupy stables by John F. Wilson, 249 Highland street; John L. Dakin, Wise place.

Report of leave to withdraw on petition of Thomas Gogin for leave to occupy stable rear of 40 and 41 Vinton street.

Severally accepted.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Reports of leave to withdraw on petitions of Samuel B. & J. H. Pierce for damages by the construction of a sewer in their land in Clayton street, Dorchester; Elizabeth Robinson, for abatement

of sewer assessment in Brook Valley, Ward 20; Ann Gay, for abatement of sewer assessment in Brook Valley. Severally accepted.

Reports that it is inexpedient to grant the petition of John Wall *et al.*, that floodgates be erected at the end of Wapping street and of Gray street, Charlestown; and that no action is necessary on petition of Bailey L. Page *et al.*, for abatement of assessment for sewer in Spring-park avenue. Severally accepted.

Order to pay for land taken and damages occasioned by sewers, as follows: James Tucker, 2d, \$350, sewer through Dorchester Brook Valley. Read twice and passed.

Ordered, That \$24.13 be abated from the assessment levied upon B. W. Williams, for a sewer in Chestnut street, on account of overestimate of land; that \$21.19 be abated from Catherine R. Whitney, for a sewer in Alveston street; that \$76.83 be abated from James Tucker, 2d, for a sewer between Dudley and Quincy streets, on account of overestimate of land; that \$34.64 be abated from the assessment levied upon Charles H. S. Townsend, for a sewer in Ashland street, on account of overestimate of land; that \$53.83 be abated from the assessment levied upon Fanny E. Benedict, for a sewer in Adams street, on account of overestimate of land; that the assessment of \$17.94 assessed upon Caroline P. Currier, for a sewer in Terrace street, be transferred to Mary W. Drury. Read twice and passed.

Reports and orders of notice for hearings on Monday next on the building of sewers in Starr, Bishop and Newbern streets, and in Sargent street, severally passed.

Orders to build sewers in Chambers street, in Eagle street, in Whitney street and in Centre street, severally read twice and passed.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Wagon License Granted—John I. Robinson, 554 Shawmut avenue.

Amusement License Granted—Warren-street Chapel, to hold a festival at Music Hall on May 2.

Victuallers Licensed—George W. Gushee, 19 La Grange street; George H. Gerrish, 61 Beach street; Adolph Himmel, 1061 Tremont street.

Auctioneer Licensed—Thomas G. Owen, 976 Washington street.

Severally accepted.

Report and Order—That license be granted to Roswell E. Bailey to run a passenger wagon from Maverick square through Meridian street to Chelsea, and return by same route, for the purpose of conveying passengers to and from Woodlawn Cemetery, the rate of fare not to exceed twenty cents each way. Read twice and passed.

#### DECORATION DAY.

An invitation was received from Post 26, G. A. R., for the City Council to attend the ceremonies on Decoration Day at Forest Hills Cemetery; and offering their services as escort on the Seventeenth of June at the dedication of the Highland Monument. Early in the session the invitation was accepted.

Subsequently Alderman Thompson moved a reconsideration, which prevailed, and on his motion the invitation to go to Forest Hills on Decoration Day was accepted, and the offer of escort on June Seventeenth was referred to the Committee on Historic Sites. Sent down.

#### ORDER TO QUIT.

Alderman Clark, from the Committee on Streets, offered an order of notice to quit on River street on or before June 1. Passed.

#### EASTERN AVENUE.

Alderman Clark offered an order—That this Board, acting as Surveyors of Highways, as provided in an indenture made by and between the Commonwealth of Massachusetts, the Boston & Albany Railroad Company, the Boston Wharf Company and the city of Boston, and dated June 24, 1873, hereby establishes the grade of Eastern avenue, from the easterly side of Fort Point Channel to E street extended, to be sixteen feet above mean low water, except where it approaches Congress-street Bridge, where it will rise so as to conform to the grade of said bridge as constructed, as shown on a plan and profile hereinafter referred to. The grade of said Eastern avenue is shown on a plan and profile made by Thomas W. Davis, City Surveyor, dated June 14, 1875, and deposited in the office of said City Surveyor.

Alderman Clark—I would state that the order simply establishes the grade of Eastern avenue

from the farther end of the bridge across land owned by the Boston Wharf Company, the Boston & Albany Railroad, and the Commonwealth of Massachusetts, in accordance with an agreement entered into June 24, 1873. An agreement was made by those three parties and the city, that when certain things were done—a sea wall built and the land filled up to grade 16—the city should build the bridge over Fort Point Channel, and the city should have the right to establish the grade of the street in connection with the bridge; and the Street Commissioners now recommend that the Board establish the grade at grade 16. [The Alderman read section 10 of the agreement covering the points he had explained.] The bridge was built last year, and in pursuance of this contract it is thought advisable by the Street Commissioners that the grade be established at the present time.

The order was read twice and passed.

#### INSPECTOR OF PROVISIONS.

A report and order came up fixing the salary of the Inspector of Provisions appointed by the Board of Health at \$1500 per annum. The order, early in the session, was referred to the Committee on Retrenchment, on motion of Alderman Thompson.

Later in the session Alderman Clark moved a reconsideration, saying that the order had come from the Committee on Salaries, who are the proper committee to report on that subject, and he desired to know Alderman Thompson's reason for referring it to the Committee on Retrenchment.

The reconsideration prevailed.

Alderman Fitzgerald moved to lay the order on the table, as he had not looked into the matter, and presumed the other members were in the same predicament.

Alderman Thompson explained that the reason for his motion was that the Retrenchment Committee had looked into the salaries of other officers, and he thought this a proper matter for them to consider.

The order was laid on the table.

#### FIRE DEPARTMENT.

Alderman Breck offered an order—That the Committee on Fire Department be requested to consider the expediency of amending the ordinance in relation to Fire Department, so that the Board of Fire Commissioners shall be constituted as follows: One person to be selected from the citizens at large, and the Chief Engineer of the Fire Department and the Superintendent of Fire Alarms, the last two to be *ex officio* members of the board, all of said persons to be appointed by the Mayor, subject to the approval of the City Council. Read twice and passed. Sent down.

#### LIGHTING OF CITY AND COUNTY BUILDINGS.

Alderman Fitzgerald offered the following:

Ordered, That the Committee on Public Building Buildings be requested to inquire and report on the expediency of lighting the city hall by the Walworth plan. Passed. Sent down.

Ordered, That the Committee on County Buildings be requested to inquire into the expediency of lighting the county buildings by gas made on the Walworth plan. Passed.

#### CHARLES-RIVER PARK.

Alderman Fitzgerald offered an order—That his Honor the Mayor be requested to petition the Legislature to so amend the act now before it with relation to giving powers to the Park Commissioners to build a sea wall in the Charles River basin, that the same shall only be done when the City Council consents thereto, and that any powers granted by virtue of said act shall be carried into effect only by consent of the City Council of Boston.

Alderman Fitzgerald—I offer the order because in the act now on its passage in the Legislature, and which I have read, absolute power is given to the Park Commissioners to build this wall in the Charles River basin. And the act gives them other powers in addition to that. It seems to me it is but fair and just that the Park Commissioners should not have authority to carry the act into effect without the consent of the City Council. I notice that the act does not provide that the City Council shall first order or consent to the building of this wall. That is my view of the act which I have read, and which has been called to my attention.

Alderman Thompson—I should like to know if any member of this Board can inform me where this subject originated before the Legislature. I

do not understand that any petition has passed the City Council asking the Legislature for such power; and as a member of the Committee on Legislative Matters I think that that committee should have known something about it. I would inquire if any member of the Board knows anything about the origin of the bill.

Alderman O'Brien—I suppose that I can enlighten the gentleman from Charlestown, and also the members of the Board, a little in relation to the matter. The Park Committee, in considering the question of public parks, ascertained the fact that we could purchase the land, but that we could not make any improvements whatever upon that land without the expense of such improvements going into the tax levy for that year. Well, here were the Charles River flats, and the entire expense of building that park—which perhaps would be one of the finest parks recommended by the commissioners, and which would be more available to the citizens of Boston than any other of the parks—all the expense of improving and grading it would have to be put into the tax levy for that year. The bill now before the Legislature merely gives the City Council the privilege of borrowing money on a thirty-year loan to make these improvements. If this Charles River park is ever built, the city should have the privilege of borrowing the money to build it, for that is the only way it should be built up. It will be a park exclusively built up from the flats, and the most expensive part of it will be the river-wall embankment. No City Council wants to do that work out of the tax levy for the year. It is a park for posterity, and we mean that posterity shall pay their fair share of it. That is the reason the matter was brought before the Legislature—merely to give the City Council the privilege of building that park with money obtained on a thirty-year loan, if it is desired to build it at all, and not to take it out of the tax levy. I think it is one of the wisest moves ever made. We cannot build it without the consent of two-thirds of the Council, if at any time the City Council should decide to do so. I move that order be referred to the Committee on Parks.

Alderman Fitzgerald—The act is before the Senate and out of the House, and the order is asking the Mayor to petition the Legislature, and if it be referred to anybody it should be referred to the Committee on Legislative Matters; and the Committee on Public Parks had no business, either directly or indirectly, to ask that any power should be given to the Park Commissioners without the consent of the City Council. The committee had no right to get any legislation so far as public parks are concerned, except to report to this Board and ask the City Council to petition the Legislature; and if this Board and the Common Council thought it necessary to ask the Legislature for this extraordinary power, they could have done so. The medium by which the Legislature should be informed of the wants of the city of Boston is not by any committee, but by the City Council itself, and no committee ought to go to the Legislature and ask that any additional privileges should be given to any board or committee of the City Council. Now that the act is there I do not object to its passage. It empowers the Park Commissioners to do certain things, but I say it should go further and say that they should not be done without the consent of the City Council. It is a matter that will cost a large amount for the displacement of tide-water, and that must be paid to the Commonwealth or to somebody else. I do not want to discuss parks now; my objection is that the act empowers the commissioners to do the things which should not be done without the consent of the City Council. That is why I introduced the order and not for the purpose of criticising the committee. I want the act to place the controlling power in the hands of the City Council, so that there shall be no dispute about it.

Alderman O'Brien—The discussion originated by the question as to where this act came from, and that is why I said what I did. It was by no formal vote of the committee. They considered the matter informally and each and all of them have the right to go to the Legislature, or any public body, and as citizens of the city of Boston, or any other town, they have the right to ask the Legislature to do what is right and proper and just and what they please. I know it is well to have all these things come before the City Council if any committee of the City Council are ready

to make their report; but after working some two months the committee found that they were not ready to make their report, and that something should be done to bring it before the Legislature. If some such action had not been taken, nothing would have come before the Legislature at the present session. The gentlemen connected with the Committee on Parks can take credit to themselves for bringing this matter before the Legislature. I do not know whether the act will pass or not; but if it does, I believe it will be a wise and judicious measure.

Alderman Thompson—The gentleman, as a citizen, has a right to ask the Legislature for what he pleases; but a committee have no right to go to the Legislature and ask for privileges for the city of Boston without the consent of the City Council. It seems to me that the committee have assumed to themselves powers and rights which they had no right to assume. I understood him to say that the Park Commissioners have the right to build land parks.

Alderman O'Brien—They have a right to lay out parks, but they cannot take land without our voting the money. They cannot make any improvements on that land after it is taken by money which is obtained on a loan.

Alderman Fitzgerald—It seems then that the Committee on Parks having decided in their official capacity that it was expedient to do a certain thing, and having resolved to divest themselves of their official capacity they went to the Legislature to get this act passed. I simply ask that the City Council shall do something in its official capacity without going to that committee, and that this park shall not be built without the consent of the City Council. Some gentlemen here may say that it cannot be done without the consent of the City Council, for we must first vote the money; but the first section provides that the Park Commissioners are thereby empowered to build a park on Charles River, etc. And then in another section it gives the City Council of Boston the power to raise the money by a loan. But there is nothing mentioned about giving the City Council power over the Park Commissioners in the exercise of that power. I have no objection to the act if the Park Commissioners have the power by the consent of the City Council to build that sea wall. I do not see the necessity of having it referred to the committee. If it is not done in the course of three days it will be unnecessary to pass it.

Alderman O'Brien—I do not know the details of the bill before the Legislature, but I am strongly impressed with the idea that the Park Commissioners cannot spend one dollar for the sea wall or any other improvement—taking land or anything else—unless it is voted to them by this City Council. So that, so far as this matter is concerned, we have complete control of it. I have no objection to its going to the Committee on Legislative Matters.

Alderman Thompson—I do not see the necessity of referring it to any committee, but if it is referred to any committee I think that is the proper committee. It seems to me we had better pass it tonight and let it go to the Common Council next Thursday evening. It is necessary that something should be done early, as the Legislature may adjourn in ten days.

Alderman Clark—I can see no objection to the passage of this order, although I think the commissioners would be restricted to the building of a sea wall the same as they would to the taking of land on that territory. The order for this bill was introduced into the Legislature by a gentleman from Boston, previous to the expiration of the time for the reception of petitions, he supposing that the Committee on Legislative Matters would look after it, and see that just such a bill was prepared and passed as the City Council ought to have passed. It is presumed that the Committee on Legislative Matters, when they see anything appertaining to the interests of the city of Boston introduced into the Legislature, whether by order of the City Council or by an individual, whether a member of the City Council or not, it was to be presumed that the committee will watch and guard all bills looking to the interest of the city of Boston. Consequently the Committee on Public Parks did not give the attention to the bill that they would have done otherwise. The bill establishing a metropolitan police was not introduced by a member of the City Council, but it was introduced.

Alderman Thompson—The Alderman who has

just taken his seat has taken occasion to cast some reflections upon the Committee on Legislative Matters.

Alderman Clark—Not at all.

Alderman Thompson—So far as my experience goes I can say that the committee have been diligent and wonderfully successful with their business at the Legislature. The proposition was made in the Legislature to reduce the savings-bank tax from three-quarters to one-half per cent., and the Committee on Legislative Matters looked after the matter carefully and the bill was killed, thereby saving to the city of Boston something like \$240,000. If that bill had passed it would have taken some \$240,000 out of the city treasury.

Alderman O'Brien—I would ask if the Committee on Legislative Affairs ever came to the City Council and consulted about so important a matter as that.

Alderman Thompson—No, sir.

Alderman O'Brien—It is a tax upon the poor people of the city who place their deposits in the savings banks.

Alderman Thompson—The gentleman is mistaken. The committee felt competent to handle that matter. The character of the savings in banks has changed so much that they are not now a place for the deposit of the earnings of poor people, but where the wealthy can deposit their money and have it guarded from taxation. That is what our savings banks have become. So far as their being a convenience to poor people, it is almost impossible for a poor man to get a mortgage taken by a savings bank. It was for the purpose of benefiting the rich that bill was introduced. When they were defeated, they came again and asked to be exempted from the taxation of mortgages and upon Government bonds; and the Committee on Legislative Matters looked into that and found that it would divert some sixty thousand dollars from the treasury of the city of Boston. Then another proposition came up that the whole of Chelsea Bridge should be put under the control of the city of Boston, and that the city should bear the entire cost of maintenance. The committee found that some years ago a commission apportioned the cost of maintenance upon certain towns in Essex County, and they found that the bill would require an expenditure on the part of the city of some seventy thousand dollars if it was carried. I have been informed that that measure was killed in the Legislature tonight. Consequently, I would say, as the Alderman reflects upon the committee, that I think they have been very successful, and have saved the city something like \$370,000 by taking a little care. Now, in regard to this matter of parks, the committee have not been able to find out whether it came from a member of the Park Committee, or where it came from. If the member of the City Council who introduced it had desired the thing to be protected he should have come to the Committee on Legislative Matters, and then the committee would have protected that bill. It is my opinion that this bill will probably be killed because it did not come from the Committee on Legislative Matters.

Alderman O'Brien—I would ask the gentleman if the question of the tax on savings banks was ever discussed by the City Council. It is a tax upon the poor people. Was that matter ever before

the Committee on Legislative Affairs? Did the committee ever call the attention of the City Council to it? A member of the City Council called the attention of the Legislative Committee to it in a private way, and that such and such an amount could be saved. I heard the conversation, and I did not believe in it at the time. I do not believe in taxing the savings banks as they are taxed by the State. Another thing, the gentleman made a remark that it is impossible for a poor man to get a mortgage at a savings bank, and the reason is that you tax the man three quarters per cent., and every private individual can take a mortgage at three-quarters per cent. cheaper than the bank can. Said a savings-bank officer to me, "That is the reason I cannot do it." If the gentleman has shown anything, it is that the Committee on Legislative Matters act entirely independent of the City Council; that they do just as they please and without seeking advice from the City Council.

Alderman Clark—I merely rise to say that I did not intend to reflect upon the Committee on Legislative Matters. I think we have a competent committee, and my remarks were intended rather to compliment than to reflect. I knew that we had a competent committee, and the Committee on Parks supposed there was no occasion for feeling any particular interest in the matter, supposing that the Committee on Legislative Matters would scrutinize the bill and keep it just right.

Alderman Fitzgerald—And I hope, also, that when the Park Committee resolve themselves into private citizens for the interest of the citizens of Boston, that will acquaint the Committee on Legislative Matters, of which I am one, so that we in our capacity as private citizens can go there and do something.

Alderman Thompson—I wish to answer the gentleman who—

Alderman Robinson—I rise to a point of order. What is the question before the Board?

Alderman Thompson—I have the floor.

Alderman Robinson—The gentleman is not talking to the question at all. He is discussing the tax on savings banks and Government bonds.

Alderman Thompson—The gentleman asks what the question is and then assumes that I am not talking on the question.

Alderman Robinson—That is so.

Alderman O'Brien—I withdraw the motion. I have no objection to the order being referred to the Committee on Legislative Matters, they are so earnest and energetic in the affairs of the city.

The Mayor—The Chair does not understand that there is any such motion before the Board:

Alderman Thompson—I was answering the Alderman who reflected upon the Committee on Legislative Matters. It was the duty of that committee to protect the interests of the city of Boston in the Legislature, and that is the reason they opposed the bill. They opposed it in the interest of the city of Boston, and not in the interest of the wealthy people that the savings in banks represent. I hope this order will not be referred to any committee, but that it will be passed and sent to the Common Council next Thursday night.

Alderman O'Brien—I have no objection to such a course.

The order was read twice and passed. Sent down.

Adjourned, on motion of Alderman O'Brien.



CITY OF BOSTON.

Proceedings of the Common Council,

APRIL 26, 1877.

Regular meeting at 7½ P. M. Benjamin Pope, President, in the chair.

PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.  
 Invitation of Post 26, G. A. R., to attend Decoration Day services. Accepted in concurrence. Also offer of escort for June 17. Referred in concurrence to Committee on Historic Sites.

Reports and orders for permits to erect wooden buildings, to be issued to Boston & Albany Railroad Company, Third street and Grand Junction wharf; Henry Lawn, East Fourth street. Orders read twice and passed in concurrence.

Order to report on expediency of lighting City Hall on Walworth plan. Read twice and passed in concurrence.

Order to consider expediency of amending ordinance on Fire Department, to provide that the Board of Fire Commissioners shall consist of one person to be chosen from the citizens; the Chief Engineer and the Superintendent of Fire Alarms are to be appointed by the Mayor with approval of City Council. Passed in concurrence.

Order fixing salary of Superintendent of North Beacon-street and Western-avenue bridges at \$118 per annum. Read twice and passed in concurrence.

CITY HOSPITAL STABLE.

An order came down for wooden building, formerly used as a smallpox hospital, with adjoining lot, to be set apart for stable purposes at City Hospital.

Mr. Wilbur of Ward 20—I would inquire if there is not room enough, and what is the reason they ask for this wooden building formerly used for a smallpox hospital?

Mr. Upham of Ward 20—The brick building which has heretofore been used for stable purposes for the City Hospital is altogether too small. Standing close by it is a one-story, wooden building that has been used for a smallpox hospital, and it is just what the trustees need for the increased stable accommodations. There is now in the course of construction an ambulance for the hospital, which will necessitate the purchase of another horse, for which there is no room in the brick stable. This wooden building is not used for any purpose, and is just what the trustees want.

The order was passed in concurrence.

NEW BUILDING AT DEER ISLAND.

An order came down for the Directors for Public Institutions to procure estimates and proposals for a new piggery at Deer Island, and for addition to brick building at Rainsford Island—the Directors for Public Institutions to have discretionary power as to the labor to be employed.

Mr. McGaragle of Ward 8—In a conversation with the gentleman from Ward 22 [Mr. Barry], who is not in his seat, he spoke as if he would like to offer some amendment to that order; and if there is no objection, I would like to have it lay upon the table for a moment, and I so move.

Mr. Sampson of Ward 17—I trust that proceeding will not be taken by the Council. The directors are anxious to get to work upon this piggery before warm weather, and I hope the Council will pass the order tonight.

Mr. McGaragle—I have no interest in the matter except to accommodate the gentleman from Ward 22. As I understand, an appropriation was passed at the last meeting of \$26,000 for this purpose, and I think it is no more than right, if the gentleman from Ward 22 has a proposition to make in regard to it, that he should have an opportunity to manifest it. I do not know what the committee intend to do, but I think myself they should advertise for proposals.

Mr. Clarke of Ward 22—I presume, sir, that my colleague will be here this evening. I saw him in City Hall today, and I think he will be here in half an hour or so. I should be in favor of taking it up later in the evening, and therefore I hope it will be laid upon the table till later in the evening.

The motion to table was lost, and the order was read a second time and passed in concurrence.

THE APPROPRIATION BILL.

The appropriation bill came down with the adherence of the other branch to the vote to strike out \$50,000 and insert \$40,000, in appropriation for Sherwin School (page 9, City Doc. 40).

The question was on receding and concurring, or on insisting.

Mr. Sampson of Ward 17—I trust the Council will recede. Since the bill was here the plan has been changed from a twelve to a ten-room school-house, and this amount will be all that is required.

The several amendments to the bill and the order laying a tax were concurred in.

Subsequently a motion to reconsider by Mr. Sampson was lost.

ELECTIONS.

Commissioner on the Sinking Fund. A certificate came down of election of Newton Talbot as Commissioner of Sinking Funds, in place of Francis H. Peabody, chosen by this Council.

An election was ordered. Committee—Messrs. Beeching of Ward 1, Warren of Ward 25 and Flynn of Ward 16.

Whole number of ballots.....	64
Necessary for a choice.....	33
F. H. Peabody had.....	30
Newton Talbot.....	33
And one vote for Joseph E. Hall, Second Assistant Assessor.	

Mr. Talbot was elected in concurrence.

Second Assistant Assessors. A certificate came down of the election of Messrs. Tallon, Follen and Haggerty, as Second Assistant Assessors, in place of Messrs. Child, Dickson and Hall, chosen by this Council. An election was ordered.

Mr. Sampson of Ward 17—I wish to say a word to the members of the Council about this election. In the ward which I have the honor to represent a gentleman, Mr. Child, was last year solicited to become a candidate for the office of Second Assistant Assessor. It was only after urgent solicitation that he consented. He became a candidate and was elected; and this year he was renominated at the request of the members of the Council from that ward. He is one of the best citizens in the ward, served faithfully and efficiently last year, and the citizens of the ward ask that he be reelected this year. I trust he will be elected.

Mr. Coe of Ward 23—I wish to say in regard to Mr. Dixon, the candidate for Ward 23, that he served faithfully last year, and was regularly nominated this year; that he has had a large experience in real estate in Ward 23, and that he is the choice of the representatives and the taxpayers of the ward.

Mr. Pierce of Ward 24—As something has been said of the other gentlemen elected as Second Assistant Assessors by this branch, I would like to add a word for Mr. Hall, who was elected for Ward 24. I have not the pleasure of a personal acquaintance with Mr. Hall, and have no personal interest in the matter except to get the best man for Assessor in our ward. Mr. Hall is very highly recommended to me by gentlemen of both parties, among whom is ex-Mayor Pierce, although he and Mr. Hall are not of the same political way of thinking. We are told that he is eminently qualified for the position in every respect.

Mr. Hibbard of Ward 17—I wish to indorse what my colleague from Ward 17 has said. I know Mr. Child, and I know him to be a man with a clean record, whose work in the ward has been entirely satisfactory. We simply ask this body to follow up the work of the nominating committee, and give us a man who is eminently qualified, and whose work has been satisfactory.

Committee to Superintend the Ballot—Messrs. Blanchard of Ward 21, O'Donnell of Ward 7, Barnard of Ward 24.

Mr. Brintnall of Ward 5—I notice that on the ballots the name of Joseph Haggerty is spelled in two different ways, "gar" and "ger." I would ask if it makes any difference?

The President—The Chair thinks not.

Whole number of ballots.....	66
Necessary for a choice.....	34
Ward 17.	
Dudley R. Child.....	31
James A. Tallon.....	35
Ward 23.	
Alexander Dickson.....	36
John J. Follen.....	30
Ward 24.	
Joseph E. Hall.....	33
John Haggerty.....	33

Mr. Tallon was elected in concurrence, and Mr. Dickson in non-concurrence, and a second ballot was ordered to fill the vacancy in Ward 24.



Whole number of ballots.....	68
Necessary for a choice.....	35
Joseph E. Hall.....	35
John Haggerty.....	33
Mr. Hall was elected in non-concurrence.	
Sent up.	

## EAST BOSTON FERRIES.

The order for ferry investigation came down amended, viz., add "Said investigation to be public; and the Directors of Ferries are hereby requested not to make any change in the office of clerk, superintendent, or master mechanic, until the investigation is closed."

The question was upon concurring in the amendment.

Mr. Sibley of Ward 5—I do not know that I understand what this order is intended for. We have elected Directors of the East Boston Ferries, and it seems to me that they should have the privilege of exercising their judgment in that matter. I do not know that they intend to remove any of the employes, and I do not know but they do. I do not understand why their authority should be abridged. I should like to have an explanation of the matter before I vote upon it.

Mr. Burke of Ward 2—I do not understand why this Council should be asked to abridge the powers of the East Boston ferries, or any other board. I remember when a change was made in the Superintendent of Deer Island some time ago, when a first-class man was removed, that no reasons were given and no fault was found. And yet nobody called for an investigation. I do not think we have any right to abridge the powers of the Board of Directors. I have a good deal of respect for the Alderman who offered that amendment; yet I think he looks upon the officials of the ferries with a friendly eye, and I have some reason to believe that he does. I move to strike out of the amendment all after the words, "said investigation to be public."

The amendment was adopted, and the amendment as amended was concurred in.

The President announced the committee on the investigation, viz., Messrs. Thompson of Ward 9, Mowry of Ward 11, Roberts of Ward 4, Blodgett of Ward 8 and Upham of Ward 20. Sent up.

## PUBLIC PARKS

An order came down to ask for amendment to act on the subject, to provide that the sea wall on Charles River shall be built, or any other powers exercised in relation thereto, by the Park Commissioners, only by consent of the City Council.

Mr. Thompson of Ward 9—If the Council will permit me, I would suggest that the matter covered by that order has already been attended to, and such an amendment as is proposed has been made to the bill in the Senate where it originated. The amendment reads, "Provided, however, that no land shall be taken, or other thing involving an expenditure of money done, by virtue of this act, until an appropriation sufficient to cover the estimated expense thereof shall have been made by a vote of two-thirds of each branch of the City Council of the city of Boston. All matters covered in the order having been provided for, I move that the order be indefinitely postponed.

Mr. Webster of Ward 3—I do not think the amendment covers the ground entirely. The amendment has been offered in the Senate, but there is no assurance that it will be carried. It seems to me to be very proper that the sense of the City Council should be taken upon this matter. It can do no harm, and it may do some good.

Mr. Thompson—The easiest way to explain the matter will be to go over in detail the history of the laws in relation to this matter up to the present time. The first act was passed in 1875, authorizing the appointment of certain persons to be Park Commissioners, who are to do certain things; and the act [chapter 185, section 3, Acts of 1875] prescribed the powers to be exercised and the things to be done by the Park Commissioners. It also provides—

"That no land shall be taken, or other thing involving an expenditure of money done, until an appropriation, sufficient to cover the estimated expense thereof, shall have been made by a vote of two-thirds of each branch of the City Council of said city."

The act before the present Legislature was introduced as an act in amendment to the act of 1875, and if passed by the Legislature it becomes a part of the original act, and all the powers granted by it to the Park Commissioners are taken subject to the limitations of that act; so that the suggested amendment

is mere surplusage. It was put on because certain persons, not thinking carefully about the matter, imagined that the Legislature had been asked to confer new and dangerous powers upon the Park Commissioners. A liberal interpretation of the act would have the effect to leave the Park Commissioners under the same restrictions and limitations of their powers as when the original act was passed. To prevent any such misinterpretation, an amendment containing the same words as are in the original act was adopted by the Senate, and the act was laid upon the table. I have, however, no objection to the passage of the order, if there is any desire by any one to give voice to an expression of opinion of the City Council. I am entirely of the opinion myself that the Park Commissioners or any other board should not be given powers independent of the City Council. My own opinion—and I think every lawyer here will sustain me—is that they will have no such power under this act, even without the amendment. It is not proposed that they should have. In the other branch of the City Council some fault was found with the Park Committee, and this order might be considered as a reflection upon them, as if they had been parties to the putting of the city in a dangerous position, and wished to take away or detract from the powers of the City Council. I can say for the Park Committee—and I think I should say it—that no act of theirs has been done carelessly, and that in putting the act in, every point raised against it was met and provided for. The question has been raised as to the issuing of bonds—whether the bonds might not be issued without a two-thirds vote. I raised that objection to it; but there is a statute which provides that no city shall contract any debt, except certain specified and limited debts, without a concurrent vote of two-thirds of all the members of both branches of the City Council. All that the committee have put in the act was what was absolutely necessary; and they did not deem it necessary to cumber up the pages of next year's blue-book with amendments to the bill which are not necessary. If it is necessary, in order that all may understand what the sense of the City Council is, I have no objection to the order being passed. I simply give my opinion that it is unnecessary, and therefore I made the motion.

Mr. Webster—The passage of the order can do no harm, and it may serve to make the assurance doubly sure.

Mr. Thompson—If there is any gentleman who objects to it, I withdraw the motion to indefinitely postpone.

Mr. Sampson of Ward 17—I move to amend by inserting after the words "City Council" the words, "by a vote of two-thirds of all the members of each branch."

Mr. Sampson's amendment was adopted, and the order as amended was read a second time and passed. Sent up.

## MEMBER OF BOARD OF HEALTH.

An executive communication came down nominating James M. Keith to be a member of the Board of Health for three years. The question was on concurring in the confirmation of the nomination.

Mr. Sampson of Ward 17—I move that the vote on confirmation be taken by ballot.

Mr. Flynn of Ward 13—I would call for the yeas and nays on the confirmation of this officer.

The President—That can only be entertained as an amendment, and not in the form of a motion.

Mr. Flynn of Ward 13—I called for the yeas and nays on the question of confirmation.

The President—The motion before the Council now is, that the question be taken by ballot. Does the Chair understand the gentleman to offer his motion as an amendment?

Mr. Flynn of Ward 13—I desire to explain that I do not offer it as an amendment. I desire to call the attention of the Chair to rule 64 of the rules and orders of the Council, that

"On all questions and motions whatsoever, whether before or after the previous question has been ordered, the President shall take the sense of the Council by yeas and nays, provided one-fifth of the members present shall so require."

On this confirmation I call for the yeas and nays. If one-fifth of the Council order them, then I claim that the question must be taken by yeas and nays.

The President—The gentleman's point is well taken.

Mr. Sampson of Ward 17—I raise the point that under our rules this communication cannot come

to us. This appointment having been before us at our last meeting, and been rejected, and a reconsideration refused, it cannot be properly brought before us. But the information I have obtained is that the rules of the Council had no effect whatever in votes upon the confirmation of appointments by the Mayor. In that case I cannot see how the gentleman's motion is in order.

The President—Does the gentleman raise a point of order?

Mr. Sampson—I do. My point is this: The yeas and nays cannot be called, and the rules do not apply to confirmations; and if they do apply, that the communication cannot be received, we having already had the same communication before and rejected it.

Mr. Flynn of Ward 13—I anticipated this question and I came prepared to meet the gentleman. I have here a letter addressed to his Honor the Mayor:

"CITY SOLICITOR'S OFFICE,  
2 PEMBERTON SQUARE,  
BOSTON, April 21, 1877.)

Hon. Frederic O. Prince, Mayor, etc., etc., etc.:  
Dear Sir—In reply to the interrogatories transmitted to me, today, by Mr. Babbitt, I beg leave to say—

1. The rejection of a person by the City Council, who had been nominated to it by the Mayor, for one of the Board of Health, does not make it legally incompetent for the Mayor to make a second nomination of the same person for the same office. Precedents to support this view can be found in the action of the President of the United States, and, if I mistake not, in the action of the governors of some of the States."

I think that meets the point raised by the gentleman; and another point is that it is not an elective office. It is merely the confirmation of the appointment by his Honor the Mayor, and under the ruling of the City Solicitor he can send it here fifty-two times during the year if he desires to do so.

Mr. Sampson—The gentleman makes the same point that I do, that our rules are of no effect in questions on confirming appointments by the Mayor; that they are suspended, and I claim that my motion is the only one that can be put to this body. I know that to be the opinion of the City Solicitor.

Mr. McGaragle of Ward 8—The gentleman from Ward 13 did not read who signs the letter.

Mr. Flynn of Ward 13—It is signed by John P. Healy.

Mr. Howes of Ward 18—I should like to read rule 66 of the Rules and Orders of the Common Council:

"When a motion for reconsideration has been decided, that decision shall not be considered, and no question shall be twice reconsidered; nor shall any reconsideration be had upon either of the following motions," etc.

If by Mr. Healy's decision rule 66 is put in abeyance, certainly rule 64 might be put in abeyance also.

Mr. Sampson—That is absolutely correct and I have Mr. Healy's opinion for it. He says that the rules of the Common Council are in abeyance.

Mr. Webster of Ward 3—Whatever may be the opinion of the Mayor's right to send this nomination here, I want the question taken by yeas and nays. I have very decided opinions upon this question. I am as much opposed to Mr. Keith's nomination as any one else; nevertheless, if there is a majority here opposed to the nomination, I think they ought to be willing to stand right up and say so. If any member here does not want to stand up and vote against the nomination, I think he had better take his hat and walk right out of the chamber. In the interest of justice and fairness, I trust that those opposed to confirmation will stand up like men and have a square vote.

Mr. Thompson of Ward 9—The question before the Council is this: Are we to be governed by the rules heretofore observed in each case, that a minority composed of one-fifth of the members present can order the yeas and nays in opposition to the wishes of the other four-fifths? or in consequence of the nomination of the Mayor have our rules been taken away from us? We are in that case a mere assemblage, and consequently if a majority of those present wish the yeas and nays, they can be taken. As I understand it, the first motion offered upon this matter was that the question be taken by a yeas and a nay ballot, and that that motion should be first considered by the Council. If that motion is amended, so that instead of being taken by a yeas and nay bal-

lot, the question be taken by yeas and nay vote, and a majority vote in favor of it, then a yeas and nay vote must be had. But the gentleman from Ward 13 attempts to take advantage of our machinery, which allows one-fifth of the Council to control the whole. The fair answer to that is, that if the machinery is invoked for one purpose, we have a right to invoke it for another purpose; and if the rule which says that when a reconsideration is refused the subject cannot be acted upon again is abrogated, the same principle must apply to the rule requiring one-fifth to order the yeas and nays. Let us stand fairly and squarely by the rules. Let us not have a majority rule in one case and a one-fifth rule in another.

Mr. Richardson of Ward 10—In order that we may proceed according to law, I desire to call attention to rule 67, which reads that, "All salaried officers shall be elected by ballot." This is a salaried officer.

The President—The Chair would state in relation to the different points raised—first, in relation to the points raised by the gentleman from Ward 13, that if the motion of the gentleman from Ward 17 for a vote by yeas and nay ballot, should pass, then the yeas and nays would not be in order; but the Council not having yet passed upon that motion, the motion of the gentleman from Ward 13 that the yeas and nays be taken is in order. In relation to the second point raised, as to the legality of the nomination coming before us for a second time, on the ground that the Council having considered and passed upon the subject before and rejected the nomination, the Chair would state that he has received the opinion of the City Solicitor that it is competent for the City Council to entertain the nomination again. The City Solicitor also states that in his opinion the ordinances supersede any parliamentary rule in relation to the question. In relation to the point raised by the gentleman from Ward 10, the Chair would state that this is not an elective office; we simply concur in the nomination of the Mayor. The question is upon the motion of the gentleman from Ward 13, that the question be taken by yeas and nays.

Mr. Sampson—As I understand, the question is to be taken upon that as an amendment. I understood the Chair to rule that the question would first come upon my motion. If the rules are inoperative I do not see how the motion can be entertained in any other way than as an amendment to my motion.

The President—The Chair thinks it is immaterial. The question will be taken first upon the motion of the gentleman from Ward 13, that the question on confirmation be taken by yeas and nays.

Mr. Thompson of Ward 9—I ask for information whether under the ruling of the Chair, one-fifth of the members present would be sufficient to order the yeas and nays?

The President—It would.

Mr. Thompson—Then I desire to suspend the rule, so that this question may be taken by a yeas and nay ballot in spite of the motion of the gentleman from Ward 13. I move to suspend the rule in order that I may afterward move that the question be taken by a yeas and nay ballot.

Mr. Webster of Ward 3—So far as I am concerned, I shall vote against Mr. Keith, and I hope he will not be confirmed; nevertheless, if we have not men enough in this Council who are willing to stand up and vote against this confirmation, I trust he will be confirmed. I want to see a fair and square vote.

The motion to suspend the rule was lost, and the question was declared to be next on ordering the yeas and nays on the question of confirmation.

Mr. Wilbur of Ward 20—I don't exactly understand this ruling of the Chair, and I would like once more to hear the ruling of the Chair in regard to the motion of the gentleman from Ward 17, which is now before the Council, he having made a motion that the question on the confirmation of this nomination be taken by a yeas and nay ballot. It does not seem to me that that motion has been disposed of in proper shape. As I understand it, that is now the only motion before the house. As I understand the ruling of the Chair, it is that the motion for the yeas and nays has been decided to be in order in spite of the motion of the gentleman from Ward 17. If that is the ruling I most respectfully appeal from the decision of the Chair.

Mr. Sampson—I would like to say one word more.

Mr. Flynn of Ward 13—I would ask if it is in order to allow debate after an appeal has been taken? Is it a debatable question?

The President—It is not debatable.

Mr. Sampson—I rose merely to make an explanation.

The President—The gentleman may proceed if there is no objection.

Mr. Flynn of Ward 13—I object.

The President—The question is, Shall the decision of the Chair be sustained?

Mr. Crocker of Ward 9—I would ask where is the rule which says that no debate is allowed?

Mr. McGaragle of Ward 8—I raise the point of order that there is no second to the appeal.

The President—The point is well taken.

Mr. Sampson—I wish to state that the communication of the City Solicitor to the Clerk of the Common Council was based solely upon the ground that the rules of the Council are inoperative in regard to the nomination by the Mayor. I asked him whether the yeas and nays could be ordered upon that question by one-fifth, and he said they could not. As this communication is before us, based upon the opinion of the City Solicitor, I would ask if it does not go further, and make all our rules inoperative in regard to the confirmation of nominations by the Mayor?

The President—The Chair would state that he had not seen the opinion of the City Solicitor in relation to the yeas and nays.

Mr. Sampson—The opinion of the City Solicitor that was read was upon that very point, that the rule had no effect in regard to nominations by the Mayor.

Mr. Flynn of Ward 13—It does not say anything of the kind. I read it as it came from the City Solicitor, and I will read it again for the gentleman's information. [Mr. Flynn read the letter above given.]

The President—The question is upon ordering the yeas and nays.

Mr. Wilbur—I still insist upon my appeal from the decision of the Chair.

The President—An appeal will not be in order unless it is seconded.

Mr. Spenceley of Ward 19—I move that the whole matter be laid upon the table till we can get the decision of the City Solicitor in writing in reference to the yeas and nays vote.

Mr. Thompson—I second the motion, and I suggest an amendment, that the Judiciary Committee be directed to obtain the opinion of the City Solicitor.

The President—The amendment is not in order at this time. The motion is to lay upon the table.

Mr. Flynn of Ward 13—I object to the gentleman making any amendment at this time.

Mr. Thompson—I made no amendment, but simply suggested that it be done.

Mr. Flynn of Ward 13—I object.

The motion to lay upon the table was declared carried.

Mr. Flynn of Ward 13 doubted the vote, and the Council divided; but before the count of those in the affirmative had been made, Mr. Duggan of Ward 12 called for the yeas and nays on solving the doubt.

The yeas and nays were not ordered, and the motion to lay upon the table was lost by a division—28 for, 36 against.

The question then recurred upon Mr. Flynn's motion to take the vote on confirmation by yeas and nays.

Mr. Wilbur—I still insist on my appeal from the decision of the Chair, and I believe that the motion was seconded by the gentleman on my right [Mr. Howes].

Mr. Howes of Ward 18—I second the motion.

Mr. Flynn of Ward 16—I move the previous question. The gentleman did not rise in his seat in seconding the appeal.

The President—The motion is not in order.

The question on sustaining the decision of the Chair was put and the Chair was sustained, with but one dissenting voice.

The yeas and nays were ordered on the question of confirmation of the appointment of James M. Keith as a member of the Board of Health, and the Council refused to confirm the appointment—yeas 33, nays 34:

Yeas—Messrs. Barry, Brintnall, Burke, Cannon, Clarke, Cross, Dee, Doherty, Duggan, Fagan, Ferris, D. A. Flynn, J. J. Flynn, Fraser, Jackson, J. Kelley, (Ward 3), J. Kelley, (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mul-lane, O'Connor, O'Donnell, Pearl, Pope, Reed,

Roach, Thorndike, Vose, Warren, E. R. Webster—33.

Nays—Messrs. Barnard, Beeching, Blanchard, Blodgett, Brown, Coe, Crocker, Danforth, Day, Felt, Ham, Hibbard, Howes, Morrill, Mowry, Nugent, Perham, J. H. Pierce, O. H. Pierce, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Sampson, Shepard, Sibley, Smardon, Spenceley, Stone, Thompson, Upham, G. B. Webster, Wilbur, Wolcott—34.

Absent or not voting—Messrs. Cox, Pratt, South-er—3.

#### FOURTH OF JULY.

On motion of Mr. Flynn of Ward 13 the Council took up the special assignment for 8 P. M., viz., Order for Retrenchment Committee to arrange celebration of Fourth of July, at a cost of \$10,000, with proposed substitute providing for the appointment of a special committee consisting of the Mayor, Chairman of the Board of Aldermen, President and eight members of the Council, with such as the Aldermen may join, and the cost of celebration not to exceed \$15,000.

Mr. Webster of Ward 3—This substitute is, in some respects, in my judgment, better than the original order. And perhaps it will give much better satisfaction, I think, as the purpose of celebrating the Fourth of July is entirely foreign to the duties for which the Committee on Retrenchment were appointed, and the special committee will be appointed with more satisfactory regard for location. The Committee on Retrenchment is not distributed as a special committee for this purpose should be, and there is no reason why it should be referred to that committee more than to any other. The only question is how to get the most celebration out of the money appropriated. There will be no chance for economy, and whatever amount of money is appropriated will be spent. In regard to the amount of money, I do not agree with the substitute. I think that a much more satisfactory celebration can be obtained with ten thousand dollars than with fifteen. I call for a division of the question, in order that we may vote upon the questions in regard to the committee and the amount of money separately.

The question was put on the first part of the order, providing for the committee as above named, and it was adopted.

The question then came on the part appropriating fifteen thousand dollars.

Mr. Flynn of Ward 13—I only want to say to the gentleman from Ward 3 that I made the amendment I did for the reason that last year we appropriated \$30,000 for celebrating the Fourth of July, and I find from the Auditor's figures the amount expended by the committee last year: Children's entertainment, \$3388.05; music, bands, putting up and taking down stands, \$3180.84; decorations, \$2759.75; regattas, \$4683.05; police, \$2350.38; fireworks, \$1800; balloon, \$1500; illuminations, \$1148.62; salutes, \$800; printing, \$439.52; East Boston ferries, \$400; timber race, \$293; ice water, distribution, stands, etc., \$233.63; rowing regatta, Jamaica Pond, \$200; oration, \$156.

Mr. Howes of Ward 18—Will the gentleman read the item of ice water once more?

Mr. Flynn—"Ice water, distribution, stands, etc., \$233.63."

Mr. Clarke of Ward 22—I would inquire what the cost of the fireworks was.

Mr. Flynn—"Fireworks, \$1800; illuminations, \$1148.62." The sum total expended last year was \$23,936.09. I thought that by taking \$8000 from that we could have a fair celebration this year, and that \$15,000 would be about the right sum.

Mr. Webster of Ward 3—Last year was the Centennial year, and I do not think there should be any comparison between the celebration then and the one proposed for this year. On looking over the Auditor's report, I find that out of \$10,000 appropriated for the Fourth of July two years ago, between \$900 and \$1000 were expended for carriage hire and refreshments. Now, if there is that margin in an appropriation of \$10,000 for a celebration two years ago, I think that the same amount will be sufficient this year.

Mr. Sibley of Ward 5—The appropriation all depends upon how much the people want. Fifteen thousand dollars is about twenty-three cents for each individual, and I hardly think any member of the Council will turn out his boy for a good Fourth of July with less than twenty-three cents. I hope we shall give them more. There is a great demand for a good Fourth of July celebration in this city, and I think the amount should be larger than it was two years ago. I was on the commit-

tee last year. They wanted fireworks everywhere, and being so scattered they did not give much satisfaction. I hope they will be more in a lump this year. I think that will be more satisfactory. I do not think \$15,000 too much. The children's entertainments are a pretty expensive item. I don't think we can have too much of it. I have yet to see the man hut believes in music and some flags on the Fourth of July. I do not believe that \$10,000 is adequate for what the people require. What the people will be satisfied with is another question; they will have to be satisfied with what we give them. I hope the substitute will pass.

On motion of Mr. Webster of Ward 3, the yeas and nays were ordered on the question of fixing the amount at \$15,000, and that amount was rejected—yeas 28, nays 38:

Yeas—Messrs. Blodgett, Burke, Cannon, Clarke, Doherty, D. A. Flynn, J. J. Flynn, Fraser, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mul-lane, O'Connor, O'Donnell, Perham, Pope, Reed, Roach, Ruffin, Sibley, Vose, Warren, E. R. Webster—28.

Nays—Barnard, Barry, Beeching, Blanchard, Brintnall, Brown, Coe, Crocker, Cross, Danforth, Day, Duggan, Fagan, Felt, Fernald, Ham, Hibbard, Hiscock, Howes, Morrill, Mowry, Nugent, Pearl, J. H. Pierce, O. H. Pierce, J. B. Richardson, M. W. Richardson, Roberts, Shepard, Smardon, Spenceley, Stone, Thompson, Thorndike, Upham, G. B. Webster, Wilbur, Wolcott—38.

Absent or not voting—Messrs. Cox, Dee, Pratt, Sampson, Souther—5.

On motion of Mr. Flynn, the amount was fixed at \$10,000, and the substitute order was passed—yeas 63, nays 4; Messrs. McClusky, McGaragle, Perham and Warren voting nay.

The President announced the following as the committee on the part of the Council: Messrs. Sibley of Ward 5, Pierce of Ward 18, Blanchard of Ward 21, Beeching of Ward 1, Fraser of Ward 6, Pope of Ward 14, Perham of Ward 23, Barnard of Ward 24. Sent up.

#### ASSISTANT CLERK OF COMMITTEES.

A communication was received from the Clerk of Committees nominating William W. Clapp to be Assistant Clerk of Committees. Confirmed. Sent up.

#### PUBLIC BATHS.

Mr. Blodgett of Ward 8 submitted a report from the Committee on Bathing of leave to withdraw on the petition of John F. Newton *et al.* for the establishment of a bathhouse at the Highlands. Accepted. Sent up.

#### HIGH-SERVICE WATER SUPPLY IN THE THEATRES.

Mr. Fraser of Ward 6 submitted a report from the Committee on Water, recommending the granting of the petition of the proprietors of the Boston and Globe theatres and the Boston Museum, that the city would defray the cost of connecting said theatres with the high-service water supply, as ordered by the Inspector of Buildings. Accepted. Sent up.

#### PUBLIC LIBRARY.

Mr. Morrill of Ward 20 submitted the following: The Joint Standing Committee on Public Library respectfully represent that the Mercantile Library Association has offered to present its library, containing between seventeen and eighteen thousand volumes, to the Public Library, provided that the city will establish a branch library in the basement of the building occupied by the association, No. 674 Tremont street. The association will fit up the room in a suitable manner, heat and light the same, and lease it to the city at an annual rental of \$1000. The committee consider the offer a very favorable one for the city. A branch library will be a great convenience to the residents of the South End, and by accepting the offer of the association it can be established at very small expense to the city. The books which will be received will be a valuable addition to the Public Library. The committee, therefore, respectfully recommend the passage of the following order:

Ordered, That the Committee on Public Buildings be instructed to lease from the Mercantile Library Association the basement story of its building, No. 674 Tremont street, for a term not exceeding five years and at a rental not exceeding \$1000 per annum, including the heating and lighting of the same; the expense

thereof to be charged to the appropriation for Public Buildings.

The question was upon giving the order a second reading.

Mr. McGaragle of Ward 8—I do not quite understand that order. I do not think there is any necessity for it. It is the first time I have heard of it. I understand that the Mercantile Library Association is to heat and light this room. Who is to pay for the attendance there? Does it mention that in the order? Does it mention who is to pay for the attendance?

The President—Nothing is said in regard to it. Mr. McGaragle—Then I move that the order lie upon the table for one week.

Mr. Webster of Ward 3—Before taking any vote upon the matter, perhaps it is well that it be understood, and I will explain it very briefly, as the chairman of the committee does not do so. The Mercantile Library Association propose to present the city with between sixteen and seventeen thousand volumes, giving us a clear title to them, on the condition that the city leaves about six thousand volumes there for delivery at the South End, and try the experiment of having a branch library there. The proposition was brought before the committee and was unanimously approved. It seems to be desirable in every way. The books are very valuable, and the idea of having a branch library at the South End has got to come before the City Council very soon; and as the expense will be very moderate, not exceeding \$2000, and as the books are very valuable, if we wish to have a branch library there it seems to me that now is the time to establish it, as an experiment, at least. The trustees have enough money for this in their appropriation, and nothing extra will be required. The only expense we shall have will be the fitting up and about \$1000 for rent.

Mr. McGaragle—If it is the desire of the City Council to vote a donation of one thousand dollars a year to the Mercantile Library Association, I am willing to do it; but I am unwilling to pay one thousand dollars for the basement story of the building.

Mr. Howes of Ward 18—I should like to state, as one of the trustees, that this is in no sense a donation. If there is anything given it is by the Mercantile Library Association. The books that they propose to turn over to the city could be sold for fifteen thousand dollars. They have no use for them, the association, as a means of distributing books, having entirely gone. The gentleman may urge that no branch library should be established at all. They are a very great convenience in every section of the city, and they have answered the purpose wherever they have been established. The present system is such that the establishment of branch libraries is very economical.

It will not be very hard to manage this as is proposed. There is not a branch library that is managed as this is proposed to be. The rent and lighting and heating are included in the thousand dollars. This basement is on a very desirable corner, which could be easily rented.

Mr. Mowry of Ward 11—This is a matter of considerable importance, and I hope it will lie over. It is certainly a precedent to establish branch libraries in different sections of the city. It may work disadvantageously for the city's interest.

Mr. Thompson of Ward 9—I merely wish to ask the gentleman of the committee who spoke of the terms of the gift, and the trying of the experiment of a branch library there, what are the terms and conditions upon which the gift is made?

Mr. Webster of Ward 3—The trustees of the Mercantile Library donate the books to the city with no restrictions whatever, but with the general understanding that we shall lease the room and try the experiment of a branch library there. If, at the expiration of the lease, we do not think fit to continue the library, I have it from the trustees who were before the committee—if, in case, at the end of a lease of three or five years, we abandon the idea of a branch library there—we can move the books back here.

Mr. Flynn of Ward 13—Does not the order lie over under the rule?

The President—It does.

Mr. Howes—I would like to answer the question about establishing a precedent. This precedent has already been established; the city has taken a library at the Highlands almost under the same conditions. We have branch libraries in almost all sections of the city and they have been found to be very advantageous. It is nothing new to

have them started, and it is nothing new to have them started in this way.

Mr. McGaragle withdrew the motion to lay on the table.

Mr. Day of Ward 4—The gentleman from Ward 18 stated that the association had donated books to the city worth \$15,000. Now it seems to me that we are going to pay for them in the shape of a five years' lease, and that we shall pay at least \$10,000 for them.

Mr. Mowry—There is nothing here by which we can be informed whether or not this donation is made upon the same conditions that other donations have been made. It seems to me that before the appropriation is made the terms of the gift should be laid before this body in writing. Therefore I move to recommit the report with instructions to obtain and report information upon this subject.

Mr. Webster of Ward 5—I do not see the least occasion for referring it back to the committee. The information is very simple, and can be had by inquiring, and it is given substantially in this report. I am willing that it should lie over for a week, and of course the committee have no wish to hurry it through. But what more information the gentlemen want I cannot see. We simply commit ourselves to an expense of two or three thousand dollars for from three to five years, and the books are worth from fifteen to twenty thousand dollars. The trustees of the association are committing themselves to give us more than we give in return.

Mr. Thompson—I would ask the gentleman who is a trustee of the Mercantile Library if the only condition imposed is that the city shall take the building upon a three year's lease, or whether the trustees of the Mercantile Library do not expect the lease to be perpetual.

Mr. Howes—I would state that I was elected a trustee of the library some time ago, but resigned.

The President read the report and order again for the information of the Council.

Mr. Thompson—The reading of the report only confirms me in my opinion which caused me to ask the question, whether the donation was not in fact limited by the three or five years' lease. It seems to me that is the effect of the proviso. It seems to me that the motion to recommit with instructions to procure the terms of the proposed donation in writing is a very proper one to pass. The city is called upon to accept the gift; and the expense of a gift may be a great detriment to the person who accepts it, if the condition of the gift carries with it all sorts of conditions. I have no doubt the committee think the city is to have the books free. Now, it can do no harm to let it be put in writing, just exactly the terms upon which the association gives the books; if they make the gift, and the proposition is to test the experiment, I shall be happy to vote for it when it comes before us. But if it comes before us as a gift with a condition that we are obliged to take the lease, I shall not vote for it.

Mr. Spenceley of Ward 19—It seems to me the order reads plainly enough. It makes no difference whether the city takes the building for a month or a year, all that they ask is the lease. It seems to me that it is an excellent chance to get a large number of books. We want a branch library at the South End. Any gentleman who visits the Public Library knows that it is very difficult to get a book. And it seems to me that this would give those in the centre of the city a better chance to get a book. I hope the order will lie over under the rule, that we may get the necessary information to enable us to vote intelligently upon the matter.

Mr. Webster of Ward 3—The gentleman from Ward 9 asked for information from me as a member of the committee, and I gave him the information plainly and correctly; and then he asks somebody else if my information is right. We have had several meetings in the committee on this matter, and there is no possible misunderstanding about it. It is just as I understand it, and if the gentleman understands it that way, he is satisfied. If the gentleman has not confidence in my information, then I trust that on some future occasion he will not ask me for information at all.

Mr. Thompson—I hope the gentleman will not raise a personal issue. I did not intend to raise one by asking the question. I noticed that the gentleman from Ward 3 stated that the gift was an absolute one, and I thought I heard one of the trustees make a statement in opposition to the

statement of the gentleman from Ward 3. For that reason I asked the question I did, on the first opportunity, because I know that in these matters there is very often a disagreement. In dealings between corporations, through the medium of committees, misunderstandings are very liable to arise. I think we are here to deal with matters of this kind much in the same manner as if we were the trustees for other people's property. I only thought we should use due care in this matter. I cannot see any possible objection to having the terms of the donation sent here in writing. It seems to me there is an effort to insist upon forcing it through here when we ask for the facts. If I understand the duty of a committee it is to gather facts for the information of the Council.

Mr. Howes—I have merely to state, Mr. President, that it is not often that the city of Boston is presented with gifts of this kind, and certainly there is no encouragement to present them if the city is so backward in accepting them. If the gentleman is desirous of conditioning it, it is very easy to insert a proviso that this lease shall not last longer than five years, or something in that shape. I would also like to state that the city is at present running several branch libraries. In East Boston the expense is \$3290, nearly \$1300 more than this will be, and without any books, and in South Boston, Charlestown, Roxbury, Brighton and Dorchester. The cost of this library will be lower than the average cost of carrying on these branch libraries. If the gentlemen desire to have it amended, so far as the trustees are concerned they have no objection.

Mr. Day of Ward 4—Is the city running any library on the same conditions that they propose to run this one on? It seems to me that if we are not any person may collect a number of volumes and put the city to an indefinite expense.

Mr. McGaragle—I hope the gentleman's amendment will be adopted and I hope it will be recommended. I move the previous question.

The President—I would call the attention of the gentleman to the fact that the previous question cuts off the motion to recommit.

Mr. McGaragle withdrew the motion.

The Council refused to recommit the report by a division—20 for, 23 against.

The order was passed to a second reading and laid over.

#### BOARD OF HEALTH.

Mr. Spenceley of Ward 19 offered an order—That the Joint Standing Committee on Health be requested to consider the expediency of amending the ordinance relating to the public health, so that the board shall be constituted as follows: One person to be selected from the citizens at large, the Superintendent of Health and the City Physician, the two last named to be *ex-officio* members of said board; all the members to devote their whole time to the city, and to be appointed by the Mayor, subject to the approval of the City Council.

The order was ordered to a second reading, read a second time and rejected, by a division—15 for, 28 against.

#### PUBLIC GROUNDS.

Mr. Howes of Ward 18, from the Joint Committee on Common, etc., offered an order—That the Superintendent of Common and Public Grounds be authorized, under the direction of the Committee on Common and Public Grounds, to contract for and purchase the red gravel, manure, loam, trees, shrubs, plants, sods, tools, and such other articles as may be required for the use of the department during the municipal year 1877, and to employ such number of men as may be necessary; the expense to be charged to the appropriation for Common and Public Grounds.

The order was read once and laid over. Subsequently Mr. Howes moved a suspension of the rule that the order might be placed upon its passage, stating that most of the work had been done, and that a large number of laborers could not get their pay on the first of the month.

The rule was suspended, and the order was read a second time and passed.

#### CITY ARCHITECT'S DEPARTMENT.

Mr. Wilbur of Ward 20 offered an order—That the City Architect, under the direction of the Committee on Public Buildings, be authorized to employ, from time to time, such additional assistance as he may require in connection with the work of his office; the expense to be charged to the appropriation for Public Buildings.

The order was read twice and passed under a suspension of the rule, on motion of Mr. Wilbur, who stated that it is necessary to employ more draughtsmen to work upon the plans for the English High and Latin School.

Sent up.

LICENSE COMMISSIONERS.

Mr. Ruffin of Ward 9 offered the following:

Whereas, By an act of the General Court of the Commonwealth of Massachusetts entitled "An act to regulate the sale of intoxicating liquors," approved the fifth day of April, A. D. 1875, it is provided among other things as follows, namely:

"Sect. 20. The powers and duties given to and imposed upon the Mayor and Aldermen of cities by this act may be exercised in any city by a Board of License Commissioners if the City Council of such city shall so determine, and such board shall consist of three inhabitants of said city, to be appointed by the Mayor and confirmed by the City Council thereof, and shall hold office until the first day of May next after their appointment, or until their successors are appointed and confirmed, and shall receive such compensation as the City Council shall determine," and

Whereas, In the opinion of the City Council it is expedient that the powers and duties conferred by said act upon the Mayor and Aldermen of cities should be exercised in the city of Boston by a Board of License Commissioners; it is therefore hereby

Ordered, That his Honor the Mayor be requested to nominate for confirmation by the City Council three inhabitants of this city to constitute a Board of License Commissioners, with authority to exercise the powers and duties conferred upon said commissioners by the ninety-ninth chapter of the acts of the year 1875.

Mr. Ruffin—This is the usual routine order

which has been passed for the last two years. It has been deemed necessary to pass such an order in order to give operation to the license law. The liquor law of the State has not been altered as was expected, and we shall live another year under the present law; and it is highly proper that we should pass just such an order as that. Of course, gentlemen know that the Board of Aldermen have this power given them; but they cannot attend to the duties. We have had, and of course we expect to have, License Commissioners. We have heretofore experienced some difficulty from not acting upon this matter. Last year or the year before, if I recollect aright, we had some trouble in the courts about this matter. It appeared that a person was arraigned in our courts charged with a violation of the license. He came in and claimed that the City Government had not given him a proper license, they not having given this power to the License Commissioners, thereby attacking the validity of the license which he had obtained from the commissioners; and the court sustained that position, and we had to take some very hasty steps to the City Hall to remedy that defect. The 1st of May is approaching, and we have got to pass such an order as that to give full force to the law. The gentlemen know that the License Commissioners are unlike other commissioners. The Fire and Health and Street commissioners are an expense to the city; but the license commissioners bring many thousands of dollars into the city treasury. It is to avoid legal difficulties that this order is offered here tonight.

The order was read twice and passed. Sent up.

Adjourned, on motion of Mr. Danforth of Ward 10.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

APRIL 30, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE APPOINTMENTS.

Undertaker—J. W. Sprague.

Constable—Patrick Barry.

Public Weigher—Frederick A. Wellington.

Police Officers Without Pay—Oliver A. Perry and twenty-seven others in various sections of the city.

Severally confirmed.

*To the Committee on Paving.* Frank Ferdinand, for leave to use a hoisting beam at 2260 Washington street; Samuel D. Crane, that Northampton street be paved; E. W. James *et al.*, for repairing Charles street from Cambridge to Leverett street; Alfred A. Clatur *et al.*, that the wire cable running across High and Congress streets be removed; M. D. Ross *et al.*, that Washington street, Ward 23, be watered by the city; Joseph H. Streeter *et al.*, that Roxbury street be watered partly at the expense of the city; William R. Clark, that Mt. Everett street near Quincy street be graded; William Geraghty, to be paid for grade damages at 1517 Tremont street; Joseph Zane *et al.*, that Alden street be repaved with wooden or granite blocks; Chickering & Sons *et al.*, that the westerly side of Tremont street, between Camden and Northampton streets, and Northampton street, between Tremont street and Columbus avenue, be paved with granite blocks; William F. Jackson *et al.*, that the city would defray a portion of the expense of sprinkling Dudley street; James Guild *et al.*, that the city would defray a portion of the expense of sprinkling Washington street, from Cliff street to Cedar street; Robert T. Shaw, for crosswalk at Field's Corner, Ward 24; Arastus E. Pratt, for license to water streets; Remonstrance of Malachi Lennon against permit being granted to W. R. Cavanagh to move wooden building on Blue Hill avenue, near Grove Hall; Amos G. Hubbard *et al.*, that Lagrange street be paved; M. Ellis, for leave to move two wooden buildings from 172 Border street to Condor street; Daniel Staniford *et al.*, that the city pay a portion of the expense of watering Highland street, Roxbury; Franklin Haven *et al.*, trustees, that edge-stones be set and that suitable repairs be made on Huntington avenue; William J. R. Evans, ex., that Albany street be graded near Roxbury Canal; Samuel C. Perkins *et al.*, that portions of Dudley and Stoughton street, be watered; Samuel Little *et al.*, that the city defray a portion of the expense of watering Warren street; S. L. Burr *et al.*, that School street, Roxbury, be graded, etc.

*To the Committee on Licenses.* E. T. Harrington, for an auctioneer's license; J. Hale *et al.*, for the regulation of the wagon stands on Custom House street.

*To the Committee on Armories.* A. C. Wellington, commander of Fourth Battalion of Infantry, for furniture for armory.

*To the Joint Committee on Claims.* James L. Hill, to be compensated for injuries sustained by his son Charles W. Hill at the Lexington-street Schoolhouse; Mary Collins, for compensation for injuries occasioned by defective sidewalk; James Egan, for compensation for injuries occasioned by defective sidewalk.

*To the Committee on Sewers.* William D. Dearborn *et al.*, for a sewer in Dorchester avenue, Gibson, Mather and Centre streets; Lyman E. Sibley *et al.*, property-holders and residents of the South End, that some immediate measures be taken, by construction of a sewer, or otherwise, to remedy the nuisance occasioned by the deposit of sewage on Back Bay flats, which thus early in the season has become obnoxious and dangerous to health.

*To the Committee on Streets on the part of the Board.* William Evans, to be compensated for damages done to his estate on Cowper and Byron streets, by the location and construction of Boston, Revere Beach and Lynn Railroad.

*To the Committee on Common on the part of the Board.* William H. L. Smith, for the removal of a tree in Beach street, Ward 24.

*To the Joint Committee on Survey and Inspection of Buildings.* Highland Street Railway Com-

pany, for leave to erect a wooden building on 466 and 468 Blue Hill avenue.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables as follows: Jacob Hall, new wooden, three horses, Centre street; Lynch Brothers, new wooden, two horses, Sixth street; Nicholas Keelan, new wooden, two horses, Prospect street, Ward 24; Mrs. M. C. Sargent, new wooden, one horse, Bennington street; Augustus Reed, new wooden, five horses, Paris street; Philip English, old wooden, six horses, Paris street; Albion Lord, new wooden, five horses, Main street.

## NOTICE OF APPEALS.

Notices were received of appeal to a jury from certain sewer assessments by Ann C. Gay (two cases) and Elizabeth C. Robinson, on account of a sewer in Dorchester Brook Valley. Severally placed on file.

## LONGWOOD-AVENUE BRIDGE.

Notice was received from the town of Brookline of an appropriation of \$4000 for reconstruction of Longwood-avenue Bridge, and requesting the co-operation of the city of Boston therein. Referred to the Committee on Paving.

## HEARINGS.

The following subjects came up for hearings on orders of notice:

*Metropolitan Railroad.* Hearing on petition for a location in Northampton street, between Washington street and Shawmut avenue; also for certain connections with Highland Street Railway tracks. No objections, and recommended to Committee on Paving.

*Sewers.* Hearings on expediency of constructing sewers in Bishop and Newbern streets; and in Sargent street, near Hartford street. No objections, and severally recommended to the Committee on Sewers.

## PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Non-concurrence in so much of the order authorizing an investigation into the management of the East Boston Ferries, as provides that "the directors of the ferries are hereby requested not to make any change in the office of clerk, superintendent, or master mechanic, until the investigation is closed." The Board receded and concurred.

Report of Committee on Water referring to the Boston Water Board the application of the proprietors of the several theatres that the expense of providing a high service of water for those buildings be borne by the city. Accepted, and referred accordingly.

Report of leave to withdraw on petition of John F. Newton, *et al.*, for a bathhouse in Roxbury. Accepted in concurrence.

Appointment and approval of William W. Clapp, as Assistant Clerk of Committees. Confirmed in concurrence.

Order for City Architect to employ from time to time such assistants as may be required. Passed in concurrence.

Order for Superintendent of Common, etc., under direction of the committee on that department, to contract for red gravel, loam, manure, trees, plants, shrubs, sods, tools and other articles necessary for said department during this municipal year. Passed in concurrence.

The order to ask for amendment to the public park act, so as to provide that the sea wall on Charles River shall not be built, nor any other powers exercised, except by consent of City Council, came up with the further amendment, to add "except by consent of two-thirds of all the members of each branch of the City Council." Concurred.

The order for Retrenchment Committee to arrange for the celebration of Fourth of July, at a cost of \$10,000, came up with a substitute providing for the appointment of a *special committee*, consisting of the Mayor, the President of the Common Council, Chairman of the Board of Aldermen, and Messrs. Sibley, Pierce of Ward 18, Blanchard, Fraser, Richard Pope, Perham and Barnard, with such as the Board of Aldermen may join. Concurred—yeas 12, nays 0. And Aldermen O'Brien, Fitzgerald, Viles, Wilder and Gibson were appointed on said committee.

A resolve and order came up for the appointment by the Mayor and City Council of three License Commissioners, under chapter 99 of the acts of 1875. Passed in concurrence.

Subsequently a communication was received from the Mayor appointing Thomas J. Gargan,



Samuel A. B. Abbott and Henry Walker as said commissioners. Confirmed. Sent down.

SECOND ASSISTANT ASSESSORS.

A certificate came up of election of Second Assistant Assessors, as follows (all others having been chosen in concurrence): Ward 23, Alexander Dickson instead of John J. Follen; Ward 24, Joseph E. Hall instead of John Haggerty.

An election was ordered. Committee—Alderman Robinson, Dunbar.

Whole number of ballots.....12  
Necessary for a choice.....7

Ward 23.  
Alexander Dickson.....5  
John J. Follen.....7  
Ward 24.  
Joseph E. Hall.....6  
John Haggerty.....6

Mr. Follen was elected in non-concurrence, and a second ballot was ordered to fill the vacancy in Ward 24.

Joseph E. Hall.....5  
John Haggerty.....7

Mr. Haggerty was elected in non-concurrence. Sent down.

LOCATIONS ACCEPTED.

Communications accepting locations granted by the Board were received and placed on file as follows: South Boston Railroad Company, fourteenth location; Metropolitan Railroad Company, forty-sixth location.

PERMIT FOR WOODEN BUILDING.

Alderman Wilder submitted a report from the Joint Committee on Survey and Inspection of Buildings with an order authorizing a permit to O. H. Weed to enlarge a wooden building in rear of Culvert street, Ward 19, according to application on file. Order read twice and passed. Sent down.

OMNIBUS LINES.

Alderman Robinson submitted the following from the Committee on Licenses:

Report of leave to withdraw on petition of Owen Nawn, for license to run a line of coaches from Roxbury to the northern depots. Accepted.

Report of leave to withdraw on petition of Jacob H. Hathorne, for leave to run a line of coaches from Northampton street, through Columbus avenue, Boylston and Tremont streets, to Charlestown, and return by the same route. Accepted.

Report that the order to allow N. W. Day to run two omnibuses from Cambridge Bridge to Bowdoin square, etc., ought not to pass, and that the petitioner have leave to withdraw. Accepted.

Report of leave to withdraw on petition of Poland & Peabody for leave to run a line of coaches from Dorchester street, South Boston, to the northern depots. Accepted.

Report and order—That a license be granted to Samuel J. Ellis to run a passenger wagon from Maverick square, East Boston, through Meridian street, to Chelsea and return, for the purpose of conveying passengers to and from Malden; the rate of fare not to exceed twenty cents per passenger each way. Order read twice and passed.

STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board, in favor of granting permits to occupy stables, as follows: Asa C. Partridge, Washington street, Ward 21; People's Ice Company, Culvert street; R. Estabrook, Putnam street; Warren R. Wheeler, Centre street; T. and J. Sullivan, 147 Dorchester avenue. Severally accepted.

FRANKLIN FUND.

Alderman Burnham submitted a report from the special committee on the subject, recommending that the request of George Henry Dyer for a loan of \$200 from the Franklin Fund be granted. Accepted.

LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Victuallers' Licenses Renewed—C. H. Williams, 181 Court street; Herbert Tessier, 156 Merriam street; Abby Houghton, 2 West Fourth street; J. F. Reynolds, 130 and 132 Eliot street, and 183 Atlantic avenue; Terence Riley, 137 Eliot street; Stephen Wilson, 36 Phillips street.

Innholder's License Renewed—Jesse Wadsworth, 10 Marshall street.

Auctioneers Licensed—William H. Fitzgerald, 9 City square; Gale, Bradt & Co., 53 Avon street.

Wagon Licenses Granted—George D. Goodrich, Post Office square; T. W. Manning, 59 Kneeland

street; Henry A. Mitchell, 1035 Tremont street; George H. Barnett, South Grove and Cambridge streets.

Minors' Applications Granted—Twenty-three bootblacks, six newsboys.

Report granting licenses to sundry pawubrokers and dealers in second-hand articles in various parts of the city (being the annual list of licenses renewed).

Hack Licenses Granted—H. & J. Graham, 631 Washington street, after nine o'clock P. M.

Severally accepted.

Report of leave to withdraw on petition of William B. Ford for the removal of Edward Brackett's hack-stand from 105 Court street, and that a license be granted to himself at the same locality. Accepted.

SWING SIGNS.

Alderman Robinson submitted a report from the Committee on Police recommending the granting of a permit to J. R. Reichardt to place two lanterns in front of the old International Hotel, 625 Washington street. Accepted.

QUINCY HALL.

Alderman Fitzgerald submitted the following:

CITY OF BOSTON,  
IN BOARD OF ALDERMEN,  
April 30, 1877.

The Committee on Public Buildings beg leave to represent that the lease of Quincy Hall to the Ames Plow Company expired April 1; said corporation have expressed a desire to continue business upon the premises, but will require only a portion of the hall, say, the wing running west from the rotunda.

Application has been made by an association known as the Produce Exchange to lease the rotunda for a term of years for the business of the Exchange.

In this connection a demand has been made for offices in the easterly wing of the hall adjoining the rotunda by those doing business with said association. Provided this plan of leasing the premises is adopted, the income from the hall will be as follows: Ames Plow Company, \$2500 per year; from the Produce Exchange, \$1000 per year; from the fourteen business offices to be erected by the city adjoining the rotunda, estimated income \$3000—making a total of \$6500; leaving still the major portion of the easterly wing to be rented.

Your committee have given these requests their careful consideration, and are of the opinion that in the division of the rentals as proposed the income to be derived will be increased.

The lease of that portion of the hall to the Produce Exchange is subject to the provision that the city will provide a new flooring for the rotunda, repair the ceiling, furnish water closets, and also erect the fourteen counting rooms as mentioned in the report.

It is estimated that the sum of \$3000 will be required to complete these improvements, for which no provision is made in the appropriation for Public Buildings for the financial year 1877-78.

In furtherance of the ideas embodied in the report your committee would recommend the passage of the accompanying order.

For the committee,

JOHN E. FITZGERALD, Chairman.

Ordered, That the Committee on Public Buildings be authorized to build offices in Quincy Hall adjoining the rotunda, also to repair the rotunda preparatory to leasing the same to the Produce Exchange Association, and the offices to those doing business with the Exchange, at an estimated cost of \$3000.

The expense therefor to be charged to the appropriation to be provided for that purpose.

In Board of Aldermen, April 30, 1877.

Referred to Committee on Finance. Sent down.

HOUSE OFFAL.

Alderman Viles offered an order—That the Committee on Health be and they are hereby authorized to contract with Artemas Winchester for the collection and removal of house offal from West Roxbury, for the term of three years from May 1, 1877, at the rate of \$900 per annum. Read twice and passed. Sent down.

SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Report of leave to withdraw on petition of John H. Robinson for abatement of assessment for a sewer in Exchange street, in Dorchester. Accepted.

Ordered, That the amounts set against the

names of the following parties as sewer assessments be abated on account of poverty:

M. Follens, Lamartine street.....	\$52.78
Bessie Wilson, " ".....	20.85
Eleanor Kent, Rockland avenue.....	39.94

Also, that the amounts set against the names of the following-named parties be abated on account of over-estimate of land benefited:

Calvin Sampson, School street.....	\$1.88
Patrick Glennon, Terrace street.....	1.50
Timothy McCarthy, Howard street.....	4.29
Julia M. Tice, Parkman street.....	34.67
Arthur W. Tice, " ".....	17.00
Henry A. Danley, " ".....	17.00
Thomas Lane, Avery street.....	15.89
Joshua Bennett's heirs, Avery street.....	15.67
Susan Wright, " ".....	15.67
Mary J. Atkins, " ".....	15.67
Edward Bangs, Jr., " ".....	15.67

Read twice and passed.

#### PAVING REPORTS AND ORDERS

Alderman Robinson submitted the following from the Committee on Paving:

Report and order for brick sidewalks in front of estates of James E. McCammon, corner of M. and Sixth streets; Frances L. Fiske, corner of Clarendon street and Commonwealth avenue. Orders read twice and passed.

Report and order to pay William Lynch \$152 for grade damages at 7 and 9 Ellery street. Order read twice and passed.

Report and order for edgestones and paved gutters on easterly side of Old Harbor street, from Telegraph street to Old Harbor court. Order read twice and passed.

Order to sprinkle Blue Hill avenue, in conjunction with abutters, from Dudley street to Clifford street, with salt water; cost to the city not to exceed \$133. Read twice and passed.

Report and order for paved sidewalks on Mercer street, between Telegraph and Eighth streets. Order read twice and passed.

Report in favor of granting a permit to John Cavanagh to move wooden building from 292 Dorchester avenue to 297 said avenue. Accepted.

Report of leave to withdraw on petition of Rufus Estabrook for adjustment of claim for damages, for raising and grading Swett street. Accepted.

Report and order of notice for hearing on Monday, May 21, at four o'clock P. M., on expediency of allowing the Eastern Railroad Company to connect their tracks with the Union Freight Railroad tracks on Causeway street. Order passed.

Report and order to assess cost of sidewalks in Centre street. Order read twice and passed.

#### LAND AND STREET DAMAGES.

Alderman Clark submitted the following from the Committee on Streets on the part of the Board:

Order to pay A. J. Hilbourn or his assigns the sum of \$627.50, for land taken and all damages occasioned by the widening of Washington avenue in Chelsea upon his estate by the County Commissioners of Middlesex County, on the first Tuesday in January, 1872; such sum being the award to him by said County Commissioners of five hundred dollars, with interest added from the time the same was due and payable. Read twice and passed.

Ordered, That the order of this Board of Dec. 4 last, to pay Lyman Titus the sum of \$2418.85, for all land taken from him and damages occasioned to his estate by the extension of Clifton to George street, be and the same is hereby rescinded, such claim for damages having been settled by judgment of the court.

Read twice and passed.

#### SEWER ON THE COMMON.

Alderman Clark, from the Committee on Common, etc., offered an order, that there be allowed and paid to Stephen Connolly the sum of \$34.25, the same being in full for extra services performed by him in the construction of a sewer on Boston Common; to be charged to the appropriation for Common and Public Grounds.

Read twice and passed. Sent down.

#### REFERENCE LIBRARY.

Alderman Fitzgerald submitted a report from the Committee on Public Buildings, to whom was referred, among the unfinished business of last year, an order to consider and report upon the expediency of assigning a room in City Hall for a reference library—that they have given the subject their attention, and find no accommodations in City Hall suitable for the purpose, and they

therefore report that further action is inexpedient. Accepted. Sent down.

#### RECORD COMMISSIONERS.

Alderman O'Brien submitted a report from the Committee on Printing, recommending the passage of the order authorizing the Record Commissioners to print their second report at a cost not to exceed one thousand dollars. Report accepted and said order passed. Sent down.

#### NORTHAMPTON-STREET DISTRICT.

Alderman O'Brien submitted a report from the Joint Committee on Public Lands, representing that the appropriation for the Northampton-street District is exhausted, and that there is needed at the present time, to pay for surrendered estates and to meet the current expenses of keeping in repair buildings which have been surrendered to the city, the sum of \$20,000, and recommending that said sum be provided by the Committee on Finance for this purpose. Accepted and referred to the Committee on Finance. Sent down.

#### TAX REMITTED.

Alderman O'Brien, from the Committee on Public Lands, offered an order—That the tax for the year 1876, assessed upon the lot of land upon Albany street, corner of East Newton street, as shown upon plan recorded with plan of city lands sold (book 2, p 179), in the office of the Superintendent of Public Lands, be remitted, the said lot having been forfeited to the city for breach of the conditions of sale. Read twice and passed. Sent down.

#### JOINT RULES AND ORDERS.

Alderman Thompson submitted a report from the Special Committee on Rules and Orders of the City Council recommending changes in the rules and orders covered in the following orders:

Ordered, That section 14 of the Joint Rules and Orders of the City Council be amended by striking out all after the word "assembled."

Ordered, That section 20 of the Joint Rules and Orders of the City Council be amended by striking out all between the word "detail," in the third line, and the words "the dates," in the fifth line of the pocket edition.

For the information of the Board the Mayor read the rules proposed to be changed, as follows:

"14. All by-laws passed by the City Council shall be termed 'ordinances,' and the enacting style shall be, 'Be it ordained by the Aldermen and Common Council of the city of Boston in City Council assembled.' No order or vote which is not in the form of an ordinance shall have the effect to amend, suspend or repeal any ordinance."

"20. No bill for refreshments or carriage hire furnished to any member of the City Government shall be paid unless such bills shall specify in detail the names of the members to whom such refreshments or carriages were furnished, the dates of furnishing the same, and have been approved by the presiding officer of a board, or chairman of a standing or special committee of the City Council, or of either branch thereof, duly authorized by vote of such committee or board, at a regular meeting; such bills, when so approved, shall be paid from the appropriation to which they are incident; and the Auditor of Accounts shall not receive or pass any such bill for the approval of the Committee on Accounts, unless it has been approved, as provided in this and the preceding section."

Alderman Clark—I should like some explanation from the chairman of the committee in regard to these changes. I think the last order perfectly right; but I should like to know the reason for making the by-laws ordinances. I like to vote intelligently upon all subjects when I can.

Alderman Thompson—The proposed change in the fourteenth joint rule leaves that rule as it was two years ago. One year ago the committee added to that rule the words, "No order or vote which is not in the form of an ordinance shall have the effect to repeal or suspend an ordinance." The City Solicitor says that rule is of no effect whatever, because any order of the City Council can repeal for the time being any ordinance; consequently the committee considered that there was no object in having the part of the rule, because it had no effect whatever. The committee consulted with the City Solicitor in regard to this change and it met with his approval. Members of the Board will remember that they have on certain occasions passed orders in conflict with certain ordinances, and it seemed proper in the minds of the committee that there should be no joint rule inconsistent with such action. In re-

gard to the other rule, the Alderman is satisfied with it.

The orders were read twice and passed—yeas 11, nays 1; Alderman Viles voting nay. Sent down.

#### EXTRA CLERK HIRE IN TREASURY DEPARTMENT.

Alderman Gibson offered the following:

Ordered, That the City Treasurer, with the approval of the Committee on Treasury Department, be authorized to expend during the financial year 1877-78 a sum not exceeding \$100 for extra clerk hire; said sum to be charged to the appropriation for Treasurer's Department.

Read twice and passed. Sent down.

Ordered, That the City Collector, with the approval of the Committee on Treasury Department, be authorized to expend, during the financial year 1877-78, a sum not exceeding \$3800 for extra clerk hire on account of the collection of taxes; said sum to be charged to the appropriation for Collector's Department.

Read twice and passed. Sent down.

#### ENGLISH HIGH AND LATIN SCHOOLS.

Alderman Thompson submitted the following:

The Committee on Public Instruction, to whom was referred the request of the School Committee asking that immediate steps be taken for the erection of suitable buildings for the English High and Latin schools, having considered the subject, would respectfully report as follows:

The committee have given several hearings to the School Committee, the Superintendent of Schools and the masters of the English High and Latin schools, and they have been repeatedly urged to recommend that the City Council would take some action, in order that the pressing necessities of these schools might be relieved.

It appears that at present not only the English High and Latin School building on Bedford street is in use, but that the building formerly known as the Bowditch Schoolhouse on South street, and the building known as the Savage Primary Schoolhouse on Harrison avenue, have both to be called in requisition in order to accommodate the pupils of these schools, causing, as a matter of course, numerous and vexatious transfers of classes during school hours, with a corresponding loss of valuable time both to teachers and scholars.

The number of pupils in the English High and Latin schools has increased of late years and is still increasing, and your committee are of opinion that the erection of the new school buildings (contemplated in 1872 when the necessary land was purchased by the city) ought no longer to be delayed, and that action should be taken immediately in order that the contracts for this important work may be got under way.

The lot of land purchased by the city in 1872, bounded by Montgomery street, Dartmouth street and Warren avenue, containing 84,000 square feet, is well adapted for the purpose of erecting suitable school buildings, and the location is considered to be satisfactory. Its cost to the city was \$280,000.

The committee would respectfully recommend that an appropriation of \$350,000 be provided for the purpose of meeting the expense of erecting suitable school buildings on the aforesaid lot of land, for the accommodation of the English High and Latin schools, and that a short loan be negotiated for this specific object, in order that said sum may be raised.

The committee further recommend that it shall be provided that the proceeds of the sale of the following property (when sold) shall be applied to the liquidation of said loan:

The present English High and Latin School building and lot, situated on Bedford street.

The building formerly known as the Bowditch Schoolhouse and lot, situated on South street.

The building known as the Savage Primary Schoolhouse and lot, situated on Harrison avenue, near Essex street.

The building known as the Old Franklin Schoolhouse and lot, situated on Washington street, near Dover street.

(The first three buildings named can of course be dispensed with as soon as the proposed new buildings are erected.)

The committee would recommend that the subject be referred to the Committee on Finance, in order that the details may be arranged for the negotiation of the proposed loan, and that an order may be reported by said committee, by the passage of which the City Council may formally authorize the same.

The committee also recommend the passage of the accompanying order.

For the committee.

F. THOMPSON, Chairman.

Ordered, That the Committee on Public Buildings be authorized to construct suitable school buildings for the accommodation of the English High and Latin schools on the lot of land owned by the city, bounded by Montgomery street, Dartmouth street and Warren avenue, in accordance with plans prepared by the City Architect, to be approved by the School Board and the Committee on Public Instruction; the expense to be charged to the special appropriation provided for said purpose.

Laid on the table on motion of Alderman Clark.

#### VACATION SCHOOLS.

Alderman Fitzgerald submitted two reports from the Joint Committee on Public Instruction, on request of School Committee for an appropriation of \$2000 for the establishment of vacation schools. The majority of the committee recommend that the request be granted, and that the subject be referred to the Committee on Finance, in order that the means may be provided. The minority of the committee [Aldermen Thompson and Slade] dissent from the above recommendation and report that it is inexpedient to grant the request. The majority report was accepted and referred accordingly.

Subsequently, on motion of Alderman Thompson, the vote was reconsidered, and Alderman Thompson moved to substitute the minority report for that of the majority.

Alderman Fitzgerald—I hope the gentleman will give some reasons why the minority report should be substituted for that of the majority. I saw that he was a little bewildered when the question came up a little while ago, and I voted for the reconsideration to give him an opportunity to explain why the minority report should be substituted for that of the majority.

Alderman Thompson—The minority report has a majority of the signatures, and the committee saw no reason why the majority report should have been adopted. I wish to state for the information of the Board that this is a new project. It originated with some members of the School Board, whereby they propose to establish vacation schools, which, in my judgment, is a doubtful experiment. And they ask for \$2000. My objection to the project is that it is going to establish a new system of schools; that the same reason that applies to the teachers why they need a vacation also applies to the children. If the vacations are too long, then the School Committee should shorten them and should not establish the school's during the summer. I suppose the real facts in the case are these: Certain parties desire the city to furnish nurseries the take care of the children during the vacation. My judgment is that the citizens of Boston have furnished money enough for the schools. This appropriation is very small, but it may be very much larger. It seems to me that if the School Committee wish to try this experiment, the city has been very liberal and has given nearly a million and a half dollars for the support of the schools, and they have abundant means to do so without coming to the city for any more money. My present judgment is that nothing more should be done to add to the cost of supporting the schools; and that is my principal objection. I do not see how this system can be introduced to the satisfaction of the citizens. For instance, they propose to establish schools in this section; there may be a few people in that section who desire it, and perhaps in another section there may be a few more who desire it. I have no doubt that none of the children desire to attend the schools during vacation. The Board will see that it is difficult to classify those schools. I cannot see how they can be established except upon a general plan, and I think the schools should be continued this year as they have been, without attempting any experiment.

Alderman Fitzgerald—The Alderman opposite says that the report which he has signed should be the report of the majority, because it is signed by him and another member of the committee, and therefore the report which I have signed is not signed by the majority, and therefore it is not the report of the majority. My report is signed for the committee.

Alderman Thompson—The Alderman did not understand me. I said the minority report has the majority of the signatures.

Alderman Fitzgerald—I have no doubt of that; but it has not the majority behind it, and that is the great difficulty with it. The report which I have signed is the report of all the members of the committee except the Alderman, who is the chairman, and the Alderman opposite. [Alderman Slade].

Alderman Thompson—A majority of those who were there.

Alderman Fitzgerald—I spoke of those who were there. There were six members of the committee present, and two were absent. Now the reasons for establishing these schools are well expressed in the report of the School Board itself. About two years ago the old School Board took into consideration the establishment of vacation schools. The committee reported to the old board and the new board took up that report of the Committee on Industrial Schools; and last year they made a report upon the subject of vacation and industrial schools. Here is the sum and substance of the report on vacation schools. It says—

“It is a well-known fact that hundreds of children spend the long, idle summer days in our streets, where temptations to evil are always at hand, and seeds of vice are in that way sown, to bring forth in time the most costly and dangerous fruits. In the words of the report referred to us, we say, with hearty concurrence, ‘it were almost true to say that no expense and no effort could be too great to devote to the safe keeping of these children in vacation, for whose education such liberal provision is made during the larger part of the year.’ To such children, and to their parents, a short daily session of a vacation school, in which varied exercises should interest but not tax the minds and bodies of the pupils, would be a priceless boon. And the good order of our city would be enhanced, and the moral welfare of our citizens would be made more secure, by the fact that these summer schools would, from year to year, continue and heighten the good influences with which we seek to surround our children in the long winter terms.”

And it is signed by Miss Abby W. May, Dr. Ezra Palmer and William H. Finney. These are the reasons why the School Board want vacation schools, and they are apparent to everybody. If the gentleman opposite had had the experience upon the School Board that I have had he would have found that the times when these children are taken up for the commission of crimes, for stealing lead pipe and the commission of petty offences, is during the vacations of our schools. The object of the School Board is to establish schools in different sections of the city, where they are most needed, so that the children shall come, not during the whole day, not during the whole vacation, but shall come from time to time and be kept out of mischief and harm’s way. In certain localities there is a class of children who never go to school, who shirk and avoid it, and it is with the greatest difficulty that the parents of these children in the neighborhood of these boys can keep them out of mischief, and the only way they can do so is to keep them out of the company of those young lads who will not go to school and are ready for any mischief, and keep them out of the way of that old gentleman who, the old proverb says, has plenty for idle hands to do. I think that two thousand dollars cannot be better spent by the city of Boston than in the establishment of these schools. If it saves twelve boys from the Island, taking it as a mere matter of expense, to say nothing of the moral good of the children, it will be a great saving to the city of Boston. This is not a new experiment. It has been tried in Providence, which is the only city that has tried them. I have in my hand the report of the School Committee of that city for 1873 and 1875, which is the only report I have in relation to vacation schools. It says—

“The results of these six weeks’ training were very satisfactory to the committee—a satisfaction enhanced by the reflection that so large a number of young children were kept from exposure to street casualties, while at the same time, without any strain upon the brain, they were pleasantly preparing for the more exact studies of the autumn term. The cost of maintaining these schools was something less than the appropriation made by the City Council.

“Vacation schools, as connected with our public-school system, and carried on under the supervision of the Public School Committee, are peculiar to Providence. Their success here has attracted the attention of educators and philanthropists in other principal cities of our country, and it is be-

lieved that the year is not far distant when the example here set will be very generally adopted in all thickly populated places. In view of the good which has been accomplished in our own city through the agency of these schools, the committee are unanimous in recommending their continuance.”

That is the report of a committee where these schools have been established for a great number of years, and I think the city of Boston can well afford to spend \$2000 in trying the experiment of preserving those poor children. You have appropriated \$6000 for a new piggery down at Deer Island; you have appropriated \$15,000 for a pauper establishment on Rainsford Island; you have appropriated \$150,000 for grading and macadamizing certain streets on the Back Bay, and the School Board ask for an appropriation of \$2000 with which to try to preserve and protect the morals of those poor children from temptation during vacation—children whose parents have not the control of them that they should have, and whose only sure refuge from crime and from the influences which surround them is in the schoolroom. I should think it hardly necessary for me to debate this question. It should need only to be presented for this Board to see the necessity for it. The very mention of it should be sufficient to convince this Board of the absolute necessity of this, and no money can be better spent by the School Board than this \$2000. The argument which the gentleman makes in regard to the ungraded schools applies equally to the evening schools. Our evening schools are comprised of persons who are studying from A, B, C, to the “Fifth Reader,” and from two and two make four to some of the highest problems in arithmetic; to be sure they are not so pleasant to teach as a graded school, which has fifty or sixty boys studying on a lesson; but the evening schools have become a great success. But it is not intended to teach so much in the vacation schools, but rather to keep the children out of mischief. The request being a reasonable one, I think it should be granted.

Alderman Slade—My name is appended to the minority report, but I shall not say much in regard to it. During my term as a school committee man, I gave this subject some attention, and I convinced myself that it would be inexpedient to run the schools the whole year round. In my opinion the boys whom we would be glad to have go to school to be kept out of idleness would be the boys who would not go at all. I do not believe it is expedient to force children to go to school all the time, all the year round. It is an old maxim that all work and no play makes Jack a dull boy. I cannot think myself that it is best to encourage the holding of schools all the year. I do not believe the children will be in so good condition to take hold and go on with their other studies in the fall as they would be if they had two months vacation. Of course, there will be no truant officers to look after the boys and send them to school; and, in my opinion, the children who would attend the schools during the vacations would be the best children, and those who ought not really to attend the schools in the summer season. With all the attention that I have given to it, I am satisfied that it is inexpedient. I do not care so much about the two thousand dollars as I do about giving the parents a chance to force their children to attend school during the whole year.

Alderman Fitzgerald—In this report it says, in answer to the Alderman opposite, who says the class of children we might want to attend would not do so, it says of the vacation schools—

“The latter provide for children of primary and intermediate grades, with a sprinkling of the grammar grade, who else would be roaming the streets during the long vacation, exposed to danger and acquiring vicious habits. A vacation of two weeks at the close of the summer term, and of a week previous to the commencement of the fall term, suffices for recreation, while six weeks of instruction in spelling and reading, and in a knowledge of common things which does not unduly exercise the brain, keeps up the habit of study, and prepares them to engage with more intelligence in the subsequent lessons of the schoolroom. The success which has thus far attended both these classes of schools is the best commentary upon the wisdom of establishing them, and of their value to the city.”

It is safe to say what has occurred in Providence will occur here. In the city of Providence that

class of children came to the schools, and it is precisely that class of children that the School Board want to influence by the vacation schools. The School Board have not yet made out a definite plan; they simply ask for the money, and when the money is given they will mark out a course of action to pursue. I think the details might well be left to them. At all events, I think it is worth while to try the experiment. I think that, with the efficiency of the School Board and the teachers, the vacation schools will be as successful as in Providence, where the people have become convinced of the utility of establishing them.

Alderman Thompson—Was that report from a teacher of the school?

Alderman Fitzgerald—It is from the report of the School Committee, but in that report is an extract from the report of the principal of the vacation school to the committee.

Alderman Thompson—I have no doubt the principal would approve of it, and so would any one likely to be employed during the summer months. But it seems to me that after the large appropriation made for the schools—when the appropriation for schools in Boston is larger than in any other city in the Commonwealth—we should put our foot down and not continue this fancy arrangement of the School Committee. This is an experiment. It may do well for a small place like Providence; but if Boston goes into this experiment, a large expenditure must be made, or it will not be satisfactory to the inhabitants. When the committee have received so large an appropriation I think they should be satisfied. They should take this \$2000 out of the incidentals. They know what they have got and can dispose of it.

Alderman Fitzgerald—This is not a fancy business. If there is anything that is practical in the School Committee it is in asking for something of this kind. I have always thought it better to build schoolhouses and provide education for our children, and prevent them from becoming criminals, than to wait till they grow up, and build penitentiaries and houses of reformation to make them retrace their steps. Of all the moneys we appropriate—although the School Board may be excused for extravagance—there is none that the people give so unhesitatingly as that for the schools. It is not a fancy business. Ladies and gentlemen upon the School Committee came before the School Committee and presented their case, and I was very well acquainted with it before I came upon this Board. I hope the City Council will unanimously pass this small appropriation.

Alderman Thompson—The gentleman refers to the School Committee coming before the Committee on Public Instruction and presenting their case. The Alderman came there after they had presented their case. His mind was made up before they came there, and I have no doubt that his views might have been changed to just what my colleague's and mine are, if he had been present. I do not know what effect the interview with the lady had on the Alderman outside of the committee, but I am of the opinion that if he had been present when the committee made their report to the Committee on Public Instruction he might possibly have been on the minority side.

Alderman Fitzgerald—I knew just as well as the members of the School Board what was needed. I got in just when they got through. But it did not need my presence there to become acquainted with this matter. I knew all about it before. We discussed it for a whole hour. I had made up my mind for the last six months that it was needed, just as the gentleman opposite had made up his mind before it came before the committee.

Alderman Thompson—That is a mistake.

Alderman Fitzgerald—I have not the slightest idea but that his mind was made up before it came before the committee. I am certain that if Miss Abby May could not change his mind to the right way of thinking, his mind must have been very much made up before coming to the committee.

Alderman Gibson—My mind is not made up. This is the first time I have heard of it. It seems to me that this is imprisoning little children the whole twelve months round. I submit that in this latitude they should have two months to make bone and muscle against their becoming men and women. In July and August, when children can be out, I would rather hire a man to take them out in the fields, where they can exercise and make bone and muscle. It is inhuman to keep them shut up twelve months. It is well known

that in these two months everybody seeks for recreation and to patch up strength that will make them suitable men and women to go out into the world and get a living. It looks to me in that light. I do not see the necessity of expending this. We have an army of teachers under pay; they are paid so much per annum, and if it is necessary to have these schools, why not take the regular teachers to teach them. We certainly do not want another corps of teachers. Some way may be provided to use those teachers who are under pay the year round. But I think it is just as necessary that the children should have time to make bone and muscle as to go to school. If you take one thousand children and keep them in school twelve months in the year, and another one thousand and keep them in school six months, when they arrive at manhood I venture to say that those who were in school six months would be the better men and women, and better able to sustain themselves and families.

Alderman O'Brien—While I believe that the expenses of our public schools have gone beyond a reasonable limit, and that there is a splendid opportunity for reform and economy in that department, still, I shall vote for the appropriation of this \$2000 because I believe it is in the interest of the poor. As the Alderman who has just taken his seat remarked, it is the vacations of our public schools which are looked upon as a time for recreation and pleasure, for trips in the country, to the mountains and to the seashore. But we ought to remember that there are hundreds and thousands of our citizens who cannot send their children to the country, who cannot send them to the seashore, who are compelled to work from morning to night in order to earn a scanty subsistence to support them; and when their children are in school they know they are safe, that they are far safer than if they are left idle about the streets. That is the recreation that hundreds of our poor people have—idling about the streets during vacation—and the parents of many of these children—I know it to be a fact—feel more anxious about them during vacation than during any other time; and if they had a school to send them to it would relieve this anxiety very greatly. I think that \$2000 is not much with which to try an experiment of this kind, because I believe that if tried it will be found that good results will follow from it. It will take care of children whose parents cannot take care of them; whose parents are working hard to earn a scanty subsistence, and cannot look after them during vacation, and when the children are in school they are looked after by the teachers. For that reason I shall vote for this order.

Alderman Fitzgerald—Perhaps somebody who listens may be under the impression that the schools are intended to be carried on as during the rest of the year. It is not so. It is the intention of the board to have half-time schools during the day. It is not expected that the same children will go right along during the whole vacation. The schools are simply to enable parents to send children there who are not able to send them elsewhere. The great trouble with the class they want to get into the school is, that they have too much muscle and do too much mischief. We want to keep them from exercising their muscle too much. Too much muscle is the great difficulty with them. The Alderman may rest assured that the class of children who are going to that school will not suffer for want of muscle. I will warrant that they will have plenty of that when they grow up to be men.

Alderman Clark—I am in favor of making arrangements to send children to school during the vacations. I think we have too much vacation. I think the terms should be shortened. I find that the public schools are kept open on an average less than 200 days in the 365. And I believe that all the large and small children have time enough to get muscle. I think this industrial school will keep them out of mischief and have a tendency to improve them. But I believe there has been enough already appropriated to establish these industrial schools. We pay liberal salaries to the teachers, and they work only sixty-seven per cent. of the year. If it is necessary to establish this industrial school, I believe it can be done with the present appropriation, and therefore I move that the whole subject be recommitted to the Committee on Public Instruction, with the request that they report an order for the expense to be charged to the appropriation for Public Schools. My idea

is to appropriate \$2000, or more, if necessary, to be devoted to this purpose, the amount to be charged to the appropriation for Public Schools. I believe we have appropriated enough to run our schools only 200 days out of the 365 in the year, and I believe we have altogether too much vacation for the good of the children of the city. There is money enough appropriated to run schools at least twenty-five or thirty days more than they have been run for the past thirty-five years. Therefore I shall favor the establishment of these schools, but I believe that the expense should be charged to the regular school appropriation.

Alderman Slade—The teachers are paid for the whole year, and I don't exactly understand how Alderman Clark can carry out his ideas unless we authorize the School Board to spend a portion of the money already granted them. The teachers are all paid by the year whether they teach or not. There was a time when the schools kept until the 20th of July, but it has been shortened so that it will close in June; and if the teachers could have their way it would be closed in May.

Alderman Fitzgerald—I think the better way would be for the Alderman to withdraw his amendment, and let the whole matter be referred to the Committee on Finance, who can take the whole matter into consideration. We have first to establish the school, and then, after giving that power to the School Board to run the school if we don't want to make an extra appropriation for the expense, the Committee on Finance can report that the amount already appropriated is sufficient to pay for the vacation schools. So far as salaries are concerned, I doubt if the School Board can appropriate any more money except for the purpose for which it is appropriated. The Committee on Public Instruction shaved so closely to the wind that I fear the School Committee will not have enough for the salaries of the present teachers, even if they reduce salaries down to the amount which we recommended. The Committee on Public Instruction reduced the salaries to \$750 from \$800, and cut down the head masters and sub-masters and other teachers to a very large extent; and if the School Committee choose to allow the salaries to remain as they are the whole appropriation will be expended within two months of the year, and they will be obliged therefore to close the schools, or this City Council will be obliged to appropriate more money. I think this matter had better be referred to the Committee on Finance; the Alderman opposite [Alderman Clark] is a member of this committee, and they can report what they think upon the matter.

Alderman Gibson—I want to understand how they get at \$2000 as the sum necessary. I should like to know how many schools are going to be established, and how much they will cost.

Alderman Fitzgerald—Two thousand dollars is a very small sum for the city of Boston to expend on vacation schools. The teachers will get perhaps \$2 or \$1.50 a day; it will require a large number of schools, and also some books. But I should think that \$2000 would be small, when you consider the number of schools you have throughout the city. We appropriate some \$28,000 for evening schools throughout the city, and this sum will only be used for the salaries of teachers.

Alderman Gibson—I apprehend that this is to be the entering wedge. You cannot get the machine fairly started for \$2000, and it is only an entering wedge. You have got to establish schools in every section, and it will cause an increase of the appropriation for schools in these hard times. I do not believe any one has gone into this thing carefully enough to say how much the expense will be. I do not care about the \$2000, but we all know that a good many more schools will cost a good deal more money than that. I think myself it is better for the children to be out of doors in the summer, where they can get air and exercise. I believe it will be a serious injury to the children if these schools are established. I think our children in Boston get too much education crowded into them, and it causes softening of the brain, and brings them to a very sickly manhood. It is well enough to let well enough alone. This \$2000 is an entering wedge, and I don't believe it is a quarter of what the expense will be.

Alderman Thompson—The views just expressed by the Alderman suggested themselves to the minds of some members of the committee, and it was suggested that some teachers of the schools be retained; that there might be some changes;

that they might take turns in keeping these schools through the summer. But the subcommittee of the School Committee said it was an actual necessity that the teachers should have this recreation; and, according to my mind, it was rather an understanding on the part of the School Committee that the teachers should have the recreation, but not the children. Now, the committee desired some information how this \$2000 was to be expended, and although the communication from the School Committee was presented early in March, yet the subcommittee had no plans or suggestions to present to the Committee on Public Instruction. If they had had any plans, perhaps the Alderman on my right and myself might have had different views. But a gentleman of the School Committee said he had some facts and figures which he would send to the committee in regard to those schools. I can remember when I attended the public schools that we had a fortnight vacation in the month of August, and the teacher—I refer to Master Bates, who retired from the city last year—had, I think, something like two hundred boys and children under his charge. He could get along very nicely with a vacation of two weeks in the year, but now the present teachers require seven or eight weeks. It was suggested that these teachers should take turns and keep these schools in different sections of the city, with the appropriation that the city has already made. Now, Mr. Mayor, in view of the fact that a member of the School Committee had certain facts and particulars which he had not presented to me, but said that he would submit to the Committee on Public Instruction, I would move that this subject be recommitted to the committee, that they may have a little more light upon the subject, and that they can come before this Board with a more intelligent explanation of it than we have got today. We don't understand it. We don't know what they want to do with this \$2000. If the School Committee are very anxious to establish these schools, it occurred to me that it would be the better course not to have a different corps of teachers. Let the subject go back to the committee and they will endeavor to get more light. Perhaps they will get as much light upon the subject as did the Alderman who presented the majority report. The Alderman on my right suggests that my old teacher had most excellent health when he had a two-weeks' vacation, but finally broke down when he had a two-months' vacation. I believe that is pretty much the case. In the appropriation asked for by the School Committee I think there are three or four thousand dollars for some festival, and there are two or three thousand dollars for different things. The Committee on Public Instruction were very liberal and accepted the propositions for those things, and only reduced in the items for salaries and amount asked for for fuel. They took their data in regard to fuel from the Superintendent of Public Buildings. I move that the subject be recommitted, with the expectation that a more intelligent report shall be submitted.

The Mayor—The question is upon Alderman Clark's motion for the reference to the committee, with instructions.

Alderman Clark—I have not the slightest objection what disposition shall be made of this order. I am in favor of these industrial schools, but I think the cost should come from the general appropriation for schools.

Alderman Thompson—They are vacation schools.

Alderman Clark—For vacation schools. I don't believe it is an injury to children—as does the Alderman from East Boston—to go to school in the summer. They go to school at nine o'clock, and at twelve they go to dinner, and have two hours' rest, and then they stay until four, and they have until nine o'clock in the morning and two hours at noon and from four until seven in the evening to work up muscle and improve their health; so that there is no danger of children studying too hard, even with vacations reduced to four weeks. There is altogether too much sympathy in regard to children being overtaxed in the public schools. I have never yet seen any ill effects of children being overworked in the public schools. I have but one there, and if he had been taxed a little harder at the private schools he would have been much better advanced today. I am happy to say that he is advancing today at the public school at the corner of Exeter and Newbury streets more than he was at the private school. I think it would be better to recom-

mit this to the Committee on Public Instruction, as they have better means of finding out from the School Committee what is necessary than the Finance Committee have. I should hope that it will go back to the Committee on Public Instruction in some form.

Alderman Fitzgerald—The motion which the chairman of the Committee on Public Instruction [Alderman Thompson] makes pays too poor tribute to the committee of which he is chairman. It is a confession that it is a report upon which he knows very little.

Alderman Thompson—How should we know, when the gentleman was absent?

Alderman Fitzgerald—I was present. The Alderman opposite has been charging me with being absent from committee meetings. He stated two weeks ago that I was absent from the Committee on Paving, and he has been continually talking in that way, and making charges without any proof. I have noticed that from the beginning, and I want now to take particular notice of it. I want the Board to take particular notice that he makes charges and assertions without having any proof, which are groundless. If the gentleman knew or took as much interest in this matter as I have for two or three years, if he had seen poor children from certain neighborhoods and districts over which I have been chairman, whose parents have come crying to me during vacation time begging of me to intercede with the justice for juvenile offenders in cases in which their children have been committed for stealing and for other petty offences, which would never have been committed if places of this kind had been established for them, he would not talk so glibly of these vacation schools. The Alderman is surrounded by a happy family, with happy children; and those who can send their children to Rye Beach and up to the mountains do not complain of the long vacations. These parents do not go to any mountains or to the seashore for driving or fishing. Often when they return from work at night they find a report from the police station that their boy is sent to the Island for stealing, and is to be kept there during his minority. The object of this order is to provide a place for the children of the poor, for those who cannot well afford to keep nurses to look after them, and it is to keep them out of mischief. It is for the children of those who cannot afford to send them into the country and make them acquainted with green fields, mountains and lakes. It is for the children of those who rarely go outside of the brick and mortar of the city, who are continually exposed to the temptation all along the wharves and streets, and I think the School Board deserve praise rather than censure from this Board for what they have done. I have been chairman of districts where those children lived and I have been acquainted with some of them. I know that during vacation the children are always in danger of getting into trouble. I noticed one morning going down Tremont street last year three police officers, each in charge of a boy; and as I passed I noticed that the little fellows hung their heads, and I knew at once that they were acquainted with me. I asked one of them, "Do you go to school, my boy?" and he said he went to the Quincy School. He knew me. The little boys had been arrested for breaking into a house and stealing some lead pipe, and the little fellows were all under the age of ten. I found from inquiry—and such has been my experience on the School Board—that cases of that kind are more frequent during vacation than any other time of the year, because children are more exposed to temptation. There are certain classes of boys who rarely go to school; they live in the neighborhood of these boys who do go to school, and during vacation children are apt to fall into the bad company of those boys. It is to prevent that class of children from getting into trouble that the School Board ask this appropriation of two thousand dollars. That is the sum and substance of it. It is useless to talk about the teachers—that they do not have this or that. The fact is, the teachers are hired for so much a year, and it will be unjust to say to teachers that they must teach these schools during the summer. I tell you the probabilities are that Mr. Bates would never have broken down if he had had more vacation. We rather undervalue the services of our teachers. We are rather apt to class the service of teachers with unskilled labor. There is no work so tiresome, so humdrum, as the work the teacher performs. It is the same ding-dong work week after week, year after year, and if there is anything that wears upon the mind it is

that kind of labor, moulding the morals, habits and souls of fifty-six little children. It is not to be compared with the labor we have in other departments. You have got clerks around here in your departments and you can get seventy-five men to take their place when an occupant leaves. For two years you have been looking after a head master for the High School, and you cannot get an available man in the United States whom you would think proper to fill that position. Invitations have been sent to various gentlemen who invariably refused, because some of them think they are better off where they are, so far as salaries are concerned. If you don't pay decent salaries you will not have decent teachers, because men will forsake the profession and become lawyers, ministers, and seek some other employment more congenial and profitable. If you want the schools of Boston kept up to the high standard which they have attained, and for which they are celebrated, you must pay good salaries to the teachers. I say that all the money which is paid out for school purposes in this city is given with a most ungrudging hand by the citizens of Boston. You must have found, Mr. Mayor, that the cutting down which caused the most criticism—as I have found—has been the reduction in the salaries of teachers. I don't say it was wrong, but I only speak of the feeling abroad about it. I voted for it because I think the time has come when we must cut down everything; but I think too much stress is laid upon the high salaries paid teachers for the prices paid in other departments. I think the salaries paid teachers are not enough. Whether this is the regular work of the teachers is not the question here. It is simply whether you will give the School Board an opportunity to establish these schools for children of whom I have been speaking, for children who will be exposed to temptation on every side, and whose parents are trying to make a livelihood for themselves and their children. It is not to be a coop for children. The attendance is to be entirely voluntary. The schools will be kept for half a day, and then the exercises will be of a nature that will not tax the mind or make it burdensome for the children. I have no doubt they will have many exercises that will expand their muscles.

Now it is proposed to refer this for the purpose of getting more information. The School Committee have given all the information that is needed. The plan and details ought to be left to them. They say, We want to establish schools similar to those in Providence; and the plan and details can be left to them. That is their special duty, and I think we can well trust to them to carry out this scheme. Taking it from an economical standpoint, I venture to say that if you establish these schools you will have twenty less offenders to send to the House of Correction, and you will save \$3000 in the expense at Deer Island. As an economical measure it well deserves the consideration of this Board. When I was in the School Board two years ago, it was brought up, a number of philanthropic ladies and gentlemen presented a petition for the establishment of some kind of industrial schools, where the children of poor people could be taught trades. This is intended for that class of people. We must give them leave to establish the schools, and we can let the Finance Committee report whether there is a sufficient amount appropriated to warrant referring it to the School Committee without making an additional appropriation. It is true it is but a beginning, as the Alderman from East Boston says; and, if it works well, they may come and ask for a little more next year; and, if they do, I shall vote to give it to them if I am here. During my experience on the School Board I never found that children learned too much. The great difficulty is, they do not learn enough.

Alderman Thompson—The remarks of the Alderman at the commencement of his speech call for some explanation from myself in regard to my assertion respecting his attendance in committees. He referred to me the other evening in an ungentlemanly manner, and which reflected upon me, by stating that if it was after dinner he should attribute it to something else. I ask if he ever saw me in a condition after dinner different from what I am now; if so, I desire that he should say so, and not make an assertion of that kind without anything to back it up. I made an assertion the other evening from the chairman of the Committee on Paving, who stated, "We will do this," and "We will do that," and "We wont report so and so"; and he was speaking for the committee when he said so. If the Alderman

disagreed with him I presume he was not present at the committee, for I had my authority from the committee. Now, sir, respecting my remarks concerning his attendance upon the Committee on Public Instruction. The sub-committee of the School Committee were there and presented their case and they were gone before the Alderman came. How could he know what was done by the sub-committee toward placing the subject before the committee? That is what I alluded to and it cannot be denied. I am not going to sit here and have any member of this Board browbeat me. What I state I can back up. Now, in regard to what the Alderman says about the wear and tear of the teachers. He knows nothing about the wear and tear of merchants of this city who have no vacations, but who keep right on through all the hard times such as we are passing through now. I sympathize with that class of people. Since I have been a member of this Board, it has been my desire to reduce expenses and make this city as desirable a place to live in as Philadelphia or Baltimore, where one can live for thirty-three per cent. less than here. I do not want to see our merchants leaving here because of the high cost of living. I think I am looking out for the true interests of the city by reducing the expenses of the Government, so that people can live here. The reason I object to this is because a million and a half of dollars have been appropriated for schools by the city of Boston, which is as much as we can afford to appropriate. Why don't the Alderman ask for an appropriation to take those children into the country and support them? I will vote for a thing of that kind. But as one or two of the sub-committee come before us, and without any plans, I made the motion to recommit the report, that we may know more definitely what they want to do with the money. That is the reason why I desire it to go back—that we may have a more intelligent account from the School Committee upon this subject.

Alderman Clark withdrew his motion to recommit with instructions.

Alderman Thompson renewed the motion to recommit.

Alderman Fitzgerald—I sympathize with the Alderman in his desire to cut down expenses. It is a laudable one, and I hope all the members of the City Government will agree with him. But, after all our retrenchment, I should not vote money to give children recreation by taking them into the country at the expense of the city, though the Alderman would vote for it. As to my brow-beating him, I should not attempt to do that; but I shall not allow him or any other member of the Board to say of me that which is not true. I shall not do that. I did not begin this controversy with the Alderman. He made assertions that were not true. I did not mean to insinuate anything against the Alderman. I simply meant to convey the idea that I should excuse his speeches; that I should excuse what he said if he were in any other than the sober condition in which he always is. That is what I meant, and I did not mean anything else. But he made such reckless charges that I could not let them pass without a reply. If any such insinuations were conveyed in my speech, I want to withdraw them here. I simply rose to defend myself.

The motion to recommit prevailed; and on motion of Alderman Fitzgerald, the committee were instructed to report in two weeks. Sent down.

#### REWARD OFFERED.

Alderman Robinson made a statement of the facts, which have already been published, in regard to the disappearance of Mary Ella Harrington of East Boston, and the belief of the police that she had been foully dealt with in Lowell. He concluded by offering the following:

Ordered, That his Honor the Mayor be authorized to offer a reward not exceeding \$150 for information which shall lead to the discovery of the disposition of the body of Mary Ella Harrington, who recently died in the city of Lowell, the victim of a supposed criminal operation.

In reply to questions by members of the Board, Alderman Robinson stated that the detectives were of opinion that the information could be obtained by a small reward, if at all.

The order was read twice and passed.

#### INSPECTOR AT ABATTOIR IN BRIGHTON.

On motion of Alderman Dunbar the Board took from the table the order to fix the salary of the Inspector of Provisions, to be appointed by the Board of Health, at \$1500 per annum.

The question was on the passage of the order.

Alderman Thompson said he understood the Salary Committee were not quite agreed upon the matter, and he should like to hear about it.

Alderman Slade said there was no minority report; but the office requires little except nominal labor, and he did not believe such an office was required. He thought \$1200 would be sufficient.

Alderman Dunbar said the committee were agreed, with the exception of Alderman Slade, that the salary should be fixed at \$1500. They visited all the buildings at the abattoir, and concluded that the duties required a peculiar sort of a man, who had good judgment and was able to discriminate in regard to the cattle slaughtered.

Alderman Wilder did not believe the office necessary, but it was created to make a place for some one. They slaughter from three to seven hundred sheep and three to five hundred cattle; it is done by a great corporation, who would not knowingly permit the slaughter of diseased animals. No one could inspect all those animals. If any one is needed it should be a practical butcher, who could be secured for \$500 or \$600. He moved to make the salary \$600.

Alderman Gibson inquired if he was to inspect Squire's piggery at Cambridge, where they slaughter a hog every four minutes.

Alderman Slade said the statute required an inspector for the abattoir, and for nothing else. He believed the Inspector of Provisions at large could go there and do the work, with a slight increase of salary. He did not believe the proprietors of the abattoir would allow diseased cattle to be slaughtered there.

Alderman Clark understood the Board of Health deemed it expedient for the health of the city that this officer should be appointed, which he did not believe they would recommend unless it was necessary. If the Inspector at large has too much time on his hands, his salary should be cut down. If the duties are to be performed, \$1500 is not too much salary for a good man. He believed in the Board of Health and its management.

Alderman Wilder believed no duty could be performed that is required to protect the health of the city. The officer might walk around, and perhaps partake of the blood-cure, if in a weak condition. He believed in the Board of Health and in its management.

Alderman Viles thought that no one seemed to have a clear idea of the duties, and he moved to recommit with instructions to consult with the Board of Health in regard to the labors of the officer.

Alderman O'Brien suggested that the Board of Health be requested to consider if they could not perform the duties themselves. If the physician, the lawyer and the merchant on that Board would give up their private business they could attend to more business of the city, and it would not be necessary to hire an extra officer.

Alderman Clark said the physician had no private practice, but devotes his entire time to the city. The lawyer does attend to his practice, as before; and if the lawyer appointed by his Honor is confirmed, he will no doubt attend to his private practice; and a most excellent and estimable man he is. The merchant gave up his private business when he took the position.

Alderman O'Brien said that last year a man complained of a sewer in Avery street, and said his physician attributed the sickness in his family to the sewer. That man said his physician was Dr. Durgin. In this case Dr. Durgin did not give his whole time to the city. If he is a physician for one family he may be for a dozen others.

Alderman Clark said it was not to be supposed that the Health Commissioners could devote their time to the Brighton abattoir, as they have other duties.

Alderman Slade explained the duties of the Inspector at Large, and reiterated his belief that the proprietors of the abattoir would not allow diseased animals to be slaughtered there.

Alderman Clark did not intend to criticize the Inspector. In regard to the Board of Health the ordinance allows them to engage in any other business. It is the fault of the ordinance.

Alderman Wilder moved to amend the motion by requesting the committee to procure a statement from the Board of Health in regard to the duties of the officer.

Alderman Viles accepted the amendment and the motion prevailed. Sent down.

On motion of Alderman Fitzgerald, the Board reconsidered the vote accepting the report in the Poland & Peabody omnibus case, and the report was laid on the table.

Adjourned, on motion of Alderman Robinson.









## CITY OF BOSTON.

## Proceedings of the Common Council,

MAY 3, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

Refereuces to Committee on Finance, viz., Of an order for offices and other improvements in Quincy House, cost \$3000; of a request for \$20,000 for the Northampton-street District. Concurred.

Recommitment to Committee on Salaries of the order to fix the salary of the Inspector to be appointed by the Board of Health under chapter 144, Acts of 1876, at \$1500, with instructions to report his duties. Concurred.

Recommitment of report of Committee on Public Instruction in favor of an appropriation of \$2000 for vacation schools. Concurred.

Report (inexpedient) to set apart a room in City Hall for a municipal library. Accepted in concurrence.

Report and order for a permit to O. H. Weed to enlarge a wooden building rear of Culvert street. Order read twice and passed in concurrence.

Order to remit the tax for 1876 on forfeited estate on Albany street, corner East Newton street. Passed to a second reading.

Report in favor of passage of the order to authorize the publication and distribution of a second report by Record Commissioners, at not exceeding \$1000. Report accepted and order read twice and passed in concurrence.

Order for Treasurer to expend \$100 for extra clerk-hire. Passed to a second reading.

Order for Collector to expend not exceeding \$3800 for extra clerk-hire for collection of taxes. Passed to a second reading.

Order to pay \$34.25 to Stephen Connolly, for extra work in construction of a sewer on the Common. Passed to a second reading.

Order for the Joint Committee on Health to contract for three years with Artemas Winchester for removal of house offal from West Roxbury, at \$900 per annum.

Mr. Mowry of Ward 11—Has this subject been before the committee?

Mr. Sibley of Ward 5—It was before the committee. There were some six or seven bids, and this gentleman's was as low as any other. He has performed the work heretofore, and to the satisfaction of the people, so far as could be ascertained, and the committee awarded him the contract.

Mr. Kelley of Ward 3—Is this the party who does the work in Charlestown?

Mr. Sibley—No, sir, it is not.

Mr. Kelley—I wish to say that that gentleman has not given satisfaction.

The order was passed to a second reading.

## SECOND ASSISTANT ASSESSORS.

A certificate came down of the election of John J. Follen and John Haggerty as Second Assistant Assessors in place of those chosen by this Council.

An election was ordered.

Committee—Messrs. Sibley of Ward 5, Nugent of Ward 19, Warren of Ward 25.

Mr. Coe of Ward 23—I wish to say that when the 1st of May arrived, the Council having failed to elect a Second Assistant Assessor for Ward 23, the Assessors deemed that those elected last year held over; and accordingly, in Ward 23, they set Mr. Dickson to work, and he is at work now. I hope the Council will remember this fact, and cast their votes, as heretofore, for Mr. Dixon.

Whole number of votes.....66

Necessary for a choice.....34

Ward 23.

Alexander Dickson.....29

J. J. Follen.....36

Ward 24.

Joseph E. Hall.....31

John Haggerty.....34

Messrs. Follen and Haggerty were elected in concurrence.

## LICENSE COMMISSIONERS.

An executive communication came down for concurrence in the appointment of Thomas J. Gargan, Samuel A. B. Abbott and Henry Walker as License Commissioners.

Mr. Crocker of Ward 9—I propose to vote against the confirmation of these nominations, and as my

reasons and those of others for voting against the confirmation of another appointment which has been made, have been misunderstood, I desire for one to state some reasons for my action. Most of our city officers hold their offices for one year, and then they are subject to renomination or reelection; and it has been the custom of the city for many years at least, if not always, to keep in office all good servants of the city who have proved themselves honest and capable. They have been renominated and reelected year after year as long as they have done their duty to the city; they have not been turned out or made to give place to others because one party or another got the ascendancy. The principle of dividing the offices in the gift of the city as spoils among members of the victorious party has not heretofore been put into practice by our City Government. That principle has been put in practice, as we all know, by the National Government, and we are all aware of how much mischief it has wrought. We know the great efforts that have been made to put a stop to that mischief and to bring about reform in that matter. I had hoped that we should not have introduced that system here. His Honor the Mayor, in his inaugural address this year, said—

"The recent municipal election reflected to some extent the passions of the federal election; but party strife and party animosities have no recognition in this presence. We should exercise the powers delegated to us for the welfare and prosperity of all the citizens, without regard to party differences or party interests. Under that inspiration of peace and good-will to all which comes from the Christmas season, let us endeavor to do so."

I considered, and I know that many others considered, these words to be a promise on the part of the Mayor that this should not be a partisan administration. But, it seems to me, Mr. President, that the inspiration of the Christmas season has faded out, and that we are seeing the commencement of a partisan administration of the City Government. In the first place, the first nomination that he made, which we could act upon, was for a member of the Board of Health. There had previously been several nominations made which were to be confirmed by the Board of Aldermen, and which we had nothing to say about. Several of those nominations I believe to have been simply scandalous. Certain men were dropped, against whom no reason could be assigned, simply to give place to Democratic politicians. Then we came to the Board of Health. I have heard no complaint that the duties of the Board of Health had not been properly performed. The Mayor, in that same inaugural address, speaking of the Board of Health, said—

"It gives me great pleasure to record the success with which the Board of Health are discharging their important duties. I have examined with some care their reports, and am satisfied that they are doing their work faithfully and well.

"During the past year they have abated more than 10,000 nuisances affecting health, and inspected and ordered to be vacated 148 houses as unfit for habitation. They have instituted sixty-four prosecutions," etc.

The Mayor seemed to find no fault at that time with the manner in which they had performed their duties, and I don't hear that it is pretended that the gentleman who is to be dropped from the Board of Health had failed to perform his duty faithfully, honestly and well. It is admitted on all hands that he has been dropped to give place to a Democratic politician—a man who has claims upon the Democratic party, and who is to be put into that place simply because he is a Democrat and wants a part of the spoils. Then again, that nomination has been followed by the appointment of three license commissioners, all Democrats, all Democratic politicians, managers and wire-pullers. It seems to me that it would have been somewhat gracious, and in accordance with the custom at City Hall, for the Mayor to have nominated from the opposite party at least one member among the three. But the whole three are Democratic politicians. Now, under those circumstances, it seems to me too much to ask of me as a Republican or of any member of the Republican party in this hall to indorse and ratify these nominations; and I for one don't propose to give my vote for it. I hoped that there would have been many Democrats who would have failed to approve the introduction of this system of dividing spoils among members of the party. I had hoped

that there were many Democrats who would frown upon any such proceeding. But certainly it is not to be expected that the Republicans in this Council will vote to ratify these nominations and thereby approve the introduction into our City Hall of this new system of dividing the spoils among the victors, and of making a complete overturn throughout the branches of the City Government whenever a new party gets the ascendancy. For these reasons, Mr. President; I shall vote and continue to vote against the ratification or confirmation of any nominations which seem to me to be made in such a spirit. If a member of the Board of Health had died, or if he had resigned his place, and the Mayor had sent in the nomination of Mr. Keith, I don't know any reason why I should not have voted to confirm him. But, as the matter stands, there seems to be no possible reason why the change should be made except it be to give room to a Democrat. The Board of Health was formerly composed of one lawyer, one physician and one merchant. Now it is proposed to make it of two lawyers and one physician; and then, moreover, it is proposed to put three more lawyers on the License Commission; and though I believe in lawyers generally, I think there is such a thing as overdoing the putting of lawyers into office.

Mr. Sibley of Ward 5—In regard to this trouble that seems to arise about these nominations, I have felt for some years that it all springs from the fact that we do not select these men. They are appointed by the Mayor, and we have trouble about voting for them. The Mayor stood near where you sit, sir, and told us that no men, or set of men, who came to him in the interests of party would receive anything in this presence. Well, I have no reason to dispute his word. He knows best. The gentleman who has been on the Board of Health is a most estimable gentleman, a good officer and a good man. The trouble is, we don't have the picking of the men. I have voted against Mr. Keith, and suppose I should continue to do so, if I had a chance, for six months, and saw no reason to change my mind.

Mr. Stone of Ward 3—I call the gentleman to order. He is talking about the Board of Health, and the subject under discussion is the License Commissioners.

Mr. Sibley—I am only illustrating the subject.

The President—The gentleman from Ward 5 is coming to the point.

Mr. Sibley—It is before us in the shape it is; we have got it and we must act upon it. Now in regard to the License Commissioners, the gentleman from Ward 9 says he believes in lawyers generally, but objects to putting three lawyers on that board. I think the less people have to do with lawyers the more money they will have. But that is not the point. In regard to this party business, I don't care the least particle for it in the world. When we annexed Charlestown, the Republican Ward and City Committee sent me to a city convention, and we nominated a Democrat for Mayor and elected him; and we did it for two years. And I learned this very thing—to vote for a Democrat when he is the best man. I don't care a particle for party. Now if there are any objections to these nominations, I should be glad to hear them. I have not heard one word against Mr. Keith. The opposition to him is all on account of personal feelings. An old friend came to me and told me certain things, and said I, if that is the case I shall not vote for him. I stuck to him; and being an old friend it is pretty hard to get out. If these License Commissioners are in any way unfit for the position, I should be glad to hear it, and shall endeavor to govern myself accordingly.

Mr. Flynn of Ward 13—I had hoped that party politics would not be brought into this Council this year; but I find the gentleman from Ward 9 at his old tricks, as last year, when he and some others attempted to rule the Council. He opposes these License Commissioners simply because they are Democrats, and he goes on to say they are nominated because they are Democrats, and that a man who is in a position should not be removed. Now, sir, I have voted in this Council this year for men for heads of departments, not knowing or caring what their politics were; and the other branch of the Government has done so, knowing that the heads of departments were Republicans. That issue has never been brought up before since I have been in this Council; and during my ten years' service I have never heard politics brought in here until it was brought here by the gentleman

[Mr. Crocker] and some others. He cannot say but that these gentlemen are all honest and trustworthy men, who will discharge their duties faithfully. He also refers to Mr. Keith, and admits he knows him very well, and knows him to be an honest and upright man; but because Mr. Keith is a Democrat he proposes to vote against him. I had hoped, as I said before, that party politics would not be brought in here. I hope these nominations will be confirmed by the Council.

Mr. Wilbur of Ward 20—I want to set myself right before the Council in regard to the nominations now before us, and also the appointment that has been made by the Mayor for a member of the Board of Health. It has been said that this has been made a party issue. In other words, it has been represented that members of this body have voted against Mr. Keith solely on account of his politics. I can say, for one, that that was not the influence that was brought to bear on me in casting my vote against Mr. Keith. I have never yet heard that there has been any objection to the present incumbent of that office. I do not know him, and never had any dealings with him; but I never heard any objections made to him. Neither have I heard anything personal that would influence my vote for or against the gentleman who has been nominated to fill that office. But I would state that my reason for voting against Mr. Keith—and I have never seen any reason to change my mind—is that it seemed to me that in that board there are now one doctor and one lawyer, and I thought if there was to be a change, the new incumbent should be a practical business man. That is the only reason I have voted against Mr. Keith. So far as concerns these other three gentlemen who are now before us for confirmation, it is said to me that they are all three Democrats and all three lawyers. I do not care what they are; I am going to take this ground; I am not going to raise my voice against them, and if I vote at all I shall vote for them, and for this reason: The Mayor has nominated those three men, and if he can afford to nominate those men and continue his nominations in that way, I can stand it if he can; and I believe the Republican party can stand it. Therefore I shall vote to confirm all appointments that come from him.

Mr. Crocker of Ward 9—I desire to correct the gentleman from Ward 13 in one point, although perhaps it is not very material. He stated that I admitted that I knew Mr. Keith to be an honest, capable, fit man for the office. I think he probably misunderstood me. I have no personal acquaintance with Mr. Keith. I probably did say to him that personally I knew nothing against his honesty or capacity. While I am up, I desire to protest against the idea being advanced that I have introduced the subject of politics into this body. I claim that it was introduced into the City Hall when nominations were made of men for partisan purposes; when men were nominated for office and other men dropped out of office simply to make room for Democratic politicians. I don't think that I or any other Republican can be found fault with for introducing politics when we refuse to be a party to or to help to carry out the political arrangements of the Democratic party. I simply raised my voice here to utterly protest being made a tool to help carry out the political arrangements for the division of plunder that have been prepared and proposed by the Democratic party. I claim that I did not introduce politics into this body when I did that. I must differ with the gentleman who has just sat down when he says that we can wash our hands of the responsibility for confirmation of these nominations. We cannot put the responsibility entirely upon the Mayor. This branch has a Republican majority, and it is in our power to stop this division of the spoils among members of the Democratic party, and I believe it is our duty and the duty of every Republican, and the duty of every Democrat here who has anything more than party at heart, to interfere and interpose by his voice to stop it.

Mr. Clarke of Ward 22—Since I have been a member of the Council I have always opposed putting the power of making nominations in the hands of the Mayor. But, sir, for the last three years there has been a strong pressure upon this Council to put the appointment of all heads of departments and commissioners in the hands of the Mayor, and give him power to make appointments to fill the various offices. The new city charter was crammed full of such orders, to put all the departments in commission

and giving this power to the Mayor to make the appointments, and that charter was fought in the Council by some members that I see present to-night, who voted against giving the Mayor that power. A few of the provisions of the charter have been forced through the Legislature by members of this Council going up there and getting a few of the bills put through to carry that very point—giving the power into the hands of the Mayor to make these appointments, to be confirmed by the City Council, and now they oppose the Mayor's nominations. Now, sir; when we have given the Mayor this power, I say that we have no right to reject his nominations unless the parties nominated are not proper persons to fill those offices. I am opposed entirely to putting that power into the hands of the Mayor. I have always been opposed to it, and will vote against it any time; this I have told gentlemen when they were trying to force this special power upon the Council that they would see the time when they would be opposed to it, and I think that time has come tonight.

Mr. Spenceley of Ward 19—If I was Mayor, I don't know what I should do, but I think we have found out pretty nearly what the members of the Council will do, and therefore I move the previous question.

Mr. Thompson of Ward 9—I hope the previous question will not be ordered, as I believe that this is a subject upon which we can well afford to spend some time in discussion. I think our time might as well be spent in discussion as in casting ballots for gentlemen whom the Board of Aldermen will hereafter reject.

The main question was ordered.

Mr. Howes of Ward 18—I move that the question be divided, and be taken by a yea and nay ballot.

Mr. Flynn of Ward 13—I move that the question of confirmation be taken by yeas and nays, and I call for the yeas and nays upon the confirmation of these officers.

Mr. Thompson—I rise to the point of order that a motion being before the house, it is out of order to make another motion.

The President—The Chair would state that at the last meeting of the Council the Chair decided in favor of a yea and nay vote under similar circumstances to these; that an appeal was taken and the Council sustained the Chair. That becomes a precedent for the action of the Council. Therefore the question comes upon the motion of the gentleman from Ward 13 that the question be taken by yeas and nays.

The yeas and nays were ordered.

The question was first taken on the nomination of Thomas J. Gargan. The Clerk had finished the roll call and was summing up the result, when Mr. Wilbur of Ward 20 asked to be excused from voting.

The President—Upon what ground?

Mr. Wilbur—Upon personal reasons.

The President—The gentleman cannot be excused unless he states his reasons.

Mr. Flynn of Ward 13—I believe the rule says that before a vote is taken a gentleman who wishes to be excused must rise in his place and state his reasons.

The President—That is correct. Under the rule, the gentleman must vote.

Mr. Flynn of Ward 13—Has his name been called?

The Clerk called the name of Mr. Wilbur, but that gentleman did not answer.

Mr. Flynn of Ward 13—Has he voted?

The President—The gentleman has not voted.

Mr. Flynn of Ward 13—Then, sir, I insist upon the rule being enforced before the vote is declared.

The President—It is not in the power of the Chair to enforce the rule. The Chair can only state the rule.

Mr. Flynn of Ward 13—I believe there is a rule.

The President read the rule 62:

"Every member who is present when a question is put, if not excluded by interest, shall give his vote, unless the Council, for special reasons, shall excuse him. Application to be so excused must be made before the Council is divided, or before the calling of the yeas and nays; and such application shall be accompanied by a brief statement of reasons, and shall be decided without debate."

Mr. Flynn of Ward 13—I move that the gentleman be requested to vote according to the rule.

Mr. Richardson of Ward 10—If the gentleman from Ward 13 desired that Mr. Wilbur should vote, he should have made the request in season. But he stood up when his name was called and made no objection, and now he has waived the right to go back of that.

Mr. McGaragle of Ward 8—I think the gentleman

from Ward 10 is clearly in error. The gentleman from Ward 13 made his point in time. No member of this Council at this stage of the vote knows what the result is; it has not been declared. This is a secret confined to the bosoms of the President and the Clerk. I second the motion that the gentleman be put upon record.

Mr. Thompson—I moved to amend the motion of the gentleman of Ward 13 by inserting the word "not" before "to vote" (so that Mr. Wilbur would be requested *not* to vote).

Mr. McGaragle—I raise the point of order that no person can move an amendment abridging a rule of this Council.

Mr. Richardson of Ward 10—I rise to a point of order.

Mr. Flynn of Ward 13—The gentleman [Mr. Wilbur] is going out, and I give him notice that I shall put in an order requesting the Council to hold him in contempt.

The President—The Chair would state for the information of the gentleman of Ward 10, that his point is not well taken; that it is an amendment which is in order, although it reverses the intention of the mover. The question is upon the amendment of the gentleman from Ward 9.

Mr. Crocker of Ward 9—I desire to raise the point of order that the gentleman from Ward 13 is out of order. No such motion can be made while the yeas and nays are being called for. There is one motion before the house which is being determined, and no other motion can be introduced.

The President—The motion of the gentleman from Ward 13 was upon the point of order, requesting the gentleman from Ward 20 to vote.

Mr. Richardson of Ward 10—I simply rise to say that the remarks of the gentleman from Ward 9 are substantially the same in effect as those of mine—that the gentleman from Ward 13, if he had any right, which I doubt, the whole matter of calling on the gentleman for his vote rests with the President and nobody else. When the gentleman from Ward 20 was called, the gentleman from Ward 13 remained silent, and we went on to another name before he called on the gentleman from Ward 20 to vote. I deny his right to do so. The whole matter is in the control of the President, and this whole debate is entirely out of order.

Mr. Flynn of Ward 13—I appeal to the President to decide whether I made the motion at the proper time and requested the gentleman to vote. For the gentleman will see Mr. Wilbur's name is next to the last upon the list; and immediately upon his not voting I called the attention of the Chair that he did not vote, and that he was sitting in his seat and disobeying the rule of the Council.

The President—The Chair thinks the point of the gentleman from Ward 13 is correct.

Mr. Thompson—Before the question upon the amendment is put I should like to say one word about it, if it is in order to debate the question. It seems to me that it is uncalled for and unnecessary when one of our associates has stated that he has personal reasons for refusing to vote,—it seems to be unnecessary to force it upon him. By the old rulings of the City Solicitor we know that our rules are perfectly under the control of the majority of this body. It seems to me that this is the time for the free exercise of power. If it is necessary to suspend our rules and do away with the effect of our rules and excuse him, it plainly shows that he desires not to be called upon to express an opinion in this matter, and that we should excuse him.

Mr. Pratt of Ward 20—Mr. President—

The President—The Chair would state that debate is not in order after the previous question has been ordered.

Mr. Flynn of Ward 16—I rise to the point of order that there is no business properly before the house, and until the rules of the Council are enforced by the Chair no other motion should be entertained.

The President—The Chair does not understand the gentleman's point.

Mr. Flynn of Ward 16—That no motion is in order until the rules of the house are enforced.

The President—There is no motion before the house, except the one in relation to the gentleman from Ward 20.

Mr. Flynn of Ward 16—By the rules of the Council, the gentleman from Ward 20 appears to be in contempt, and that rule has not been enforced.

The President ruled the point not well taken.

Mr. Barry of Ward 22—I raise the point that the gentleman's amendment is not in order. You cannot vote to amend one of the joint rules without referring it to a committee. The question

being on a point of order and the gentleman refusing to vote he cannot be excused unless we suspend the rule or repeal an ordinance.

The President—The Chair calls the attention of the gentleman to the fact that that is simply in relation to the motion and not to the rule and order.

Mr. Howes of Ward 18—I raise a point of order. Rule 60 says—

“All incidental questions of order, arising after a motion is made for the previous question, shall be decided without debate, except on appeal; and on such an appeal no member shall be allowed to speak more than once without leave of the Council.”

The President—The Chair has just decided that point without debate.

Mr. Thompson's amendment was lost and the question was upon Mr. Flynn's motion that Mr. Wilbur be requested to vote.

Mr. Thompson—Upon that I call for the yeas and nays.

The President—The Chair would state that the motion was made pending the order for the yeas and nays, and that the gentleman from Ward 13 is in order.

The motion to request Mr. Wilbur to vote was put.

The President—It is a vote, and the gentleman from Ward 20 is requested to vote.

The Clerk called the name of Mr. Wilbur, and he answered Yes.

Mr. Ham of Ward 14 changed from Yes to No, and the President declared the result of the vote to be 41 yeas, 28 nays, on the confirmation of Mr. Gargan:

Yeas—Messrs. Barry, Brintnall, Burke, Cannon, Clarke, Cox, Cross, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Pope, Reed, Roach, Ruffin, Sibley, Souther, Spenceley, Thorndike, Vose, Warren, Wilbur, E. R. Webster—41.

Nays—Messrs. Barnard, Beeching, Blanchard, Blodgett, Coe, Crocker, Danforth, Day, Felt, Hibbard, Hiscock, Howes, Morrill, Mowry, Perham, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Roberts, Shepard, Smardon, Stone, Thompson, Upham, G. B. Webster, Wolcott—28.

Absent or not voting—Messrs. Brown, Sampson—2.

The question then came upon the confirmation of the nomination of Daniel A. B. Abbott. Mr. Abbot's nomination was confirmed—37 yeas, 30 nays:

Yeas—Messrs. Barry, Brintnall, Burke, Cannon, Clarke, Cox, Cross, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mullane, O'Connor, O'Donnell, Pope, Reed, Roach, Ruffin, Sibley, Souther, Thorndike, Vose, Warren, E. R. Webster—37.

Nays—Messrs. Barnard, Beeching, Blanchard, Blodgett, Coe, Crocker, Danforth, Felt, Hibbard, Hiscock, Howes, Morrill, Mowry, Nugent, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Roberts, Shepard, Smardon, Spenceley, Stone, Thompson, Upham, G. B. Webster, Wolcott—30.

Absent or not voting—Messrs. Brown, Day, Sampson, Wilbur—4.

The nomination of Henry Walker was confirmed in concurrence, yeas 43, nays 20:

Yeas—Messrs. Barry, Brintnall, Burke, Cannon, Clarke, Cox, Cross, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mowry, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Pope, Reed, J. B. Richardson, Roach, Ruffin, Sibley, Souther, Stone, Thorndike, Vose, Warren, E. R. Webster—43.

Nays—Messrs. Barnard, Beeching, Blanchard, Coe, Crocker, Danforth, Felt, Hiscock, Perham, J. H. Pierce, O. H. Pierce, Pratt, M. W. Richardson, Roberts, Smardon, Spenceley, Thompson, Upham, G. B. Webster, Wolcott—20.

Absent or not voting—Messrs. Blodgett, Brown, Day, Ham, Hibbard, Pope, Sampson, Shepard, Wilbur—9.

Before the vote was declared Mr. McGaragle said, “I raise the point that the gentleman from Ward 9 [Mr. Crocker] is not in his seat, and I move that his name be not counted in the vote.”

The President—Was the gentleman from Ward 9 in his present seat when he voted?

Mr. McGaragle—Yes, sir.

The President—The gentleman's point is well taken.

Mr. Crocker had meanwhile returned to his seat, and at his request his name was called and he voted nay.

#### JOINT RULES AND ORDERS.

A report and orders came down to amend the joint rules and orders, as follows:

Section 14—Strike out all after “assembled.” [Relating to ordinances.]

Section 20—Strike out all between “detail” in line 3, and “the dates” in line 5, pocket edition. [Relating to refreshment bills.]

The question was on giving the orders a second reading.

Mr. Webster of Ward 3 moved that the second order be stricken out, that is, all relating to rule 20. [The order proposes to rescind the rule requiring the names of members of the Council upon bills for refreshments.]

Mr. Wilbur of Ward 20 seconded the motion.

Mr. Webster of Ward 3—As far as the amendment to rule 14 is concerned, it would seem to be satisfactory, and I believe there could be no objection to it. But in my judgment rule 20 should remain just as it is. The provisions of this section are manifestly satisfactory, just and reasonable, and they unquestionably have served a good purpose during the past year. To amend the rules at this time by striking out the most important clause of one section would be to open the door to abuses and causes which, in my judgment, should never be tolerated, and it will be a step backward which I, for one, am not prepared to take. I have no wish to argue this question at length, as I believe the merits of the case are generally understood by the members. With all due respect to the members who propose this change, I submit to them, and in fact to other members of the City Government, that it will be found impossible to give one solitary good and sufficient reason for changing this section.

Mr. Sibley of Ward 5—When this clause was added to section 20 it was thought at the time that it might curtail the bills somewhat; that there would not be quite so many dinners eaten, or something to that effect. But in the opinion of the Aldermen on the committee—there being but three of the committee present, and I the only member of the Council—they having these bills to approve, they thought the rule failed to effect what was the intention of that clause. Now I have not followed the bills very closely; but if it has had no effect it certainly has been of no use; and if it has been of no use it certainly has caused considerable work for somebody. I do not know that there have been any charges of anything wrong, or if any members of the City Government, past or present, think they have done anything wrong, or if any member charges anything upon his brother member. We see something in the papers about a large list of chances last year. I don't know what the chances consist of. I have not taken any trouble about it, and have lost no sleep. That is the condition of things that appeared to the committee—that it is no use. The three members of the committee present recommended this change, and it is now before the Council.

Mr. Howes of Ward 18—The two members of the Board of Aldermen on the committee were not in the Government when the rule was different from this, and they are not in a condition to know whether it effected any change or not, so far as the bills are concerned. It has effected a change, Mr. President, and in certain joint committees I think it is highly necessary. I know that in going over the bills in the Committee on Accounts there is a very large number of accounts at different times, and it would be almost impossible for the chairman of a committee to state whether those charges were correct or not. A committee might have sub-committees meeting fifteen or sixteen times in a month, and possibly they might stay so long on twelve occasions as to require a dinner. In that case the bill would come in for twelve different days and no names would be given. It might be very easy for a member of the Council to go to Young's or Parker's, and state that he belonged to such a committee, and have his dinner charged to the city. Some such bills might be very large, and it would be impossible for the chairman to know whether they were right or not. So far as notoriety is concerned, I think that members are

willing to bear it themselves. I am willing to bear it so far as I am concerned.

Mr. Spenceley of Ward 19—Perhaps it is lucky for the Council that I have got a severe cold, for I have considerable I should like to say about this. It seems to me that some of us want to get back to the "good old times" in City Hall that we heard about in 1867-8, when the friends and neighbors knew when a committee met, and met them on the stairs and went up with them to have something good to eat. I do not know much about it, but I have heard a great deal about it. Now I do not believe the citizens of Boston want anything of that kind again. They say that figures do not lie, though I know in some cases they do. I have taken the Auditor's Report and compared some of the figures of 1867-8 with those of 1875-6. In 1867 there were 48 members of the Council, and in 1868 there were 68 members. I find that the expenses of the Health Committee in 1867-8 were \$1208.80; and in 1875-6 the expenses of the same committee were \$722, with 72 members in the Council. The expenses of the Police Committee were \$400 in 1867-8, and \$82.20 in 1875-6. Committee on Public Building, in 1867-8, \$3436.45; in 1875-6, \$2646.10. I did not have time to go into the expenses of the other committees. I think you will find there has been quite a saving to the city of Boston by this rule. And, Mr. President, it is not stringent enough for me. I do not believe the citizens of Boston begrudge a dinner to members of the City Government when they are doing the work of the city; but I do protest against this idea of junketing—you may call it what you have a mind to—of taking neighbors and friends to dine at the city's expense when they are doing no duty. Another thing: I propose to put in an amendment to the amendment. I have noticed that bills which have been presented at the Auditor's office very strangely bring in the names of certain members who never partook of dinners. That may be right, but I do not believe in it. I do not want to see any bill presented to the Auditor's office with my name on it, when I have not eaten the dinner. I went to the Auditor's office the other day and saw my name on a bill. At the time that committee met I was at home. If I have the name I want the game. At the same time three city officials told me their names came in on bills for refreshment when they were never present; and at the same time there was one Alderman who was not present at the committee meeting, but whose name appeared on the bill. I do not believe this is right. I don't believe that members of the City Government are careful enough for themselves and the city. Another point: I don't want to go over to Parker's or Young's and order ten or fifteen courses for dinner and have my friend in the Council order nothing but crackers and cheese and bear more than his proportion of the bill. I don't believe it is right. I am willing at any time to have my name appear for what I order, but I do not want it to appear for what I do not order. An Alderman showed me a bill of \$14 for a dinner where only one man's name appeared on the bill; but I guess there was more than one man present. Take away the rule requiring the names, as the Aldermen have already done, and I ask, gentlemen, what would become of the refreshment bills? They would appear here in double and triple the amounts they do now. Any gentleman could go out on any plea, and if he can get the chairman to approve the bill it is all right. I do not believe in this, and I wish to offer an amendment to prevent it. If it is right I hope the Council will adopt it, and if it is not I know they will reject it.

Mr. Smardon of Ward 10—If the gentleman has no objections, would he give the name of the gentleman who had \$14 charged for one dinner?

Mr. Spenceley—I do not know it. The Alderman told me he saw the bill.

Mr. Thompson of Ward 9—If it is in order to ask for information, I would inquire of the gentleman from Ward 10 whether the name will be given by the Committee on Accounts. I should like to hear the name of the gentleman who ate that extraordinary dinner.

The President—The Chair thinks it would be better to take the question upon the amendment of the gentleman from Ward 3 first. The question is upon the motion of the gentleman from Ward 3 to strike out the second order. Mr. Spenceley wishes to amend by inserting, "also specifying a list of articles furnished to every such member; and all such bills shall be approved by the mem-

bers participating, also the dates of the same." The question is first upon the amendment of Mr. Spenceley to insert these words.

Mr. Spenceley—On that I call for the yeas and nays.

The President—The Chair still thinks that the question had better be put first upon the motion of the gentleman from Ward 3.

Mr. Spenceley—Then I offer that as a substitute for the second order.

Mr. McGaragle of Ward 8—I should like to amend the substitute by moving that all such bills as appear for carriage hire and refreshments be published in the weekly report of the proceedings furnished to each member.

The President—The Chair thinks that motion will not be in order.

Mr. Webster of Ward 3—I don't know whether I understand the substitute or not, but if I do it appears to me to be carrying the subject a little too far; therefore I wish to do as we have been doing heretofore. I believe in the principle of the substitute, and if the waiter in the hotel has got to make out a bill and give each item, and every member has got to approve it, in trying to effect a good object we will overturn what we are endeavoring to attain. For this reason I think my amendment the better one, because it will keep the rule in force. I think the substitute will be found impracticable, although theoretically I favor it.

Mr. Spenceley—The gentleman from Ward 3 intimates that it will be ridiculous. How so? If he has been hungry on board one of the Sound steamers, the waiter has brought him a little blank and he filled it out and signed his name to it. Did that seem ridiculous? I think every member of the City Council ought not to refuse to do it. Who ever refuses to do it on a steamboat? It is the same principle here. How long is it going to take a man to write down what he wants?

Mr. Thompson—When I arose before, it was to make a statement similar to that made by Mr. Spenceley. During one winter I was accustomed to order my meals in that way. I wrote out the order and sent my name, and at the end of the month the bill was returned to me. I had no trouble in doing it. And I have no doubt it would be an admirable safeguard for the city. I have no doubt many meals are furnished at the hotels and charged to the city which are never eaten. Of course it is for the interests of the hotels to make the bills large, and of course the chairman can always tell whether they are correct or not. I believe in the principle of letting every man, in his own handwriting, show what he has eaten. I don't believe the city of Boston begrudges members all reasonable dinners. As to the legality of this practice, I doubt very much whether, if we put it to the test of a legal investigation, it could be found that we could legally appropriate money for this purpose. I think the legality of such an appropriation is very questionable.

Mr. Sibley of Ward 5—There has been complaint, Mr. President, when members found their names on bills when they have not eaten anything, and they don't like to have it so. They don't want their names down. It seems to me a remarkably hard thing. If there are no names and no dinners eaten, then there will be no difficulty. I would not offer it as an amendment, but I would substitute that every man might be measured to see what he would eat. But this change was suggested to prevent names of members being put down when they should not be. No one supposes that any member desires to have his name on a bill when he don't partake of a dinner. Now, I wish that no man could get a meal at the expense of the city, and there would not be this kind of jealousy that this man gets too many suppers and drinks too much ice-water, and this talk we hear about the good old times. If a man don't want to eat he can stand up and take nothing, if he wants to act for the benefit of the city treasury. I don't care a particle whether this change is made or not, but there has been a great deal of talk about it during the past two years.

Mr. Barnard of Ward 24—There is no doubt whatever that there is a great deal of fraud connected with this refreshment business. I would like to state what came to my notice at the last meeting of the Committee on Accounts. On the 27th day of March there was presented a bill from the Parker House for refreshments for four members of the joint committees, amounting to \$17. My name happened to be on that list. I was not present at that dinner, and I have since found that



the other members of the Council were not present. Upon looking over the account, I found that the committee had no meeting at that time; and if the two Aldermen went to the Parker House and had refreshments and charged them to the two members from this branch, I consider that a fraud both upon the city and upon the members of the Council. I don't know but that two members of the Board of Aldermen were present, and I don't know but that they were not. The bill might have been sent in without any dinner being served. I have heard it whispered that such things have been done heretofore. If the chairman of the committee approved that bill without knowing whether it was right or not, I don't think him fit to be chairman of the committee. Here were two members charged with being present on that date who were not present. I think it is time such things were stopped.

Mr. Mowry of Ward 11—I think there are frauds in connection with this matter, and it is time that stringent measures should be adopted to prevent them. I see no reason why the substitute should not prevail. It is in the interests of preventing these frauds, and I think it ought to pass.

Mr. Webster of Ward 3—I am in favor of the substitute in theory, but at first I believed it impracticable. Having spoken to two members who think it is desirable and practicable, I give my consent to it.

Mr. Kelley of Ward 3—I should judge by hearing the speeches of those present that there was not an honest man in the Council. I should set them down as spongers. I have been in this Council three years, and very few members have had less dinners than I have. I believe if we pass the substitute it will be necessary to have bills of fare left at the departments so that committees may know what they can get.

Mr. Spenceley—The gentleman has made the best point yet in favor of the substitute. He says we shall have to have a bill of fare in each department. Let it be so. Let the chairman of committees send out and bring in the dinners. That is where the trouble is. They send the order to get up a good dinner, and the hotel gets up one that is not eaten. I believe that if committees could have bills of fare in the committee rooms, and order what they want, it will be a great saving. I think the gentleman made a good point for the substitute.

Mr. Kelley of Ward 3—I have no doubt that when some gentlemen dine at the Parker House they have wine. The gentleman [Mr. Spenceley] does not drink wine; neither do I. But I don't object to a gentleman having a glass of wine if he wants it. What dinners I eat I earn. I am worth a dinner to the city every time I work for it. Now, members complain that they have been cheated, and they have been hunting up the Auditor's report. I should be willing to have every member's name read off who has eaten dinners for the last three years. I notice that those gentlemen who talk so much about dinners like good dinners as well as the rest. I have been in company with them when they did not spare the city's expense a particle.

The yeas and nays were ordered upon Mr. Spenceley's substitute for the second order, and it was adopted—yeas 55, nays 11:

Yeas—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Cannon, Coe, Crocker, Cross, Danforth, Dee, Felt, Fernald, J. J. Flynn, Fraser, Ham, Hibbard, Hiscock, Howes, Jackson, Kelley (Ward 6), Kidney, McClusky, Morrill, Mowry, Nugent, O'Connor, O'Donnell, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pope, Pratt, Reed, J. B. Richardson, M. W. Richardson, Roach, Roberts, Ruffin, Shepard, Sibley, Smardon, Souther, Spenceley, Stone, Thompson, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—55.

Nays—Messrs. Burke, Clarke, Day, Doherty, Duggan, Fagan, D. A. Flynn, Kelley (Ward 3), Loughlin, McDonald, McGaragle—11.

Absent or not voting—Messrs. Brown, Cox, Mullane, Sampson—4.

Mr. Day of Ward 4 explained that he should vote against the substitute, but would vote for the amendment if the substitute were adopted.

Mr. Kelley of Ward 3 explained that his position was substantially the same.

The question then came on giving the second order as amended (by the substitute) a second reading.

At the request of Mr. Flynn of Ward 16, the question was divided.

The question was then announced to be on giving

the first order a second reading, and the question was about to be put.

Mr. Thompson of Ward 9—This order is changing a rule which strikes at the provision that the ordinance cannot be repealed, suspended or amended by an order. Now, I wish to call the attention of the Council to the fact that our powers are such that when we pass ordinances, they become technically the by-laws of the corporation. We have legislative authority to pass certain by-laws which are called ordinances; and we make certain provisions in regard to those by-laws. Our ordinances are required to be recorded at length in a book; they are to be published in the same newspapers in which the State laws are published, and in such other newspapers as the City Council may designate. What is the reason of this? It is to give publicity to the laws by which the citizens are to be governed, because the ordinances are binding, as laws, upon all citizens. A man may be found committing a criminal offence by disobeying an ordinance, and be arrested. Now, what will be the effect if we change this rule? It has been held by the City Solicitor that any vote or order we pass will have the effect to alter, or amend, or repeal, or suspend an ordinance; and it seems to me that such a check as this rule affords is a wise and judicious one. There may be particular cases in which orders suspending ordinances will be passed in spite of the rule; but I believe that in very many cases it will have a good effect. I wish to call the attention of the Council to the effect it will have. Suppose we pass an ordinance, take all the necessary steps required, and have it published and recorded at length; and that ordinance makes a certain act criminal. And then suppose that the City Council passes an order amending that ordinance; it is published in the proceedings and that is the last of it. Yet it amends the ordinance for that municipal year, and what is criminal one year is not criminal another year. It would be an outrage to arrest a man under such circumstances; and I say it would be a breach of our duty as trustees to do anything that would cause it to be done. I believe that one of the faults of this and all other such bodies is to be careless about all such things. The experience of hundreds of years is that the safeguards of the people are a due and proper respect to the forms of law. I hope this rule will not be amended. I believe the committee have not fully considered it. They say the City Solicitor ruled that an ordinance can be repealed by an order. I should keep it in the rules because it is a kind of business that requires more formality than usual. I hope the rule will stand as at present.

Mr. Pratt of Ward 21—I was not present with the committee—being absent from the city—when this matter was under consideration by the Joint Committee on Rules and Orders, and therefore I cannot state the reason which prevailed with them in recommending this order. But I am certainly opposed to changing the joint rule as it now stands. The gentleman who preceded me has very well stated some reasons why it should be allowed to stand, and perhaps I may repeat, and perhaps it may not be altogether in vain if I do, to state briefly my reasons. The rules are among the first things read by the members elected to this City Council, and in that respect they are very useful as an early reminder that an ordinance is somewhat different from an order, and when an ordinance is under passage in the City Government a different attention should be paid to it, or at least as great attention should be paid to it as to an order. I believe that ordinances should not be changed except by ordinances. Every one will see the confusion that must arise by allowing orders to conflict with ordinances; and with that rule standing upon the book I do not think this Council—unless insane with some purpose it was bound to carry through—would pass an order conflicting with an ordinance, if its practice were to observe the rule that no ordinance could be repealed, amended or suspended unless by ordinance. For the purpose of having that general effect upon this assembly, I should hope that that would still remain in the joint rules and orders. There is a point which I think should be taken as an exception. If the City Solicitor has ruled that an order which conflicts with an ordinance is valid, in so far as it conflicts, of course as a member of the Council I must assent to his opinion. But passing that by for a moment, I would like to make this observation, and I will illustrate the point by a parallel case: Suppose it were in the

joint rules and orders that two-thirds of all the members should be required for doing any business in this Council and in the Board of Aldermen. Suppose that some time such a quorum was not present, and that an order should be passed by a majority of this Council and the Board of Aldermen, but when no quorum was present, and be approved by the Mayor; would that be a legal order? I do not understand that any one will maintain that that would be a legal order of the City Government. That is a point upon which I should like to take a brief if it should arise in court. It is one which I think could be presented to any court with great propriety and seriousness. Here is a rule which forbids the passage of such an order if it conflicts with an ordinance already passed. So far as an order does not conflict with any ordinance it is valid, and in so far as it does conflict it is not valid. I cannot make a legal argument upon it here, but we ought to keep in mind the fact that an order is different from an ordinance; and because an ordinance which lives forever is different from an order which lives for a year, it should receive more careful attention on its passage. For the purpose of keeping the legislation of the City Council in lucid and intelligible order, so that any man can understand it when he turns to it, the rule in question ought to be kept in the book, and be observed in practice. Therefore I hope the order will not pass.

Mr. Sibley of Ward 5—I know but very little about the laws or ordinances, or by-laws or rules. They seem to be shifted to suit customers in this Council. This subject has been spoken of by members and the question has been frequently raised whether an ordinance could be repealed by an order. Well, the committee went to Mr. Healy; he was before the committee, and I think there were some twenty minutes' talk on that very subject. My friend from Ward 21 was not present. Mr. Healy stated distinctly that in his opinion an order passed by a majority vote of the City Council, and approved by the Mayor, could repeal an ordinance so far as it went. Well, that being so, taking Mr. Healy for our guide, we have recommended the repeal of that part of rule 14. I don't suppose I could explain it any better. Mr. Healy says the rule has no effect. The subject is brought here for your consideration.

Mr. Thompson of Ward 9—I only want to add one word which I omitted, and that is that when the ordinance is passed it is enrolled and placed upon record. If during the year subsequent an order is passed amending the ordinance that order is not enrolled upon the record, and the year passes by and the order is dead. It expires with the body that passes it. And it exists only while the body passing it is alive, and then it becomes an ordinance as it originally existed. What is criminal in one year is made not criminal in another. I don't pretend to question the City Solicitor's law, but I do question the propriety of this body acting upon it.

Mr. Crocker of Ward 9—I believe I agree with the gentleman last up about the policy of keeping ordinances and orders separate. I agree with the chairman of the committee in regard to what he said about the effect of an order, that it overrules an ordinance, and on that account it seems to me to be foolish to have this clause in our joint rules. But it occurs to me we can reach our object in another way. We cannot provide by rule that the order shall not have its legitimate effect; but we can provide that an order which is intended to do the duty of an ordinance shall be ruled out of order. We can make it the duty of the President, when his attention is called to the fact that we are proposing to do something in the form of an order, which ought to have been in the form of an ordinance, to rule it out of order. It seems to me we can remove all the difficulties by substituting something to this effect:

"No order or vote which shall have the effect to amend, suspend, or repeal an ordinance, and which shall not itself be in the form of an ordinance, shall be entertained in either branch."

It seems to me that that would avoid the difficulty which has been suggested by the City Solicitor, and which seems to me to be a valid one. It would also avoid the difficulty of not making any distinction between orders and ordinances. I should prefer to have this matter recommended to the committee in order to consider whether this object cannot be effected in some such way as I suggest, and I move that this matter be recommended to the committee.

The motion to recommit prevailed, and the

question recurred upon giving the second order as amended a second reading.

Mr. Sibley moved to recommit the substitute to the Committee on Rules and Orders.

The question was put, the Chair was in doubt, and the Council divided. The motion to recommit was lost—23 for, 34 against. The question recurred upon giving the substitute a second reading.

Mr. Day of Ward 4—It seems to me that if this motion passes it will not be concurred in by the Board of Aldermen, and it seems to me the best way would be to indefinitely postpone it. I therefore make that motion.

Mr. Thompson of Ward 9—I hope that motion will not prevail. The substitute seems to be one that is eminently practicable for us to adopt. The fact that the Board of Aldermen have not had the courage to do what is right, is no reason why we should do what is wrong. The Board of Aldermen stands for its own sense, and we answer for our own.

The motion to indefinitely postpone was lost.

On motion of Mr. Thompson of Ward 9, the main question was ordered, and also on his motion the yeas and nays were ordered on the passage of the substitute.

Mr. Day moved to lay the matter on the table. Lost.

The question was put and the substitute was passed to a second reading—yeas 57, nays 11.

Yeas—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Briantall, Cannon, Coe, Crocker, Cross, Danforth, Day, Dee, Doherty, Fagan, Felt, Fernald, D. A. Flynn, Fraser, Ham, Hibbard, Hiscock, Howes, Jackson, Kelley (Ward 6), Kidney, McClusky, Morrill, Mowry, Nugent, O'Connor, O'Donnell, Perham, J. H. Pierce, O. H. Pierce, Pope, Pratt, Reed, J. B. Richardson, M. W. Richardson, Roach, Roberts, Ruffin, Shepard, Sibley, Sardon, Souther, Spenceley, Stone, Thompson, Thorndike, Upham, Vose, Warren, G. B. Webster, Wilbur, Wolcott—58.

Nays—Messrs. Burke, Clarke, Cox, Duggan, J. J. Flynn, Kelley (Ward 3), Loughlin, McDonald, McFaragle, Mullane, Pearl—11.

Absent or not voting—Messrs. Brown, Sampson, E. R. Webster—3.

The order was read a second time and passed by a division (two-thirds being necessary)—57 for, 10 against. Sent up.

#### BRANCH LIBRARY AT SOUTH END.

Under the head of unfinished business, the Council considered the order for the Committee on Public Buildings to lease the basement of the building of the Mercantile Library Association at the rental of \$1000 per annum for five years.

Mr. Webster of Ward 3—At the subsequent meeting it was unanimously admitted best that the order be amended by inserting the word "three" in the place of "five" (so that the lease should be for three years instead of five), and I accordingly make that motion.

Mr. Pratt of Ward 21—The matter now before the Council was brought up a week ago, when I was not here, and in looking at the minutes I saw that there must have been some misunderstanding on the part of some members of the Council in regard to it, which I would like to correct. First, corroborating what was said by the gentleman from Ward 3 in respect to the suggestion of the committee at the last meeting, which occurred since the last meeting of the Council—it was thought that the proposed term had better be fixed at three years. For my own part I should not feel like insisting upon that. I think it might be well to leave it for the Committee on Public Buildings, as they should find that the rent is reasonable or not. But in regard to the expediency of passing the order as amended, I wish to urge it very strongly, and wish to correct the impression that the books of the Mercantile Library Association were offered to the city on any condition. The fact is that no condition is imposed. Perhaps a hasty reading of the committee's report might lead me to think that is the case. The Mercantile Library Association's proposition stands somewhat in this way: We have those books at our disposal; we will give them to the city of Boston; but before we give them to the city of Boston we want to see if the city is disposed to try the experiment of a delivery at the South End; if it is so disposed we will give the books. The passage of the order now before us will be an expression of the City Council's intention to try the experiment of a branch library at the South End. It was the opinion of the committee that it was

desirable that somebody should state this fact in the Council.

The amendment was adopted and the order as amended was passed. Sent up.

#### BOARD OF HEALTH.

Mr. Flynn of Ward 13 moved to reconsider the vote whereby the Council rejected the nomination of James M. Keith as a member of the Board of Health.

Mr. Pratt of Ward 21—I hope the reconsideration may prevail, and inasmuch as some remarks have been made here tonight in respect to nominations recently made and acted upon by this Council, I wish to state that, although I am a pretty staunch Republican, as most members will bear witness, I am not ready to take the position that I cannot vote for any Democrat under any circumstances. I believe that the nomination which has been made in this instance was a good one. There is no personal objection to the candidate. The apparently hostile vote of this Council, I am fully persuaded, arose from a misunderstanding of the facts and from misstatements in regard to matters of fact; I believe that members who have heretofore voted one way, on account of this misunderstanding, have ascertained the correct facts and will be found voting the other way. In saying this I wish to add that if it were a question between the present candidate and the gentleman whose term of office expires, I should most cheerfully vote for the latter. I think it would have been more consistent, under the circumstances of the case, and I think it would have been a graceful thing for his Honor the Mayor to have done, if he had appointed the present incumbent, who is a person competent to fill the position, and who has filled it with exceptional faithfulness and devotion, but he having made this nomination, I feel that as a good citizen of Boston I ought to cast my vote in favor of confirmation. I sincerely hope that whatever feeling may have been stirred up heretofore, the vote will be taken tonight as each man thinks he ought to vote, as a good citizen of Boston.

Mr. Thompson of Ward 9—I cannot do better than reëcho the closing words of the gentleman from Ward 21, and I hope that each member will vote as a good citizen of Boston should, and that is that each member should determine in his own mind. For one I shall vote against reconsideration, and my reasons for so doing are these: I believe that a tenure of office which is to depend upon the unquestioned will of any man is a dangerous thing. To secure good servants for the city I believe it is necessary they should have a fixed tenure of office. A prominent issue raised between the two great political parties was upon the question of civil-service reform, both claiming to be in favor of it, and both shouting for reform. Now, we are presented by this nomination with a question upon which we have to act as conscientiously as the Mayor; it merits our careful consideration. It is the Mayor's right to make the appointment, but that does not remove our responsibility one iota. We must raise the question, Is he a proper man? Is the Mayor right in making the nomination? This question strikes at the principle of removing incumbents from office. I do ask if the party is a Republican. If he were a Republican, and my brother, I don't believe my vote would be different from what it is. I would vote against any man filling that position under the same circumstances. I believe we are now called upon to settle a question of very great importance to the city. It will be a very great misfortune for politics entering into its administration. It is probable that for some years the city of Boston will be a close political city. The two parties will be evenly balanced, and there will be desperate struggles to gain the uppermost, if we start upon the principle that the people who are in are to be put out to give place to persons in some particular political party; then, I say, good-by to the good government of the city. In voting tonight I have nothing to do with the personal qualifications of the men. I know nothing of Mr. Keith, but I say it is wrong for the Council to vote against the fixed tenure of office, and every man in voting tonight does so with this responsibility upon his shoulders.

Mr. Ruffin of Ward 9 Considerable has been said here tonight generally upon the confirmation of nominations sent to us by the Mayor, and we have entered into some political discussion,—

something I did not expect to hear in this chamber. Last year I remained in this hall some time before I knew the political opinions of a majority of the Council; In fact I never knew them, because there was no opportunity for a political division. This discussion has been had here, but I notice that even members were not consistent in voting on the three License Commissioners. I found that a gentleman who considered this a party move voted against the first nomination, and then voted to confirm the other nominations. I believe that the gentleman who last took his seat voted to confirm one of the nominees.

Mr. Thompson—I beg the gentleman's pardon; I did not.

Mr. Ruffin—Then I stand corrected. I wish to state that I should hesitate a very long time before voting, as a general thing, not to confirm a nomination which the Mayor sent to the City Government. I believe the present Mayor to be a responsible officer, and a conscientious man; and any nomination, which, upon mature consideration, he shall send to the City Government, I, as an humble member, should consider myself bound to confirm, although it might be personally and politically offensive to me. I shall take that principle for my guide. But still, in this matter that we have before us at the present time, in the nomination of this officer, the issue has been made and the gauntlet has been thrown down. The discussion has occurred outside of this chamber, the newspapers have taken it up, and the citizens have discussed it. It is said that it was sent in as a purely political nomination, and we rejected it on political grounds. I conceive it to be my duty to show my disapproval of such nomination by standing by my political organization; and in casting that vote I go against my convictions, because I know the nominee, and I think him fit for the office, but not more so than the present incumbent. And I shall vote against his confirmation now. Now I go still further, and say that I think it is our duty to support the Mayor generally. I think that if there was anything settled at the last election it was that the Mayor was elected by the other party, to which I did not belong. They are in power here at the City Hall. We hold them responsible for their administration of city affairs. They may say it is an innovation. Heretofore we have had elections by the citizens, but last year the citizens chose to do differently; and now, for one, I propose to hold the party responsible for what they do. If these officers are sent to us, unless there is great personal unfitness, with this single exception, I shall stand by the nominations.

Mr. Crocker—I desire to protest against my colleague's view of the duties and responsibilities of the members of the Council. The law provides that the Mayor shall appoint and that the City Council shall confirm, and I believe that each party is responsible, and equally responsible, for the selection of the man who is going to become a city officer through their joint action. The Mayor appoints and the City Council confirms. I believe it is our duty, and the duty of every one here, if we see the Mayor appointing a dishonest and inefficient man, to do all we can to prevent that man from becoming a city officer; and I believe it is still more our duty, under the present circumstances, when we find the Mayor proposing, as I believe, to introduce the spoils system into our City Government. I believe that it is our duty and the duty of every man to protest against that system being carried out. I think we might just as well say that we are not responsible when we are called upon to act on an order which comes from the Board of Aldermen. There are certain matters which are to be passed upon by both branches of the City Council. We might just as well say in such a case that the Board of Aldermen have taken the responsibility of introducing an order and sending it down to us; that they are the higher body, that it is not for us to judge, and we will wash our hands of it and let it go through. It is just as unreasonable for us to wash our hands of this confirmation of officers as it would be to attempt to free ourselves from the responsibility of an ordinary order originating in the other branch.

Mr. Pratt of Ward 21—I agree quite fully with nearly all that has been expressed by the gentlemen who have just preceded me, and I have great respect for those with whom I have most frequently voted in this chamber. I, too, believe that the Council is responsible in its voting upon the confirmation of appointed officers; and it

is precisely because I believe that none of the reasons which have been given apply to this case, and because I believe I am held responsible to vote according to my best judgment, irrespective of party considerations, that I am forced to vote in the way I have indicated I should. I have heard, Mr. President, the principal reasons, some of which have been indicated by the gentleman who last spoke, and some of which have not been indicated, against voting for the confirmation of this nomination, and upon careful examination I have seen every reason fade away. Every reason that I have had presented to me I have found to be either a falsehood or a misrepresentation. I believe this nomination is an exceptional one—exceptional among those which have been before us tonight. While I stand here representing the party which my friend has characterized as the party in opposition, I also stand here as a citizen of Boston, and I believe it is for the best interest of the city that, without making a test question of it, we confirm this nomination. I speak from some personal acquaintance with the nominee, and from a careful examination of the history of the presentation of this nomination. I did not intend to occupy so much time, but I thought it reasonable to ask to be allowed to state my reasons for voting in favor of the confirmation.

Mr. Webster of Ward 3—The particular question for us to decide tonight is whether or not this Council is composed of boys or whether we are thinking men. It is well known that this last election was carried upon a strict party basis, and so far as the Mayor and the Aldermen are concerned, it was carried pretty thoroughly. So it is also well known that this Council was elected upon a different basis and most of us came here upon the Citizens' ticket, upon a non-partisan basis and to protest against any extreme partisan action. Now, upon every question this Council has been bulldozed. We have started out with partisan schemes. In almost every measure that can be named, we have concurred with the Board of Aldermen. Now, in this matter we commenced with a majority of twenty-five against the confirmation of Mr. Keith. Now, I say, are we boys or thinking men? If we voted honestly and intelligently at that time, and gave that large majority against Mr. Keith; if there were good reasons for voting in that way, then I insist that those reasons apply now; and if we intend to have anything like a citizens' Government protest against a partisan administration when we have an opportunity. I say that now is the chance. I am not at liberty to repeat private conversation, but I don't believe there are any members here but believe this nomination was made in an entirely partisan spirit. I don't believe the members of the Council will question the fact that Mr. Keith was nominated, not because he is a good or a bad man, but because he has done good service to the Democratic party. Now here is a chance to put our foot down. If we are divided now I shall say that no extreme opposition need be attempted.

Mr. Kelley of Ward 3—I believe the members of the Republican party in this chamber are to be pitied. It is too bad the way they have been bulldozed. It is too hard to stand it. This is my third year in this Council, and in all my experience we have never heard of so much bulldozing as in the last three weeks.

Mr. Webster of Ward 3—I trust it will go on.

Mr. Kelley—For the last three years I have voted for men, not knowing whether they were Democrats or Republicans. I should think from what we heard that we have voted for nothing but straight Democrats. Now, last year we had three License Commissioners; there were two Republicans, and the third one, I do not know his politics. The gentleman from Ward 3 states that he was elected upon the Citizens' ticket. Has one member from that same ward, know that he received many Democratic votes. I came here as much a Citizens' candidate as he did. I was nominated by the Republican and Democratic caucuses. I catered to no party for the nomination.

The President—The Chair thinks allusions to ward politics are not in order.

Mr. Kelley of Ward 3—We have had politics discussed before.

The President—The Chair thinks it has gone far enough.

Mr. Kelley—Now I don't know anything against Mr. Keith, and if any gentleman will make a statement that he is not fit for the office, I will throw my vote against him. Last year, when the

Mayor made the nomination, the gentleman who cries so loud tonight—Mr. Crocker—said here, that the Mayor should make the nominations and the people should hold him responsible for it. Now, sir, the people have elected a Mayor upon a party vote, and if he has made an error, let the people hold him responsible. I shall vote for Mr. Keith, and as a member of this council I shall hold him responsible for the nomination.

Mr. Webster of Ward 3—I do not wish to take up more of the time of the Council, but I do wish to say that it is with the utmost regret that I use any party words in this Council. I stood up here, side by side, with my Democratic brethren, in favor of the retrenchment bill. I have tried not to use party words here, but still I cannot close my eyes to the fact that it has been forced upon us. Party, party is in the air everywhere; and although they may not use the words, still in reality it has been forced upon the Council and upon the independent citizens. It is for us to say whether we will protest against it and vote it down, or whether like whipped men we shall sit down tamely and submit.

On motion of Mr. Flynn of Ward 13, the main question was ordered. On motion of Mr. Flynn of Ward 13, the yeas and nays were ordered on the question of reconsideration.

Mr. Thompson—Before the vote is taken I wish to call attention to the fact that the present incumbent is a Democrat, as well as the nominee.

Mr. Flynn of Ward 13—I want to call the attention of the Council to the fact that the gentleman went out of office on the 1st of May.

Mr. Spenceley—And another fact is that the gentleman is a Republican.

Mr. Thompson—If that is true, then I have been misinformed.

Mr. Spenceley—The gentleman himself told me a few days ago that he was a Republican.

Mr. Thompson—Then I withdraw my suggestion.

Mr. Pratt—If I may be privileged one moment; the gentleman from Ward 3 has asserted that no member of either side will challenge his statement that this nomination was promised as a reward for party service, and was purely partisan. I wish to challenge that statement. I have taken the pains to know, as nearly as possible for me to know, that the statement is incorrect; if I believed it true I would vote against reconsideration.

Mr. Howes raised the point of order that no discussion was in order.

Mr. Wilbur of Ward 20—I wish to state that I have paired with Mr. Webster of Ward 1, and wish to be excused from voting.

The reconsideration prevailed—yeas 39, nays 28.

Yeas—Messrs. Barry, Brintnall, Burke, Cannon, Clarke, Cox, Cross, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Pope, Pratt, Reed, J. B. Richardson, Roach, Souther, Spenceley, Thorndike, Vose, Warren—39.

Nays—Barnard, Beeching, Blanchard, Blodgett, Coe, Crocker, Danforth, Day, Felt, Ham, Hibbard, Howes, Morrill, Mowry, Perham, J. H. Pierce, O. H. Pierce, M. W. Richardson, Roberts, Ruffin, Shepard, Sibley, Smardon, Stone, Thompson, Upham, G. B. Webster, Wolcott—28.

Absent or not voting—Messrs. Brown, Sampson, E. R. Webster, Wilbur—4.

Mr. Howes moved that further consideration of the subject be specially assigned to the 27th of December, the last meeting of the year.

Mr. McGaragle called for the ruling of the Chair, whether that was not a motion for a dilatory purpose.

The President—The Chair has no knowledge that is for a dilatory purpose. It is a regular motion.

On motion of Mr. Thompson the yeas and nays were ordered, and the nomination of Mr. Keith was confirmed—yeas 38, nays 29; the members voting the same as upon the reconsideration, except Mr. Spenceley of Ward 19, who voted nay, instead of yea.

#### BOARD OF HEALTH.

Mr. Spenceley of Ward 19 moved to reconsider the vote whereby the Council refused to pass the order of inquiry for the Committee on Health to consider the expediency of so amending the ordinance that the Board of Health shall consist of one citizen at large and the Superintendent of Health and the City Physician.

Mr. Spenceley called attention to the fact that the order was one of inquiry merely, that the present officers need not be changed. He did not believe it necessary to have three salaried men to discharge those duties.

Mr. Flynn of Ward 13 hoped the reconsideration would prevail, as this order was similar to the one which had been passed in relation to the Fire Commissioners.

Mr. Webster of Ward 3 hoped the motion would not prevail, as he thought the proposition opposed by three-fourths of the members of the Council.

The motion to reconsider was lost.

#### PETITION PRESENTED.

By Mr. Wilbur of Ward 20—Petition of Irving F. Groves to be compensated for injuries received by a fall on the corner of Waltham and Washington streets. Referred to Joint Committee on Claims. Sent up.

#### ACCOUNTS.

Mr. Felt of Ward 18 submitted a report from the Committee on Accounts that it is inexpedient to pay the laborers in the various departments as proposed in an order referred to them.

Mr. Felt explained that there had been no complaint against the present system, and that the men preferred it, as they thought it rendered their positions more permanent.

The report was accepted. Sent up.

#### HOOR OF MEETING.

Mr. Howes of Ward 18 offered an order fixing the hour of meeting at eight o'clock hereafter until otherwise ordered. He stated that it was understood that the later the Council began the sooner it got through, and a half hour gained would be acceptable to him.

Mr. Pratt of Ward 21 moved to make it four o'clock P. M.

Mr. Howes suggested that Mr. Pratt might need the extra time, as he takes a great deal of it; but he trusted others will vote it down.

Mr. Pratt said he confessed he had n't the grace to take up the time as Mr. Howes does, and perhaps he might seem a little longer than Mr. Howes did.

The order was opposed briefly by Mr. Thompson, Mr. Vose, Mr. Wilbur, Mr. Felt and Mr. Day and the order was rejected.

Adjourned, on motion of Mr. Barnard of Ward 24.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

MAY 7, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Nine grand and six petit jurors were drawn for the May term of the United States Circuit Court; thirty-two traverse jurors for the first, and forty for the second session of the Superior Court.

## EXECUTIVE APPOINTMENTS.

Public Weigher, Weigher of Hay, Weigher of Coal and Measurer of Wood and Bark—Morton Alden.

Constable—William G. Thomas.

Police Officers Without Pay—J. Henry Adams, D. N. Payson, J. A. Sweetland, William H. Matthews.

Severally confirmed.

## PETITIONS REFERRED.

To the Committee on Common on the part of the Board—Harris A. Hall, for leave to remove two trees from Bellevue avenue.

To the Joint Committee on Lamps—Alden Frink, that Kingsbury street be lighted.

To the Committee on Sewers—Samuel S. Vinal *et al.*, against proposed construction of sewer in Dorchester avenue, Centre and Mather streets; Ella J. Shipley *et al.*, for a new sewer in Norwich street; James T. Eldridge *et al.*, for a sewer in Crawford street; Laban Pratt, A. H. Rice and others for drainage facilities in Wales street, Ward 24; Frank Campbell, for a sewer in Dorchester avenue, between Fourth and Swan streets.

To the Committee on Paving. Middlesex Railroad Company, for an additional track from the termination of their present double track on Beverly street to connect with their track in city square.

Members of School Committee resident in South Boston, for the removal of the cobblestones from Broadway in front of the Lincoln Schoolhouse.

Bartholomew Barry, that Halleck street be put in good order for travel.

Petitions for edgestones in front of estates of Henry Dudley, Washington and Green streets, West Roxbury; Sarah E. Pitts, 29 Glenwood street.

J. Henry Sears *et al.*, that the city defray a part of the cost of sprinkling Boston, Cottage and Humphrey streets, Dorchester.

Martin Hayes, for crosswalks on Shawmut avenue near Lucas and other streets.

Petitions for brick sidewalks in front of estates of Michael Ward, 258 Cabot street; William Westlap, 271 Havre street; Catherine H. Kettell, trustee, at corner of Castle and Middlesex streets.

Boson, Revere Beach & Lynn Railroad Company *et al.*, that the sidewalk around Fort Hill square be paved.

Timothy Lyons *et al.*, that Hudson street, between Beach and Harvard streets, be paved with granite blocks.

W. P. Stone & Co. *et al.*, that the city defray a portion of the expense of sprinkling First street, near the New York & New England Railroad.

Oliver G. Fernald, that the carriage step on sidewalk at 268 Fifth street be allowed to remain.

George Z. Adams *et al.*, against the proposed removal of certain wooden buildings on Blue Hill avenue.

James Baxter *et al.*, for edgestones on Chadwick street.

Andrew W. Newman, for leave to move a wooden building from Washington street, Ward 21, to corner Columbia street and Stanmore place.

A. D. Williams *et al.*, that Walnut avenue be watered by the city.

John W. Mitchell *et al.*, that Cambridge street, Charlestown, be repaved with granite blocks.

To the Joint Committee on Public Lands. Patrick Mahoney, for the cancellation of a bond given by him for a lot of land on Middlesex street, near Castle street.

To the Committee on Markets, *etc.* E. A. Sanger & Co. *et al.*, against the sale of butter by George D. Brown in New Faneuil Hall market; Mercantile Wharf Corporation, that the city would either purchase their property leased for a vegetable market or release it to the petitioners.

To the Committee on Health on the part of the Board. Mrs. C. W. Marter, for the establishment

of a hospital for the treatment of non-contagious diseases at 7 Florence street.

Petitions for leave to occupy stables as follows: Augustus Reed, wooden, Paris street (to move from front to rear); Mrs. Betsey Burt, new wooden, one horse, Forest Hills avenue; Reed, Bros. & Sawin, old wooden, eight horses, Mill street; John Doyle, new wooden, two horses, Third street; Joseph Nickerson, new wooden, two cows and one horse, Heath street; Thomas Green, new wooden, one horse, Lyman avenue; John Tibbetts, new wooden, six horses, Tibbetts Town Way; C. A. Richards, new brick, four horses, Beacon street.

To the Committee on Armories. Company D, Fifth Infantry, for approval of armory corner of Lexington and Bunker Hill streets.

## PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Report from Committee on Accounts that it is inexpedient to pay the laborers employed in the several departments semi-monthly. Accepted in concurrence.

Report and order to hire the basement story of the building of the Mercantile Library Association for five years, at not exceeding \$1000 per annum, for the purposes of a branch of the Public Library—with an amendment to reduce the term to three years. Order passed in concurrence.

## REPORTS FROM CITY OFFICERS.

City Clerk. Quarterly Report for May 1—Received and paid to City Collector, \$919.61. Sent down.

Overseers of the Poor. Quarterly report for April 30—Received from all sources, \$73,206.95. Cash balance, \$4431.79. Sent down.

## BOND APPROVED.

The bond of Patrick Barry, Constable, being presented duly certified, was approved by the Board.

## PERMIT FOR WOODEN BUILDING.

Alderman Wilder submitted a report from the Joint Committee on Survey and Inspection of Buildings, with an order authorizing a permit to the Highland Street Railway Company to erect a wooden building at 466-468 Blue Hill avenue, according to application on file, upon condition that they agree to construct a brick wall at each side of the proposed building and carry them up 2½ feet above the flat of the roof. Order read twice and passed. Sent down.

## LICENSES.

Alderman Dunbar submitted reports from the Committee on Licenses as follows:

Intelligence Offices Licensed—Anna Peterson and twenty-five others (renewals).

Auctioneers Licensed—W. H. Moore, 267 Washington street; Howard M. Bowers.

Victuallers Licensed—Rosa Masse, 1307 Tremont street; George Merry, 240 Meridian street; Vose & Trask, 2255 Washington street.

Dealers in Second-hand Articles Licensed—John Sweeney and fifteen others (renewals).

Wagon Licenses Granted—Alexander Saunders, 285 Commercial street; W. L. Carr, 127 Cross street; J. H. Ripley, Pleasant street, near Columbus avenue.

Amusement Licenses Granted—Howes's London Circus, to exhibit on Columbus avenue, corner of Ferdinand street, for one week commencing June 4th.

License for Street Stand Refused—P. J. Ready, 126 Washington street.

Subsequently Alderman Fitzgerald submitted the following from the same committee:

Minors' Applications Granted—Six newsboys, two bootblacks.

Accepted.

## BRANCH LIBRARY IN WEST ROXBURY.

Alderman Burnham submitted the following: The Joint Standing Committee on Public Library, to whom were referred the petitions of Joseph Stedman, William O. Henshaw, *et al.*, asking for the establishment of a branch library at West Roxbury, having considered the subject, would respectfully report as follows:

At present West Roxbury is the only district, within the limits of the city, which does not have a public library, and thus the citizens of that district, which has a population of about 12,000, are debarred from the important facilities possessed by the people of Dorchester, Charlestown, South Boston, East Boston, Roxbury and Brighton, all of which have branch libraries which are in a flourishing condition, the patronage largely increasing from year to year. Early in 1875 (one

year after annexation) prominent members of the City Government from the West Roxbury District applied to the Trustees of the Public Library and strongly urged their claims to the establishment of a branch library in their district. The trustees admitted the justice of their claims, but, as the Dorchester branch had only recently been established, and as there were numerous expenses to be met on account of this last addition to the Public Library, they did not deem it expedient to include any sum for a West Roxbury branch in their estimates for the financial year 1875-76, and consequently nothing was done at that time. In 1876 the subject was also taken into consideration, and although the desirability and justice of the measure were generally admitted, no action was taken, and no appropriation was made. In submitting their estimates for the financial year 1877-78 the trustees added the sum of \$10,000 for the establishment of a branch library at West Roxbury, provided that the measure should meet with the approval of the City Council. Your committee, when considering these estimates, judged it best to leave the subject of this appropriation to the future action of the City Council, not being fully prepared to recommend it at that time. A hearing was given by the committee at a recent date to the aforesaid petitioners, and a number of prominent residents of West Roxbury gave their views which were earnestly in favor of the measure and also of speedy action on the part of the City Council. Substantial reasons were presented, and your committee are unanimously of the opinion that the establishment of this branch library should no longer be delayed. Prior to annexation, the subject of establishing a public library was favorably considered, and, if annexation had not taken place very soon after, no doubt the citizens of West Roxbury would have been enjoying the advantages of such an institution long before this date. It was represented at the hearing that if this branch was once established there could be no doubt that prominent gentlemen would take a warm interest in its success, and, through donations of money and books, the library would rapidly increase and become a just source of pride to all the citizens of West Roxbury. This has been the experience in the case of the branch library at Roxbury, which is pronounced one of the finest and most complete of its size in the whole country. It is proposed to provide the library facilities for West Roxbury in Curtis Hall, which is a building owned by the city, and well adapted for such purposes, and in a suitable location. If this measure should be adopted, no section of our city will then be without its public library, and people of all classes, conditions and ages will be in a position to enjoy the benefits and important advantages which cannot fail to result from the free and judicious circulation of literature. The committee would recommend that the sum of \$10,000 be transferred from the Reserved Fund, the same to constitute a special appropriation for the Establishment of a Branch of the Public Library in the West Roxbury District, and that the subject be referred to the Committee on Finance. The committee would also respectfully recommend the passage of the accompanying order:

Ordered, That the Trustees of the Public Library be authorized to expend a sum not exceeding \$10,000, in establishing and maintaining a branch of the Public Library in the West Roxbury District; said sum to be charged to the special appropriation provided for said purpose.

Referred to Committee on Finance. Sent down.

#### STORAGE AND SALE OF PETROLEUM.

Alderman Burnham submitted a report from the Committee on Fire Department on the part of the Board in favor of granting a permit to Samuel Walker & Co. to keep, store, mix and sell petroleum etc., at 33 India street, on the usual conditions. Accepted.

#### BRIDGES.

Alderman Thompson submitted the following from the Committee on Bridges:

Ordered, That Broadway Bridge be closed to all public travel on Friday, May 11, 1877, and remained closed until an examination of said bridge is completed. Read twice and passed.

Report and order—That the sum of \$75 be and the same is hereby abated from the amount due April 1, 1877, on the lease of the tenement occupied by John Dyer on Charles River Bridge, said tenement being the property of the city, and leased to said Dyer. Read twice and passed. Sent down.

Ordered, That Congress-street Bridge be closed to all public travel on Wednesday, May 9, 1877, and remain closed until an examination of said bridge is completed. Read twice and passed.

Ordered, That the Committee on Bridges be authorized to expend a sum not exceeding \$1000 in repairing the roadway and sidewalks of Warren Bridge; to be charged to the appropriation for Bridges. Read twice and passed.

#### PERMITS FOR STABLES.

Alderman Viles submitted reports from the Committee on Paving in favor of granting permits to occupy stables as follows: By Augustus Reed, Paris street; Nicholas Keelan, Prospect street, Ward 24; Jacob Hall, Centre street. Severally accepted.

#### MYSTIC VALLEY SEWER.

Alderman Thompson offered an order—That the Boston Water Board, in the execution of the order passed by the City Council Feb. 15, 1876, for the construction of a sewer in Mystic Valley, be authorized to locate and construct said sewer in conformity with the provisions of chapter 202 of the acts of 1875, as amended by chapter 11 of the acts of 1877. Read twice and passed. Sent down.

#### SEALERS OF WEIGHTS AND MEASURES.

Alderman Slade submitted the following:

The Committee on Markets and Weights and Measures respectfully represent that an act relating to the sealing of weights and measures has been passed by the present Legislature, which provides, among other things, that instead of appointing more than one Sealer of Weights and Measures, the mayor and aldermen of any city, when it may be necessary for the proper discharge of the duties of such office, shall appoint annually one or more deputy sealers, who shall act under the direction of the sealer. Your committee are of the opinion that four deputy sealers will be required to properly perform the duties of the office, and they would recommend the passage of the following order providing for the nomination of that number:

Ordered, That Aldermen — be a committee to nominate four suitable candidates for Deputy Sealers of Weights and Measures.

Alderman Fitzgerald—I have no objection to the nomination of four additional sealers. The committee of last year, if I remember aright, cut down the number of Sealers of Weights and Measures to one principal and one or two deputies, I believe. I understand it was two. Now it is proposed to appoint four. Of course we will have to pay their salaries if we appoint them. They cannot work without a salary of at least \$1000 a year. But I think the city of Boston should not be obliged to pay the money which will be necessary to provide salaries for those men. Under the act passed last year cities or towns in the Commonwealth can either pay salaries to Sealers of Weights and Measures, or give them fees. The fees are set forth in chapter 51 of the General Statutes. If the sealers receive fees for their work, the amount of salary which they receive will depend upon the work which they perform. If they are industrious and do their work carefully throughout the city, they will get a large salary; if they do nothing but sit on their chairs around City Hall, their fees will be small. I think the Board ought to insist that if these four men are appointed their salaries shall be paid from fees, and not be a fixed amount. Then, if they receive salaries in the shape of fees, the work will be well performed, because then, whether they receive a large or small salary will depend upon how much work they perform; and I offer this as an amendment to the order:

Ordered, That the Assistant Sealers shall receive the compensation set forth in section 14 of chapter 51 of the General Statutes, and when the amount of fees which each sealer shall receive exceeds \$1200 per annum, the residue shall be paid into the city treasury.

Alderman Slade—I do not fully understand the ordinance or statute in regard to this matter. This is required by the passage of an act by the Legislature within the last month. Heretofore there was but one sealer, with two assistants. Those assistants have no legal authority to seal a scale at all. The one principal sealer was the only person who had authority to do that. They were simply assistants, and a small salary was given them. There is no doubt of the fact that not one in ten of the scales in the city has been sealed; for they cannot be sealed by only one person. It is not possible. The Committee on Weights and Measures had the late sealer before us, and it was



his opinion that we could not get along with less than four, and probably four might not do the work that ought to be done under the new law. We have made this number of assistants as small as we possibly could get along with; and I have an order to refer this matter to the Committee on Salaries to fix the salaries. I do not exactly understand about the fees they will receive. I believe they are paid into the treasury under the statute; and if I understand it aright, a man would have to pull pretty hard to get much of a day's work, the fees are so small. I am not prepared to say how much they would get, but I think they would get a very small salary if they had all the fees they could possibly earn; and if they did their duty they would get as much fees as the law would allow, and that would all be turned into the city treasury.

Alderman Fitzgerald—Under the General Statutes the Board of Aldermen are authorized to appoint annually one Sealer of Weights and Measures and as many additional sealers as they deem expedient and necessary to perform the work. The work in the city of Boston has been so badly performed that the position of Sealer of Weights and Measures, so far as guarding and protecting the people against false weights and measures, has been nothing more than a mere farce; and I think that was what actuated the committee last year, or the year before, in cutting down the number of sealers and assistants; and the less we have of them the better, unless the duties are better performed. As the Alderman opposite says, not one of the scales in ten has been properly sealed. Now, the committee want this matter better performed than in has heretofore been; and the General Statutes give us the option either to provide a fixed salary for the Sealers of Weights and Measures, or in lieu of that to provide that they shall receive a certain fee for the weights and measures which they seal. Where a fixed salary is given the fees go into the treasury; where fees are given the sealers receive the fees. Now, the Aldermen will at once see the great advantage which the giving of fees possesses over the giving of a fixed salary. It is an advantage to the public and to the city treasury. In the first place, if the fees are given, the sealers will be obliged to perform their work, because upon the work which they perform will depend the salary which they will receive; and no money will be paid by the city, if we fix a certain salary to be paid by fees, and all over and above that will go into the city treasury. If we appoint four additional sealers, I think the city treasury should not be obliged to pay for the work when it can be got out of the fees from persons whose weights and measures are to be sealed. The Alderman says it has not been done—not one in ten. I have been talking with gentlemen in the Legislature who tried to get this bill, which made the pay a salary instead of fees, and it was finally repealed last year, and the City Council were allowed to give them fees instead of a salary; and they said that when the fees were given the work was well done, and when salaries were paid it was lightly done. If fees are to be given I think my amendment ought to pass. I heard it was coming up this afternoon and I hurriedly looked over the General Statutes and offered this amendment. If the matter could lie over till next Monday I think we should all be better prepared to act upon it.

Alderman Slade—I should like to offer this order, and then I move that the whole matter lie upon the table for one week. I should like to be a little better posted up on it. I offer the following:

Ordered, That the Committee on Salaries be requested to report an order establishing the salaries to be paid the Deputy Sealers of Weights and Measures, to be appointed under the provisions of chapter 151 of the acts of 1877.

Alderman Fitzgerald—I move that my order be referred to the Committee on Salaries.

The Mayor—The Chair suggests to Alderman Fitzgerald whether his amendment would not be better as an amendment to the order last read than to the first order.

Alderman Fitzgerald—I ask that that be referred to the Committee on Salaries to report upon it.

Alderman Slade withdrew the motion to lay upon the table, and on his motion it was voted to refer the whole matter to the Committee on Salaries.

Alderman Wilder—The Sealer of Weights and Measures is now without any assistance. It seems to me as though as speedy action should be taken

as consistently can be in the appointment of some assistance. As it is the season of the year when it is expected that a larger part of the work will be done—at least, that parties in that office should be busy,—as I understand the opinion of the City Solicitor has been given that the matter of appointing the assistants rests exclusively with the Board of Aldermen, I move you that a committee of three be appointed to nominate the assistants, so that they may be ready to make their nominations as soon as the Salary Committee has considered and decided upon this subject.

Alderman Clark—I understood this subject to be referred to the Committee on Salaries, so that the Board can investigate what help is necessary in the office of Sealer of Weights and Measures. If by putting in a new sealer we have got to put in four or five assistants, we had better take back the old sealer. I should hope that the committee will not be appointed to nominate until we find out whether we need any additional help or not.

Alderman Gibson—If I understand this matter of sealing weights and measures in former years, it has been optional for the parties to have their weights and measures sealed or not, and therefore there has not been great call for the sealer to attend to them. If there has been a new law which makes it arbitrary, it will make quite a business in the office; but, if it is under the old law, it is optional, and the sealer goes only where he is called, and there will not be more help required.

Alderman Slade—I believe it is not optional; I am sure it is not.

Alderman Fitzgerald—It is optional.

Alderman Slade—Not altogether so. I believe, under the law as it exists at the present time, every scale must be sealed once a year. But it is all nonsense; there is n't one scale in ten that would need sealing once in ten years in most of the business carried on. One sealer cannot do it. We have had only one, and two assistants; and as I said before, only the principal sealer can seal a scale, and these two assistants are simply to help repair scales; and, in consequence, the work has been lightly done. I don't know who brought this new law before the State authorities; but a law has been recently passed within the last three weeks that requires one sealer and one or more deputies. In consulting with the sealer who has just left the office, we became satisfied that not less than four assistants can do the work, and we are not sure that four can do it, as the law stands. But that is all that the Committee on Weights and Measures thought best to ask for at the present time; and we thought we would try that number. I believe that the old sealer suggested it would take eight to do the work according to the law; but we don't think so. That is about the way the matter stood, and we reported this order. I think that in another week we will understand it better. I wish I had a copy of that new law here, but I have not.

Alderman Gibson—This has been for a long time called a lazy, easy office, so far as my experience goes, and I have been chairman of the committee on that department, and I believe the officers are seldom out of the office. I have the highest respect for the gentleman who has just vacated the office, but I don't believe four men are needed to do the work. They do not make repairs. If repairs are needed, they order parties to send to the scale makers and have repairs made. I know that every scale is sealed once a year. The sealer takes the weights and measures and goes around, and if scales are correct they pass on. Now, the grocers and provision dealers and others are not large enough in number, in my judgment, to keep more than two sealers busy. They do not do large repairs, but only touch up fine work for banks, druggists, etc. Other scales are sent to the manufacturers. They used to, and I have no doubt they do it now.

Alderman Slade—I would answer by stating that a great many scales are sent to the office, and if some slight repairs are needed they have a man there to do it. I got my scales repaired this year by a manufacturer before I sent them to the office, and then I have them sworn to. I would state that for sealing the largest scale, a fifty-ton scale, the sealer only gets a dollar, and it costs at least three dollars to cart the weights around. The only way they can get over it is to have the owner send the scales to the sealer. It has been rather an uphill work all along. Any person who wants his scales

sealed will, of course, send to the office; but for any one man to attempt to seal all the scales in the city of Boston is useless.

Alderman Wilder—My purpose in making the motion was that, while the Committee on Salaries were considering this question, the nominating committee might procure suitable assistants. Gentlemen are now aware that there is but one person—the sealer himself—who has authority to seal weights and measures. By reference to the law you will see that the sealing of weights and measures is imperative. A man using unsealed scales violates the law. I deem it important that action should be taken as soon as proper, and I had no other purpose in making the motion. If the Aldermen will look at City Document No. 6 (the report of the Sealer of Weights and Measures of last year), they will find that there was a total expenditure in the office of \$4591.88, mainly for salaries. The amount of appropriation for the office was \$4500. The fees that were charged at that office during the year were \$795.56, and the amount collected was \$510.57. It seems to me that unless a very large increase can be made in the fees, doing this business for the fees is very poor business, if last year is any sample of it. The outgoing Sealer of Weights and Measures reports that there are \$284.99 charged on his books, which I suppose will be turned over to the new Sealer of Weights and Measures. I believe my motion is a very proper one. I believe we have somewhat failed of our duty in not before acting upon an office as important as that is, and having it in running order, and the proper assistants selected before this late day.

Alderman Fitzgerald—It seems to me that if we are to have a committee who shall nominate Deputy Sealers of Weights and Measures, we should first determine the number of deputy sealers we are obliged to have. If we appoint this committee to report to us a certain number of Deputy Sealers of Weights and Measures without determining the number, or passing the order reported by the Committee on Weights and Measures, or whatever the name of the committee may be, it seems to me it is beginning at the wrong end. This Board should first determine whether we should have any at all. We are obliged to have one, under the new act. We had three Sealers of Weights and Measures under the old act; and under the old ordinance each sealer was allowed, if the Board of Aldermen deemed it expedient, to nominate his board of assistants. The three were taken away last year, and only one was appointed, with two assistants. Now the law allows us to appoint more than one deputy. Instead of appointing two or three sealers we appoint one sealer and then appoint one or more deputies, if we deem it expedient, to perform the work. Now it seems to me that the first thing for us to determine, before this committee acts, is the number of deputy sealers we shall have. If that order is laid over and we do not pass it, the committee cannot report the number. If the work is to begin at some time, we had better pass the order tonight and determine the number of deputy sealers we shall have—whether we shall have one or more. Then the committee can go to work. But if this order is laid over, the committee cannot report until we determine whether we shall hire four, three, two or one. I merely suggest that it would be better to pass the order in some shape and determine the number. We can afterwards determine how much they shall be paid, and whether by fees or by fixed salary. But whichever way we determine this, the board, under the new act, must elect the assistants. The assistants cannot any more be appointed by the Sealer of Weights and Measures under this act just passed, but this Board must elect them. I merely suggest the importance, if we take it from the table, of determining whether we shall have one, two, three or four.

Alderman Slade—This matter came before the Committee on Weights and Measures, who made their report. In their best judgment the committee thought four would answer the purpose; at any rate, it would be a sufficient number for the first trial, and they reported such an order. They also reported an order to elect them, and this seems to cover the whole ground. It was laid over, I suppose, that the Aldermen might get better posted up than they seemed to be when the order was reported. For my part, I am ready to vote for the order which the committee reported. I think it is about as near as we can get at it after laying it over another week. I believe the whole matter was referred to the Committee on Salaries.

I move a suspension of the rules, that the order may take a second reading at the present time.

The Mayor—I would suggest that reconsideration would be necessary.

Alderman Slade—I would ask how the matter now stands?

The Mayor—The Chair understands that the report of the committee and the order connected with it was referred with the other orders to the Committee on Salaries and was disposed of. Alderman Wilder now moves for the appointment of a committee to nominate candidates for four deputy sealers. The Chair would suggest that in order to get at the object that there should be a reconsideration of the vote.

Alderman Slade—I move, then, that we reconsider the vote we have just passed.

The Mayor—Does Alderman Wilder withdraw his motion?

Alderman Wilder—Yes, sir.

The Mayor—The question is on the reconsideration of the vote by which the report of the committee was referred to the Committee on Salaries.

Alderman Gibson—I do not know how gentlemen around this Board understand this matter. It is a matter I am a little mixed upon. The Alderman says that these sealers have to tinker and repair scales. I would like to ask who pays for that?

Alderman Slade—Nobody. If there are slight repairs needed they do it without charge. If there are any general repairs they report to you.

Alderman Gibson—I think it is perfectly fair and honorable for the city to pay for sealing the scales, for the people in the mass are supposed to receive the benefit of it. I understand it to be said that the charge for sealing platform scales is one dollar each, and I undertake to say that with a horse and two men you can seal fifteen scales per day, easily. Of platform scales you can seal fifteen or twenty a day. Now, they can get a horse at any rate for \$3, and that leaves the sealers \$6 a day apiece, which is ample in these times. I think this question is not thoroughly understood, and I hope it will lie over one week just as it is. I understand they go upon the principle of doing slight repairs for an enemy or stranger, and large repairs for a friend; if they do, we shall require a good many sealers. I think whatever repairs they make, the expense should be borne by the party who receives the benefit, and not by the city. Until within the past two years we used to have one northern and one southern sealer, and I never heard any complaint of any nature that the work was not done easily. I know that three or four years ago the head sealer told me that the law was optional; that he simply went to the hay scales, the coal scales and these large railroad scales, and that disposed of it, because it was not necessary, but optional. There have been quite a number of changes within five years, I think, and it seems to me that if we are on the wrong track we ought to get on the right one.

Alderman Slade—I said that the sealer was paid \$1 for sealing the largest scales; but he does not get so much as that for platform scales that do not weigh more than a ton. I think for those he gets twenty-five or fifty cents. So far as the repair of the scales is concerned, we expect, if a sealer comes to our store and it is a very little matter of filing or lightening, we are not going to send them to the manufacturer for that purpose; but if a scale is generally out of repairs, or needs more than can be done in a very short time, it is sent to the manufacturer.

The question was upon the reconsideration of the vote by which the order reported by the committee was referred to the Committee on Salaries, and it was carried.

The question then came upon the suspension of the rule. The rule was suspended, the order was read a second time, and the question was on its passage.

Alderman Fitzgerald—Suppose we pass that order for four suitable candidates to be reported, and then pass an additional order that we need only three. The report of the committee has not yet been accepted by which we provide for four Sealers of Weights and Measures. Suppose the Board passes an amendment to the report that we shall have but three?

Alderman Slade—I will say, in order that this first order shall pass, if we see fit to pass it, that the committee recommend four. The Board can change that as they see fit.

Alderman Wilder—I understand that we reconsidered the vote whereby the report of the com-

uittee, recommending four assistants, was referred to the Committee on Salaries. I beg the pardon of the Chair if I am mistaken when I say that the question before the Board is upon the acceptance of the report to appoint four assistants, and that the question might then recur upon the order.

The Mayor—The Chair would say that the committee make a report upon the subject, setting forth the necessity for having Sealers of Weights and Measures and the change of the law; and they also report the order which has just been read a second time.

Alderman Wilder—I beg the Chair's pardon, but I would like to ask whether the question is not upon the order for the Board to appoint or elect four Assistant Sealers of Weights and Measures, instead of on the motion made by myself.

The Mayor—The Chair will say, in answer to the question of the gentleman, that the question is upon the passage of the order, which reads, "That Aldermen ——" leaving a blank for the number of Aldermen (three if you please)—"be a committee to nominate four suitable candidates for Deputy Sealers of Weights and Measures." It is identical with your motion except that your motion appointed three, naming the number. This order does not name the number of the committee.

Alderman Clark—I think the matter is very plain. The only question is, whether we need four, three, two or one. That is the question this Board does not seem to be satisfied upon. I think, for that purpose, this matter should be laid over one week, until the Board has an opportunity to come to some opinion in regard to it. The committee have reported recommending four. The chairman of the Committee on Retrenchment doubts in his own mind whether we need four assistants at a large salary.

Alderman Fitzgerald—The question with me is whether the city of Boston shall pay four assistants or whether they shall be paid by fees. It is a question whether we should pay them or whether they should earn it by working for it. That is my point.

Alderman Wilder—The difference of opinion seems to be upon the number of men necessary to do the work, and on that we have the report of the committee that four is the smallest possible number to do the work. I am not aware that there is any difference of opinion as to the necessity of doing the work.

Alderman O'Brien—As I was a member of the committee I was present when the former sealer was there. He informed us that it was impossible to make the office effective unless he had four deputies appointed. All he could do was to receive the scales and measures brought up by people when they chose. Now, in order to make it pay, he must have these deputies to send out with power to seal, just as though he went himself. Therefore I think it is a necessity that we should have these assistants. If we do not we had better abolish it altogether.

Alderman Gibson—I would like to ask whether all this information comes from one party or from various parties.

Alderman Slade—It does not come from any one party; but having this new law before them, the committee met and discussed the matter in the presence of the former sealer, who gave his opinion; and believing that he knew more about it than we possibly could, we have reported this order. Now, where the money will come from to pay them, I do not know. That is a matter for consideration. The City Council has appropriated only \$1800, I believe, which is \$900 each for two assistants. That, of course, will not pay them. I do not know but we will have to refer this matter to the Committee on Finance to tell us where the money will come from. The committee may recommend that it be paid in fees or in salaries. That is a matter for further consideration. We certainly have not got the money. They may make some preparation for that afterwards. The Committee on Weights and Measures have gone as far as they can. They have reported according to their best judgment and information. Further than that belongs to somebody else.

Alderman Gibson—I do not like to take up the time of the Board, but I would like to know from the Alderman opposite, whether every party buying and selling merchandise is obliged to have his scales sealed, or whether it is optional. If it is optional, of course the parties will not require to have repairs made; if it is arbitrary they are obliged to have them made. That is an all-import-

tant point to know before we talk about the amount of labor.

Alderman Fitzgerald—The sealing of weights and measures is obligatory on the parties who have them, once a year, and the penalty is a fixed one. The act just passed (whether it has become a law I do not know, but this is the act in my hand) provides that the Aldermen of any city, or the selectmen of any town, where it may be proper for the discharge of the duties of said office, shall appoint one or more deputy sealers. It is obligatory on those who have weights and measures to have them sealed; and the act provides for certain public action of the Sealer of Weights and Measures under the General Statutes.

Alderman Breck—I would like to ask the Alderman if it is necessary for the parties to take their scales to the sealer, or whether it is necessary for the sealer to visit them, as they did some years ago, taking their weights and sealing their scales. Then it was customary to charge so much for each measure and so much for each scale, and whatever balances they had in their stores. I would like to know whether it is necessary for the tradesmen to carry their scales to the sealer; if it is not, I think these deputies should be appointed.

Alderman Fitzgerald—The act says—  
"The sealers of weights and measures in the several cities and towns shall annually give public notice, by advertisement or by posting notice in one or more public places in their respective cities and towns, to all inhabitants or persons having a usual place of business therein, who use scales, weights, measures or milk cans, for the purpose of selling any goods, wares, merchandise or other commodities, or for public weighing, to bring in their scales, weights, measures and milk cans, to be adjusted and sealed, within sixty days after said notice. Such sealers shall attend in one or more convenient place or places, and shall adjust, seal and record all scales, weights, measures and milk cans so brought in."

Chapter 123 of the Acts of 1876 is a mere transcript of what is in the General Statutes. The amendment to this chapter is that "within sixty days after said notice" shall be stricken out and that there shall be inserted in place thereof "at any time after said notice." So that it is obligatory on parties, when the sealers give notice, that they shall bring up their weights and measures for adjustment and, I presume, that where weights and scales are weighty that the sealers shall go and adjust them.

Alderman Breck—Then I think the old Sealer of Weights and Measures could not have understood his duties; for I do not think any grocers have ever received any notice to bring their scales to be adjusted. We use a great many weights, but never received any such notice. There are men at this Board who are using weights and measures, but I do not think there is one here who has ever received any such notice. If the new sealer enforces this law, he can get money enough to pay not four but eight of these deputies.

Alderman Viles—I think the sealer has advertised every year in regard to this. I know I have always carried my scales up and had them adjusted; but I do not think one in twenty has paid any attention to it. I believe these sealers should go around from place to place as they used to, and that is why it would require four deputies. Indeed, I do not think four can do it. I think it would require more.

Alderman Gibson—It seems to me that until the thing is fairly and thoroughly tried we should hold on as we are. We might as well say we want four mayors as to say we want four Sealers of Weights and Measures, if it is an optional measure, as the Alderman opposite has read. The sealer is to give notice, and if parties do not come he has as much time as is necessary to do the work. So the real facts are that the business is not going to be more than one sealer has done; and for the past eight or ten years there certainly has been no complaint. There is no more need for them than there was ten years ago.

Alderman Slade—We all have this thing before us, and if we have time to read it we can understand it alike. So far as advertising goes—

"The sealers of weights and measures in the several cities and towns shall annually give public notice by advertisement, or by posting notices in one or more public places in their respective cities and towns, to all inhabitants or persons having a usual place of business therein, who use scales, weights, measures, or milk cans, for the purpose of selling any goods, wares, merchandise or other commodities, or for

public weighing, to bring in their scales, weights, measures and milk cans to be adjusted and sealed within sixty days after said notice. Such sealers shall attend in one or more convenient place or places, and shall adjust, seal and record all scales, weights, measures and milk cans so brought in."

Then—

"The said sealers of weights and measures shall go once a year, and oftener if necessary, to every hay and coal scale, dormant or other platform balance, within their respective cities and towns, that cannot be easily or conveniently removed, and test the accuracy of, and adjust and seal the same."

The whole thing is before us, and if we have time to read it we can all understand it alike. The committee who have had this matter under advisement for the last week or fortnight have made a report as they think best.

Alderman Thompson—This subject has proved a weighty one, judging from the time required to discuss it, if not a scaly one. It seems to me, as I understand the subject now, we are to decide whether there shall be four assistant sealers or not. Now, before I am able to decide on that question I desire to know how they are to be compensated. If by fees, I do not object to the appointment of four; but if they are to be salaried officers, I desire to know more upon the subject than I do now. It seems to me that is a part of what the Committee on Weights and Measures should have put in their report. I would, therefore, move that the subject be recommended to the Committee on Weights and Measures, that they may report to this Board how many should be appointed and how they shall be compensated.

Alderman Fitzgerald—It seems to me the matter is not properly understood, and I may not have explained sufficiently to the Alderman opposite the obligation of the Sealer of Weights and Measures to come to the houses and stores of tradesmen. The act which the Alderman opposite has read is in the General Statutes. Since this book of ordinances was compiled, another act, two acts in fact, have passed the Legislature with regard to Sealers of Weights and Measures. The first, which you do not find in the ordinances, was passed at the session last year; and it provides that after this publication or notice has been taken, the persons who have weights and measures and do not bring them to the place mentioned in the publication or advertisement, then it shall be obligatory upon the Sealers of Weights and Measures to go to the stores and houses of those persons who have failed to come to the place mentioned in the advertisement or publication and charge the amount mentioned in section 4 of chapter 50 of the General Statutes. The act just passed provides that immediately after this publication they can go at once—they can go the next day—to the houses and stores and commence their work. Instead of waiting sixty days, it says at any time after said notice has been given they shall go to the houses, stores and shops of persons mentioned in the foregoing section who have neglected to comply with the notice given thereunder, and having entered the same with the assent of the occupants thereof, shall adjust and seal their scales, weights, measures and milk cans, and shall be entitled to receive for the said service the amounts named. Now, the question with me is not upon the appointment of the four men, but it is whether we shall pay them a fixed salary or fees. I believe in paying them fees instead of paying them a fixed salary, when these persons can perform satisfactorily the work which the statute intends shall be performed in the city of Boston; if we can avoid the necessity of taking their pay out of the treasury, I would go for four deputy sealers. But if they are to be paid a fixed salary, I should not be in favor of having so many.

Alderman Gibson—It strikes me that is just the point. They have got to be paid. If it is to be a public benefit, let the public pay for it. I think we had better pay them a salary. It does not require any very great talent to go around and measure a milk can. I think a small salary will hire a number of them. If the public receive the benefit, they ought to pay for it. If they are going to make \$3000 a year, why not let them all fare alike, and we will all get the benefit?

Alderman Thompson—I have had some experience in this matter, having scales to seal, and I can remember that when the sealers received their compensation from fees they attended to their duties with a great deal of promptness and regularity. But when they were put on a fixed

salary they seldom came to ascertain whether the scales were correct or not. Now, the law intends that every dealer in different articles shall have his scales properly sealed once a year. If the sealer or his assistant is compensated by the fees, he is very sure to look up those persons who do not apply to have their scales attended to. I know very well, in busy times, it was exceedingly annoying to have these gentlemen wait upon me and request me to have my scales, which were always correct, I suppose, adjusted and sealed. But when the law was changed and a fixed salary was paid they did not come at all; my scales probably were not sealed for five or six years at a time. I made my motion to recommit, that the committee may look into this matter further and report back, hoping that we may then understand this question, which is really one of some importance. I hope the motion will prevail.

The report of the committee and the order for a committee to nominate assistant sealers was re-committed to the Committee on Markets; the order for the Committee on Salaries to report an order fixing the salaries of said assistant sealers was referred to the Committee on Salaries. Sent down.

The order offered by Mr. Fitzgerald was referred to the Committee on Salaries.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Orders to build sewers in Sargent street, Dechester street near Hartford street, and in Starr street between Call and Bishop streets, in Bishop street between Starr and Newbern streets, and in Newbern street between Bishop and Elm streets. Severally read twice and passed.

#### PUBLIC PARKS.

Alderman O'Brien submitted the following (City Doc. 44):

The joint special committee to which was referred so much of the Mayor's inaugural address as relates to parks have the honor to submit the following report. After careful consideration they have agreed upon the following propositions: 1. Public parks are necessary to the health and comfort of large cities, and they are made necessary by the same causes which make water works and systems of sewerage necessary. 2. In establishing a system of parks the needs of the future should be looked to as well as the necessities of the present. 3. As the establishment of parks requires a large expenditure of money, the benefit of which extends to the future as well as to the present, the expense should be distributed through a series of years by means of loans and sinking funds, thus preventing the tax for any one year being onerous. 4. That public parks should extend special facilities to the poorer classes, who, living in narrow and crowded streets, which in summer are hot and unhealthy, stand in greatest need of the pure air and opportunities for pleasant exercise, which parks should afford. 5. That the citizens of Boston desire that public parks, equal to the wants of a great and growing city, should be established; and in proof of this your committee refer to the steps that have led up to this report. 6. That after examining the several parks and parkways recommended by the commissioners, they believe that if the recommendations of the commissioners are carried out, the city of Boston will have, in five years, a system of parks which will add immensely to the comfort and pleasure of its citizens; and that in fifty years it will have as fine a system of parks as any in the country or in the world. 7. That the several parts of the system have been so chosen and combined that the value of any one part taken in connection with the others is very much greater than it would be if standing alone; and how much greater this value is can only be appreciated by visiting the parks in succession, and seeing how one fits into another. The Charles River embankment, for instance, on account of its connecting the poorest and most crowded part of the city with the country, and its beauty as a promenade and drive, and the great additional facilities for using the river for boating and pleasure purposes which it affords, is, perhaps, the park of greatest local value; but, as a part of the system of parks, its chief value is as the great avenue through which Charlestown and the North and West Ends find ready and pleasant access through the Back Bay park to the country parks in West Roxbury and to Brighton. 8. Finding, then, in the system of parks recommended by the commissioners

everything that was desirable, but two questions remained to the committee—

First—Can the city afford the entire system?

Second—Is it expedient to commence the work now?

In the opinion of your committee, the city can afford the necessary expenditures, and the present is a peculiarly favorable time for commencing. The City Engineer has prepared estimates of the cost of constructing the urban parks, that is the Charles River embankment, the Back Bay park, and the South Bay Park, which, from their situation, must be first put in order. His estimates are as follows:

Charles River park.....	\$2,684,000
Back Bay park.....	1,625,810
South Bay park.....	200,000
Cost of land as per Park Commissioners' report for all parks and parkways.....	4,906,600
Total.....	\$9,416,400

As before stated, your committee are of opinion that this expenditure should be provided for, as in the case of water works, by the sale of thirty-year bonds and the establishment of sinking funds, which, by means of annual contributions, will provide means for paying the debt at maturity; Boston five per cent. bonds can be sold at a sufficient premium, so that the sale of \$9,000,000 of bonds will provide for the above expenditure; and this will give the city of Boston the land for all the parks and parkways, and will put in order the three parks named. In answering the question, "Can the city afford the above expenditure?" the committee looked to the effect upon the taxpayer, i. e., what would be the increase on the tax bills, and they find that to pay the principal and interest of the \$9,000,000 loan will require an annual tax of eighty-three cents on the thousand dollars on the present assessed valuation of the city; it must be remembered that the entire expenditure will not be finished for a number of years, and that the annual tax for the present will only be a little over nine cents on a thousand dollars for each million of bonds issued. If Boston cannot afford such an expenditure to secure the priceless benefit of parks, it must be because she has entered the ranks of cities like Newburyport and Salem, which have ceased to grow. If twenty years from now our wharves are to be deserted, our manufactories idle, our streets grass-grown, then indeed it is unwise to enter upon this or any scheme calling for an outlay of money; but if Boston is to increase in wealth and population, as we believe she is, there can be no question but that we can well afford all the money necessary to give us this system of parks. In regard to the additional cost of putting the remaining parks in order, it must be remembered that this must be the work of years. And sums which in the total look enormous will, when separated into the annual appropriations, be easy enough to pay.

An annual appropriation, in addition to the above loan, equal to that now made for the City Hospital, will, in thirty years, complete the entire system of parks; and we believe that the value of the parks to the health of the city will be as great as even that beneficent institution.

The second question, "Is it expedient to commence the work now?" can be answered much more briefly.

At present, land, labor and materials—everything which enters into the cost of parks—is unusually cheap, and our business interests are so depressed that a million dollars thrown into the channels of trade may make the difference between profit and loss on the year's business. Now, if the present scheme is adopted, our laborers and mechanics will find work, which, unlike that on the water works, will cause them to live in the city; this will enable the owners of houses to let their tenements, the retail dealers will find customers with money to pay them; they, in their turn, pass on the benefit to others, so that all will be helped.

Your committee therefore recommend that the Treasurer be authorized to sell one million dollars of bonds, to run for the longest legal term, the proceeds thereof to be expended by the Park Commissioners in the purchase of such lands, being part of the system of parks recommended by said commissioners, as will be sold to the city on the most favorable terms, and for this purpose they recommend the adoption of the following orders.

HUGH O'BRIEN.

JOHN T. CLARK.

ROBERT M. THOMPSON.

Ordered, That the sum of one million dollars be

and hereby is appropriated for the purchase of lands for public parks; said land to be purchased by the Park Commissioners.

Ordered, That the Treasurer be and he hereby is authorized to borrow, under the direction of the Committee on Finance, the sum of one million dollars for the purchase of lands for park purposes; the certificates of indebtedness to run for the longest term of years allowed by law, not exceeding thirty years, and to bear interest at a rate not exceeding five per centum per annum.

*Minority Report of P. J. Stone, Jr.*

The undersigned respectfully dissents from the report of the majority of the Joint Special Committee on Public Parks, and begs leave to present his reasons therefor. While he believes the scheme as laid down by the Park Commissioners would give Boston one of the finest systems of parks in the United States, yet, in view of the present depressed state of business, he does not believe it wise at this time to increase the burdens of an already overtaxed people, with greatly depleted incomes, by expending any money for luxuries. Parks must be considered a luxury, and they are designed for the benefit of a future generation rather than the present. Boston is not a pent-up city, without breathing-spaces; it is almost surrounded by water, and all who desire to inhale the fresh and invigorating breeze from the ocean can do so with little exertion, and without expense. Our horse cars from the time they leave paved streets pass through a succession of parks, where, for the trifling sum of six cents, one may have all the pure country air he can desire. The park we now possess [Chestnut-hill Reservoir] is not patronized by pedestrians nor the poor class of our citizens, who are said to be most clamorous for this scheme, and yet it is accessible to all, as the steam-cars pass the grounds many times daily.

It is urged that the Back Bay park is necessary to abate the Stony Brook sewer nuisance; but it must be borne in mind that sewerage and parks are not in any way connected. Each is under treatment by separate commissions, and one has nothing to do with the other. Nuisances that exist on the Back Bay must be remedied by better sewers, and not by covering over the polluted places with a park. It is estimated that an expenditure of not exceeding \$50,000 will successfully stop this cause of complaint, which will be much cheaper than attempting to fill in a "mud-hole with no bottom," for the benefit of a few land owners in that section.

The undersigned believes the statement that our tax bills will not be increased more than eighty-three cents on a thousand dollars to be erroneous, and calculated to mislead. This is obtained from certain estimates, or rather approximates, which it would be well to look at. The commissioners figure the cost of land at \$4,909,600; but with full authority last year they were only able to bond thirteen per cent. of the lands required, while the owners of eighty-seven per cent. declined to bond at the price fixed in the commissioners' report.

It is but fair to infer, judging from past experience, that this eighty-seven per cent. will cost at least fifty per cent. more than the estimate; and what assurance is there that other estimates will not be exceeded in like ratio, for is it not a well-established fact that where one great public work is completed that does not exceed fifty per cent. of its estimated cost, there are three at least that do? Take, for instance, the water works, which cost at least three times the original estimate, and the great elephant of the State, the Hoosac Tunnel, which has already consumed almost countless millions of the taxpayers' money, is yet a bone of contention for the Legislature, and will be for years to come.

If the three parks named in the majority report cost, without land, \$4,509,800, what will the other twelve laid out by the commissioners cost, to say nothing about parkways, which are estimated at from two to three hundred thousand dollars per mile? Should we not have the Engineer's figures on all this grand scheme, that we may have an approximate idea of the ultimate cost before making a beginning? Could this be accurately shown, instead of an annual appropriation of eighty-three cents on a thousand dollars, we should probably see that more than three times that amount would be required. Let us have all the light we can get before entering on an expenditure of this magnitude.

The majority of the committee ask for an appropriation of \$1,000,000, but do not state where it is to be expended. Is it all to be put into the three

urban parks, to the detriment of the other parts of the city?

The majority of the committee state in their report that "an annual appropriation, in addition to the above loan, equal to that now made for the City Hospital, will, in thirty years, complete the entire system of parks." When we consider that the annual appropriation for the City Hospital amounts to only about \$125,000, while the care of our *present* Common and squares costs nearly \$100,000 annually, the correctness of this assertion is not apparent.

The majority also say they "are of opinion that this expenditure should be provided for as in the case of water works, by the sale of thirty-year bonds and the establishment of sinking funds, which, by means of annual contributions, will provide means for paying the debt at maturity. Boston five per cent. bonds can be sold at a sufficient premium, so that the sale of \$9,000,000 of bonds will provide for the above expenditure; and this will give the city of Boston the land for all the parks and parkways, and will put in order the three parks named." The Legislature has just refused to pass an act to authorize the city of Boston to issue thirty-year bonds for park purposes; consequently this theory falls to the ground.

The undersigned is of the opinion that were it not for a few land owners and speculators, *some of whom are not even citizens of Boston*, the park question would not have been brought before this City Government, who were elected on principles of retrenchment and reform.

We shall be called upon this year to vote from 4,000,000 to 6,000,000 of dollars for a system of sewers; the widening of Commercial street, at an expense of \$1,000,000 is already agitated; and should we vote to commit the city to this park scheme, then, indeed, might we predict that our "*wharves would be deserted, and our streets grass-grown in much less time than twenty years.*"

For these, among other reasons, I am opposed to the majority report, and recommend that the whole subject be referred to the next City Government.

PHINEAS J. STONE, JR.

*Minority Report of Henry F. Coe.*

The undersigned is unable to agree with the majority of the committee in recommending the adoption by the City Council of the Park Commissioners' plan as a whole. The scheme is a magnificent one and the commissioners have, with much care and labor, mapped out a system of parks and parkways which would, if adopted, make Boston the most attractive city in this respect on this continent. They are entitled to the thanks of the community for the manner in which they have done their part. It now remains for the City Council to decide whether their plan shall be made available, and adopted as a whole, or only in part.

The undersigned objects to it as a whole, simply on the ground of its very heavy cost. The most reliable estimates would put the whole expense of the entire system of parks and parkways, *when completed*, at not less than fifteen million dollars, and many would place it still higher; the construction of the parkways especially, as proposed, calling for a very large outlay, as any one can readily ascertain by consulting those who have had experience in such matters. We should not lose sight of the fact that the city has spent, and is now spending, several millions for an increased water supply, and that the necessity is upon us of also expending several millions more for improved sewerage. The question becomes a very serious one whether we can afford to enter upon so extensive a scheme as that proposed by the majority of the committee, and whether the credit of the city, now so high, would not suffer in consequence of its adoption by the City Council. True, this expenditure would not be made in one year, but in many years; still, the city would be committed to it, and the money would ultimately be spent. In addition to the first cost would be the expense of keeping in proper order when complete. When we remember that our present public grounds cost us on an average \$90,000 per annum, and that the average annual cost of keeping the driveway around the Chestnut Hill Reservoir (only two and a half miles in length) in order has been \$8000, we can readily see that this will be no small item in the annual tax.

The additional charge for police, lighting, etc., etc., should not be lost sight of.

The undersigned would not ignore the arguments that are used in favor of this heavy

outlay, viz., that something will be realized from betterments, and that the increased taxes realized from the erection of dwellings around the proposed parks, together with the increased value of the property adjacent thereto, would go very far towards reimbursing the city for the whole cost. This is doubtless true to a certain limited extent; but it is also true that oftentimes what one portion of the city gains in taxable property another portion loses. The question is, How much new property *will be created* by reason of this expenditure? The undersigned does not feel competent to push this inquiry further. It is a matter of very vague estimate, and hardly any two persons would agree on this point. It is, however, generally conceded that the city would realize, from the assessment of *direct* betterments, a comparatively small amount. For these reasons, and others which might be stated, he is compelled, very reluctantly, to disagree with the majority of the committee.

But in doing this the undersigned is not prepared to take the position that nothing should be done. The public grounds of Boston are entirely inadequate for a city of its rank, and no other in the country is so poorly provided for. He cannot concede that the same arguments which may be used against an expenditure of fifteen millions would be valid against an expenditure of five or six millions made during the next five or ten years, and this latter sum will give Boston all it absolutely needs for a generation. He would therefore be in favor of the plan of the Park Commissioners so far as it applies to the Charles River embankment, the West Roxbury park, the South Bay park, and an outlay on Jamaica Pond. The majority of the committee, as well as the Park Commissioners, state fully the advantages of the Charles River embankment. Too much cannot be said in favor of this noble promenade on the banks of Charles River. If completed, it must become a place where multitudes of those now pent up in narrow alleys and back streets will resort to enjoy the cool air from off the water.

The proposed West Roxbury park is really the only park recommended by the commissioners, in the true sense of that word. It has all the variety of wood and meadow, hill and valley, which go to make up *true* park scenery, offering natural attractions which no outlay upon a less-favored spot could produce. About all necessary to do at present would be to secure the land and let it lie comparatively unimproved, and its natural beauties would at once make it a place of resort for the thousands who now flock into the suburbs to obtain a sight of the country and breathe its pure air, and who are now compelled to become trespassers upon private grounds if they leave the dusty roads at all.

The advantage of the open space of thirty-five acres on the South Bay is its comparatively small cost, amounting to about \$400,000 for land and buildings (at the assessors' valuation of 1875), and \$200,000 in addition, for putting in order for a parade and playground. It is in the midst of a very large class of our population who need such a breathing space. This fact, together with its small cost, is in its favor.

The undersigned would lay great stress upon the necessity of some steps being taken at once to preserve the shores of Jamaica Pond from further spoliation. The commissioners have well set forth the attractions of this sheet of water. No city in the world has such a beautiful lake within its limits. Notwithstanding this, its beauty is fast disappearing, and it will soon become a nuisance, unless steps are at once taken to arrest the spread of unsightly icehouses, and stables, etc., connected therewith, which have been erected upon its banks.

In this connection it should be said that the erroneous impression prevails, that the owners of estates abutting on the pond have peculiar rights in regard to cutting ice, and that, in case their property should be taken for park purposes, the value of those rights must be added to the value of the land and buildings in the allowance for damages. This is not so. Owners of estates on the pond have no legal right to cut ice other than that enjoyed by all citizens. Most of these owners are strongly opposed to the erection and maintenance of icehouses and other nuisances, and it is believed that they would bind themselves that none should ever be maintained on their lands, provided the city will take and remove those already erected. For two or three hundred thousand dollars the shores of this fine body of water can be made beautiful again, and at some future

time, if thought desirable, the city can obtain possession of the estates upon its banks as they come into the market. This would not be *necessary*, however, as the possession of the icehouse estates would give the public access to the pond for boating and other purposes.

The whole cost of the improvements above named would be (on the basis of the Assessors' valuation of 1875, and the estimates of the City Engineer which accompany these reports) in round amounts—

For the Charles River embankment, land and construction, say.....	\$3,200,000
West Roxbury park, say.....	1,400,000
South Bay improvement, say.....	600,000
Jamaica Pond (outside estimate), say.....	300,000

Making in all.....\$5,500,000

Of this sum considerably less than \$2,500,000 would be for land and buildings; the balance would be for construction—principally on the Charles River embankment. This expenditure would be spread over several years, and no *necessity* exists for an outlay of any great amount in improving the West Roxbury park. Certainly \$6,000,000 should be the outside requirement for the whole, and on this basis the annual cost for interest and the requirements of the Sinking Fund to be added to the tax bills would not exceed fifty-five cents on a thousand dollars, and the owner of a \$10,000 house would be called upon to contribute \$5.50 per annum for park purposes—certainly not an onerous tax—and this, too, without making allowance for anything to be received from betterments or increased value of property around the parks. Bonds to cover the amounts named could be issued in all the next five years, and the indebtedness of the city be still kept considerably within the sum fixed by State law in limiting such indebtedness.

The undersigned is therefore prepared to recommend the passage of measures looking towards the adoption of the above-named improvements, and would vote for an order giving the Park Commissioners \$1,000,000 to enable them to make a beginning towards the purchase of land covered by the preceding recommendations; provided, that under the law thirty-year bonds can be issued; said land to be taken by the commissioners at their discretion, as they can secure it to advantage, the improvements on the same to be made as fast as the City Council shall direct. But if, under the present laws, bonds must be issued for a shorter time than thirty years, he would recommend that no action be taken by the City Council until authority be granted to issue them for that time; except in the case of Jamaica Pond, which demands and should receive immediate attention.

In case thirty-year bonds can be legally issued under the present law, he would recommend the passage of the following orders:

Ordered, That the sum of one million dollars be, and hereby is, appropriated for the purchase of lands for public parks, said land to be purchased by the Park Commissioners, and to be located within the limits of what is known as the Charles River Embankment, the West Roxbury Park, the South Bay Park, and the Jamaica Park, as per the report of said commissioners, dated April 24, 1876, being City Doc. No. 42.

Ordered, That the Treasurer be, and he hereby is, authorized to borrow, under the direction of the Committee on Finance, the sum of one million dollars, on thirty years' time, and to bear interest at a rate not exceeding five per centum per annum, for the purchase of lands for park purposes.

And in case it is found that thirty-year bonds cannot be issued under the law, as it now stands, he would propose the following orders:

Ordered, That the sum of one hundred and fifty thousand dollars be, and hereby is, appropriated for the purchase of land for public parks, said land to be purchased by the Park Commissioners, and to be located within the limits of what is known as the Jamaica Park, as per report of said commissioners, dated April 24, 1876, being City Doc. No. 42.

Ordered, That the Treasurer be, and he hereby is, authorized to borrow, under the direction of the Committee on Finance, the sum of one hundred and fifty thousand dollars for the longest term of years allowed by law, and to bear interest at a rate not exceeding five per centum per annum, for the purchase of lands for park purposes.

He makes these recommendations with great diffidence, realizing, on the one hand, the pressure of "hard times," which would deter many, other-

wise favorably disposed towards parks, from favoring any expenditure at the present time; and, on the other hand, the confident belief of many persons of excellent judgment, who have given much time and thought in investigating the subject, that the whole scheme as proposed by the commissioners is not only feasible, but desirable, for the city to undertake from every point of view. We should remember, however, that a too lavish expenditure may entail its penalty of high taxes upon our successors, and thus make Boston an undesirable place for the prosecution of business. This would be a serious evil and hard to remedy, and it is far safer to err in the other direction, and still avoid that niggardly and short-sighted economy which would put a stop to all attempts to make ours a beautiful city.

HENRY F. COE.

Following are the details of the City Engineer's estimate:

*Charles-River Embankment.*

Estimated cost of filling 70,000 squares....	\$350,000
Estimated cost of filling 32,000 squares....	128,000
Estimated cost of filling 172,000 squares....	430,000
Estimated cost of driveway, saddle pad, esplanade, cross walks and approaches.....	228,000
Loaming and subsoiling.....	167,000
Drainage, water pipes and lamps.....	90,000
Extension of sewers and sluiceways.....	110,000

\$1,503,000

Add for contingencies and superintendence..... 150,300

Total, without wall.....\$1,653,300

1. Estimated cost of river wall, built of straight split block stone, laid dry, and six boat landings..... \$937,000  
Add for contingencies and superintendence..... 93,700

\$1,030,700

2. Estimated cost of river wall, built of face stone, with dressed bed and joints, and backed with rubble stone, laid in cement, and six boat landings..... \$1,328,000  
Add for contingencies and superintendence..... 132,800

\$1,460,800

3. Estimated cost of river wall, built of cut stone throughout, laid in cement, and six boat landings..... \$1,831,000  
Add for contingencies and superintendence..... 183,100

\$2,014,100

*Back Bay Park.*

Estimated cost of filling 157,000 squares....	\$628,000
" of driveway, saddle pad and walks.....	86,000
" of bridges over railroad, and on the driveway, saddle pad and walks.....	275,000
" of pond with boat landings..	100,000
" of loaming and sub-soiling...	318,000
" of drainage, water pipes and lamps.....	45,000
" of extension of Stony Brook sewer.....	26,000

\$1,478,000

Add for contingencies and superintendence..... 147,800

Total..... \$1,625,800

*South Bay Park.*

The area below Grade 17 is.....	749,500 square feet.
The area above Grade 17 is.....	707,400 "
Estimated cost of filling 20,000 squares....	\$80,000
" of soiling and grading.....	43,000
" of foot paths, drainage, fence, etc.....	57,000

\$180,000

Add for contingencies and superintendence..... 18,000

Total..... \$198,000

Say..... \$200,000

Alderman O'Brien—I move that this matter be specially assigned for half-past four next Monday afternoon.

Alderman Thompson—I hope the report will not be specially assigned, but will take its usual course and come up at our next meeting; and if it is convenient and agreeable, we can go on with it. If it is to be specially assigned for next Monday afternoon we shall be obliged to take it up and consider it. Now, it may be convenient when it comes up next Monday afternoon to assign it to some further day. It is a matter of a great deal of importance, and I do not wish to see any attempt at hurrying this report through without having it duly considered. A question involving the expenditure of so large an

amount of money is to be considered by degrees. I hope the motion to specially assign will not prevail.

Alderman O'Brien—The object of specially assigning this report for next Monday afternoon is that, as the Alderman says, it is a very important question. A great many of our citizens feel the importance of it; a great many our citizens would like to be here when this subject is discussed. If it is specially assigned at a stated hour next Monday afternoon, it will be known to all our citizens that that question is coming up to be discussed. The Board, whether it goes over under the rules or is specially assigned, can do with it what it pleases. I do not see that it will make any difference about that. I think the best disposition that can be made of it is to specially assign it for next Monday afternoon.

The motion to specially assign prevailed.

#### PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Ordered, That the taxes from the years 1875 and 1876 assessed upon the lot of land on Bristol street, as shown upon a plan recorded with plans of city lands sold, book 2, page 211, in the office of the Superintendent of Public Lands, be remitted; the said lot of land having been forfeited to the city for breach of the conditions of sale.

Read twice and passed. Sent down.

Order to declare forfeited to the city the lot numbering 25 Oliver street, bargained to Lyman A. Belknap, April 25, 1874, for non-fulfilment and breach of the conditions of sale, and for the Superintendent of Public Lands to take possession of the same; also an order to cancel bond 150 given by said Belknap for said land. Read twice and passed. Sent down.

Report on Petition of Receivers of Mechanics' Mutual Fire Insurance Company—That when the Suffolk-street district was taken by the city the policies of insurance on the buildings situated in that district were assigned to the city. A number of these policies were in the Mechanics' Mutual Fire Insurance Company. After the great fire of 1872 this company failed, and the policies were assessed; the assessments on the policies described in the petition were paid by the owners of the buildings. Upon winding up the affairs of the company, it was found that there was an excess of assessments, and the Supreme Court directed the receivers to pay this excess to the persons who paid the assessments on the policies. The receivers now find that they cannot pay the dividend to the persons named in their petition and to whom it rightfully belongs—they having paid the assessment—because the policies were assigned to the city, and the City Collector declines to receive it, because the city did not pay the assessment, and is therefore not entitled to it. The committee recommend the passage of the following:

Ordered, That his Honor the Mayor be requested to authorize the receivers of the Mechanics' Mutual Fire Insurance Company to pay to the persons respectively entitled thereto the dividend of forty-nine per cent. of the amount of assessment on the policies of insurance numbered 62,666, 64,108, 64,707, 64,995, 65,304, 65,341, 65,347, 66,186, 66,204, 66,293, 66,794, 67,054, 67,325, 67,994, 68,010, 68,863, 69,239, 70,629, 72,214, 72,363, 72,451, 72,524, 72,526, 72,527, 72,528, 72,529, 73,445, 71,967, now standing in the name of the city of Boston.

Read twice and passed. Sent down.

#### NEW SCHOOL BUILDINGS.

On motion of Alderman Thompson, the report and order for the erection of suitable school buildings for the English High and Latin schools, on the lot upon Warren avenue and Montgomery street, at an estimated cost of \$350,000, to be met by sales of other school buildings, was taken from the table.

The question was on the reference of the order to the Committee on Finance.

Alderman Thompson—Before this order is referred, I would like to amend by adding to the school buildings to be sold the Mayhew School building on Hawkius street.

The amendment was adopted and the order was referred to the Committee on Finance. Sent down.

#### TRANSFERS FROM RESERVED FUND.

Alderman Clark submitted the following from the Committee on Finance:

Report and Order, That the Auditor of Accounts be and he hereby is authorized to transfer

from the Reserved Fund to the appropriation for Northampton-street district, the sum of \$20,000. Order read twice and passed—yeas 12, nays 0. Sent down.

Report and Order (new draft), That the Committee on Public Buildings be authorized to build offices in Quincy Hall, adjoining the rotunda; also, to repair the rotunda preparatory to leasing the same to the Produce Exchange Association, and the offices to those doing business with the exchange, at an estimated cost of \$3000; the expense therefor to be charged to the appropriation for Public Buildings. Order read twice and passed. Sent down.

#### AUDITOR'S ANNUAL REPORT.

Alderman Clark offered an order—That the annual report of the Auditor of Accounts for the financial year 1876-77 be submitted in print, and that 5500 copies thereof be printed; that 3800 copies be retained in the custody of the Auditor at City Hall for distribution, and that the remainder be placed in the several police station houses also for distribution; and further, that public advertisement be made of the fact in the newspapers that said reports have been placed in the Auditor's office, City Hall, and in the several police station houses, for distribution, where the citizens may obtain them on application.

#### ORDER TO PAY FOR LAND DAMAGES.

Alderman Clark, from the Committee on Streets on the part of the Board, offered an order to pay Abraham Raphael \$744, for land taken and damages occasioned by the widening of Harrison avenue. Read twice and passed.

#### VALUATION OF PROPERTY AND TAXATION.

On motion of Alderman O'Brien, the order for the Mayor to appoint a commission to consider a plan for a more uniform and equitable valuation of property for taxation, expense of the commission not to exceed \$300, was taken from the table.

Alderman O'Brien—I would merely say that the expense of this commission is not to exceed \$300, and I believe the City Government would obtain more than \$300 worth of information if this commission were appointed.

Alderman Fitzgerald—Can anybody tell of what use this is going to be? I merely rise for information. I know they have been trying during the whole of this session, by various public hearings, at which Mr. Minot and several other gentlemen have spoken, and by calling some of our assessors to explain the matter of assessment, to convince the Legislature that the present method is a wrong one; and if they, in their investigations and the reports which that committee have made to the Legislature, cannot enlighten the public and the Legislature. I fancy they will not be apt to take any recommendations from a commission appointed by the city of Boston. The expense, to be sure, is small, but what is going to result from it? I do not know; I should be willing to vote for it if I knew anything good was coming from it. But nothing has come from the investigation at the State House. They all profess to want to lighten the burden of taxation, yet these gentlemen, who claim to be experienced, have such different ideas of the method of assessment that the Legislature are in a quandary about it, and have thought it best to leave matters as they are. I notice it has done nothing, and I don't know what this commission is going to do. The amount, to be sure, is quite small, but I fancy it will be spending \$300 for nothing.

Alderman Wilder—I have no doubt that this order contemplates, if anything is done under it, that some very wise and public-spirited gentlemen, fully competent to deal with this subject, will be willing to accept of the appointment as commissioners, and give their services during the coming year. And I suppose the \$300 is for the purpose of publishing their report, and paying somebody for writing it. I believe some good might come out of it, and I am quite willing to vote for it. I think the great difficulty will be to find the men who will be sufficiently public spirited to perform the work and perform it well so it will be of use. I should like to see the motion pass. I believe if his Honor the Mayor is so fortunate as to find three competent gentlemen to do this work, we can quite well afford to pay them \$300, probably for publishing their report.

Alderman Robinson—The order seems to read as follows, and I cannot understand it entirely:

Ordered, That the Mayor appoint a commission to consider a plan for a more uniform and equitable



ble valuation of property for taxation; expense of the commission not to exceed \$300.

It does not say to devise, but to consider a plan. What does it mean?

Alderman O'Brien—The city of Boston has been able to secure very talented and competent men to carry on its institutions gratuitously for the city. In the City Hospital we find able and competent men willing to take that trust. On the Park Commission we found able and competent men to undertake that trust, all gratuitously; and I have been amazed at the amount of work which the Park Commissioners, especially, have performed gratuitously for the city of Boston. I have no doubt his Honor the Mayor will be able to find three able and competent men to perform this work, and give us a full report in relation to a more uniform and equitable valuation of property in the city of Boston. I know this subject has been discussed by the Legislature, but we should discuss it in this City Council before it is discussed by the Legislature. Within a circle of six miles of Boston is almost the entire taxable valuation of Massachusetts. It is an object for a great many of these country members, and especially for the Legislature, to throw cold water on all this business. I think if an intelligent report is presented to the City Council we can discuss it and throw more light on the subject of taxation than can be thrown by any committee of the Legislature. I hope the order will pass.

Alderman Robinson—The Alderman does not seem to understand my point. I don't know whether this order is printed exactly as it was presented or not; but it says, "to consider a plan." I should think from the Alderman's remarks they were to devise a plan.

Alderman O'Brien—Consider or devise.

Alderman Robinson—Consider what? A plan all made? or devise a plan.

Alderman Fitzgerald—The great difficulty with the plan, whether it is to devise or consider, is this: that the report simply amounts to nothing, because we cannot do anything with it. This is a matter that is peculiarly within the province of the Legislature and they have been looking it over day after day and year after year; this year more than any other they have considered it. The difference between a commission of the Legislature and this commission, if you appoint one, is that the commission you may appoint can simply report to us, and it will be simply valuable information to us; so far as any practical results are concerned it will simply amount to nothing. But the report of a commission of the Legislature amounts to something. They may be rejected, but if they are accepted they can be incorporated into our statute law and we may have some change in the system of taxation in the Commonwealth. If our commission is composed of able men you will not have any abler men than you had before the Legislature on this matter. You cannot get any abler men than those who went before the committee to try the question. You will have then a report to this Council, and that is of no value. The intelligent gentlemen from the country are not to be sneered at, I can tell you. They are a very large body of men at the Legislature. The gentlemen from the country control the Legislature, and their opinion, though it may be wrong, when embodied in the shape of a vote is sufficient to overpower all the opinions of members from Boston. I know Boston has for a number of years been trying to change the system of taxation; to exempt mortgages; to exempt income and real estate from taxation; to change the law in relation to domicile, etc. But the city of Boston has signally failed to accomplish anything, signally failed. To be sure, the amount of money asked for by this commission is not large, and we may get a great deal of valuable information, but I am certain it will be a report of which no notice will be taken by the Legislature of Massachusetts. They will come to the conclusion they know their business better than the City Council of Boston knows it.

Alderman O'Brien—I have merely to say that the question is lost sight of. If we appoint a commission, and that commission makes a report to this City Council, it will bring this whole subject of taxation before this City Council, and it has never been brought before this City Council in that shape. The Legislature has never heard from Boston in that shape, or what were the wishes of the people of Boston in relation to taxation. Mr. Minot and other gentlemen may go up there on their own responsibility, but they repre-

sent nobody. If this commission makes a report and that report is presented to the City Council and discussed in this City Council, the Legislature will know precisely what the city of Boston wants and what the city of Boston needs; and they never will know it from individuals who go up there before committees. That is the reason why I should like to see this whole subject brought before this City Council, and brought before it by an intelligent report from an intelligent commission.

Alderman Fitzgerald—The great difficulty is that the matter of taxation affects all the people of the Commonwealth. It is not what Boston wants, but it is what the whole Commonwealth needs and wants. If Boston wants one thing, and Cranberry Centre wants another system of taxation, and some town in Berkshire wants another, the Commonwealth would be likely to consider what the Commonwealth wanted, and not what any particular portion of it wants; and the Commonwealth of Massachusetts would be apt to say you have just as good a right to have an investigation into the prohibitory law, into the dog law, or into any of the general laws of the Commonwealth by a special commission appointed by the city of Boston. It does not amount to much, one way or the other, so far as expense is concerned, but I fail to see what good it would be to us in the way of relief. I agree thoroughly with the Alderman in his views about taxation, but I disagree as to the results which would be accomplished by this commission.

Alderman Thompson—I do not believe that any good is going to result from the passage of this order, for the reason that for \$300 we cannot get a great deal of talent upon that subject. Now, if we really desire to have the question considered, on the ground that in a multiplicity of counsel there may be some wisdom, I would not have this \$300 put in the order; because we know we cannot get anybody for it whose services are of any particular value on a subject of this importance. I remember two or three years ago—two years ago this winter—the Legislature appointed a committee on this subject, consisting of three able men—our accomplished chairman of Assessors, Mr. Hills, Professor Seelye and Mr. Barker of Pittsfield. They considered this matter and were engaged on it some three or four months during the year, but they could not agree. There were two reports, I think, and it amounted to just nothing at all.

Now, when able men like those have considered a subject, with the Legislature to support them without any limit, what are we to accomplish with \$300? If we are going to do anything, let us strike out that clause and have a commission that will pay some attention to the subject. As it is I should vote against the order.

Alderman O'Brien—I would merely remark that the Alderman from Charlestown sits here day after day and year after year, and gives his valuable time to the city of Boston gratuitously. I do not believe he has ever realized one copper for it. I believe we will find three men, intelligent and capable, who will be willing to give their valuable time to the city of Boston for nothing. The report that he speaks of was a report more particularly in regard to the taxation of church property. The subject considered by that commission was merely the feasibility of taxing church property.

Alderman Gibson—It seems to me we might go to work and get up a pretty good story and then could not back it up. If the report were made, I doubt whether one in fifty in Boston would read it. You have got to pay for your highways, for your poor, for your schools, and if you get into debt you have got to pay the interest. People generally understand that. That is all there is of it. We can make further investigation if we have the means to back it up, but it is going to cost money; it must be printed. I would not like to oppose it if I thought it would be of any essential benefit to the taxpayers, but while we cannot enforce it I do not see the use of it.

The question was on the passage of the order, and it was declared carried, but on a division it was lost—5 for, 7 against.

#### VACANT STORES AND TENEMENTS.

Alderman Fitzgerald offered the following order: That the Chief of Police be requested to report to this Board, on or before the 14th day of May current, the number of unoccupied dwelling houses, tenements and stores in the city of Boston on the 11th day of May, so far as can be ascertained.

Alderman Thompson—I would like to know the object of the order.

Alderman Fitzgerald—The object of the order is apparent in the order itself. It is to find the number of unoccupied dwellings, tenements and stores in the city of Boston.

Alderman Thompson—I don't think it is desirable that we should be in possession of these facts. I think the effect would be anything but desirable to have a record of that kind published to the people of Boston, the State and the country. I think the Alderman himself and every member of the Board would be perfectly astonished to have this matter reported upon by the police. If the information was quietly obtained I would not object; but to have a matter of that kind come before the public at this time I think would have quite an effect upon the value of real estate in the city. Although the Alderman smiles, it is a serious matter, in my judgment. If there is no particular object other than curiosity to know the enormous number of stores and houses that are unoccupied in the city, I do not think it is desirable.

Alderman Robinson—Is the order intended to cover all the unfinished and unoccupied houses in all the outlying wards as well as the city proper?

Alderman Fitzgerald—In the city of Boston.

Alderman Robinson—I do not think the time from now until the 11th is sufficient for the work; it is only four days.

Alderman O'Brien—I have no objection to this order, although I do not see what good results will come from it. If we could make a comparison between this city and New York, Philadelphia and Baltimore, I would like to see this order pass. I know why it is presented here. There is something coming up next Monday that this may appear a little unfavorably against. That is the reason why it is presented. I shall not oppose it. Everybody knows that there are a great many unoccupied dwellings and stores here, but there are unoccupied dwellings and unoccupied stores in all the cities of the country. There are unoccupied dwellings in every old city in Europe. This great depression is not centred here in Boston. It centres all over the world; wherever business centres there is the depression. There is great change in the mode of life. People instead of living in high-cost houses are moving to flats in hotels and changing around more, and while I shall not object to this information being obtained, I would rather it should be obtained by making comparisons with similar information from other cities.

Alderman Thompson—If the Alderman who offered the order really has an object other than curiosity I withdraw my objection.

Alderman Fitzgerald—The order is not to gratify curiosity. I did not offer the order for that purpose. I offered it in downright earnest. I offered it for the purpose of making use of it hereafter in my arguments upon questions of vital importance to the citizens of Boston. I simply ask that the order shall pass. I think it is reasonable, and there can be no objection to it. If it be a horrible thing to show the poverty of our people, and if it be acknowledged that the condition of our city is such that it would not be wise to show it to the world, I am willing to accept it and accept the defeat of the order in that spirit.

Alderman Robinson—Was the order made for the officers to report on the 14th?

Alderman Fitzgerald—That will give the 9th, 10th and 11th of May.

Alderman Robinson—I do not think there is sufficient time.

Alderman Fitzgerald—"So far as can be ascertained" is the wording of the order.

Alderman Robinson—I think the police ought not to be asked to go through the city and make a record of all the different houses and stores of the city in so short a time. Unless it is something which is necessary to be done in a given time, I should prefer, as a member of the Board, that sufficient time be given—three or four weeks,—and that some little record be made of what kind of houses and what sort of stores are unoccupied.

Alderman O'Brien—I would say that the greatest part of this record can be found now in the office of the Chief of Police. Every leading real-estate owner who has unoccupied stores or houses enters them at the police office for his own safety.

Alderman Fitzgerald—I know several that do not. I have some unoccupied houses, but I never tell the police about it, and I know several others who do not. If the order does not pass tonight, and the Chief of Police does not report before next Monday, the object of my order is at an end, and I do not care particularly about the report.

Alderman Thompson—I would move, and I hope the Alderman will accept the proposition I make, that the order be amended to include those stores and dwellings the larger part of which are unoccupied. The amendment was accepted.

Alderman Clark—I would move that the order include the number of vacant lots unsold there are in the city of Boston.

Alderman O'Brien—I would suggest that the order also include rooms to let, so that we may take in the accommodations for that class of the population.

Alderman Fitzgerald—Tenements include them. The unoccupied land we know all about.

Alderman Wilder—I desire to amend the order by adding that the Chief of Police report what, in his judgment, is the cause of so many vacant buildings and so many vacant lots of land.

Alderman Robinson—I would also move to amend the order by adding that the Chief of Police give us, if he can, the difference in the price of rents. Let us have all we can get.

Alderman Fitzgerald—The Chief of Police might be asked, if we adopt all these amendments, as to the sanity of the members of the Board in offering them.

Alderman Robinson—I accept the amendment.

The Mayor—The Chair will state the question as he understands it. The first amendment in order is that of Alderman Clark, who moves that the Chief of Police inquire into the number of unoccupied lots of land. To that another has been offered by Alderman Wilder, that the Chief of Police may report the cause of these buildings and lands being unoccupied. That is as far as the amendments can go at present.

Alderman Wilder's amendment was lost by a division—4 for and 7 against.

Alderman Clark's amendment was lost.

The order was then rejected by a division—5 for, 6 against.

On motion of Alderman Gibson, the Board adjourned.

## CITY OF BOSTON.

Proceedings of the Common Council,  
MAY 10, 1877.

Regular meeting, at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## A PERSONAL EXPLANATION.

Mr. Mowry of Ward 11—Since we assembled last within this chamber I have had occasion to examine the bills in the Auditor's department for dinners and refreshments, and I saw among those bills one presented from Parker's for two suppers furnished upon the 22d of February, last passed. One of those suppers was charged to myself. Now, Mr. President, I wish the privilege of stating that I upon that day had no supper or refreshments whatsoever at the expense of the city; neither have I during my entire experience in the City Government had any suppers or refreshments at Parker's. Consequently there must be some very inexcusable neglect, or else there must have been some deceit practiced in regard to this bill. Therefore I consider it my duty in this place to state that I had no refreshments whatever upon that day, neither have I on any day, at Parker's, in connection with my relation with the City Government, and to state my utter abhorrence of such an example of inexcusable negligence or of most diabolical deceit.

## PAPERS FROM THE BOARD OF ALDERMEN.

Reports of city officers placed on file in concurrence.

Petitions were referred in concurrence.

Reference to Committee on Salaries of an order to report an order to establish the salaries of the Sealers of Weights and Measures, and of an order to pay such salaries from the fees received. Concurred.

Order to print and distribute the annual report of the Auditor. Read twice and passed in concurrence.

Order to forfeit land of Lyman A. Belknap on Oliver street, and cancel bond therefor. Read twice and passed in concurrence.

Report and order to issue permit for a wooden building to Highland Street Railway Company at 466-468 Blue Hill avenue. Order read twice and passed in concurrence.

Report and order to abate \$75 from amount due on lease of tenement of John Dyer on Charles River Bridge. Order passed to a second reading.

Order to remit tax for 1875 and 1876 on forfeited estate on Bristol street. Passed to a second reading.

Report and order requesting the Mayor to authorize the receivers of the Mechanics' Mutual Fire Insurance Company to pay certain dividends to persons entitled thereto on Suffolk-street District. Order passed to a second reading.

Report and order for a transfer of \$20,000 from the Reserved Fund to the appropriation for the Northampton-street District. Order passed to a second reading.

References to Committee on Finance—Of report and order for the expenditure of not exceeding \$10,000 for a branch of the Public Library in West Roxbury District; of report and order for construction of a new Latin and English High School on city lot on Montgomery and Dartmouth streets and Warren avenue. Concurred.

## QUINCY HALL.

The report and order to build offices and repair rotunda of Quincy Hall, preparatory to leasing the same to the Produce Exchange Association—cost estimated at \$3000—came down from the Board of Aldermen and the order was read once.

Mr. Hibbard of Ward 17—In order that this matter may be closed up and the work commenced on the building, I would move that the rule be suspended, that the order may take its second reading tonight.

The rule was suspended and the order was passed in concurrence.

## MYSTIC VALLEY SEWER.

The order to authorize location and construction of Mystic Valley Sewer in conformity with chap. 202, Acts 1875, as amended by chap. 11, Acts 1877, came down from the Board of Aldermen, the question being on giving the order its first reading.

Mr. Clarke of Ward 22—This order, sir, is to construct a sewer in the Mystic Valley to carry the sewage of certain manufactories some eight or ten miles from the city of Boston, more or less, to one of the Mystic ponds, located I think in the town of Medford. At the time the original order was brought up in the Council last year a gentleman from Charlestown, a member of the Council, showed us some samples of the water which appeared in a very unhealthy condition, taken, it was said, on its way to the city [Charlestown] and said that the water was really dangerous to the inhabitants of Charlestown. On account of the arguments made at that time that there was a necessity for purifying the water, it was thought by the Council that unless something was done we might have sickness in that section of the city which would be fatal, perhaps, to that portion of the citizens who used the water for a common beverage. But, sir, since this order was passed I have not heard from any one that there has been any complaint in regard to the water in that section of the city. Now, sir, this involves an expense of \$220,000; and it is not considered to be a permanent sewer, but merely a temporary one, for a few years, to convey the sewage from certain factories in the country to the lower Mystic pond, not to tide-water. There was a proposition to have a larger sewer built which should carry all the sewage of that territory to tide-water, and probably the towns through which it would pass would have paid their portion of the expense of it. But as it would cost considerably more it was thought best to build this temporary sewer on account of the condition of the water at that time. Lately I have been reading the report of a member of the Council from that section of the city, on a matter of great public interest to the citizens of Boston, which not only improves the sanitary condition of the city, but will render it attractive to residents; and I see he states in that report that no public improvement, no great public work, is completed, that does not exceed by fifty per cent. the estimated cost; and that in a large number of cases it exceeds three times the estimated cost. Now, if this sewer is estimated to cost \$220,000, we should know whether the estimates are correct or not, or whether it is to cost \$440,000 instead of \$220,000. In reading this order as it came from the Board of Aldermen I noticed that it was introduced by one member of that Board, and appears to be an independent order of his own—not coming from any committee or having been referred to any committee; but an order to confirm an order which was passed by the Council of last year.

Now, sir, there was an order passed by the Council last year, in both branches, signed by the Mayor, to petition the Legislature to give one additional member of the Common Council from Ward 22. That matter was referred to this present Legislature. When it came up I had an interview with the chairman of the Committee on Legislative Matters to get him to favor it. He said he was entirely opposed to passing any order passed by a previous City Government; that we had nothing to do with orders passed by previous city governments; but that an order should be introduced into this Council. I urged him to allow the bill to be presented by the committee to be approved by the City Council; so that when it came back to us it would be subject to our approval. But he objected to that decidedly, and said it should be an independent order, and recommended to me to introduce one, and then if the City Government approved that, he would report it. I did have an order of that kind drawn up. In the meantime I found that we had leave to withdraw at the Legislature, and therefore I took no further action upon it.

Now, sir, if it was important that an independent order should be presented in that matter, I think it should be important that an independent order should be presented in this matter. It seems to me it should be referred to some committee who should report upon it. It appears that after this order passed the City Council last year, it was found that the act of the Legislature which gave us authority to build this sewer and to take land for the purpose was inoperative, and not what the city wanted. Consequently, not from any action from our City Council, but from action in some other direction, there has been a bill passed by the present Legislature to grant the power to build this sewer. I think very few members of the Council know what the provisions of that bill are, and therefore I move that this matter be referred to the Committee on Water.

Mr. Fraser of Ward 6—I did not happen to have the honor to be a member of the Council in 1875, when this matter was first before us, but I find that in 1875 the City Council of Boston asked for an act to construct a sewer in the Mystic Valley, and in 1876 the City Council voted the money to build it. For some cause or other, which I think was fully explained to the satisfaction of every gentleman here, the plans and specifications as passed by the Legislature were wrong,—on the wrong side of the railroad or stream. The Water Commissioners, hearing of this fact, wanted to get the act amended. It is only necessary to pass this order in order to give them the authority to go on. I am perfectly willing that this should be referred to the Committee on Water, although I am satisfied, with a majority of the Committee on Water, that it is not necessary. I hope the motion will not prevail, because it may deter the work from going on; and it is very necessary that we should build the sewer as soon as possible.

Mr. Stone of Ward 3—The opposition of the gentleman from Ward 22 appears to be that he has several old scores he wants to wipe off. I don't think this work should be retarded by referring it to the Committee on Water. The plans are all made and all that was necessary was to get this act amended so that we would not have to go upon the west side of the brook or river instead of on the east side. I think everybody understands this matter. Certainly the older members do thoroughly. I hope it will not be referred to the Committee on Water.

Mr. Sibley of Ward 5—This matter of the Mystic sewer has been agitated a great deal. I believe there has been no doubt but what every man acquainted with it thinks something should be done. There are 100,000 people using that water, and there has been a great deal of complaint. It is not pleasant to any one who has ever visited the Mystic Valley, when he takes up a tumbler of water to drink it, to think what is poured in it. How much hurt it has done I cannot say. The question has been agitated and the money has been appropriated. A little mistake in the legislation has been remedied. As the gentleman from Ward 22 says, the sewer is not to come down to tide. I would say that it is to enter the lower Mystic Pond, which is fresh water; but it is tide-water and every tide flows into it. If there is a necessity for building the sewer, as I firmly believe there is, the quicker we commence it the better; and as we are told it is now all straight, I hope this order will pass. I don't see any necessity to report it back to the committee. As the gentleman says, all the old members understand it, and I have no doubt any member can obtain all the information he desires from the Mystic Water Board, past or present. I hope there will be no delay, and that it will not be committed.

Mr. Clarke of Ward 22—The gentleman states that the difficulty was that they had made their estimates for this sewer to be built upon the wrong side of the river.

Mr. Fraser of Ward 6—I said, or should have said, that the act of the Legislature located it in a place where we did not need it.

Mr. Clarke of Ward 22—Where were the estimates made?

Mr. Fraser of Ward 6—The estimates were made by the City Engineer and the money was appropriated by the Council.

Mr. Clarke of Ward 22—I did not understand that the estimates were made upon the present route upon which they propose to build the sewer. I am just informed of that fact. I don't understand that the Mystic water has been very bad of late, and the gentleman has not gone so far as to state that in his remarks. I know that some years after the Cochituate water was introduced into Boston the water became very bad for perhaps a year, so that almost every one had to purchase some sort of a filter and have the drinking water filtered before it could be properly used. Afterwards it cured itself. Now, with regard to building a sewer at this distance from Boston, it seems to me it ought to be, if possible, built in connection with some towns upon the route, so that the expense might be divided. At any rate, it seems to me the manner in which this order is introduced, being, as it is, an independent order from one member of the City Government, it should properly go to a committee. If the Committee on Water have made up their minds in regard to it, I should not object to having it referred to the Committee on Sewers, who probably have not looked into the matter. I know myself, as re-

gards the past City Government, that probably outside of the Committee on Water there were not ten men in the Council that ever went to the Mystic Water Works, or knew much about them anyway.

Mr. Day of Ward 4—I believe all the members of the Council are as well prepared to act on this question now as they will be at any other time, and I move the previous question.

The previous question was ordered, the order took its second reading and under the rules went over.

Mr. Kelley of Ward 3—I move a suspension of the rules, that the order may take its passage tonight.

Mr. Felt of Ward 18—I should like to know what the estimates are or what the appropriation is for that sewer.

Mr. Stone of Ward 3—The amount last year was \$205,000. This year labor and material is much cheaper and it will be less.

Mr. Webster of Ward 3—In conversation with a member of the Water Board a few days ago he informed me that at present they should not expend more than \$75,000—not nearly all the appropriation. There is some portion of the work that may not need to be done at all; in the opinion of the board, not at present, and \$75,000 at the outside is all that will be expended at present.

Mr. Flynn of Ward 13—I hope the gentleman will withdraw his motion, that the members of the Council may have an opportunity to look into it.

Mr. Kelley of Ward 3—This matter has been before the City Government for the last three years, and the citizens of Charlestown have been suffering for the want of pure water for some time. We have waited some time for the action of the Water Board and they gave the excuse last year that on account of something wrong in the act they could not go on. I think that those who take water from the Mystic Valley, the citizens of Charlestown, East Boston, Somerville, Chelsea and other places, ought to have the benefit of pure water. We have delayed this three years. The estimates have been made, and are sufficient to cover all the expense, and I do not see why we should defer it from week to week. The Water Board are ready to go on with the work, the plans are all made, and I do not see why we should object to it when these citizens are suffering for pure water.

Mr. Flynn of Ward 13—So far as the people of Charlestown or East Boston are concerned, I am as anxious as any other citizen of Boston that they should have good water. But this is a matter which appears now to have been reduced from \$200,000 down to \$75,000. My opinion is that today we could do away with this Mystic water altogether. We have water enough in Sudbury River to supply East Boston and Charlestown, and not build this sewer at all. It is a matter of some importance to the Council at this time, and I think gentlemen will be more ready to vote on it at the next meeting, and to vote understandingly, than they will be if it is forced tonight. All I want is time to look into the matter and determine whether this expenditure ought to be made, and whether or not it is proper to make it at this time. I hope the gentleman will withdraw his motion and allow members of the Council to look into the matter.

Mr. Kelley of Ward 3—I think the gentleman has had three years to post himself upon this matter.

Mr. Flynn of Ward 13—I have.

Mr. Kelley of Ward 3—It would be a proper question for a young member, but a member who has been here as long as he has, I should think would understand it well enough. I do not say that he should understand it as well as I do, because I have been suffering for the want of pure water for eight or ten years. This money has been appropriated. As the gentleman has said, perhaps we can do away with this Mystic Valley water; but I think it would be rather a poor speculation. It is a paying institution. It pays better than Cochituate ever did, and I don't see why we should dispend with it. If there was any fair reason for it I would withdraw my motion.

Mr. Richardson of Ward 11—I for one came here without having knowledge which would lead me to vote intelligently upon this order; I would therefore hope that it may not be acted upon tonight but that it may be referred and may come up at the next meeting.

Mr. Webster of Ward 3—I do not imagine it will make any great difference, but in case there was any objection made, Mr. Sawyer, the chairman of the Water Board, wished me to give their approval

and this information. As I understand, the money is all appropriated and the Water Board have the power to go ahead and spend it on the work if they choose. But in drawing the original plans, it was thought at that time that the specifications were drawn for the east side of the railroad or stream. In carrying the plans out practically, on a closer examination, it was found necessary to work on both sides of the stream. The act of the Legislature has merely changed the plans and given the commissioners power to go on one side instead of the other in certain cases. It is merely what you might call the correction of a clerical error. A reference to the committee really makes one week's difference in the time when the laborers can commence work. I suppose there is no possible reason why it should not pass, and I hope it will tonight.

Mr. Crocker of Ward 9—If I understand it aright, this order does not come from any committee. Nobody is responsible for it in its present shape, no committee is responsible for it; and under these circumstances it seems to be very unreasonable to suspend the rules and hurry it through tonight. It ought to take its ordinary course, at least, and time should be given us to see whether there is anything objectionable about it.

Mr. Day of Ward 4—It seems to me there is a committee responsible for it, and that is the Committee on Water of last year. The City Council of last year voted an appropriation, and this Council really have nothing to do with the appropriation. They merely go through the form of giving the Water Commissioners power to construct the sewer, which they claim they have now.

The motion to suspend the rule was lost on a division, 29 for and 28 against—a two-thirds vote being required to suspend the rule.

#### VALUATION OF PROPERTY AND TAXATION.

A communication was received from the City Clerk, that the order for the Mayor to appoint a commission to consider a plan for a more uniform and equitable valuation of property for taxation, expense of the commission not to exceed \$300, was rejected by the Board of Aldermen at their last meeting. Placed on file.

#### UNFINISHED BUSINESS.

Order to remit the tax for 1876 on forfeited estate on Albany street, corner East Newton street. Passed in concurrence.

Order for Treasurer to expend \$100 for extra clerk hire. Passed in concurrence.

Order for Collector to expend not exceeding \$3800 for extra clerk hire for collection of taxes. Passed in concurrence.

Order to pay \$34.25 to Stephen Connolly, for extra work in construction of a sewer on the Common. Passed in concurrence.

Order to contract for three years with Artemas Winchester for removal of house offal from West Roxbury, at \$900 per annum. Passed in concurrence.

#### THE NOMINATION OF JAMES M. KEITH.

Mr. Thompson of Ward 9 moved to reconsider the vote whereby the nomination of James M. Keith as a member of Board of Health was confirmed.

Mr. Thompson of Ward 9—I make this motion, Mr. President, because I think the circumstances attending this confirmation were somewhat extraordinary. The nomination was first received here—

Mr. Flynn of Ward 13—I object to the gentleman's going on to give his reasons for making his motion until the question is before the Council.

Mr. Thompson of Ward 9—In reply to the gentleman, I have to say that I stated that I had risen to make a motion, but I have not yet made it.

Mr. Flynn of Ward 13—I object to your giving your reasons before the question is before the Council.

Mr. Thompson of Ward 9—I would ask the ruling of the Chair whether I am out of order?

The President—The Chair thinks it is competent for the gentleman to preface any motion he may have to make before making the motion; but the Chair thinks the motion for reconsideration cannot be entertained; it would be out of order.

Mr. Thompson of Ward 9—I not having made the motion, how can the Chair rule it out of order.

The President—The Chair will withdraw the ruling.

Mr. Thompson of Ward 9—Then I say that I intend to make this motion for the reason that I believe it will be fair to again take the sense of the Council upon the nomina-

tion, it having been rejected once by a very large vote and having been rejected a second time and after considerable effort finally passed. Now, if we can test the question once more it is fair we should do so. My reason for wishing to test the question is this: I am one who believes firmly that it is for the interest of the city that all important executive positions should be filled by nominations by the Mayor. I believe the Mayor should be held strictly responsible for the person he nominates and for the system upon which he makes his nominations; and I believe that the members of the Council should be responsible for the confirmations they pass. Believing that, and wishing that this question of responsibility may rest upon those absent last evening, as well as upon those present, I move that the vote by which Mr. James M. Keith was confirmed as a member of the Board of Health be reconsidered, if I may forestall the objection of the Chair.

The President—The Chair thinks it his duty to rule that the motion is out of order on the ground that under rule 66, no question can be twice reconsidered. This matter has already been once reconsidered.

Mr. Thompson of Ward 9—With all due respect for the Chair, I would respectfully appeal from the decision of the Chair, upon this ground: That the question which was passed upon before was the vote refusing to confirm Mr. Keith, and it was reconsidered. The question which will now be put before this Council is whether this nomination shall be reconfirmed.

Mr. Flynn of Ward 13—I object to the gentleman's arguing the question.

Mr. Thompson of Ward 9—I do not know where the gentleman finds his ground for objecting.

Mr. Flynn of Ward 13—In the rules and orders.

The President—The Chair thinks the gentleman from Ward 13 is mistaken.

Mr. Thompson of Ward 9—I would like to know if the gentleman can find a rule which prevents me from speaking to a point of order.

Mr. Flynn of Ward 13—I do not object to his speaking to a point of order, but to his speaking on the question of an appeal from the decision of the Chair.

Mr. Thompson—The rule is this:

"No appeal shall be entertained unless it is seconded, and no other business shall be in order until the question of appeal has been decided."

Mr. Flynn of Ward 13—My point, I think, is well taken, that this motion has not been seconded.

Mr. Sampson of Ward 17—I second the motion.

The President—The gentleman will proceed.

Mr. Thompson of Ward 9—I do not think it is necessary for me to waste the time of the Council. I merely state my appeal and the grounds of my appeal, which are that the thing we are now considering is not the same considered before. The thing considered before was the vote whereby the nomination was not approved. This is a different vote—the vote whereby the nomination was approved.

Mr. Flynn of Ward 13—The gentleman desires a little information in relation to debate upon the question. I will call his attention to rule 60 of the Council.

The President—The Chair thinks that only has reference to questions of order, and not to questions of appeal. A motion to appeal from the decision of the Chair is a subject of debate.

Mr. Thompson of Ward 9—On this appeal I call for the yeas and nays.

The yeas and nays were ordered.

The President—In order that the Council may understand the ground on which the Chair rules this appeal out of order, he has prepared a statement which, with the permission of the Council, he will read.

It is the understanding of the Chair that the ordinances of the city are of superior authority to, and control the rules and orders of this Common Council. That the ordinances also supersede what is known as parliamentary law. That the statute laws of the Commonwealth are superior to all of these. The city charter, having the force of statute law, permits the passage by the City Council of such by-laws or ordinances as are not inconsistent with the statute law. The joint rules of the City Council recognize the power of an ordinance and the supremacy of the statute law. If this be correct, then the rules and orders of this Common Council, as well as parliamentary law, become inoperative just so far, and so far only, as they conflict with the city ordinances or the statute law.

When, therefore, the statutes authorize and the ordinances provide that his Honor the Mayor shall appoint, subject to the approval and confirmation of the City Council, a certain person to a specified office, no application of the rules and orders of this Common Council, or of parliamentary law, can be made to defeat the purpose of the statute or of the ordinance.

It seems to the Chair that it is the duty of this branch of the City Council upon receiving notice of an appointment by his Honor the Mayor requiring by law the approval of the City Council to proceed as soon as it conveniently can to take such action as it may deem proper in the direction of confirmation or rejection.

At a meeting of this Common Council held April 19, notice was received of the appointment by his Honor the Mayor of Mr. James M. Keith as a member of the Board of Health. That appointment failed of confirmation in this branch. A motion to reconsider was made, which was lost.

If this was one of the ordinary legislative proceedings of this Council, its own rules, as well as parliamentary law, would have prevented any further action upon the confirmation of Mr. Keith during the present year, in consequence of the failure of the motion to reconsider. But the city charter gives authority for the City Council to appoint or constitute a Board of Health, and the city ordinance provides that the Mayor shall appoint such a board with the approval of the City Council.

The Chair thinks that any rule or order of this Common Council, or parliamentary rule, having a tendency to prevent such appointment, is superseded by the statute and ordinance providing for that appointment, so far as one conflicts with the other.

Hence the parliamentary effect of the failure of the motion to reconsider was not sufficient to preclude his Honor the Mayor from sending in a second appointment of the same person, nor could it prevent this Council from taking action thereon. The Mayor did appoint a second time Mr. James M. Keith as a member of the Board of Health. This came before the Council on the 26th of April and the appointment was rejected. A reconsideration was moved and acted upon on the 3d inst. The reconsideration was carried. The Council then approved and confirmed the appointment. A second motion to reconsider has been made, which the Chair thinks cannot be entertained. In relation to this matter there has been but one question before the Council. It admits of no division. The question has been, Shall this Council approve or confirm the appointment of Mr. Keith? Yes or no. Whether the Council acted affirmatively or negatively, there has been but one question. Having had one reconsideration of the question, when the Council voted in the negative, another reconsideration of the question cannot be had when the Council voted in the affirmative on the ground that it is another question.

The Chair rules that the present motion to reconsider being offered for the second time upon the same question, is out of order.

For authorities in support of this ruling he would cite Barclay's digest edition of 1876, page 198, "When a motion to reconsider has been once put and decided, it is not in order to repeat the motion."

Cushing, Law and Practice, section 1273, "When one motion to reconsider has been made and decided either in the affirmative or negative, no other motion to reconsider the same question is admissible." Cushing—Note on page 895 says, "The rule when stated broadly and fully may be thus expressed, that when the house has already done a particular thing, that thing can neither be undone nor otherwise done, and that when the House has refused to do a particular thing, that thing cannot be done."

"Section 2135. A question once decided in the negative cannot be renewed in the same session of Parliament."

"Section 2305. No question or motion can regularly be offered upon which the judgment of the House has been expressed during the current session."

Warrington's Manual, page 46, section 77:

"No question shall be twice reconsidered. It sometimes happens that a bill is passed, and that then, after reconsideration, it is killed. The question has arisen whether the result of the two votes on the principal question being different there can be a motion to reconsider the vote tonight (or the vote passed in an opposite case). Such a motion would not be in order. The question having

been twice tried, this is all that fairness requires, and all that a regard for the despatch of business will allow."

Rule 66 of the Common Council says, "When a motion for reconsideration has been decided, that decision shall not be reconsidered, and no question shall be twice reconsidered."

On these grounds the Chair decides that the motion is out of order.

Mr. Crocker of Ward 9—I have the impression that in former years, when I have been in the Council, there have been rulings on this question which differed from the present ruling. I think the Clerk has some record of rulings on this point, and I would like to know whether he has any record of any rulings on this point.

The President—The Chair is unable to state. The Clerk states that there has been such a decision, but he has no record here.

Mr. Crocker of Ward 9—Do I understand there have been decisions the opposite of the present ruling?

The President—The Clerk states that the rulings upon that point have been different. There has been a reconsideration of a negative and of an affirmative vote, as the gentleman from Ward 9 desired.

Mr. Crocker of Ward 9—I rise to inquire, because in my mind in his written statement of his ruling I understood the Chair to say that the rules of the Council did not apply. I should like to inquire whether it would not be the result of the Chair's ruling that the Council having once rejected the nomination of Mr. Keith, whether its action at the second meeting, when it reconsidered that, was not void, and, therefore, we have never properly and legally confirmed the nomination of Mr. Keith.

The President—The Chair thinks the rule is inoperative only so far as it conflicts with the statute providing for the appointment of a member of the Board of Health.

The question was, Shall the decision of the Chair stand as the judgment of the Council? The decision was sustained—37 yeas, 25 nays.

Yeas—Messrs. Barry, Brintnall, Burke, Cannon, Clarke, Cox, Cross, Dee, Doherty, Duggan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mullane, Nugent, O'Donnell, Pearl, Perham, Pope, Reed, J. B. Richardson, M. W. Richardson, Roach, Thorudike, Vose, Warren, Wolcott—37.

Nays—Messrs. Barnard, Blanchard, Blodgett, Brown, Crocker, Coe, Danforth, Day, Felt, Ham, Hibbard, Hiscock, Howes, Mowry, J. H. Pierce, Pratt, Ruffin, Sampson, Sibley, Smardon, Spenceley, Stone, Thompson, G. B. Webster, Wilbur—25.

Absent or not voting—Messrs. Beeching, Fagan, O'Connor, O. H. Pierce, Roberts, Shepard, Souther, Upham, E. R. Webster—10.

#### SCHOOL ACCOMMODATIONS.

An order was received from the secretary of the School Board, that the City Council be requested to furnish additional accommodations for the primary classes now located in Rice's Block, Allston District. Referred to the Committee on Public Instruction. Sent up.

#### FIRE ALARMS.

The report of fires and alarms for the month of April, 1877, was received from the Board of Fire Commissioners. Sent up.

#### COMPENSATION FOR GRAVEL.

Mr. Howes of Ward 18 presented the petition of Phineas E. Gay, for compensation for gravel deposited on the Northampton-street district, valued at \$3395. Referred to Committee on Claims.

#### INSPECTOR OF THE ABATTOIR.

Mr. Danforth of Ward 10 presented the following:

The Joint Standing Committee on Salaries, to whom was recommended the report and order in relation to establishing the salary to be paid the inspector to be appointed by the Board of Health, under the provisions of chapter 144 of the acts of 1876, have conferred with said board through its chairman, and would respectfully present herewith a written report, giving information as to the nature of the duties of said inspector as instructed by the City Council.

The committee, in submitting the report of the chairman of the Board of Health as to the duties of the proposed inspector, would add that the proper performance of those duties requires the

services of a man of recognized character and ability; that there are now in the abattoir sixteen or seventeen slaughtering houses carried on by as many different owners; that the duties of the inspector will require the whole time and constant supervision of the officer in this connection; that beef has been sold from the abattoir which was dead when taken in to be dressed, and it will be noticed that the chairman of the Board of Health states that since the visit of the committee to the new abattoir last month two whole beeves have been siezed and destroyed, being unfit for food.

Your committee believe that the importance of having these duties of inspection properly and faithfully performed cannot be overestimated, affecting as they do the health of the citizens of the city.

For these reasons the committee would respectfully recommend the passage of the original order reported by them April 19 last:

Ordered, That the salary of the Inspector to be appointed by the Board of Health in accordance with the provisions of chapter 144 of the acts of 1876 shall be fixed at the rate of \$1500 per annum, beginning with the date of said appointment and continuing until otherwise ordered.

The report was accepted and order passed. Sent up.

#### VENTILATION OF THE COUNCIL CHAMBER.

Mr. Spenceley of Ward 19 submitted the following report:

The Committee on Public Buildings, being directed by the City Council to consider and report upon the expediency of providing for better ventilation in the Common Council chamber, beg leave to report, That they have practically considered the subject, and find, after the examination of various methods and projects in the way of ventilation applicable in this case, that an expenditure of at least \$3000 will be required to provide what promises any permanent method for improved ventilation of the Common Council chamber. Your committee do not feel justified in recommending at this time a project requiring so large an expenditure of money.

They would therefore report inexpedient.

For the Committee,

C. J. SPENCELEY.

#### Minority Report.

Mr. Wilbur of Ward 20 submitted the following minority report and order:

The undersigned respectfully dissents from the report of the majority of the Committee on Public Buildings that "it is inexpedient to provide better ventilation in the Common Council chamber."

He believes that it is expedient and practicable to provide for the health and comfort of those called to legislate in this branch of the City Council, even at a considerable cost.

He is satisfied that an improvement can be made in the ventilation of the chamber, and recommends the introduction of Mihan's method, which has been tried in buildings for public purposes and found to work successfully. The patent is introduced by Messrs. F. Tudor & Co., who in their proposition on file in the office of the Superintendent of Public Buildings offer to put the system in perfect working order in the Council chamber for the sum of \$3000. To do this will require a four horse-power engine and a blower to be placed in the basement, with counter shaft capable of delivering 10,000 cubic feet of air per minute, the re-arrangement of the radiators, and the building of air ducts from the basement to the ceiling. The substantial character of the building makes the cost of cutting for the distribution of air very expensive, all of which must be done with a view not to injure its architectural appearance.

The discharge and the delivery of air are arranged for in such a way as to avoid draughts.

The same plan, if adopted, is suitable for applying to the Aldermen's room without an increase of apparatus, only arrangements would have to be made in that room similar to those proposed for the Council chamber, for the distribution of the supply, and for exhausting the vitiated air, the engine, blower and heating apparatus being sufficient for both rooms.

Messrs. Tudor & Co. guarantee perfect success in this work, and demand no payment on account of their contract until the same has been found to work successfully.

The undersigned feels confident of its success, and from the expressed desire of many members

of the City Council that the method may be adopted, he would recommend the passage of the accompanying order:

Ordered, That the Committee on Public Buildings be authorized to provide better ventilation for the Common Council chamber by the introduction of the method proposed by F. Tudor & Co., on file in the office of the Superintendent of Public Buildings, at a cost not to exceed the sum of three thousand dollars; the expense to be charged to the appropriation to be provided for that purpose.

NATHAN S. WILBUR.

The question was upon the acceptance of the majority report.

Mr. Clarke of Ward 22—I would like to inquire of the committee what it would cost to cut a hole through the roof to daylight and put a slide across it, so that we might close it or keep it open.

Mr. Spenceley of Ward 19—I think we had an estimate upon that; but I think Mr. Wilbur knows more about it than I do. I think it would cost \$800.

Mr. Mowry of Ward 11—I would like to ask the gentleman in what public buildings this system recommended is now in operation.

Mr. Wilbur of Ward 20—This system has been introduced in quite a number of school buildings in Cambridge; it has also been introduced in the State House and is found to work admirably there, according to the statement of the Sergeant at Arms. It has also been introduced in the new Trinity Church, where I am told it works admirably. The expense of putting this in is, I know, quite large; but the guarantee that it will be a success is something that seems to me should weigh heavily on our minds with regard to adopting it. The idea of cutting a hole through the ceiling at a cost of some \$850 is virtually throwing away the \$850, or at best an experiment. This is not an experiment. It is something that has been tried, and it has been found that there is nothing that will supersede it. I believe if this contract is made, they are willing to hold the city harmless for any expense that they may have been put to if it does not work as represented and give satisfaction. I would move that the minority report be substituted for the majority.

Mr. Spenceley of Ward 19—While I have been on this sub-committee on the matter of ventilation, I think that the gentleman last up has looked at a great many different modes and devices for ventilating this chamber. I think no two of the gentlemen who have said they can ventilate this chamber can agree. I thought when the gentleman spoke about throwing away \$850 I did not know but that we might throw away \$3000. I do not know but what this system may work very well. It seemed to me to be the most practical of the many we have seen and examined. And yet, sir, I don't feel justified in voting to pay \$3000 for an experiment like this upon this building. It is an experiment, I believe. The gentleman says Mr. Tudor will not ask for money until it has been proved a success. I understand that has been tried in this City Government before. We have a system of ventilation now in City Hall which cost nearly as much money, which a gentleman put in with the same guarantee. The Committee on Public Buildings would not pay him, and immediately he put an order into the City Council and received every cent of his money, and it is all thrown away. I think, according to the estimates, there has been something like six or eight thousand dollars spent upon ventilation of this building, and yet it is no better than it was before. I, for one, do not believe in spending so much money for the little time we sit here in this Council chamber. I have, during the past year and a half, on one or two evenings, been invaded by a bad atmosphere; but I think the most of it has come from the anterooms, where gentlemen have been smoking. If we were here day after day, as they are in the schoolrooms or in the courtrooms, perhaps I should be more willing to spend this sum of money; but as we are here only a few hours once a week—most of the time during the summer months—I think we get ventilation enough. It is only a few months in the winter when we need warm or cold air that any ventilation is necessary—I think it would be inexpedient. Another thing, if you wish to satisfy every one of the seventy-two gentlemen of this Council, I think you will have to build seventy-two closets, and have each man get into his closet and regulate its ventilation. For I have found that while I have been comparatively easy, my next neighbor has been very

warm and the gentleman on the other side of me very cold. I find it is very hard to please everybody. The atmosphere which suits one will not suit another. I do not believe any system which you can get will satisfy gentlemen. We must go on as we have been going on, the best way we can without paying so much money for an experiment—for I really believe the whole matter is but an experiment.

Mr. Crocker of Ward 9—I am one of those who have suffered a great deal from the bad air of this hall, and I think others have; and I hope we shall do something to try to remedy it. I think we may well ask the city to pay for something for our comfort while we are here. It may make our ideas a little more clear, and we may attend to our business a little better, if we are working in pure air rather than in foul air. The gentleman says it is hard to suit everybody—that some people are apt to be hot when others have been cold. It seems to me the trouble has been, as it is now, we can only ventilate and get fresh air by opening some window, which lets a cold draught in upon a few and does not help the rest for a long time; before the great mass of us get relief by fresh air, a few who sit where the draught comes get frozen. As I understand it, this system proposed by the minority report is the system which throws air into the room warmed to a proper temperature, so that it would not be so hot as the air which comes from the furnace here ordinarily, so hot as to make us uncomfortable; neither would it be so cold that those who sit near where it is coming in will be inconvenienced by it. It is substantially a system for furnishing good, fresh air of a warm and agreeable temperature and throwing it in at various places and on the whole keeping us supplied with fresh air of an agreeable temperature. The system seems reasonable and it has been made to work, I believe, in various places. The party who proposes to put it in is a respectable and responsible gentleman, and I really believe we cannot spend money more reasonably than to spend this comparatively small amount to give ourselves and our successors in this hall comfort, whereas we have been in the past very uncomfortable a great many times.

Mr. Hibbard of Ward 17—I hope the motion of the gentleman from Ward 20 will prevail. I think the health and comfort of the seventy-two members of the Council is a matter of some consideration. I can speak individually. I have taken cold by the draughts in this room, paid doctors' bills and been detained from my business. I do not think this committee have acted justly in this matter. I do not know but they have done the best they could. They have delayed this matter three months and the cold weather is over. I do not suppose we shall suffer much the next three months for the want of ventilation; but during that cold weather, with the winds from the west and northwest, and with that window open as it has necessarily been; with that Robinson ventilator that never can be closed nor ever opened—if it happens to be warped open it cannot be warped shut—there is a continual draught from that direction across the hall to those doors, so that every session when the wind was north or west, two-thirds of the members of the Council in this part of the hall could not sit in their seats. The gentleman from Ward 19 is in a part of the hall where there is no draught.

Mr. Clarke of Ward 22—I will state that I have felt cold air coming down upon my head while the gentleman has been talking.

Mr. Hibbard of Ward 17—You have got the wind east tonight; but of course he does not feel the draught as we do here. If I remember rightly this committee was appointed to devise some means of ventilating this chamber; not to spend three months and then report inexpedient. I think the minority report is a very wise one, and one that the city is amply able to adopt. This is the year of economy and retrenchment! I know that, but the \$3000, compared with the health and comfort of members, is very trifling. I brought a friend in here the other evening, and he stayed only twenty minutes and had to leave; he could not stay here, on account of the ventilation, the air was so bad. I have been informed by members of this Council that they have examined this system at the State House, and that it works admirably. Now if this is known to work in other public buildings in the city and in the State, and is a good system of ventilation, I think it is only wise and just economy that it should be adopted in this hall. I think my tax bill would be a great deal less with it than my doctor's bill without it.

Mr. Sibley of Ward 9—I have never suffered any great inconvenience on account of air. I thought it was very good, and that there was very good company here; but if the health of the seventy gentlemen here is in great danger and jeopardy there ought to be something done, and I don't forget the 150 or 200 in the gallery who come in to look upon us must be in tough places. If we need ventilation I certainly think they do sitting above us. But if, as has been mentioned here, it would clear our heads to understand this matter, I don't know but it would pay for Boston to appropriate something for the head-clearing business, but we cannot properly get at it under this order. It is a matter of some importance, and I move that it be specially assigned for half-past eight o'clock at the next meeting of the Council.

Mr. Thompson of Ward 9—I hope the report of the minority will be accepted and the order passed. I speak for one who does suffer from bad ventilation. Others may be so constituted that it may not inconvenience them; but I find myself with the same symptoms that I have when I go away from places I know to be badly ventilated. I find the natural temperature of the extremes of my body just changed. My feet grow cold and my head grows hot. It is exceedingly uncomfortable and disagreeable to have, as is very often the case in cold weather, cold air coming down upon me from this window and ventilator. During the past winter I took three severe colds from having that thing done. It is true for this part of the year the greatest of our troubles is over, but this change is not for a short time. I hope this building will stand here for a hundred years and that the Common Council will sit here. I do not see why we should not go on and experiment until proper ventilation is achieved. Three thousand dollars, if it brings anything like partial success, will be excellently well spent; and if ten times as much were necessary to ventilate this or any other public building, I believe the money would be well spent. I hope the motion to substitute will pass.

Mr. Kelley of Ward 3—As a member of that committee, with all the plans for ventilation that have been brought up before the committee, I was not satisfied that any of them would be a success in this Council chamber but this one I examined. I went with Mr. Mihan to the State House and examined it all the way through, from the cellar to the hall of the House of Representatives. I found as far as I could go that everything worked well. I even tried it where it ventilated under the seats. I held a match for fear there would be too much air come out of those holes, but I found the current so gentle you could hardly perceive it on the watch two inches away from the seat. I went all over the whole system at the State House. I inquired of the sergeant at arms, and he said it was a thorough system, and he was well satisfied that it did a great deal of good; that it was a great deal better than any other system they had ever had, and the State has spent a great deal of money in ventilating the State House, and all the other expeiditures have proved failures. I saw where they had put in their apparatus to take their cold air from the street, but Mr. Mitchell stated that there was no system they had adopted that had proved a success except this. I also inquired of the messengers and of some of the old members of the Legislature, and they told me it was far better than anything they had ever had before. But as one member, not suffering a very great deal here, I did not feel justified in signing the minority report; neither do I believe in experiments in this regard. I do not believe in expending \$300 or \$150 for something we know nothing about. I believe every time we expend two or three hundred dollars for experiments it is money thrown away. I am satisfied that this system will do what is required to be done in this chamber. It took me three hours to examine it, and I came away perfectly satisfied, though I must state I went there opposed to it.

Mr. Wilbur of Ward 24—I do not understand that any member of the committee has been dissatisfied or thought that the system would not work. The main objection was that they did not want to recommend it because of the expense.

Mr. Webster of Ward 3—The committee seems to be divided in regard to the expediency of spending so much money at this time. If we are to judge from what we have heard, I think \$3000 is a mere trifle for the improvement, when we are bound to stay here. If a person intends to make any remarks, to act intelligently and not be stupid, it is necessary to have a well-ventilated hall to



think in and to speak in; and the only question would be whether this would be an experiment or whether it would be sure or nearly sure to secure the object sought. In order to get this information I move that it be recommitted to the committee, in order that we may have just that information.

Mr. Wilbur of Ward 20—I hope this matter will not be recommitted to the committee. They have certainly had it in charge long enough, and I for one do not see where there is going to be any information gained. Certainly all we can get we have given to the Council, and I do not see where we are going to get any more.

Mr. Webster of Ward 3—If we can get the information now, I am satisfied. I ask the question, Whether, leaving out the matter of expense, it is the unanimous opinion of the committee that this proposed system will ventilate the Council chamber thoroughly? If I can get an affirmative answer to that question now, I would just as soon vote now as at any other time.

Mr. Spenceley of Ward 19—I, for one, do not know whether it will do it or not. They have the apparatus fitted up at the State House, and there is a current of air passing through the various passages wherever they are carried. But I do not know what it will do in this Council chamber, and I do not believe they do. Why, if you had heard the several gentlemen who come to ventilate this chamber you would be astonished. One man comes with the idea that he can take the hot air from the top of the room and carry it down cellar, and purify it and bring it back. Another man says it cannot be done, and that the air will be poisonous. Another man says he is going to pump the air into the room, but does not say how the bad air is going to escape. They are continually contradicting each other. That system they have got there, that engine works perfectly; the air comes up very nicely in their little room; but whether they can pump up air forty, fifty or sixty feet, that is another question, to my mind. You may send it back to that committee, but it will send you back the same report. There are three Aldermen on that committee, and not one of them believes in spending \$3000 to ventilate this Council chamber.

Mr. Thompson of Ward 9—Would they have any trouble in expending \$5000 for ventilating the Aldermen's chamber?

Mr. Spenceley of Ward 19—In answer to that, Mr. Mihan said he would ventilate that in connection with this for \$1500. One of the Aldermen said if you took off the top of City Hall you would not get any ventilation, and I do not know but it is true. Still, we have found the system in operation in schoolhouses, in churches and at the State House. In reply to the gentleman from Ward 18, who says he has caught cold, I do not know but he did, but perhaps he has been somewhere else. I know I went to church the other Sunday and caught the worst cold I have had this year. I do not think it is a good criterion. Perhaps he caught cold by opening his mouth too quickly when he went out of doors. I do not think he could safely say he caught it here in this chamber. The gentleman from the 6th Ward called me over there to get a current of air, and I was warmer than I was here. I notice when I tell these gentlemen that it is not cold here they explain how the bad air don't come down this side, but that it comes down there and gently waves up here over our heads. I cannot understand it. I do not, myself, think they can give us just what they say they can. I believe it is merely an experiment, which will cost us \$3000.

Mr. Felt of Ward 18—It strikes me we have had a great deal upon the subject of ventilation, and I move the previous question.

The previous question was ordered.

The motion to recommit was lost; the motion to substitute the minority report for the majority report prevailed, and the order was referred to the Committee on Finance.

#### PLAYGROUNDS.

Mr. Howes of Ward 18 offered the following:

The Committee on Common and Public Grounds, who were requested to consider and report upon the expediency of providing suitable playgrounds at convenient places in different sections of the city, having considered the subject, beg leave to submit the following report:

The committee are of the opinion that it is expedient to provide playgrounds as contemplated in the order which was referred to them, and have examined different sections of the city with a

view to selecting lots of land suitable for the purpose. The necessary lots can be at a moderate expense got ready for use in a very short time. As the expenditure was not contemplated when the estimates for the present financial year were prepared, the amount which will be required was not included in the appropriation bill, and it will be necessary that an additional appropriation should be made for the purpose. Your committee would therefore respectfully recommend the passage of the following order:

Ordered, That the Committee on Common and Public Grounds be authorized to provide suitable playgrounds in different sections of the city, at an expense not exceeding \$2000; and that the Committee on Finance be requested to provide the means.

Mr. Howes of Ward 18—I would like to state that during the past six weeks, the Committee on Common and Public Grounds have visited various parts of the city, in reply to the invitations of citizens of those localities. They have found quite a number of available spots for playgrounds in Roxbury, West Roxbury, Brighton, Boston proper, and, I believe, in East Boston. Those in the immediate vicinity of the city, that is, a certain portion of the land on the Back Bay, belonging to the Huntington-avenue Land Company, can be had for nothing, and one or two outside of the city can be had on these terms. I think in all cases it is necessary for the city to do something in the way of putting the land in order. A certain amount of expense is necessary to have the land available for this purpose. For instance, there is a very large tract of land down beyond Dartmouth-street Bridge which is large enough to accommodate two full games of base ball. It was estimated that it would require from \$175 to \$200 to put it in order. In the outlying districts the land that might be used for playgrounds is used for agricultural purposes, such as pasturage or raising crops or hay, and the owners are willing to let it to the city if the city will pay the price they would naturally get for the purpose it has been used. The committee came to the conclusion that it would be necessary to appropriate a small sum of money; they could hardly tell just what it would cost, and they have not been able to make any definite estimate; but the city must appropriate something or the scheme might as well be abandoned.

As far as relates to the parade ground on the Common, the committee, in a week more, I think it is, when the grass is sufficiently grown, propose to take down the fence now there, and throw the parade ground open on Wednesday and Saturday afternoons for the purpose of allowing children to play all games except base ball. It has been deemed that base ball at that point was a dangerous game, and therefore it would be best to exclude that single game. But for all other purposes on these afternoons the Common is to be used. It is understood from the experience that has been had in Brooklyn and New York, that in the three or four days intervening the grass will grow sufficiently, that during the whole summer that portion of the Common will be covered with greensward, instead of being a mass of oaked earth. The committee, and I can speak for them in this respect, are unanimous in the opinion that either this order must pass or the whole plan be abandoned.

Mr. Spenceley of Ward 19—What is going to be done with our children in ill health who cannot go to the Common on Wednesday or Saturday, who are in ill health, who have no time or place to play? Many of our children at the north and west parts of the city are unwell during the summer months. I would like to know where they are going if the parade ground can only be opened on Wednesday and Saturday afternoons?

Mr. Howes of Ward 18—It is very difficult to make any definite rule that will cover all cases. The committee are not strict in the matter, but they do not wish to have the parade ground made a general playground except at these times. On all occasions I think the playground can be used by children or invalids, that is, for small children for ordinary playing purposes, without much restriction; but as a public playground we felt it was necessary to restrict it to Wednesday and Saturday.

Mr. McGaragle of Ward 8—I think, sir, the committee have been very liberal in regard to the Common. I guess if the gentleman from Ward 19 would read the mortality reports he would find that the North and West Ends of the city are very healthy. I think the committee has done fully

as well as they could afford to in removing the fences and opening the playground two days in a week.

Mr. Spenceley of Ward 19—I do not see where the liberality comes in. I should call it anything but liberality. I think if they stop playing base ball they ought to be allowed to play there at any time.

Mr. Thompson of Ward 9—I think we are straying from the question, which is whether we shall appropriate this \$2000 for playgrounds. I hope we shall. The order was read twice and passed. Sent up.

#### FORT-HILL SQUARE.

Mr. McDonald of Ward 12 offered an order—That the Committee on Common and Squares be requested to consider the expediency of placing a wooden rail around the square at Fort Hill. Passed and sent up.

#### LEAVE TO WITHDRAW.

Mr. Sampson of Ward 18 presented the following:

The Joint Standing Committee on Claims, to whom was referred the petition of Bridget Griffin, to be compensated for personal injuries caused by a defective cover of a coal hole, having considered the subject, respectfully recommend that the petitioner have leave to withdraw. Accepted.

#### THE LICENSE COMMISSIONERS.

Mr. Webster of Ward 3 offered the following:

Whereas, By a most fortunate coincidence the private offices of the License Commissioners happen to be in the same building, therefore

Ordered, That the Committee on Public Buildings consider the expediency of engaging suitable apartments for the License Commissioners at 42 Court street.

Mr. Webster of Ward 3—In this economical year it occurred to me that the duties of this commission probably will for the ensuing year be pretty light, and it might be a great accommodation to them to have the office so handy to all their offices, and possibly they would be willing to serve for a low salary.

Mr. Flynn of Ward 13—I believe that is one of the most insulting orders that was ever put before this Council, or before this City Council; one, sir, I do not believe the gentleman would dare to put here had it not been for the confirmation of those gentlemen at the last meeting of this Council; one he is not justified in putting here only as a piece of sarcasm, and, as I said before, insulting to the board and to the members of this Council. I move you, sir, that the order be indefinitely postponed. The motion to indefinitely postpone prevailed.

#### DREDGING ON CHARLES RIVER.

Mr. McGaragle of Ward 8 offered an order—That the Committee on Harbors consider and report upon the expediency of dredging in front of the wharves between Cragie's and Cambridgeport bridges. Read twice and passed.

#### CITY COUNCIL PROCEEDINGS.

Mr. Pierce of Ward 24 offered the following:

Ordered, That the Committee on Printing be directed to advertise for proposals for reporting and publishing the proceedings and debates of the City Council for one year from the 1st of July, 1877, and make a contract for the same; the expense thereof, not to exceed \$6000, to be charged to the appropriation for Printing.

Mr. Flynn of Ward 13—I ask that the order may be laid on the table, as there may be some amendments to it which will be for the best interests of the city.

The motion to lay on the table prevailed.

#### LANDS SOLD FOR ASSESSMENTS.

On motion of Mr. Stone of Ward 3, the Council took from the table the report and order for the Committee on Public Lands to take possession of certain estates, which have been sold for unpaid assessments, and the order was read a second time and passed.

#### THE BACK-BAY SEWAGE NUISANCE.

Mr. Howes of Ward 18 offered an order that the Board of Health be requested to report at as early a day as possible an estimate of the expense of abating the sewage nuisance now existing on the Back Bay, between the Providence Railroad and Parker street. Read twice and passed.

#### THE ASSESSMENT OF TAXES.

On motion of Mr. Wilbur of Ward 20, the Council took from the table and indefinitely postponed the "Ordinance to amend an ordinance in regard to the assessment of taxes."

#### EGRESS FROM SCHOOLHOUSES.

Mr. Mowry of Ward 11 offered an order—That the Inspector of Public Buildings report to this body his opinion on or before the 31st day of May current, as to the expediency of making any change or changes as to means of egress in any of our public schools.

Mr. Flynn of Ward 13—I move to insert also "places of amusement, public halls and churches," and also by asking the Inspector to report to the City Council instead of to this body.

The amendment was accepted and the order passed.

#### VISIT TO THE PARKS.

Mr. Vose of Ward 24 offered an order—That the members of the joint special committee make arrangements for a visit by the Common Council to the several parks referred to in the Park Commissioners' report (City Doc. 42, 1876), on Saturday, May 12, current, or on the first fair day thereafter, Sunday excepted; the expense to be charged to the Contingent Fund of the Common Council.

Mr. Webster of Ward 3—I would like to ask what the expense would be for the excursion.

Mr. Vose of Ward 24—I cannot exactly say. It might be \$50; perhaps \$100. I don't know.

Mr. Webster of Ward 3—I think this Council would not get any information of practical value from an excursion of that kind. If we wish to get posted on the matter, we can go individually, a few at a time, and get a good idea of it. I would like to know what it would cost before voting for it.

Mr. Pierce of Ward 24—If this excursion is to be taken at all it seems to me it would be better to defer it until the matter is before us.

Mr. Stone of Ward 3—The excursion can only be made in carriages, and I should think it would cost in the vicinity of \$200.

Mr. Thompson of Ward 9—I don't believe that it will be well for this or the other branch of the City Government to undertake to consider this matter until they have visited the land where the parks in question are proposed to be located. The subject is specially assigned for next Monday in the Board of Aldermen, and the members of the board would undoubtedly attend and get the benefit of the excursion.

Mr. Ham of Ward 14—It seems to me the proper time for this excursion will be after the matter is before this body. I move to lay the order on the table.

The motion to lay on the table was lost on a division—10 for, 30 against.

On motion of Mr. Thompson of Ward 9, the rule was suspended and the order was read a second time and passed.

#### THE HORATIO HARRIS ESTATE FOR A PARK.

Mr. Prince of Ward 24 offered an order—That the Special Committee on Public Parks be and they hereby are requested to confer with the representative of the late Horatio Harris, Esq., of this city, and ascertain and report upon what terms the estate formerly occupied by him at the corner of Walnut avenue and Townsend street, Ward 21, can be leased by the city for a term of years, to be used as a public park.

Mr. Flynn of Ward 13—I would like to inquire how much land there is, where it is and whether it would be a proper place for the city to have for a term of years.

Mr. Pierce of Ward 24—I would state that the estate comprises between thirty and forty acres. It is a very fine estate and is known to many members of the Common Council, I presume, as being one of the finest in the city limits. I have been informed that the representatives of the estate do not wish to put it upon the market at the present time, but would be willing to lease it to the city for the purposes of a public park at a very small rental or a nominal consideration.

Mr. Flynn of Ward 13—I have no objection to the reference, but I do not know what the committee may report. It appears to me it might be a second market scheme in which the city would be involved for a considerable amount of money.

The order was passed.

The Council then adjourned.

## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

MAY 14, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE APPOINTMENTS.

Police Officers Without Pay—James Trenholm and nine others. Confirmed.

Constables—John Newell, Francis H. Macdonald. Confirmed.

Weigher of Coal—Jeremiah Howe.

Inspector of Milk—Henry Faxon. Confirmed.

Police Officers—William W. Mitchell, James P. J. Haney, Frank G. Durham. Referred to Committee on Police.

Fire Commissioner for three years—Henry W. Longley.

Alderman Clark—I for one would like to have that appointment lie over for one week.

The nomination was laid over.

Registrar of Voters for three years—L. Foster Morse.

Alderman Viles—Mr. Mayor, that nomination takes me somewhat by surprise, having been assured by your Honor that the name of Mr. Spinney, the present incumbent, would be presented to the Board. As you have had the matter under consideration several months, and I have no doubt you have good and sufficient reasons, I should like to have the appointment lie over, that the Board may inquire into the subject.

Alderman Wilder—As lying over seems to be the order of the day, I move to reconsider the vote whereby the Board confirmed the appointment of Mr. Faxon as Inspector of Milk.

Alderman O'Brien—I have some doubt about laying over any of these nominations. Mr. Faxon is a well-known citizen. Mr. Longley is a well-known citizen; he is known to be fully capable of performing all the duties—far more capable than the man who occupies that position. L. Foster Morse, too, is a well-known citizen of the Highlands, known to be capable of doing all the work that is required of him in that position, and I doubt the expediency of laying any of these names over. We have had representatives from Charlestown and South Boston confirmed immediately, and the same objection might have been raised about them. I do not think we are doing justice to these men to lay their names over when they are so well known as men of integrity.

Alderman Wilder—I thoroughly agree with the remarks of the Alderman who has just taken his seat. I should not have made any such motion except that two other nominations were treated in that manner. If we require a week's consideration upon one, we should have a week to consider the other.

Alderman Clark—I have not the slightest objection to the appointment of Mr. Faxon. He is well-known as having been employed by the city for twenty-five or thirty years, and has given universal satisfaction in the position which he now fills; and I think it is an act of justice on the part of his Honor the Mayor that he should reappoint him to that place. The appointment of Mr. Longley is a judicious one. I know him very well and believe him to be a competent man. The man who has the place it is proposed that Mr. Longley shall fill has exercised the duties of Fire Commissioner to the satisfaction of the entire community. He is an able business man; he has been there but a short time, and no reason is given why he should not be reappointed to that position. If there is anything against the present incumbent I should like to have the reasons given by some member of the Board why another person should be appointed to take his place. So in regard to the appointment of Mr. Morse as Registrar of Voters in place of Mr. Spinney. I believe that Mr. Spinney has performed the duties of that office to the satisfaction of the entire community. I do not know Mr. Spinney personally; but I believe he is an upright, honorable man. Furthermore, he is an old line Democrat—one of the right sort—I understand; and if there are good reasons why he should be turned out of this office, which he has filled so acceptably to the community, let us understand them; let us understand why one Democrat should be turned out for another. I have great confidence in Mr. Morse. I have voted

for him for several years, and I believe him to be competent to fill the office of Registrar of Voters, but I do not see why Mr. Spinney should be turned out of office to make way for him. I call for the yeas and nays on the reconsideration.

Alderman Thompson—It seems to me that in a matter of this kind, where the Mayor desires to make an appointment, and the interests of the city are not affected, he should have his choice in these several departments. The appointments made thus far have been good; but where the interests of the city are concerned I think it is well for the Board to use their judgment freely and impartially. As a matter of courtesy towards any member of this Board who desires a nomination to lie over for one week; that he may consider it, I approve of that; and under those circumstances I shall vote to lay it over one week.

Alderman Wilder—I have no doubt I should vote for the confirmation of Mr. Faxon; I do not know any reason why I should not. I had no expectation that any of the nominations submitted would lie over. I supposed they would all be confirmed. But when two of the nominations were laid over, I deemed it right that the third one should be in the same category; not because I had any knowledge that would lead me to suppose it would be possible to make a better nomination than the one already reported.

Alderman Viles—I voted for the confirmation of Mr. Faxon. I know him well, and have known him for twenty-five years. But if any Alderman asks that his name lie over one week that he may inquire into the appointment, I have no objections to it.

Alderman Burnham—I wish to make a single remark about the question immediately before the Board. The Alderman [Alderman Wilder] seems to have made the motion on the idea that the nomination of Mr. Faxon was on a parallel with the other cases. Mr. Faxon has been in the employ of the City Government for a period, if I remember correctly, of forty-four years; and, your Honor, in renominating a citizen who has been forty-four years in the employ of the city is doing a very different thing from bringing in a nomination discharging from the post of duty one man and placing therein a new man. Therefore I cannot vote for the reconsideration.

Alderman O'Brien—When one of your nominees, sir, is not known to the Board, I think it would then be time to hesitate and inquire before he is confirmed. But you have today nominated three citizens who are well known to every member of this Board. They are known as men of integrity. The city of Boston places that responsibility in your hands, and there is no good reason why those nominations should not be confirmed. Those gentlemen have all been long in the employ of the city. Mr. Longley has faithfully performed his work; and it was a shame to put a man in that position who had not been in the employ of the city. Mr. Longley ought to have been put in that position; and if we had had a Mayor who understood his duty as well as the present Mayor, Mr. Longley would have been promoted to that position. L. Foster Morse is well known as a gentleman of integrity, who has been in the employ of the city for years, and we all know he can perform the duties for which he has been selected, and there is no good reason why he should not be confirmed.

Alderman Fitzgerald—As I am about to vote, I want to give my reason. If any order passes this Board, and any member asks for a reconsideration and gives as his reason that he has not considered the subject sufficiently, or that it passed without his notice, or that there are some things in connection with it that he would like to know more about, I should vote for a reconsideration. But where a reconsideration is asked simply because two or three motions, that have nothing to do with it, have been made, I think that is no reason for reconsideration, and it is no lack of courtesy for this Board to refuse to reconsider. If a member of this Board says that the character of the motion was such that he had not an opportunity to place it in a proper light before the Board, and that if it had been they would oppose it, I should have no objection to a reconsideration. But in this case the gentleman asking for a reconsideration says the man is competent to fill the place, and the only reason why he asks it is because two or three other motions did not pass; and I think it is no lack of courtesy for a member of this Board to vote against reconsideration.

The motion to reconsider the confirmation of Mr. Faxon was lost—yeas 3, nays 9: Aldermen Thompson, Viles and Wilder voting yea.

POLICE FOR LICENSE COMMISSIONERS.

Alderman Breck submitted a request from the License Commissioners for a detail of fifteen police officers for the enforcement of the liquor law; and the same Alderman offered an order—That the maximum number of the police force of the city of Boston be increased to seven hundred and fifteen men, and that such officers as shall be detailed for service at the office of the Board of License Commissioners shall be paid from the sum received for licenses granted under the provisions of chapter 99, Acts and Resolves of the year 1875.

On motion of Alderman Robinson, the subject was referred to the Committee on Police.

PETITIONS REFERRED.

*To the Committee on Sewers.* D. Willard Emery, for abatement of an assessment for a sewer on Mason street.

*To the Joint Committee on Survey and Inspection of Buildings.* Highland Street Railway Company, for modification of certain conditions of building a stable on Blue Hill avenue.

*To the Joint Committee on Claims.* L. E. Pearson, for compensation for services in collection of outstanding debts due to the late city of Charlestown.

*To the Joint Special Committee on Public Parks.* R. S. Brown and others, that a park be located between Cragie's and Cambridgeport bridges, to be known as the West End Park.

*To the Committee on Licenses.* Walter H. Humphrey, for leave to take birds and nests for scientific purposes.

*To the Committee on Streets on the part of the Board.* Boston Laud Company, to be paid for location of Boston, Winthrop & Point Shirley Railroad over their land on Breed's Island.

*To the Committee on Markets.* C. & O. Rice, for transfer of lease of stalls 53 and 55 Faneuil Hall Market to John J. Ware; J. H. Russell, for transfer of his lease of stalls 17 and 19 Faneuil Hall Market to G. H. Russell; application on behalf of William Sherburne to be Deputy Sealer of Weights and Measures.

*To the Committee on Lamps.* Young Men's Christian Union, that Lowell court be lighted; George H. Richards *et al.*, that Clinton place, Charlestown, be lighted; Isaac H. Cary *et al.*, for street lamps in Cary street, Highlands.

*To the Committee on Faneuil Hall.* Company A. First Battalion Cavalry (National Lancers), for the use of Faneuil Hall June 14, their fortieth anniversary.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables by Boston Fire Brick Company, 408 Federal street, twelve horses, old wooden; William T. Thacher, fifteen horses, Butler avenue, Ward 1; Timothy Sullivan, Cambridge street, Brighton; M. Farel, two horses, Chelsea street, Ward 3.

*To the Joint Committee on Common.* John L. de Wolf *et al.*, that lot of land at corner of Tremont and Heath streets be converted into a public ground or square.

*To the Committee on Bridges.* Malachi Clark, for leave to place a water tank on the side of Congress-street Bridge.

*To the Committee on Paving.* Michael Moley, for leave to move a wooden building from North Harvard street to Cambridge street.

Petitions for brick sidewalk in front of estate of Timothy Griffin, 276 Havre street, and for edgestones and brick sidewalk in front of estate of B. F. Bean, 45 to 53 Woodward avenue.

E. Hodge & Co., for leave to move a marine boiler through a portion of Liverpool street to the Atlantic Works' wharf; William Dolan, to be paid for grade damages to his estate on Ashland street, near Brown avenue, Ward 23; Robert Moore *et al.*, that portions of Endicott street be paved with granite blocks; A. Wiswall, for suitable sidewalks on Washington street from Forest Hills Depot to Ashland street; East Boston Gas Company, for edgestones at their estate on Eagle and Chelsea streets; also for a crosswalk on Chelsea street; Albert Bowker *et al.*, for a crosswalk on Marginal street, East Boston.

Middlesex Railroad Company, for a turnout track in Haymarket square; South Boston Railroad, for leave to place a platform scale in K street, near Fourth street; S. P. Hibbard *et al.*, that Dartmouth-street place be put in order for public travel; T. C. Wales *et al.*, for sidewalk on

Blue Hill avenue; Fuller, Dana & Fitz *et al.*, that Cross street be repaved between North and Hanover streets; Andrew Porter *et al.*, that Cooper street be repaved; William P. Sargent & Co. *et al.*, that Sudbury street be repaved with granite blocks; F. Pierce & Co. *et al.*, that Richmond street be paved with granite blocks between Hanover and Commercial streets.

FREE FERRIES.

Alderman Gibson presented petitions from N. Erskine and 41,516 others, Andrew Hoffman and 733 others, and C. A. Shaw and 1211 others (all legal voters) in favor of free ferries between East Boston and the city proper. Referred to Joint Committee on the Ferries. Sent down.

PETITION FOR NEW GAS COMPANY.

The following was presented by Alderman Fitzgerald:

NEW YORK, May 12, 1877.

Hon. F. O. Prince, Mayor of the City of Boston: Sir—The success of the Municipal Gas Light Company of the city of New York, and the general satisfaction afforded to its customers, who are among the largest consumers of illuminating gas in the city, among which may be mentioned the Buckingham Hotel, Windsor Hotel, Fifth-avenue Hotel, Grand Hotel, Gilsey House, Hoffman House, Albemarle Hotel, Hotel Brunswick, Delmonico's, Wallack's Theatre, Park Theatre, Fifth-avenue Theatre, Union Square Theatre, etc., etc., owing to the superior quality of the light furnished and the diminution of cost, has induced the city authorities of New York to enter into a contract for thirty years with the company, authorizing them to lay mains in the streets and avenues of the city.

I am confident that the same quality of gas would meet with like success and approval in Boston, and therefore have to request that you will bring to the attention of the proper officers of your city the following petition for permission to lay mains, and proposal for lighting city buildings and street lamps, subject to such conditions as may be prescribed by them.

I am, dear sir, very respectfully yours,  
R. M. C. GRAHAM,  
for self and associates.

To the Honorable the Mayor, Aldermen and Common Council of the City of Boston—Permission is hereby requested by Robert M. C. Graham and his associates to lay gas mains and pipes in the streets, avenues and public places in the city of Boston, for the purpose of supplying gas to the city and its inhabitants, upon the conditions following:

First—The manufactory or works necessary for the purposes of producing gas shall be so conducted as not to be in any way detrimental to the public health, nor otherwise create a nuisance.

Second—The gas furnished shall be of the best quality of illuminating gas, and of an illuminating power of not less than sixteen (16) candles when tested at a distance of not less than one mile from the place of manufacture.

Third—Gas shall be supplied to the public lamps situated on the line or lines of the mains so to be laid, and said lamps shall be lighted when required by the city at a rate not to exceed the maximum of twenty-five dollars (\$25) per annum for each lamp burning 3833½ hours, and consuming gas through a burner consuming three cubic feet of gas per hour, under a pressure of one inch; the said rate to include the gas, lighting, extinguishing, cleaning, repairing, reglazing and painting the lamp posts and lanterns, replacing the cocks, tubes, burners, cross-heads, lamp irons and lanterns.

Also, the price for fitting up and repairing lamp posts which may at any time be required, shall not exceed the following rates, to wit:

For fitting up each lamp post, \$10.

For straightening each lamp post, \$1.50.

For releasing each column, \$1.50.

For refitting each column, \$3.50.

For removing each lamp post, \$3.50.

For resetting each lamp post, \$10.

Fourth—Gas shall be supplied to the public buildings or offices of the corporation situated on the line or lines of the mains so to be laid, whenever the said petitioners may be required so to do by the proper officers of the city, at a rate not to exceed two dollars (\$2) per 1000 cubic feet. It should, however, be taken into consideration that the gas of the Municipal Gas Light Company of New York (which same quality your petitioners propose to furnish), is of greater illuminating

power than ordinary gas, and that the consumers find a saving of at least twenty-five per cent, in its use.

Fifth—The proper officers of the city of Boston shall have the right to order the mains or pipes so to be laid, to be extended in or along any of the streets, avenues or public places of the city; provided that said petitioners shall not be compelled to expend in laying of mains a yearly sum exceeding ten thousand dollars.

Sixth—All trenches or excavations shall be filled immediately after the mains or pipes shall be laid, the earth to be thoroughly rammed as the same as thrown into the trench or excavation, and the pavement replaced in a good and workmanlike manner, to the entire satisfaction of the proper officers of the city.

Seventh—The permission asked for, if granted, shall not become operative until the said petitioners shall have signified their assent to the conditions and their acceptance of the permission, giving good and sufficient security for the faithful performance of the contract, to the satisfaction of the proper officers of the city.

Alderman Fitzgerald moved that it be referred to the Committee on Retrenchment.

Alderman Thompson—We have a Lamp Committee who have charge of these matters, and unless there is some reason why it should not be referred to this committee I should object to its reference to the Committee on Retrenchment.

Alderman Fitzgerald—Several propositions for lighting the lamps of the city have come before the Retrenchment Committee, and in my capacity as chairman of that committee I have received this one. As it is in the line of cutting down the expenses of the city I moved its reference to the Committee on Retrenchment.

Alderman Thompson—The Committee on Lamps have considered and are now considering several propositions of this kind. If business of this kind is to be diverted from its regular channels the members of the Committee on Lamps had better resign. It is connected with the lighting of the city, and is a proper matter to be considered by that committee. The gentleman who has just taken his seat has frequently complained of the amount of duties imposed upon the Committee on Retrenchment, and if this matter of gas is to be referred to that committee I do not see why the matter of asphalt and other kinds of paving should not be referred to them. In fact we had better throw the entire power of the Board of Aldermen into the hands of that committee. I do not know but they may be a very superior committee, and the amount of brain in the heads composing that committee may weigh a great deal more; and perhaps it may be in that view that the gentleman wishes all these matters, that do not properly belong to the committee, referred to them.

Alderman Fitzgerald—No member of the Committee on Retrenchment would presume to have as much brains, or capacity to have brains, judging from the size of the cranium, as the chairman of the Committee on Lamps. They would not think of that at all. I did not mean to be personal in this matter, but as our able chairman of the Committee on Lamps was rather personal on the Committee on Retrenchment, and as it has had to take so many knocks up stairs and down stairs, I thought, as chairman of the committee, that I must come to its relief. The members of the Committee on Retrenchment have some brains, and they do not want all the gas to be on the side of the Lamp Committee. I simply asked that it might be referred to them because they have been considering this question. If this Board does not choose to refer it to the Committee on Retrenchment I should have no objection to referring it to the Committee on Lamps. I thought the Committee on Retrenchment would be the proper committee to consider it, as we considered similar subjects when we were in session. The Globe Gaslight Company and others sent communications to the committee, and why they were not sent to the Committee on Lamps I do not know. I know they were sent to me with a request that they be laid before the Retrenchment Committee, and not before the Committee on Lamps; and that is why I ask for the reference.

Alderman Robinson—I think that when a matter connected with any particular committee comes before this Board of Aldermen, it should be referred to the committee which has that particular branch of business in charge. Courtesy demands that this petition should be referred to the Committee on Lamps; and after their re-

port is made, if the Board of Aldermen do not see fit to concur with them, we can refer it to the Committee on Retrenchment.

Alderman O'Brien—The Committee on Retrenchment had the Superintendent of Lamps before them. They inquired into all the workings of that department, and were posted up on the subject. Several communications were received from parties who made offers to light the city of Boston, and they considered them in connection with Mr. Allen's statements to the committee. After considering all these propositions, and after having Mr. Allen before us, and knowing all the details of that department, why should we not have this communication, so that we can make our work complete? That is the reason why it ought to go to the Committee on Retrenchment and Economy.

Alderman Clark—I fully concur with the Alderman from the 24th Ward [Alderman Robinson]. This subject pertains to the lighting of the streets; we have a competent committee on that department, and if we propose to introduce any new system, the subject should first be referred to the Committee on Lamps. I consider that this subject should be referred to them, and if they deem it important to bring it before the Board of Aldermen, I hope they will do so. A few years ago we had several hearings on a petition for lighting the streets, and each side was represented by able counsel; and I believe, Mr. Mayor, that I was one of a small minority who voted to allow this new corporation an opportunity to light the streets at a less price than we now pay; and if there is any possible way of getting a better or as good quality of gas at a less price, I shall vote to allow some new corporation to lay down its pipes, and to light the streets and public buildings. But I do consider it a matter of courtesy that this subject should be referred to the Committee on Lamps, and I shall vote for that proposition.

Alderman Fitzgerald withdrew his motion, and the petition was referred to the Committee on Lamps.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Report of Board of Fire Commissioners for month of April. Placed on file.

A request of School Committee for additional primary-school accommodations in the Allston District came up referred to Committee on Public Instruction. Concurred.

Order for Committee on Common to consider the expediency of placing a wooden railing around Fort Hill square. Passed in concurrence.

Report (leave to withdraw) on petition of Bridget Griffin to be paid for personal injuries received in Tremont street. Accepted in concurrence.

Order for Committee on Harbor to consider the expediency of dredging the fronts of the wharves between Cambridgeport and Cragie's bridges. Passed in concurrence.

Report and order for the Committee on Public Lands to take possession of certain estates which have been sold for unpaid assessments. (City Doc. No. 19.) Order passed in concurrence.

Order for Board of Health to make an estimate of the expense of abating the sewer nuisance on the Back Bay, between the Boston & Providence Railroad and Parker street.

Alderman Burnham—A report from the Committee on Sewers is coming in this afternoon in reference to this same matter, and I think it would be best to consider this order in connection with the report of the Sewer Committee. I ask that it be laid on the table, if there is no objection.

The order was laid on the table.

#### REFRESHMENT BILLS.

On the subject of the proposed amendments made to the joint rules and orders by this Board, the Common Council voted to recommit the first amendment, by which all the words after "assembled" in section 14 were stricken out.

The second amendment came up amended as follows: Strike out in the fifth and sixth lines of section 20 "the dates of furnishing the same, and have been," and insert after "furnished" these words, "also specifying the list of articles of refreshments so furnished to every such member, and all such bills shall be approved by such members participating; also the dates of furnishing the same; and the said bills shall be."

Alderman Thompson offered the following as a substitute:

No member of the City Council shall be authorized to contract bills for refreshments or carriage hire on account of the city; but members of the City Council may on the first day of each month present to the Auditor their account of expenses incurred in the furtherance of the city's interests.

Alderman Slade—I move that that order be indefinitely postponed—the whole thing; the one that comes from the Council, and this with it.

Alderman Fitzgerald—I have heard very serious complaint made by members of the Council—perhaps the complaint is not so much against the members of the Board of Aldermen, as they are generally chairmen of the committees—that their names are upon bills for carriage hire and refreshments for which they never contracted. I think there should be some means to put a stop to that. I think, with the Council, that each member of a committee should not be afraid that the number of meals he has eaten, or the number of times he has ridden in a hack, at the city's expense, should be seen. Either abolish the rule altogether, or if it remains, I think the member of the committee who does little or nothing should not be held accountable for the share of the member of the committee who does more. Each man's bill should be separate and apart, and if that order is going to pass at all, the amendment as it came from the Council is an excellent one. It should be either one way or the other; that is my idea about it. I know I saw in the papers the other day an account of some gentleman who ate a \$14 dinner, and it has gone around here, by way of a joke, that one gentleman, who eats very little, had eaten the whole of it. I think it is wrong that any member of the Board should be accountable for what any other member of the Board has done, simply because he happens to be a member of the same committee. My idea is that, if the rule be retained in use, every member of a committee should not be ashamed to have shown opposite his name what he has actually eaten, and what has been the expense of carrying him from place to place in the city. Under the rule as it is now, members of the Council are liable to be charged with dinners which they have never eaten, and with carriages and hacks in which they never rode. Under the amendment passed by the Council, it would be impossible for any bill to pass the Auditor's office without an opportunity to see that the city had received a *quid pro quo*.

Alderman Clark—If this is indefinitely postponed, I understand that the names of those who partake of refreshments must be attached to the bill; that if Alderman Fitzgerald rides out to Roxbury, or if he goes to Parker's or Young's, his name is put to the bill. I have no objections to having my name put to bills that I contract for refreshments or carriage hire, and I have never been afraid of it since I have been a member of the City Government. I think I earn what I eat. I have dinner at 2½ P. M., at my house, and if I am engaged at work for the city at that hour, I get my dinner, which seldom costs over \$1.25, and which is such a dinner as I should get at home. As I understand this amendment from the Council, it means that you shall write out the bill of fare—a boiled potato five cents, onions so much, spinach so much, and so on. It seems to me it is a very foolish idea, and I cannot think that the Common Council is in earnest when they send down that amendment. I have not found the members of the Council backward in partaking of dinners. In fact, members of the Council are just as ready to partake of dinner as are members of the Board of Aldermen, and it is perfectly right that they should. All the names are now attached to the bills. After working six or seven hours, if this Board of Aldermen go to supper, their names are attached to the bill; and if any newspaper desires to increase its circulation by publishing the names of members of the City Council, and the amount of the refreshment bills—just as one member of the press in Boston has attempted to do by caricaturing the Moody and Sankey meetings—they can ascertain the precise facts by going to the Auditor's office. But let me say, that, as a member of the City Government, I am not afraid to have my name appear on the bills. They show just how often I take a meal at the expense of the city, and just how often I ride. I am always in so much of a hurry that it will be utterly impossible for me to write out just what I want to eat; but the amount is always on the bill. If chairmen of committees are judi-

cious and careful in looking over bills, I think there need be no abuse of the system at either of the institutions patronized by the city. I hope the motion to indefinitely postpone will prevail, because that will leave it just precisely as it has been during the past two or three years, requiring members of the Board of Aldermen and committees to have their names attached to the bills.

Alderman Thompson—I think my substitute possesses an advantage over the amendment adopted in the other branch. It is stated that members are charged with dinners in which they do not participate, and it occurred to me that members should audit their own bills. In that view I offered the substitute, so that there would be no question hereafter. I know it is the easiest thing in the world for a gentleman to forget and be mistaken. A gentleman in the other branch disputed fourteen or fifteen charges on a bill; but upon reflection he found they were correct and that he had forgotten them. If my substitute is adopted every member can audit his own bill, and if there is to be any change I shall insist upon my substitute.

The subject was indefinitely postponed in non-concurrence.

#### INSPECTOR AT ABATTOIR.

A report of the Committee on Salaries came up in favor of paying the inspector appointed by the Board of Health the sum of \$1500 per annum, and with an order for the same.

The report was accepted in concurrence and the question was on the passage of the order.

Alderman Breck—I made some inquiries into what it would be necessary for an inspector of provisions to do at the abattoir, and I cannot find that there is anything but what the inspector here can do. In fact there is nothing that an inspector can do at the abattoir in Brighton. It is conducted by men of principle, whose interest it is to see that no diseased animals are carried there and slaughtered. There was a time, before the abattoir was built, when the slaughter houses were scattered, that such an appointment would be necessary. In 1867-8-9 I had the honor to be a member of the Board of Selectmen of Brighton, and I acted as one of the Board of Health. It was our duty to at least twice a month visit the different slaughter houses, to observe the regulations and see that everything was conducted in order; but with all the vigilance we could use, we could never find out where they killed diseased cattle, although it was known that diseased cattle were killed and brought in here. Since they have gone into the abattoir it is different, and it is impossible to carry any dead animals there. The president of the corporation, Mr. Jacob Taylor, told me there never had been any diseased cattle killed at that establishment. Not long ago one was bruised by falling down in the cars, and he was slaughtered; the inspector looked at it here, and he decided that only a part of it was good; something more than half of it was sold and the rest was taken by the butchers and eaten themselves. That is the only instance of the kind.

Alderman Wilder—If there had been this \$1500 inspector at that time, is there any possibility, except by the merest chance in the world, that he could have known about this animal before it was dressed?

Alderman Breck—It would have been impossible to find it out. As I said, when I acted as one of the Board of Health we tried to find out where the diseased animals were killed. We knew they were slaughtered, but never could tell where they were. If those animals were slaughtered they were brought into the city and condemned by the Inspector of Provisions here, and the parties suffered for it. But no butcher who does business at the abattoir would dare to bring it in here. It would be against his interest to do so.

At the request of Alderman Dunbar the Mayor read the communication from the chairman of the Board of Health to the Committee on Salaries, stating the duties of the inspector, and the number of animals slaughtered at the abattoir; and also stating that two diseased animals had been slaughtered at the abattoir recently.

Alderman Slade—There is one word in the report of the Committee on Salaries that makes a word of explanation due to the butchers, in regard to the two instances cited where dead cattle were actually brought into the slaughter house and dressed. One was where an ox was thrown off a bridge and nearly drowned—or, in other words, he was bled immediately and brought into the house and dressed; the other was where an

ox fell in the street and was so injured that he could not be driven any farther, and he was bled on the spot and carried into the house and dressed. The report seems to give the impression that they intentionally dressed dead cattle. They were dressed perhaps in five minutes after they were bled.

Alderman Clark—As far as I can learn, this is a very important office, and it is absolutely necessary that an inspector should be stationed at the abattoir all the time. I have no doubt it is the intention of the parties there to allow nothing but meats suitable for the table to be sold in the city of Boston; but from all I can learn there have been two, three, or five or ten instances where, had it not been for the watchful eye of the inspector, meat which no member of this Board would want to put on his table would have been sent to the market and sold. I understand there are many instances where calves, two or three days old, have been slaughtered and sent here, and would have been consumed by the inhabitants of the city of Boston had it not been for the Inspector of Provisions. If those are the facts, it shows the importance of having a man at the abattoir all the time to see that no diseased animals are dressed and sent to market. I understand that an able inspector can examine every carcass—

Alderman Thompson.—Four hundred thousand?

Alderman Clark—Yes, 400,000 carcasses a year, if that is the number; and that shows the necessity of having an able and competent man, worth \$1500 a year. If those are the facts (and they are susceptible of proof), an inspector out there is necessary, and should give his whole time to it. I do not believe that any inspector here, if he attends to his duties, can give his attention to the duties there. I believe it is absolutely necessary to have an able man there; that without an inspector there we are liable to have unfit meat sent to market here; and that it is necessary to have some competent person to look after the animals both before and after they are slaughtered.

Alderman Breck—I think the Alderman has been misinformed. I never heard of calves being carried there which were too young to be killed. Calves are not killed there to any great extent, except those that have been fattened. The young calves are slaughtered in towns around Boston. There is quite a number of places where they do it. They kill this young veal so that they can get the milk of the cow. But you do not find them killed at the abattoir, and you will find no diseased cattle carried there. It is against their interest. The superintendent of the abattoir assured me yesterday that there had never been but one instance known. It is an impossibility to get them in there without being seen by those having charge of the abattoir itself; and it would be against the interest of all doing business there to allow it. Those men all do business in Boston and have an interest here.

Alderman Slade—If I understand this, it is entirely in regard to the matter of salary. We must have an inspector there because the statute requires it. There is no question about it. It was referred to the Committee on Salaries with instructions to confer with the Board of Health to see whether it is necessary that such a person should be appointed. They submitted the report from the Board of Health, and all the question before us is in regard to the salary.

Alderman Clark called for the yeas and nays, and the order was passed in concurrence—yeas 7, nays 5:

Yeas—Aldermen Burnham, Clark, Dunbar, Fitzgerald, Gibson, Slade, Viles—7.

Nays—Aldermen Breck, O'Brien, Robinson, Thompson, Wilde—5.

#### ASPHALT PAVEMENT.

A petition was received from the Grahamite and Trinidad Asphalt Paving Company for leave to furnish their pavement to the city. It has been laid in several places in the city of New York during the past five years, and was adopted as the best pavement for Pennsylvania avenue, Washington. They propose to lay 50,000 to 250,000 square yards per annum, at a cost of \$2.50 to \$4.25 per square yard, according to the foundation used, the thickness of asphalt laid and the extent of the contract awarded. They will undertake to keep the whole in repair for a period of ten years at a cost to the city of 2½ per cent. to 5 per cent. per annum on the contract price, according to the foundation used and the character of travel it will have to sustain.

Alderman Thompson moved that it be referred to the Committee on Retrenchment.

Alderman Fitzgerald—If it is to that committee on the part of this Board I have no objection, as the other branch have nothing to do with it.

Alderman O'Brien—As the Committee on Lamps would have to disturb this asphalt, would n't it be well to refer it to them, to see whether they can pursue this work after the asphalt is removed?

Alderman Thompson—If it is referred to the Committee on Lamps I guarantee to give the Board an intelligent report.

On motion of Alderman Slade, the petition was referred to the Paving Committee.

#### BONDS APPROVED.

The bonds of William C. Thomas and J. Stuart MacCorry, constables, being presented duly certified, were approved.

#### MIDDLESEX RAILROAD.

A communication was received from the Middlesex Railroad Company accepting the location granted by this Board, April 22. Placed on file.

#### REPORTS FROM CITY OFFICERS.

*Police Charitable Fund.* The trustees of this fund submitted their annual report for April 30. Receipts, \$15,975.47; paid to beneficiaries, \$1531; invested in city bonds, \$8000; balance, \$6444.47. The total amount of the fund is \$64,750. There are at present twenty-two beneficiaries of this fund. Sent down.

*Board of Health.* Reports that it is unable to give the certificate required by statute in the cases of the petitions of Laura E. Brackett, 27 Common street, and Lucy A. Allen, 8 Hayward place, severally to keep lying-in hospitals. Reports accepted, and said applications rejected.

*Auditor's Monthly Exhibit* (City Doc. 45). Total appropriations, \$13,153,647.53; expended, \$638,150.98; unexpended, \$12,515,496.55. Sent down.

*Leases Held by the City.* A communication was received from the Auditor of Accounts submitting a statement of the leases of the property owned by the city as they existed May 1, 1877. Laid on the table and ordered printed.

*License Commissioners.* A communication was received from the License Commissioners notifying the Mayor and Aldermen of their organization by the choice of Thomas J. Gargan as Chairman and James Smith as Clerk pro tem. Placed on file.

#### DECORATION DAY.

An invitation was received from Thomas G. Stevenson Post, G. A. R., to attend the services at Forest Hills on Decoration Day. Accepted.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Report and order for edgestones in front of estate belonging to the city of Boston at the intersection of Bowdoin, Church and Adams street, Dorchester; for brick sidewalks in front of estates of Michael Ward, 258 Cabot street; William Westlake, 271 Havre street; Catherine H. Kettell, corner Castle and Middlesex streets. Orders severally read twice and passed.

Reports that leave be granted Frank Ferdinand to use a hoisting beam at 2260 Washington street, and Arastus E. Pratt to water certain streets, severally upon the usual conditions. Severally accepted.

Reports and orders for edgestones where required on Boylston street, West Roxbury, from the Providence Railroad to Curtis street, and for a crossing on said street, at Chapel street and the Providence Railroad station; to pave Cambridge street from Main street, Charlestown, to the Boston & Maine and Eastern railroad crossings, with small granite blocks, and to pave the sidewalks on said street—estimated cost, \$18,000; to grade Mt. Everett street, as recently laid out, at an estimated cost of \$1800; to pave Alden street with small granite blocks, at an estimated cost of \$1000; to grade and macadamize a portion of Adams street, Dorchester, at an expense not exceeding \$10,000; to sprinkle Roxbury street in connection with the abutters at an expense not exceeding \$100 to the city; to grade and macadamize Boylston avenue from Boylston street to Green street, and for edgestones, paved gutters and sidewalks on said street; to pave Northampton street, between Shawmut avenue and Tremont street, with small granite blocks, at an estimated cost of \$6000; to water Walnut avenue, Roxbury, in connection with the abutters, from Warren street to Eggleston square,

at not exceeding \$500 expense to the city; to set edgestones and pave gutters and sidewalks on Sixth street, between O and P streets; also on P street, between Fourth and Sixth streets; to sprinkle Warren street, Roxbury, in conjunction with the abutters, from Dudley street to Grov Hall, at not exceeding \$1000 cost to the city; to sprinkle Highland street, in conjunction with the abutters, at not exceeding \$100 cost to the city; to sprinkle, in conjunction with the abutters, Boston, Cottage and Humphrey streets, Dorchester, at not exceeding \$500 cost to the city; to set edgestones, pave gutters and macadamize the roadway of Bishop street, from Newbern street to Call street. Orders severally read twice and passed.

Report and order granting to Metropolitan Railroad Company the right to lay down a double track from the tracks of said road on Washington street to Northampton street, thence upon and over Northampton street and across Shawmut avenue to the tracks of the Highland Street Railway on Northampton street west of Shawmut avenue. Said company shall also have the right to connect by curved tracks the tracks of the Highland Street Railway on Northampton street with the tracks of the Metropolitan Railroad on Tremont street; also the tracks of the Highland Street Railway on Columbus avenue with the tracks of the Metropolitan Railroad on Berkeley street. [Appended to the order are the usual conditions.] Order read twice and passed.

Report and order for hearing on Monday, June 11, on petition of Middlesex Railroad Company, for additional tracks in Beverly street. Order passed.

Report and order for hearing on Monday, June 11, on petition of South Boston Railroad Company, for leave to construct a side track on Kneeland street, near Old Colony Railroad station. Order passed.

Report that leave be granted to M. Ellis to move two wooden buildings from 172 Border street to Condor street. Severally accepted.

Report that leave be granted W. R. Cavanagh to move two wooden buildings from Blue Bill avenue to Washington street, Ward 24.

Alderman Slade presented a remonstrance against the same from Malachi Lennon and others, and on his motion the reports and the remonstrance were laid on the table.

#### PUBLIC INSTRUCTION.

Alderman Fitzgerald submitted the following from the Committee on Public Instruction:

Report on recommitted reports in regard to vacation schools, renewing their former recommendation and reporting an order—That the Auditor of Accounts be and he is hereby authorized to transfer from the Reserved Fund the sum of \$2000, the same to constitute a special appropriation for the establishment and maintenance of vacation schools, so called, in this city; said sum to be expended for said purpose by the School Committee in such manner as they deem expedient. Referred to Committee on Finance. Sent down.

Report recommending reference to Committee on Public Buildings of request of school committee that the yard of Bennett Schoolhouse be paved. Accepted, and referred accordingly. Sent down.

#### PERMITS FOR STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board recommending the granting of permits to occupy stables by Mrs. Betsy Burt, Forest Hills avenue; Albion Lord, Main street; Augustus Reed, Paris street; Reed Brothers & Sawin, Mill street; John Doyle, 3d, Third street; Joseph Nickerson, Heath street; Thomas Green, Lyman avenue; John Tibbetts, on Tibbetts's town way; C. A. Richards, Beacon street. Severally accepted.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Report and order for hearing on Monday next, at four o'clock P. M., on expediency of constructing a sewer in Boylston street, between Church and Charles streets. Order passed.

Report and order to build a sewer in Meander and Norwich streets. Order read twice and passed.

Ordered, That \$69.22 be abated from the assessment levied upon Joseph Dix for a sewer in Dix street, on account of over-estimate of land benefited; that \$13.76 be abated from the assessment levied upon Patrick Madden for a sewer in Corey

street, on account of poverty; that \$13.76 be transferred from the assessment levied upon John Madden for a sewer in Corey street, to Owen Clark; that \$38.45 be abated from the assessment levied upon Joseph Harris for a sewer in Park street, on account of over-estimate of land benefited; that \$47.51 be abated from the assessment levied upon B. T. Bruce for a sewer in Green street, on account of poverty; that \$2.38 be abated from the assessment levied upon John Green for a sewer in Terrace street, on account of over-estimate of land; that \$4.76 be abated from the assessment levied upon Henrietta H. Hodge for a sewer in Boylston street, on account of over-estimate of land.

Read twice and passed.

#### LAND AND STREET DAMAGES.

Alderman Clark, from the Committee on Streets on the part of the Board, offered orders to pay for land taken and damages occasioned by laying out streets, as follows: John D. Bates, Patrick Grant, Charles Hauer and George S. Cushing, executors of the estate of William H. Bordman, \$93, for estate corner of Hamilton and Sturgis streets; Albert Bowker, \$700, extension of Curtis street to Saratoga street. Severally read twice and passed.

#### ARMY AND NAVY MONUMENT.

Alderman Thompson submitted the following:

The joint special committee appointed to take charge of the erection of the Army and Navy Monument on Boston Common beg leave to report that they are in receipt of a communication from Martin Milmore, announcing that the monument will be completed and ready for dedication on the 17th of September next. The committee hasten to convey this gratifying intelligence to the City Council, believing that the completion of this monument to the memory of our heroic dead will be an event in the history of this city which it will doubtless be desired to commemorate in a befitting manner. It will be no ordinary occasion. On that day the city of Boston will discharge a debt long due her sons who maintained her renown in the great struggle for the maintenance of republican institutions. She will dedicate a memorial which will hand down to posterity in enduring bronze and granite the record of their virtues, which will serve to stimulate the patriotism and quicken the loyalty of all coming generations. Our citizens expect that the dedication of this monument will be made the occasion of a demonstration which will do honor to our municipality. The gratitude of the people to those who, obedient to the call of duty and patriotism, went forth from our midst to battle in the cause of liberty and right, has never grown cold, and the contemplation of the testimonial of a grateful people to the prowess and self-devotion of those who died in the defence of our imperilled nationality should be commemorated in a manner alike creditable to ourselves and honorable to the memory of our departed heroes. The committee recommend that the 17th day of September next be selected as the day for the dedication of the monument. It will be the 247th anniversary of the settlement of Boston, and it appears peculiarly fitting that it should be selected as the day upon which to dedicate a public work of such historical interest as the Army and Navy Monument. Believing that the importance of the occasion requires that the preparation for its observance should be commenced at an early day, your committee respectfully ask the City Council for instructions as to what arrangements shall be made for dedicating the monument.

The report was accepted. Sent down.

Alderman Slade offered an order—That the Committee on the Army and Navy Monument be requested to consider and report in what way the Army and Navy Monument shall be dedicated on the 17th day of September next. Passed. Sent down.

Subsequently Alderman Thompson brought the matter up again, saying—

The committee did not submit or recommend any order. They desired that an expression from the City Council should be made as to the kind of celebration they deemed proper under the circumstances. It is a very difficult thing for the committee to decide upon without some expression from the City Council, and I wish the Board would indicate in some way whether they desire a general celebration, or to have the monument dedicated in a quiet way.

Some routine business intervened, and Alderman Thompson continued, I believe I asked for some instruction upon the subject, and should



like to have an expression from the Board. The committee do not feel authorized to recommend a general celebration without some expression from the City Council that it is desired.

Alderman Fitzgerald—The committee ought to report as to the best method of celebrating the day. I understood they had some plan, and that they were to ask for \$25,000 or thereabouts for the celebration. I expected some report of that kind, and if it had come, we would be able to deal with it. I do not know how we can instruct that committee what they should do, any more than we can any other committee to which a matter is referred.

Alderman Thompson—The committee have expected that some general celebration would take place when the monument is completed, and that the Grand Army would take part in the ceremony. At one time the committee thought they would ask for an appropriation; then it was deemed more wise to get an expression from the City Council as to whether they desired a general celebration, which would undoubtedly cost a large sum of money, or whether it should be dedicated in the most quiet way possible. That is the information the committee desire, and that is the reason they did not offer any order.

Alderman O'Brien—I do not see how this Board can express an opinion unless the committee make their report and recommend a plan. If they make their report we can discuss it intelligently from their standpoint. As it is now we have no basis. It might move an order for \$10,000, but it might not be satisfactory. Put in an order for what money they want and then we can discuss it, and not until then.

Alderman Clark—It is hardly competent for a member of this Board to express an opinion as to what amount should be expended until we know something of the programme. I hope a respectable celebration will take place upon the completion of this monument, because we have been expecting to celebrate it every year since it was commenced, in 1871. I think. I do not believe in appropriating \$25,000 for the celebration, but I have no doubt a respectable amount will be readily granted by the City Council.

Alderman Gibson—It seems to me we ought to do it with rather a small sum. I was in the Government when we undertook to build the monument and voted against it. I do not believe in erecting anything that will bring up family quarrels. We have peace now, and celebrating this monument is like showing the quarrels a family has had. I should do it in a quiet way. Of course the Grand Army and military would gather here, and it seems to me a very small sum of money would be sufficient. For my own part, I should rather see it done away with. We have peace now. If it were to perpetuate battles upon a foreign soil I should not object; but I think it is perpetuating a family feud, which I think would be better if it were forgotten.

#### WEST ROXBURY BRANCH LIBRARY.

Alderman Clark submitted the following from the Committee on Finance:

Report recommending passage of order in relation to West Roxbury Branch Library in a new draft, as follows: That the Trustees of the Public Library be authorized to expend a sum not exceeding \$10,000 in establishing and maintaining a branch of the Public Library in the West Roxbury District, and that the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund the sum of \$10,000, to constitute a special appropriation for said purpose. Order read twice and passed—yeas 12, nays 0. Sent down.

#### ENGLISH HIGH AND LATIN SCHOOLS.

Alderman Clark submitted the following from the Committee on Finance:

Report on report in reference to new buildings for English High and Latin schools, recommending the passage of the order to construct the same at an expense of \$350,000; and, also in connection therewith, an order—that the Treasurer be and he hereby is authorized to borrow under the direction of the Committee on Finance for the construction of suitable school buildings for the English High and Latin schools, as set forth in the preceding order, the sum of \$350,000; and it is herein provided that all moneys received from the sales of the present English High and Latin school building and lot, situated on Bedford street, the Bowditch Schoolhouse and lot, situated on South street, the Savage Primary Schoolhouse and lot situated on Harrison avenue, the Old Mayhew School building and lot, situated on Haw-

kins street, and the Old Franklin Schoolhouse and lot, situated on Washington street, be paid by the Treasurer to the Board of Commissioners on the Sinking Funds for the payment or redemption of the debt of the city, and by them to be specially used for the payment and cancellation of the certificates issued, as authorized by the loan created by this order, as soon as received by them; said several buildings and lots shall be sold by the Committee on Public Buildings by public auction (unless the City Council shall order the same sold by private sale) at such times as shall be approved by said committee, the purchase moneys to be paid within the time when said loan shall be payable.

Alderman Clark—If this subject is thoroughly understood, I would ask that the order take its second reading. It is a large expenditure, and, if any member desires to have it lie over, I have no objection. It is getting late in the season, and every day's delay takes just so much longer to complete the building. It has been considered thoroughly by the Committee on Public Instruction, and the members of the Board of Aldermen; and, if the order is perfectly satisfactory, I should ask that it take its second reading.

The order was read a second time.

Alderman Fitzgerald—What is the length of the loan?

The Mayor—It cannot be made for less than ten years.

Alderman Fitzgerald—It cannot be made longer than ten years. It does not specify the number of years the loan is to run, nor the percentage. My idea is that the order should specify the percentage to be received, and that it should not be more than five years, so that we shall not have to pay interest into the Sinking Funds.

On motion of Alderman Clark, the order was laid on the table for the time being, and subsequently it was taken up on motion of Alderman Fitzgerald.

Alderman Clark—The Committee on Finance thought that this loan should be left to their discretion as to the rate of interest and the length of time it should run, inasmuch as it cannot exceed ten years. In all probability it will be taken by the Sinking Fund Commissioners, and as the schoolhouses are sold the money received will be used to cancel the debt. It is probable the building will not be completed in less than three years at least, and as the buildings to be sold are located in different parts of the city it might possibly be ten years before the land necessary to redeem this debt will be disposed of, and the committee thought it desirable to take the responsibility of fixing the length of the loan and the rate of interest.

Alderman Fitzgerald—The Auditor has made an explanation of this matter to me. The order is an unusual one. In the Sinking Funds is a large amount of money which is not at interest now; the commissioners will take this whole loan, and it is better to allow the Finance Committee to decide how much interest should be paid. As the money will be invested by the city in its own funds, I shall offer no objection to it. I should decidedly object to the order if the loan were to be sold upon the market.

The order for the loan was passed—yeas 12, nays 0—and the order authorizing the Committee on Public Buildings to do the work was passed. Sent down.

#### BACK BAY NUISANCE.

Alderman Viles submitted the following:

IN BOARD OF ALDERMEN,  
MAY 14, 1877,

The Committee on Sewers, to whom was referred the petition of Lyman E. Sibley *et al.*, that some immediate measures be taken to remedy the nuisance from the discharge of sewage on the flats of the Back Bay, report—

That the only thorough, and probably the most immediate, remedy for this nuisance is to intercept the drainage, which now falls into Stony Brook along the lower half mile of its course and is discharged upon the flats west of Parker street, and convey it to the channel of Charles River by a sewer along Parker street.

This sewer could be built in one season and would cost about \$75,000.

The committee are aware that the diversion of this drainage is one of the chief objects of the proposed intercepting sewer to Moon Island, and in case that scheme is carried out, that the sewer to Charles River would become useless and its cost unnecessary.

They are also aware that the Board of Health have under consideration some temporary expedients for abating or relieving the nuisance.

For these considerations, as well as the fact that the cost of such a sewer cannot well be taken from the present sewer appropriation, but will require special provision by the City Council, your committee hesitate to recommend any action, but think that the Board as a whole can better prescribe the policy to be pursued.

For the committee.

CLINTON VILES, Chairman.

Alderman Viles—This is a question which the Committee on Sewers have carefully considered. It is one of importance to the residents of the southern part of the city. This sewer, if constructed, would remedy all the evil which arises in the vicinity of Parker street, but as there is no appropriation for it, I move that it be laid upon the table, that this Board may visit the premises.

The report was laid on the table.

#### ASSISTANTS TO BRIDGE SUPERINTENDENTS.

Alderman Thompson submitted a report from the Committee on Bridges that, in compliance with the provisions of section 4 of the ordinance relating to bridges, the following-named persons have been appointed assistants by the several Superintendents of Bridges, and said assistants have been duly approved by this committee:

Warren Bridge—Julius F. Prince, Joshua Lovejoy.

Charles River Bridge—Joel C. Bolan, Henry A. Bolan.

Congress-street Bridge—John McClosky, Jeremiah Daly, C. K. Callahan.

Mt. Washington-avenue Bridge—J. E. Gillett, P. S. Gillett.

Federal-street Bridge—Orlando D. Cook, William H. Morrisou, Walter Cook.

Broadway Bridge—Michael O'Brien, James Monahan, George W. Gifford.

Dover-street Bridge—William Nelson, David C. Nelson, Frederick A. Sampson.

Accepted.

#### DOGS IN THE PUBLIC STREETS.

Alderman Breck submitted the following:

The Committee on Ordinances, who were requested to consider the expediency of reporting an ordinance requiring that all dogs running at large shall be muzzled, beg leave to report, that, by an act passed April 27, 1877, entitled "An act relating to the restraining and muzzling of dogs," the matter is placed entirely under the control of the Board of Aldermen, and therefore it is unnecessary that an ordinance should be enacted. The committee ask to be discharged from further consideration of the subject.

The report was accepted. Sent down.

Alderman Breck offered an order—That the Committee on Ordinances on the part of this Board be requested to consider the expediency of requiring that all dogs shall be muzzled or restrained from running at large. Passed.

Subsequently Alderman Clark offered the following:

Whereas, in chapter 167 of the acts of the year 1877, entitled "An act relating to the restraining and muzzling of dogs," it is provided, among other things, that the Mayor and Aldermen of any city may order that any dog or dogs in any such city may be muzzled or restrained from running at large during such time as shall be prescribed by such order, it is hereby

Ordered, That on and after the passage of this order, and until otherwise ordered, all dogs within the limits of the city of Boston shall be muzzled or restrained from running at large.

Alderman Fitzgerald—I ask that the order lie over one week.

Alderman Clark—I should like to hear the gentleman's reasons. It is to prevent mad dogs from running at large.

Alderman Fitzgerald—I have no objection to it if it is to keep mad dogs muzzled.

Alderman Clark—I would state that yesterday afternoon the sexton of Trinity Church was seen lugging a mad dog out into the street; and I understand that the dog bit no less than half-a-dozen people in Trinity Church. The sooner this is put in force the safer the city will feel. I trust that the order will be passed and enforced immediately. It is a daily occurrence that his Honor the Mayor receives communications asking that immediate action be taken to restrain all dogs from running at large, whether mad or otherwise.

Alderman Fitzgerald—I withdraw my objection, if the Alderman is afraid of dogs.

The order was passed.

Subsequently Alderman Clark said he had been requested to offer the following; but he did not know there was anything in the ordinances in regard to it:

Ordered, That on and after May 21 all dogs found at large, without being properly muzzled to prevent biting, shall be killed, and all female dogs found at large on any public park, street or highway shall be killed.

Referred to the Committee on Ordinances on the part of the Aldermen, on motion of Alderman Clark, with a request that they give the parties desiring it a hearing.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Minors' Applications Granted—Four newsboys, two bootblacks.

Auctioneer Licensed—Dearborn & Co., Court House.

Auctioneer's License Refused—S. W. Trowbridge, 42 Congress street.

Victuallers Licensed—Edwin W. Barse, 226 Commercial street; Mrs. J. F. Stoddard, 493 Washington street.

Junk Collectors Licensed—Thomas Hunt and several others (renewals).

License for Intelligence Office Refused—Guptill & Fulton, 3 School street.

Severally accepted.

#### LAMP-POSTS AT GRANARY BURIAL GROUND.

Alderman Clark offered an order—That the Committee on Lamps consider the expediency of removing the lamp-posts now standing in the sidewalk of the Granary Burial Ground from the edgestones to the line of the fence of said burial ground, as the same are dangerous to the public in their present position. Passed.

#### BOARD OF HEALTH.

Alderman Clark offered an order—That the Committee on Ordinances be requested to consider and report such an amendment to the ordinance in relation to the public health as will require the members of the Board of Health to devote their time to the duties of their office and not actively engage in any other business.

Alderman Clark—My object in offering this order is that the members of that Board may not be subject to the charge of employing their time for their own private purposes. It has been charged here that if the members of that board devoted all their time to the city they would not need so much assistance as they now require, and it is to relieve the board of this charge that I offer the order. It is well known that the ordinance creating the Board of Health was passed under the great pressure induced by the smallpox excitement. I desire that the members of the Board of Health should be under the same regulations as the members of the Fire and Water commissions, who are required to devote their whole time to the duties of the city. It is not because a change has been made in the Board of Health, but because charges have been made that they are engaged in other duties which bring them an income from outside. I trust the ordinance will be amended so that the department will be upon the same footing as the others.

#### PUBLIC PARKS.

At 4½ o'clock P. M. the Mayor called up the special appointment, viz.:

Consideration of report of Special Committee on Public Parks (City Doc. No. 44), with orders to appropriate \$1,000,000 for purchase of land for that purpose; to be raised by a loan for a period not exceeding thirty years, at a rate not exceeding five per cent.

On motion of Alderman Thompson, the subject was laid on the table until after the regular business of the session was disposed of.

Near the close of the session Alderman O'Brien called up the subject and moved, on account of the lateness of the hour, that the subject be assigned to 4½ P. M. of the next session, stating that he understood a session would have to be held on Wednesday or Thursday.

An informal consultation took place, during which the City Clerk stated that a special meeting would be necessary to take action on the local-option law, which was then in the hands of the Governor for signature.

Several members of the Board having committee engagements on Thursday, it was decided to assign the subject to next Monday at 4½ P. M.

Adjourned, on motion of Alderman O'Brien, to Thursday next, at one o'clock P. M.

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## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

MAY 16, 1877.

Adjourned regular meeting at 1 P. M., his Honor the Mayor presiding.

In calling the Board to order his Honor said—

It is well known that the chief object of this adjourned meeting was to consider a matter [the local-option law] which has been disposed of by a veto by the governor, and I suppose there is no matter to come before us at this time.

Alderman Fitzgerald presented the petition of S. Cabot *et al.* that the city pay a part of the expense of watering Park square. Referred to the Committee on Paving.

On motion of Alderman Breck the Board reconsidered the vote by which was passed the order fixing the salary of the inspector at the abattoir at \$1500, and at the suggestion of Alderman Fitzgerald the order was specially assigned for the next regular meeting.

Adjourned, on motion of Alderman Wilder.

## Proceedings of the Common Council,

MAY 16, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Auditor's Monthly Exhibit, May 10. (City Doc. No. 45.) Placed on file.

Petitions, etc., referred in concurrence.

Reference to Committee on Finance of a report and order for a transfer of \$2000 from Reserved Fund to appropriation for Vacation Schools.

Mr. Wilbur of Ward 20—It seems to me that this is a new departure from our present school system, and an experiment. It is true it is not a very large expense that is to be incurred; but our school system is at present a very expensive one. They come here and ask for \$2000 to be taken from the Reserved Fund, after the appropriation is made for the year. It is only going to cost \$2000, and if they want to try an experiment, some expenses might be reduced whereby the School Committee might take the sum to try this new system. I hope we shall not pass the order.

The order was referred to the Finance Committee in concurrence.

Invitation from Post 26, G. A. R., to attend Decoration Day ceremonies. Accepted in concurrence.

Report asking for instructions regarding the dedication of Soldiers' Monument. Accepted in concurrence.

Order requesting committee on above subject to report the manner in which said monument shall be dedicated. Read twice and passed in concurrence.

Report asking to be discharged from consideration of subject of obliging dogs running at large to be muzzled. Accepted in concurrence.

Order to report an amendment to ordinance on health to require members of the board to devote their time to the duties of their office.

Mr. Howes of Ward 18—I should like to offer a substitute, which I have not yet written out, to this effect: That the Committee on Ordinances be requested to consider the expediency of reporting an ordinance requiring that all officers in the city, with the exception of the License Commissioners, devote their entire time to the interests of the city.

The President—That is hardly germane to the subject. It can be offered as a separate order.

Mr. Howes—It can be offered as a substitute.

Mr. Howes reduced the substitute to writing, and offered it as follows:

Ordered, That the Committee on Ordinances be requested to consider the expediency of reporting an ordinance requiring all city officers to devote their time to the city, and not actively to other business.

Mr. McGaragle of Ward 8—That is not the original substitute. It is hardly fair to ask the License

Commissioners to devote their whole time to the city for \$1000 a year.

Mr. Howes amended the substitute by inserting "excepting the License Commissioners."

Mr. Spenceley of Ward 19—What is he going to do with our Assessors? They are city officers. Does he expect them to give their entire time to the city? I would ask if there is any other commission except the Board of Health which the order affects?

Mr. Howes—If the gentleman had listened while the order was being read, he would have seen that it is merely for the committee to inquire into the expediency of doing so. It will remain for them to make such exceptions as are necessary. As to other officers, there are others, besides the various commissioners, who are paid large salaries, who devote considerable time to outside business, when possibly they might be engaged in the business of the city; at least, the city has a sufficient quantity of business which they might do without detriment. It is to cover a few cases of that kind that this order is introduced.

Mr. Clarke of Ward 22 moved to amend the substitute by inserting "paid" before "officers," as the officers of the poor, Directors for Public Institutions, etc., are city officers.

Mr. Howes accepted the amendment.

Mr. Sampson of Ward 17 suggested "salaried" instead of "paid" and Mr. Howes accepted that amendment.

The substitute was adopted, and the order as amended was read a second time and passed. Sent up.

Report and order for a transfer of \$10,000 from Reserved Fund for West Roxbury Branch Library. Ordered to second reading.

Report and order for a loan of \$350,000 for construction of buildings for English High and Latin schools, as therein set forth, and order for construction of said buildings.

Mr. Sampson of Ward 17—There may be a question in the minds of some members of the Council whether this appropriation of \$350,000 is to complete the building. I noticed in one of the public prints tonight a statement that this is but the entering wedge, and that other appropriations will be called for, and that before we commence we ought to know what the actual cost of this building is to be. I want to state in behalf of the Finance Committee that before they recommended this appropriation they had before them the City Architect, who stated that he had carefully prepared the estimates, and he assured us upon the strength of his reputation that the cost of completing this building would be inside of the amount asked for; and he felt sure that if he succeeded in obtaining as favorable contracts as he had for other schoolhouses, he would have ample to provide for the heating apparatus. The only provision that will have to be made in the future will be for grading the grounds and the furniture.

The orders were passed to a second reading.

## UNFINISHED BUSINESS.

Order to abate \$75 from amount due on lease of tenement of John Dyer, on Charles River Bridge. Passed in concurrence.

Order to remit tax for 1875 and 1876 on forfeited estate on Bristol street. Passed in concurrence.

Order requesting Mayor to authorize the Receivers of the Mechanics' Mutual Fire Insurance Company to pay certain dividends to persons entitled thereto, on Suffolk-street District. Passed in concurrence.

Order for a transfer of \$20,000 from Reserved Fund to appropriation for Northampton-street District.

Mr. Wilbur of Ward 20—I should like some little information in regard to what this appropriation for the Northampton-street District is for. It seems to me to be quite a large amount.

Mr. Sampson of Ward 17—I would state that under the act by which the grading and filling of that section of the city was done, the parties there had the right, if they disliked the assessments levied upon them, to surrender their estates. A large number of them did so; the cases were carried to the Supreme Court, judgments were entered against the city, and the city was compelled to pay for the estates surrendered. Further and very large amounts will be required for other parties before the year is over.

The order was passed in concurrence—yeas 56, nays 0.

Order to authorize location and construction of Mystic Valley sewer in conformity with chapter

202, acts 1875, as amended by chapter 11, acts 1877. Passed in concurrence.

#### VENTILATION OF THE COUNCIL CHAMBER.

Mr. Spenceley of Ward 19 moved to reconsider the vote whereby was referred to the Committee on Finance the order to provide ventilation for the Council Chamber, at a cost not exceeding \$3000.

Mr. Spenceley—The reason why I moved the reconsideration was that the Council might have time to go up and look at the operation of this system of ventilation. While I do not wish to delay the matter, I do not think it will delay it much, for I do not believe it will pass the other branch of the City Government. I wished to give time to members of the City Council to go up and examine it, and I presume many have been up; I hope they have, and if they have examined it and are confident that this is the best system for the ventilation of this Council, I hope the vote will not be reconsidered; and if they can vote intelligently tonight, I hope they will do so. I move that the vote be taken by a ye and nay vote, because if this system of ventilation is a good one, it will be the means of a good advertisement to the man who got it up; and if it is not a good one, we will have to admit it by and by when we are told about it.

The motion for the yeas and nays was lost, and the motion to reconsider was lost. Sent up.

#### THE LEASING OF THE HARRIS ESTATE.

Mr. Pierce of Ward 24 moved the reconsideration of the vote whereby was rejected the order to confer with the representatives of the Horatio Harris estate on the subject of leasing the same for park purposes.

Mr. Pierce—I understand that there is a feeling that this order was offered in antagonism to the report of the special committee on the subject of public parks. Such was not my intention at all; and I now desire to state that if the motion to reconsider prevails, I shall move to lay the whole matter upon the table, and leave it there until after the report of the Committee on Public Parks is acted upon, in order that this matter may not affect that report.

Mr. Flynn of Ward 13—I hope the motion to reconsider will not prevail. I believe if we reconsider that vote it will be the adoption of a precedent here by which four-fifths of the parties who own real estate suitable for parks will come in here offering to lease their land for park purposes in order to get rid of paying their taxes for this year and the next. Already people have been to me to know if they could lease their land to the city for park purposes, which they would be very glad to sell.

Mr. Felt of Ward 18—I hope the matter will be reconsidered. I think this is rather an exceptional case. Of course most members of the Council know of the Harris estate, that it is a beautiful place laid out with groves and lakes and lawns and drives. It seems to me it is a most beautiful place for a park, and it is located on one of the most beautiful avenues of Boston, within a short distance of the horse cars on Washington and Warren streets. This proposition does not come from the trustees of the estate, but some gentlemen have suggested that inasmuch as the property is lying idle, it might be utilized in such a way. The trustees have no desire to make any proposition whatever; but if the proposition should come from the city to them they are inclined to treat it very favorably indeed. It seems to me that in view of the motion made by the gentleman from Ward 24, this order might be reconsidered and laid upon the table and await action in regard to the parks. If we cannot have parks, here seems to be an estate centrally located, which might be utilized for that purpose at a very low cost.

Mr. Flynn of Ward 13—I forgot to state that the city already owns a park within five minutes' walk of that estate, just across the street—a beautiful park of twenty-five acres, which accommodates all the people of Roxbury.

Mr. Pierce of Ward 24—In regard to the gentleman's statement about the city owning a park of twenty-five acres there, I think he is very greatly mistaken. My impression is that the park to which he refers is a very small one, that is not worth the name of park. It is not larger than Franklin or Blackstone square at the South End; and certainly it is not large enough to be considered a park. Then he refers to committing the city to any such course of action. I don't think that the order asks for that. I simply asked that it might be referred to the committee who have this subject of parks in charge. If they report

against it I presume that the committee will sustain their report and defeat the whole matter. But it does seem to me that if that estate can be had in this way, if the other system of parks is not adopted, this plan is at least worthy the consideration of the committee. I had no other object in offering the order.

Mr. Pratt of Ward 21—When this matter was before the Council at the last meeting I was quite surprised at the direction it took, inasmuch as the order was simply for the reference of the matter to the committee; and I hope the reconsideration may prevail; not, sir, that I desire to vote tonight, or am prepared to vote for the passage of an order that should look directly to the taking of the estate for park purposes; but because I think it might be well to lay it upon the table for a time, and consider it after the matter of parks has been fully acted upon. It is well known by many members of the Council—and certainly by a very large number of citizens—that this Harris estate was, in the lifetime of Mr. Harris, virtually a public park. It was, with very great generosity on the part of its owner, thrown open to the public in every way and in all seasons of the year; and those who were within its reach had the enjoyment of it, although it was not a public park. This was certainly a great boon, and it would be difficult to find any other site so favorably located and upon which so large an expense had been laid out in perfecting it, and in which there are so many beauties all in one tract of land, as in the Harris estate. Certainly it stands so prominent, if any estate is to be taken for that purpose that it can hardly be considered a precedent, even if we should take it. But, however, that is not the question before us. I hardly see how the reconsideration of this vote can be a precedent of any disadvantage whatever. I understand the mover's object to be—and I think it is very well conceded—that if the vote is reconsidered, the matter simply lies upon the table. If it were passed it would only go to a committee. No damage can come from it. And I think it was a mistake that the order was rejected at the last meeting. I think it is due to the merits of the question, and also to those who would like to have it under consideration a little longer, that it be reconsidered and laid upon the table.

Mr. Wilbur of Ward 20—While I shall oppose the reconsideration of this vote, I can hardly see the feasibility of the city of Boston taking the estate of Mr. Harris for a park. In the first place, it has a very costly structure upon it. It is true that the grounds have had a great deal of money spent upon them in beautifying them; but it seems to me if we are going to have public parks, that that would be but a small part of the plan as now laid out before us by the Park Commissioners. It would be taking out of the taxable valuation of the city something that we don't want to have for parks. As I said before, there is a very expensive building upon this property, upon which we are today receiving taxes; and if that should be taken out of the taxable valuation of the city it would reduce the valuation of the property and increase our taxes to an extent that it seems to me we should hardly be warranted in doing. If the reconsideration prevails, I hardly think it would pass this Council or that anything would come of it.

Mr. Rufin of Ward 9—This matter of reconsideration, as explained by the gentleman who moved it, seems to be a very harmless one. I don't see why we should have trouble in taking the action which he suggests. It was but the other day that we were out riding around the country looking at the various sites which have been selected for public parks. It was a very agreeable visit to me; and I suppose it was to the number of gentlemen who took part in it. The matter is before us now, and we want to get all the information we can. I take it that this is but part of the information which we commenced to get when we went to survey the surrounding country. I don't know where this place is; I have never seen it, and after this discussion I cannot say I shall vote for it; but in view of the discussion which will soon be had, when this whole matter is under consideration, let us have all the information we can get. There is certainly no harm in conferring with these parties. We are not bound to take up with their proposition. After we have conferred with them, we will be in a position to make the best bargain we can by looking into this matter. We may get up competition. Some other parties may have land for sale for public parks;

and seeing the possibility of the city taking this land, they might agree to take a lease of their own land. Therefore, for these considerations I hope the motion to reconsider will prevail, because I don't see that there is any possible harm to come from it.

Mr. Spenceley of Ward 19—While I would not oppose the reconsideration of this matter—for I think it is very simple, and can be sent to the Committee on Common and Squares—my experience with that committee, the jealous care they have had over the Common, and judging from the appearance of the Harris estate, I should think we would need as much as twenty-five or thirty policemen to take care of it. It is a much more beautiful place than the Common. It has beautiful borders and lawns and trees. They would have a policeman at every tree to keep the children away from it. I believe that a park is for children and women and men to enjoy themselves in. I don't believe in these parks where they have to keep up iron boards to tell people to keep off the grass. My impression is that if the park were accepted, the terms provided would be something like that. It is a beautiful place, and the city would be liable for any damages done to it. Mr. Harris does not propose to give it to the city of Boston without due care, and I think it would cost more to keep the place in repair than to buy another park. I am willing to reconsider the matter and send it to the committee, but I should oppose it to the death, because I believe it is all wrong. The idea of taking men's estates for two or three years in order to let them get rid of taxes and have them taken better care of than they could take care of them themselves is wrong. I shall vote to reconsider this matter and lay it over, if that would please the gentleman.

Mr. Day of Ward 4—I went up to the place yesterday, and took some little notice of it. It seems to me that it is substantially a park, all completed and laid out, and that it is offered to the city for a very small sum; whereas, if we wanted to buy a park we should not only have to buy the land but have to lay out about as much money as has been spent upon this estate. I think the gentleman's argument is in favor of leasing it. We will have to have more parks, and I think it will be well to consider this plan.

Mr. McGaragle of Ward 8—The gentleman who last sat down said it was offered to the city at a low sum. That is the first time I have heard it was offered to the city at any price. I should like to hear some more information on that point.

Mr. Felt of Ward 18—As I understand, the trustees have not offered it to the city in any way. They simply intimated to these gentlemen that they might meet the city on a very liberal basis. Now, while I am up, I will say to the gentleman from Ward 19 that there is a beautiful, natural growth upon the ground, that there is a great variety of these groves, and every taste would be gratified there. I know of no grounds so well laid out as these. It strikes me as an exceptional case and it appears to me there will be no harm in reconsidering the order and letting it lie over.

Mr. Spenceley of Ward 19—The gentleman very well stated my point, that it was so beautiful it would have to be kept so. I don't know of any horse cars running within half a mile, unless it is on the back entrance. There are trees near Warren street, but it is a terrible way from the horse cars. It is not for our people; it is for the people who ride out there in carriages. We have got enough such places now. Gentlemen owning horses and carriages now can drive to many places. I have been out there several times, but I never saw any carriages there except that of the gentleman who owned the place. It is not the place for the people. There is Washington park, within five minutes' walk—a very large tract, very much larger than Franklin or Blackstone square. I never saw a man, woman or child there, and have often wondered what it was for. I don't propose to vote for this City Council to go to work, in order to keep this place in order from the depredations of boys, and I think that is one of the reasons why they desire the city to take care of it—to keep it from destruction. That is more desirable than paying taxes. It is expensively and beautifully laid out, and they want to keep it so, and want the city of Boston to do it.

Mr. Pratt of Ward 21—The gentleman from Ward 19 seldom talks about what he knows nothing of; but I think he is talking that way tonight. I happen to be pretty familiar with that locality, and as I said before, I am advocating it to be

taken for a public park; but at least I think we might have the truth of the facts, as we attempted to get at it. The distance of the Harris estate from Washington street is within four minutes' walk; it is within five minutes' walk of Warren street; Walnut avenue runs between Warren street and old Shawmut avenue, or Washington street, as it is now called; and this estate is very accessible to street cars. Now, when you get there, it is true there is a very small square, called a park, that I know of. It has a beautiful grass plat and one of the finest rocks about the city. It has been called and is now earning the name of Washington Park. It has a large plat on it, and a flagstaff, and is the place where guns are fired on the Fourth of July, and is patronized very largely by the people living in that part of the city. Now, the Harris place has been suggested as a large place. It has a large tract of natural woodland, which can be easily cleared. It is finely laid out with trees, walks, paths, and a good deal of shrubbery and everything which makes it pleasant. There is a fine pond on it, which has been used for skating in the winter and boats are upon it during the summer. There is a very fine tower on one corner of it, and taken altogether it is a gem of a place for a park. As to the number of policemen required, why, Mr. Harris, during his life time, had it free to the public every day of the week for people to drive in with their carriages, and those gentlemen and ladies who lived within reach of it knew it was open and very largely used it, as I happened to know by living nearer to it at one time than I do now. Mr. Harris had it open to the public without any policemen, and no policemen would be wanted there. I don't think it requires any policemen to take care of any respectable people like ours. I don't think it would be necessary, to keep that place from destruction, to have policemen around every tree, as the gentleman suggests. And if it were necessary to keep policemen to take care of it, it will be something for those policemen to do in that vicinity who have nothing to do now. But I am not advocating taking the place for a park. I think that the gentleman has explained his motion, that if the reconsideration prevail, that the order lie upon the table, that gentlemen may take time to look into the question in all its bearings.

Mr. Ham of Ward 14—It seems to me that a large amount of this discussion is upon supposition. The gentleman from Ward 19 supposes that the Harris estate is in so perfect a condition that it will require a large expense to keep it in its present condition. The gentleman from Ward 18 supposes that it can be hired for a small sum. Now, it seems to me that it is reasonable for this Council to have the facts in regard to this matter, and I hope the reconsideration will prevail, and that it will be referred to the committee to get the facts and report them to this Council, and then we can act intelligently upon this matter.

The motion to reconsider was lost—17 for, 30 against.

#### PLAYGROUNDS.

Mr. Richardson of Ward 10 moved to reconsider the vote whereby was passed the order for playgrounds to be established at a cost not to exceed \$2000.

Mr. Richardson—It struck me after this vote was passed at the last session that it was passed hastily, without due consideration. I regret to say that since that time I have not been able to give it that consideration, or make the inquiries of the committee from which it originated that I intended to. But from the little attention that I could give it, it seems to me to be a measure of very doubtful utility and very questionable expediency. The City Council have never made an appropriation of that kind before, as I am informed. It is something new; it might be considered a new departure for the amusement of the people, or instruction—whichever you please to call it; and therefore we have not any experience to look to by which we can gain any information in regard to exactly what the character of these playgrounds is to be, where they are to be, how they are to be fitted up, what land is to be leased, of whom, and on what terms; and I at first thought that before I could vote for an appropriation of \$2000—although it is not a large sum—for this purpose, I should require further information in regard to it. But there is one thing that appears upon the face of the order and measure itself which does not strike me favorably; and that is, it must be apparent that it is an appropri-

ation not for the public use in the broadest and widest sense of that term. These are playgrounds, as I understand. For instance, we will take the one proposed to be established in West Roxbury. I should like to know what proportion of the people of Boston, who will be taxed to support it, will go to West Roxbury for the purpose of themselves upon that playground? The idea of the City Council appropriating money to establish playgrounds does not strike me favorably. The word implies that it is not a place where people can go for fresh air, but a playground; and after what was said in regard to excluding base ball from the Common, this appears to be for the purpose of providing a place for playing base ball. That is my notion about it, and I have been informed that that was the idea of the committee somewhat, and that it grew out of the fact that that game had been excluded from the Common. Now I do not see why—perhaps the other gentlemen do—if the City Council are to be called upon, and if there is any public necessity for them to be asked to make an appropriation to furnish a base-ball ground, they cannot be called upon to furnish a ground for horse-races and a billiard saloon. It is very plain that but few people can receive any amusement from a base-ball ground established in West Roxbury and on Huntington avenue—that is the nearest one mentioned, and it is a mile from City Hall. Let us suppose a ground is laid out on Huntington avenue. In the first place the sand there is knee-deep, and I do not see how they can lay out a ground there for people to walk on—certainly not in windy days, when the health will receive more detriment than good. And they have got to sod it and fence it, wherever they take this ground. The objections are the same as against taking this park. It relieves the parties from the payment of taxes, and it is an opening wedge to further appropriations. I understand that since this order passed last week, and since this question of taking the Harris estate for a park came up, almost every member of the City Council has been besieged by people who want to lease land to the city for a playground or a park. One gentleman told me he was called out of church last Sunday to be talked to on the subject. That would be disastrous to the city.

Mr. Richardson's time having expired, on motion of Mr. Thompson of Ward 9 it was extended.

Mr. Richardson—Another question arises, Can we afford it? Now, we have voted here this year that we cannot afford an appropriation which the guardians of our public schools have asked for to carry on the schools. We have also voted to cut down the pay of the laborers and those who hold the smallest and meanest offices in the city. Now, I say it does not seem to me, in view of these things and other things of that character that might be mentioned, that it is consistent to vote away \$2000 for playgrounds; and I do not believe that would be more than a tithe of the amount required. It will set a bad example, and I do not think it is consistent to pass this order in view of the votes we have passed reducing city expenses. As I stated, it seems to me that it is a measure of doubtful utility and very questionable expediency, and I could not let it go on without saying a word against it.

Mr. Howes of Ward 18—I wish I could give the gentleman all the information he desires on the matter of location, prices and expenses. It was the idea of the committee that if the Council were not prepared to go on with it, it was useless for them to spend their valuable time in getting up leases for such a small amount; but if the Council were desirous of entering into this project, for this comparatively small amount, why, the committee can go on and perfect such leases and make such changes as might be necessary. The gentleman from Ward 10 has spoken in relation to this playground in West Roxbury; and he labors under the very common delusion that in the country children can play just where they please. But it is not a fact. Children in the city can find playgrounds much easier than those in the country. On every vacant lot of land in the outlying districts is a sign, "No trespassing allowed." Those who own land want it for agricultural purposes, and people are not allowed to trespass upon it. It is not intended that people shall travel out of town to West Roxbury to play ball; but that the boys of West Roxbury shall play ball there. They have no other place. They are now playing upon land loaned to them by sufferance, and in a few weeks it will be taken

away. The city can hire it for about \$50 a year. The city does not take off the taxes; but the owner pays the taxes. The same is the case in other parts of the city. The city can get certain land for nothing; but in most of those it is necessary to do something in the way of clearing them off. The city owns some land that can be used by filling up ditches and holes, and possibly the expense will be \$60 or \$70 on each piece of land. The amount asked for is small; and with \$2000 there is very little reason to think the city will hire all the unprofitable or unoccupied territory in the city. It is not intended to limit the games to base ball. It is intended that children shall go there and play just what they please. At present they cannot do so. Every country town or village has some common tract of land where children can play; and as we have none in Boston, it is proposed to provide these temporarily until some better accommodations are provided.

Mr. Thompson of Ward 9—I wish to answer two or three points made by the gentleman from Ward 10. The first is that an appropriation for this purpose would not be for the public use in the widest sense; and he instances, as an argument, the West Roxbury playground, saying it cannot be for the public use because people here cannot go out there and make use of it. Exactly the same argument can be applied to our public schools. No person living here goes to West Roxbury to school; but the schoolhouses in West Roxbury are undoubtedly for public use. The same reason which makes it necessary to establish schools there, makes it right to locate a playground there. That is my answer to one of his points. Then his second point is, that we have shown commendable economy this year—or not, as the case might be—in cutting down the appropriation for public schools and in reducing the salaries of laborers and officials. My understanding of the reasons for cutting down the appropriation for public schools was this—that the City Council desired to reduce the salaries paid, and in order to do that they reduced the appropriation. The same theory applies to the pay of the laborers—that the expense of living has been so much reduced that not to reduce salaries is equivalent to raising them. Another point is that we shall lose the taxes on those grounds. I do not so understand it. I understand that we appropriate the money, and no further expense can be made, and that the gentlemen owning the land pay their own taxes. So that point is hardly a good one. Then the gentleman said we might go ahead and start billiard saloons or establish race tracks. The question now is, is it expedient to enter upon this expenditure? If you believe, as they did in old Rome, that it is a good thing to set up a race track at the public expense—they believed it was right and we do not—if a majority of the citizens of Boston believe that horse racing should be encouraged, we would appropriate the money for it. The principle is the same in regard to playgrounds. I believe it is a proper expenditure of money to provide places where boys can exercise themselves—get out of the dirty, narrow streets, and be better for it in every way. I can see no objection to making the appropriation, unless there is danger of an improper expenditure of the money; and that will rest with the committee, and they are responsible for it.

Mr. Ham of Ward 14—It seems to me that by the last vote the Council has committed itself against appropriating any money for playgrounds. Here is the Harris estate, already improved, which no doubt can be had for the payment of the taxes only. Now the Committee on Common and Squares come to us and say they want \$2000 to improve land not fit for a playground at the present time. The motion to take the Harris estate was rejected because the city would lose the taxes on that land; and now it is said that if the committee hire estates and the city appropriates \$2000 to improve them, the city will lose the taxes on them besides. It seems to me there is very little reason in this argument, and I hope the motion to reconsider will prevail.

Mr. Richardson of Ward 10—What I intended to say in regard to this "public use" was that there is no general demand for it. It does not serve any general public use, as education does. It is very plain to see that this will be monopolized by a few. It will redound, perhaps to the physical culture of a few, a very few. Gentlemen must see that it is not on the same principle as education. I do not see why we should not be called upon to vote for

an appropriation for a gymnasium for the boys in winter, or a billiard saloon for the delectation of those who play billiards and find amusement in it. It is the same thing. I tell you it does not serve any general utility and use, and nobody claims that it is for the public health.

Mr. Thompson—I only want to make one more comparison on the subject of general public use, if this is to be done. We have voted to put an iron fence on Commonwealth avenue, and have provided for it by an appropriation of public money; yet I doubt if there are many citizens in West Roxbury who ever will see Commonwealth avenue. We make an appropriation for paving streets in different parts of the city, and as a matter of fact we are constantly making appropriations for the improvement of one part of the city, and are not making the same improvements in the other sections. The only question is, Do we believe that playgrounds are good for the boys? I believe they are.

Mr. Howes—I would like to correct the gentleman from Ward 10. He states that there is no demand for this thing. There is a very great demand for it. It would be very absurd to suppose that boys of ten, twelve or fifteen years of age are going to draw up and send a written petition here. But, so far as the youth of the city are concerned, I am very certain that there is a decided desire to have these playgrounds provided for them. They are in no sense to be confined to base-ball clubs. They are to be used by any who want to go there; and probably they may be used in summer by from thirty to forty thousand boys.

Mr. Ruffin—The trouble about this matter is, that when it passed I did not understand the scope of it, and I do not understand it now. I believe that in some measure the establishment of a playground is a precedent. If the gentlemen who brought this measure here had stated that they wanted a park, I could understand that perfectly; I know what it means. But when they said they wanted to establish playgrounds, I sat in my seat and did not vote at all. I must say I did not understand it then, and I do not understand it now. If it means, as some gentlemen have stated, that certain lots are to be devoted to playing base ball, then I understand it perfectly well; but if it does not mean that, I do not know what a playground means. Now, there are certain things in connection with public parks that I should like to see. While riding out to the South End the other day, I saw little children running around on the squares, and people sitting on the seats. That is a pleasant sight to behold. If it is the intention to establish anything of that character, I am in favor of it. I think the city should have more of those beautiful things; and instead of merely having those two squares there, if they had as many more it would be very beautiful. But if it is the purpose of establishing a playground where the riffraff can go and play base ball, then I think this \$2000 will not be well expended, because they have other means of encouraging that. There are professional men engaged in it at a salary, and they have grounds for the games. From the explanation of the chairman of the committee I do not understand what it is for unless it is for men, women and children to walk around and have a good time.

Mr. Sampson of Ward 17—I trust that the reconsideration will prevail. It seems to me there is a principle involved here that should make us careful. I think the gentleman from Ward 10 made a good illustration. If we grant these playgrounds in the summer, why should we not grant a gymnasium in the winter? I trust the reconsideration will prevail, and as I think the discussion has taken a pretty wide scope, I call for the previous question.

The main question was ordered.

Mr. Ham of Ward 14 moved that the question be taken by yeas and nays.

Mr. Thompson—I believe the city has already committed itself to providing for the physical culture of the youth, by hiring the hall of the Institute of Technology.

Mr. Richardson of Ward 10—I was not aware that that had been done.

Mr. Thompson—It has hired the place as a drill hall, and money is appropriated for keeping it up.

The yeas and nays were not ordered and the motion to reconsider was lost—12 for, 30 against.

#### MEANS OF EGRESS FROM PUBLIC BUILDINGS.

Mr. Spenceley of Ward 19 moved to reconsider the vote whereby was passed the order for the In-

spector of Buildings to report on the expediency of making any changes in means of egress from schoolhouses, halls or churches.

Mr. Spenceley—If gentlemen will look at City Document 11, they will find a long report that the inspector has just made in regard to this subject. It is a fact that every year for the last three years an order has been put in here for this purpose; and last year a committee was chosen by the Council, but it was non-concurred in by the Board of Aldermen and killed. It seems to me that we have already got a report, and the question is, Is our inspector competent to do the work? If he is, it is best to let him go on and do it; and if he is not, it is best to find some one else to do it. I had an interview with him today, and he said he was doing all he could. If the gentlemen will look at the report they will see that sixty-three of the complaints were made, and if a complaint is made it is investigated. He can do no more than he has done. Within three months he has made a report, and why need he go to work to make a report of the same kind and character? It seems to me it will be inexpedient to require him to do it while we have this report before us. If the reconsideration prevails, I shall move that the order be indefinitely postponed.

Mr. Thompson of Ward 9—The gentleman from Ward 11 [Mr. Mowry], who introduced this order, is not present to explain why he did so, and I move that the motion for reconsideration be laid upon the table till the next meeting.

The subject was laid upon the table.

#### LICENSE COMMISSIONERS.

A communication was received from the Board of License Commissioners requesting an additional clerk. The City Clerk, in whose office the work of signing bonds and certificates has been done, says that he will need an extra one for the ensuing year, if the work is still to be done there. It seems proper that the work should be done in the office of the commissioners, and the City Clerk concurs in this view. They ask to be authorized to employ an additional clerk.

Mr. Thompson of Ward 9 moved that it be referred to the Retrenchment Committee.

Mr. Flynn of Ward 13—I hope the reference will not be made, for the reasons given by the license commissioners. It is a fact that the City Clerk did employ a clerk to fill out the licenses granted by the commissioners. Since the Retrenchment Committee's report was adopted, that clerk's duties have been done away with, and there is no work for him to do. Now they are about to issue licenses, and it is necessary that another clerk should be employed.

Mr. Webster of Ward 3—I should like to say that it is eminently proper that that matter should be referred to this committee. They reported an order which did away with a number of the employes heretofore employed in the Department of the License Commissioners, and as they took upon themselves the responsibility of believing he made the City Council believe that it left ample force, and as we received great credit for abolishing offices and reducing salaries, it seems to me proper before any office is restored that that committee should consider it and be responsible for it.

Mr. Thompson—The gentleman has stated for me the reason that I had for making my motion. It is evident that there is a conflict of opinion between the License Commissioners and the Retrenchment Committee, and in order to obtain the information it is proper that it should be referred to them.

The communication was referred to the Retrenchment Committee. Sent up.

#### FREE FERRIES.

Mr. Webster of Ward 1 presented the petitions of the Adams Express Company and 462 others; Nathaniel Adams and 330 others; and J. F. Dane, Grinnell & Co. and 305 others, in favor of free ferries.

Referred to Committee on East Boston Ferries. Sent up.

#### FIRE DEPARTMENT.

Mr. Crocker of Ward 9 submitted a report from the Committee on Ordinances in favor of the passage of an ordinance providing that persons who have served seven years in the department may receive a certificate thereof, signed by the Mayor, on written notice of such service by the Fire Commissioners.

The ordinance was passed. Sent up.



## BACK BAY IMPROVEMENT.

Mr. Felt of Ward 18 submitted the following from the Committee on Streets:

Ordered, That the city of Boston hereby consents to closing up and building over the fifty-foot street described in or laid out by the indenture between the State, the Boston Water Power Company and the city, dated Dec. 31, 1864, and recorded with Suffolk Deeds, lib. 54, folio 241, being the street laid out along land of the Boston & Albany Railroad Company between Columbus avenue and Dartmouth street, the discontinuance of such street having been already agreed to by the company, and Buckingham street, built and laid out by the city, fully providing for all the wants of the public between the same points; and the Mayor is hereby authorized to execute, acknowledge and deliver any deeds, satisfactory to the City Solicitor, which may be deemed expedient to carry out the objects of this order.

Mr. Felt—I would simply say, sir, that when this agreement was made on the part of the State, the Water Power Company and the city, it was for a street running obliquely along Columbus avenue, and parallel with the Boston & Albany Railroad, to Dartmouth street. In making this street it would be with a single front for the houses, and they would front to the railroad. In the subsequent arrangements with the Water Power Company, Buckingham street was laid out and houses were built on both sides; and this order simply asks for confirmation on the part of the city.

Mr. Thompson of Ward 9—I move that the order be referred to the Committee on the Judiciary, for the purpose of taking the opinion of the City Solicitor as to whether there would be any legal objections to the order as it now stands. I do not know that there are any; but I have lately had occasion to examine certain plans made by the Water Power Company, and I think it possible we might pass an order which would make expense hereafter.

Mr. Felt—The order has been referred to the City Solicitor, and has his approval in its present shape.

Mr. Thompson—Then I withdraw my motion for reference, and move that it lie upon the table for one week, that we may have time to examine it.

The order was laid on the table.

## EMPLOYING CITIZENS AS LABORERS.

Mr. Kelley of Ward 3 offered an order—That the Boston Water Board be authorized and instructed to have all work done by the day in the construction of the proposed sewer in the Mystic Valley, and to employ no persons in the construction of such sewer who are not citizens of Boston.

Mr. Kelley of Ward 3—I move the reference of the order to the Committee on Water. My reason for offering it is this: In going up to the Sudbury River Water Works I found on examining different departments that no citizens of Boston were at work, and I found that so far as the employment of poor men is concerned—which I have heard advocated in this Council in regard to parks—that they were poorly represented on that work. I thought it pretty serious, and since I have been thinking on this subject I have found that a good many of those men came here with the expectation of getting fair wages for their labor. The bosses got them here from New York and other places and reduced the wages from what they agreed to give them; and in consequence they have left off work and have got down into those low places, and finally went to our public institutions. By doing so, I believe it will be the means of assisting laboring men of Boston and enabling them to pay their landlords and grocers, and enable the landlords and grocers to pay their taxes to the city. So far as the Sudbury River work is concerned, it has been an injury to the laboring men of Boston. It brought men into Boston who became vagabonds.

Mr. Pratt of Ward 21—I would ask the gentleman to withdraw the motion to commit, in order that I may offer a substitute for his order, entirely in the same spirit, only broader in its operation.

Mr. Kelley of Ward 3—I should like to hear the substitute read before I withdraw the motion. I have no interest in the matter whatever. I want to be perfectly fair. I don't want to offer any order that is not right and fair and just. In this case I have consulted the City Solicitor, members of the Water Board and City Engineer, and they approve of the order.

Mr. Hibbard of Ward 17—I hope the substitute of the gentleman from Ward 22 is broad enough

to cover all contracts made by the city. I think the work in our streets should be given to the citizens of Boston. If the gentleman's substitute covers that ground I hope it will be adopted.

Mr. Wilbur of Ward 20—I have an order which I propose to introduce, which will cover the question not only of labor, but also of contracts. I believe that the order is very well, so far as it goes, in regard to labor; but I believe that all our contracts should be awarded to the citizens of Boston, and that the laboring men of Boston should be employed in the work. That is where the whole thing comes. It is by awarding contracts to New York parties who come here, and they pick up men they can get the cheapest. The consequence has been that in building the Sudbury River conduit, a great portion of it has been done by men outside of Boston. I do not mean to say that the building of such works as the Sudbury River conduit could have been done by Boston parties. But here is a sewer proposed to be built in the Mystic Valley which can be done as cheap, and I believe that much benefit will be derived from it if it is awarded to taxpayers of Boston, who will employ men who are citizens of Boston. I have an order which I propose to introduce covering that ground.

The President—The question is on the reference to the Committee on Water. The substitute is not in order.

Mr. Crocker of Ward 9—It seems to me that this order is likely to lead to mischief. If an order is passed requiring all work to be done by day's labor instead of contract, it is simply a move providing for the employment by the heads of departments of a large number of laborers; and, as I believe now, a great portion of the laborers who are employed have to get nominated by members of the City Council before they get employment, it would be a large field in which to exercise our influence. I think there is enough of this already. I do not suppose the gentleman offered the order with any such intention, but so far as this order looks in that direction, I should hope that it will not be adopted. Any order which tends to having the work done by day's labor, it seems to me, will tend to have the members of the City Council beset by laborers seeking to have their claims handed in to the heads of departments with the request to employ them; and that, it seems to me, is one very bad element about the way in which our city business has been done, and which ought not to be increased. I thought that, to give the order what it seemed would be its effect, I would offer an amendment, by adding, "recommended by a member of the City Council." That is, all parties employed should be citizens of Boston, recommended by a member of the City Council. That would put the thing in the shape that is desired. But I will not offer the amendment; I do not seriously object to its being referred to the Committee on Water. They might bring it in in some good shape; but it seems to me that in its present shape it might do harm.

Mr. Richardson of Ward 10—I must confess I do not appreciate the utility or wisdom of such measures as this. It is in the nature of an ordinance. I do not see why the city should debar itself from getting labor as cheap as other corporations or people. I do not see why the city should debar itself from employing the best labor. Suppose the best contractor is a citizen of Cambridge, should we be debarred from getting him? Suppose we have to go to Montreal or Quebec to get the best contractor, should we be debarred from doing it? This order says that they shall employ only citizens of Boston. Many people get naturalized and come here, but they are not citizens; and they would be prevented from working; what would become of them? They are not skilled mechanics generally; they have to dig ditches and all that sort of thing. As I understand the gentleman's order, they are not citizens of Boston, and could not work. The spirit and letter of this order is so easily evaded, any one can see that if a large job is to be carried on by citizens of Boston only, all that is necessary would be for one to get a boarding-place and declare himself a citizen of Boston, as they did in the old times, by depositing a valise, and then they became citizens of this ward or that. They would become citizens of Boston, and when the job was over, and the harvest was gone, you would have to support them in the poor-house. Would not that be so? It seems to me it is illiberal. In the first place, if it is done with the intention of keeping

people outside of Boston from working on public works which extend beyond the limits of the city, it is illiberal in the spirit, and I do not believe in it. To pass an order here which savors of head centres, trades unions and strikers, preventing any one from going to work; I do not like it.

Mr. McGaragle—The gentleman who has just sat down is, I am sorry to say, ignorant of the laws, although he claims to be a lawyer. He says it will hold out an inducement to men to come here and be naturalized.

Mr. Richardson of Ward 10—I beg pardon. I said they might become citizens of Boston by moving in here; and all a man has to do is to come here and declare himself a citizen of Boston, and then he can go to work. The order is easily evaded.

Mr. McGaragle—The more the gentleman tries to explain, the deeper he gets in the mire. One cannot possibly be a citizen of Boston unless he has resided here six months. There can be no possible harm in referring it to the Committee on Water.

Mr. Kelley of Ward 3—When I offered that order I had no idea of excluding anybody, but I do believe that as times are in Boston it is the duty of the city of Boston to protect its own poor citizens. Somerville did it last winter; Cambridge did it, and I don't see why Boston should not do it. Now, sir, I offer this order so that this work should be done by the day. I believe it can be done by the day almost as cheap as by contract, by employing competent men to superintend the work. I considered the order carefully. I don't wish to bring people into Boston or drive any out of it. I offered it in good faith. As some members of this Council seem to think it would tend to make pressure upon the members of this Council for work, I would say that I think there are some members of this Council that would never recommend a poor man for anything. I came here knowing the wants of the laboring men of Boston, and my intention was to get the contractors clear of this work. Now, the gentleman states that the work should be done by the contractors. The work of the city has been done by the contractors, and they have cheated the poor men of their pay. This order keeps it within the control of the city of Boston to employ its own citizens, and enable them to pay their rent, to feed their children, and not to be starving as they are now. I offered it for humanity's sake. That is one of my reasons. The next reason is, I believe it can be done about ten per cent. better than by contract, by employing competent men to superintend the work and give those men the power to employ or discharge their own men when they are not fit for the work. I did not offer it for a political dodge, as the gentleman in my rear [Mr. Crocker] states.

Mr. Crocker—I did not so state.

Mr. Kelley—I do not wish to have that remark go before the public. My motives are as pure as his. Although I don't make many speeches, I talk good common sense. I wish I was a lawyer, so as to make a good speech and keep the Council entertained an hour or two every evening. My intention was to enable these men to pay their grocers' bills and save the public institutions some custom next winter.

Mr. Crocker—I merely wish to correct the gentleman. I stated explicitly that I did not suppose he offered the motion with any such intention. I said I thought that would be the effect of it. I thought I expressly freed him from any such intention, and it is rather with an ill grace that he charges me with charging him with anything of the kind.

Mr. Day of Ward 4—I agree with the gentleman from Ward 3 in regard to the employment of citizens of Boston. As regards the matter of labor, that is another question. I think that there should be some safeguards thrown around contracts, so that our citizens of Boston should derive some benefit from it. But as to the question whether the contractor should hire citizens only—for instance, the Somerville sewer was done by contract, but it was inserted in the bargain that he should employ citizens of Somerville. I think the citizens of Boston can be included in the contract.

Mr. Kelley of Ward 3—There are masons at work upon that sewer who came from Philadelphia and some from Charlestown.

Mr. Fagan of Ward 19—I am in favor of the gentleman's order, but I would like to know what he means by citizens. A great many men are in a city who are not citizens, but residents. If he has

no objection, I would move that "citizens" be stricken out and "residents of the city for one year" be inserted.

Mr. Kelley—I accept the amendment.

The President—The amendment is not in order, the question being on the reference to the Committee on Water.

Mr. Ham of Ward 14—I have no doubt that the motive of the gentleman from Ward 3 is a good one; but there are very few members but have been applied to by laborers during the last four months for work. Not a day passes but a laborer applies to me for work from the city; and if anything can be done to give them work I shall be very glad to have it done; and I see no harm in referring this order to the Committee on Water.

Mr. Webster of Ward 3—The object of this order is unquestionably a good one, and something to effect this purpose should be done. But I object to the order as it reads for one or two reasons. I do not believe in dictating to the Water Board as to how they shall do it. By the ordinance they cannot undertake any work over \$10,000 except by contract, unless authorized by the City Council. I had a conversation with them, and they tell me if it is the desire of the City Council that this should be done by days' labor they undoubtedly would do so, but it would cost a little more, though a few thousand dollars might cover the whole matter. To pass an order authorizing them to do it by days' labor would amount to the same thing, and not be dictating to them, and be more complimentary. The order I had prepared was this:

Ordered, That the Boston Water Board be and they hereby are authorized to build the sewer in the Mystic Valley by day's labor instead of by contract.

The Board would understand our ideas clearly, and the object we desire would be attained.

Mr. Thompson of Ward 9—I believe the order seems to be about a matter which would undoubtedly work a considerable good to the inhabitants of the city. But the difficulty which occurs to me is that there are laws of trade which are of greater force than any orders we can pass here. I believe the citizens of Boston should be employed upon the work of the city of Boston when they can to the same advantage. I do not see why citizens of Boston cannot work as cheaply as people from a distance; and the reason that they would work as cheaply should be a reason for their employment. A great deal depends in the letting of contracts upon the good faith with which they are carried out. If we want to signify to the head of a department what we think it is best to do, we should not pass an order, but merely express an opinion. We should say, "Resolved, That it is the sense of the City Council" that thus and so should be done. Then we leave it to practical men, and if they find difficulties in carrying out the plan, they will not do so, and can give their reasons. They know that their tenure of office depends upon the will of the people who sit in this chamber; and wherever your opinion is expressed, if it is practicable, it will be carried out. But do not let us pass upon it in this snap manner, and take away the discretion of men to whom we pay large salaries to perform work. I think the question of sufficient importance to consider whether we cannot remove some of the evils of cheap laborers whom contractors have brought here, and who have to be supported by the city. What the city gains on a small contract it loses by supporting them. Do any persons know how many people of that class are in the city now?

Mr. Clarke of Ward 22—I do not believe that any sewer should be built by contract. I believe that the city is swindled in its sewer contracts more than in anything else. We all very well know that in building a sewer the contractor covers it over as soon as possible, when they go along in their work, and it is entirely out of sight. Now, sir, I wish to inform the Council that the town of Brookline are now building a sewer from the village to Charles River, to cost more than \$300,000; and the town passed a vote that all the laborers employed upon that sewer should be residents of the town, and that the sewer should be built by day's labor. They employed engineers who see that the laborers and mechanics perform their work properly. But it is done by the day in order to get their own town's people employed. Now, sir, last winter the town took into consideration what they should do to keep their poor people employed during the winter; and

they decided to keep them at work upon a piece of ground purchased for a cemetery. They employed some fifty laborers who were residents of the town; and, sir, all the tenements and cheap houses in the town of Brookline were occupied, whilst just across the line, on the Boston side, on what is called Downer street, the tenement houses were either vacant, or the parties who owned them could not collect any rents, because the men could not get employment. At the same time they were paying the city taxes on the property. The Superintendent told me, within the last three weeks, that the work on the cemetery, and grading the lawns, which last summer cost the town \$26 a lot, was done by the day during the past winter for \$10 a lot, so that the town saved a large amount of money. The laboring people seemed to consider that the town was doing all it could for their benefit, and in consequence they worked well and performed a large amount of work for the pay they got. I believe that in many cases we can get our work done as cheap, if not cheaper, by day's labor, as by contract. I believe that some contractors make a large amount of money in contract work, by hiring their labor at a very low price. I know when I was upon the Sudbury River works last summer, I was talking with one of the superintendents, and I found the city was obliged to employ quite a large number of foremen and trained mechanics to see that these contractors did not swindle the city; and he told me his back could hardly be turned but one of the employes would throw sand into the cement and reduce it down so as to save the cement, and consequently the city of Boston was cheated out of so much good cement. This work is soon covered up, and if anything occurs so that it becomes in a damaged condition, no one is responsible for it; the contractor has his pay, and we cannot blame the City Engineer, because it is let out by contract, and it is presumed that the contractor has done it to the best of his ability. I think such work should be done by day's labor.

Mr. Wilbur of Ward 20—While I am in sympathy with the gentleman who offered the order, yet I cannot see why it is that this particular sewer should be built by the day. Why not have all sewers in the city of Boston built by the day? Why single out this one sewer that is to cost \$200,000 and have it built by the day? I can see that it will be a dangerous precedent. Here is a sewer to be built in the Mystic Valley, away off out of the city of Boston, which it is proposed to build by the day, and here in the city of Boston we are continually building sewers. Why not have all those sewers built by the day?

Mr. Kelley of Ward 3—The reason, sir, is that last year the sewers were all built at contracts so low to men outside of Boston, who came here from Providence and every other part of the country, received the pay from the city and cheated the laborers out of it. I had to take some of them in my ward before the Superintendent of Sewers, and he refused to pay them because the city had paid the contractor. Another reason is that the citizens of Boston can manage their own jobs as well as citizens of Providence, and we have got as honest and competent men for doing their work as they have. That is my reason for offering it.

Mr. Wilbur of Ward 20—That is the reason I want to bring out. He says the contracts are let to people out of town. I say that is what we want to remedy, and that the contracts shall be given to taxpayers and citizens of Boston, and that we should have our contracts and labor done by the citizens of Boston. I think there is no reason why this particular sewer should be built by the day any more than other sewers.

Mr. Kelley of Ward 3—I believe that all the sewers in Boston should be built by the day.

Mr. Coe of Ward 23 moved the previous question.

Mr. Day of Ward 4—What is the effect of the previous question?

The President—It cuts off the motion to commit.

Mr. Webster of Ward 3—I hope the previous question will not be ordered. The gentleman who favored the taking of the Harris estate thought it should be reported on by the committee, for it can do no harm to report on a matter of that kind, which is very trifling. Certainly it can do no harm to have a report upon this, which is of great importance to the laboring classes.

Mr. Coe withdrew the motion for the previous question.

Mr. Webster of Ward 3—I trust it will be committed to the Committee on Water. I believe in the spirit of the order, but I don't think it is worded right. I presume the committee will consider bringing in an order just to meet the case. I believe there is a majority of this Council who are willing to go outside of the old routine precedence and do something for the laboring men of this city. In regard to the special reasons for building this sewer, the Water Board however deemed it proper that it is best to build it in that way, without the request of the City Council. That sewer will be close to a railroad track for some distance, and the expense of a few thousand dollars more will be small compared with the risk of having it poorly done. That being the opinion of the Water Board, it might be advisable to have it done by day's labor.

Mr. Spenceley of Ward 19 moved the previous question.

Mr. Thompson of Ward 7—I hope the gentleman will withdraw the motion for the previous question and allow this to be referred to the Committee on Water.

Mr. Spenceley—I understood that there are two or three orders here covering broader ground than that, and I think we had better vote this one down and take the others.

The Council refused to order the main question.

Mr. Burke of Ward 2—The gentleman from Ward 20 says there is no reason why all contracts for sewers should not be given out by the day. I suppose the reason is because the City Council have never ordered it. I believe it is the first time in my memory that an order of that kind came before the Council, but I heartily concur with the gentleman who advocated it. Every mechanic knows, and it is my experience, that there is so much competition that it is almost impossible to get work done by contract. In my own locality I know there are a good many people who are begging for employment in order to get money to pay their taxes.

Mr. Pratt of Ward 21 raised the question that the Council having refused to order the previous question the subject is thereby postponed to the next meeting.

The President decided the point not well taken.

Mr. Day of Ward 4—While I am in sympathy with the latter portion of the order offered by the gentleman—

Mr. Pratt again raised the point that the Council having voted not to take the previous question, the effect of that vote is to postpone the consideration of the matter until another meeting.

The President decided the point not well taken and recognized Mr. Day as having the floor.

Mr. Pratt respectfully appealed from the decision of the Chair.

The President recognized Mr. Day, who continued—

While I accept the latter portion of the order in regard to the employment of laborers who are residents of the city, I should be willing to leave that to the judgment of the Water Board; but the gentleman from Ward 22 seems to have gone out of the way to throw a slur upon the large class of men whom I happen to know are a class of good, honest, fair-minded men, as I believe contractors are. I don't believe contractors are always swindlers. I think the Superintendents of Buildings and Sewers would answer that those men do good work by contract.

Mr. Vose of Ward 24 asked if there was any question before the Council, and the President replied that the question was on referring to the Committee on Water.

Mr. Clarke—I would like to reply to the gentleman from Ward 4 in regard to the statement I made. I stated that a person employed by the city to watch the contractors, stated to me that they could cheat, and would cheat every chance they got unless closely watched.

Mr. Day—I referred to the gentleman's remarks as being of a general character. There may be some cheating going on, but from my knowledge of contractors they are generally pretty good men. I do not think members of this Council should take occasion to throw a slur upon the general character of contractors. It seems to me that gentlemen in this Council who are contractors seem to be rather insinuating against their own class of men.

Mr. Pratt again raised the point of order, that the refusal of the Council to order the previous question, passed the subject over to the next meeting, and read from Section 1418 of "Cushing's Law and Practice":

"If resolved in the negative, the main question, both in substance and form, is suppressed for the day, which is ordinarily considered as equivalent to a defeat."

The President—The Chair has already decided that the point is not well taken. That has not been the practice in this Council.

Mr. Pratt respectfully appealed, and Mr. Thompson seconded the appeal.

Mr. Howes asked if this rule was laid down in "Cushing's Manual," which governs the Council in all cases where its rules do not specially apply.

Mr. Pratt had not the manual, which it is understood contains the main points in the larger work, and he presumed it conformed to this. He had noticed the practice once or twice, and his appeal was intended to be entirely respectful, and for the purpose of obtaining a decision from the Chair.

Mr. Webster of Ward 3 said Mr. Pratt's point was entirely wrong so far as American parliamentary practice is concerned. The practical effect of such a practice would be to give any member the power to either force a vote or lay the matter over to the next meeting.

Mr. Flynn of Ward 16 said that in the succeeding paragraph of "Cushing's Law and Practice" this is not the practice in this country.

Mr. Pratt—I would—

Mr. Ham raised the point that Mr. Pratt had no right to speak but once.

The President ruled the point well taken.

On motion of Mr. Thompson, Mr. Pratt was allowed to speak.

Mr. Pratt said he did not find that American practice was any different from that laid down in parliamentary law, except in assemblies where it is a different rule.

Mr. Thompson read from page 556 of Cushing, that—

"If decided in the negative, the decision precludes the taking of the same or any similar question, the same day; if decided in the affirmative, the main or principal question is then to be immediately put, without any further debate or delay."

Then it states the operation of this proceeding in legislative assemblies in the United States. The adoption of the rule would be wise. Our previous question is used to cut off debate by gentlemen who do not appear to be interested in the discussion or have some reason for forcing measures through. There is hardly a subject but will bear intelligent discussion, and if a member moves the previous question, if the Council are not prepared to settle matters they will negative it, and the matter will go over.

Mr. Spenceley moved to adjourn. Lost.

Mr. Day read rule 70 to show that the point did not apply, and that Cushing's law was inconsistent with the Council rule.

Mr. Crocker said his experience in the Council led him to believe the President's ruling in accordance with custom and usage here. He read the following extracts from Cushing's Manual:

"65. But the previous question may be decided in the affirmative, as well as in the negative, that is, that the main question shall now be put; in which case, that question is to be put immediately, without any further debate, and in the form in which it then exists. This operation of the previous question, when decided affirmatively, has led to the use of it for the purpose of suppressing debate on a principal question, and coming to a vote upon it immediately; and this is ordinarily the only object of the previous question, as made use of in the legislative assemblies of the United States. The operation of a negative decision is different in different assemblies; in some, as for example in the House of Representatives of Congress, it operates to dispose of the principal or main question by suppressing or removing it from before the House for the day; but in others, as in the House of Representatives of Massachusetts, and in the House of Assembly of New York (in the former by usage only, and in the latter by a rule), the effect of a negative decision of the previous question is to leave the main question under debate for the residue of the sitting, unless sooner disposed of, by taking the question, or in some other manner."

"In this country the previous question is used chiefly for suppressing debate on a main question; the object of the mover of it is to obtain a decision of it in the affirmative; and the effect of a decision the other way, though in some assemblies operating technically to suppress the main question for the day only, is, in general, merely to suspend the taking of the question for that day;

either leaving the debate to go on during the residue of the day, or the subject to be renewed on the next or some other day."

As the manual does not speak positively on the point, he thought the ruling of the Chair in accordance with American practice.

Mr. Spenceley moved to specially assign the subject to 8½ P. M. next meeting.

Mr. Flynn of Ward 13 objected to postponement and read from rule 51 to show that the President's ruling was in accordance with the Council's rule.

The question was put, and the President's ruling was sustained, unanimously.

The order was referred to the Committee on Water.

#### APPOINTMENTS.

Mr. Perham of Ward 23 offered an order—That George A. Spear be appointed a fence viewer and that Thomas Cunningham be appointed a field driver and pound keeper, within the limits of the city.

Mr. Flynn of Ward 13 asked if that nomination should not come from the Mayor, and Mr. Perham explained that it was to be done by the City Council.

Mr. Thompson said the names had not come from any committee, and moved the reference of the order to the Retrenchment Committee.

Mr. Vose of Ward 24 objected to the reference.

After some further discussion by Mr. Thompson, Mr. Perham, Mr. Flynn of Ward 13, Mr. Webster of Ward 3 and Mr. Spenceley of Ward 19, Mr. Thompson withdrew the motion, and the order was passed. Sent up.

#### PROMOTION OF PARLIAMENTARY KNOWLEDGE.

Mr. McGaragle of Ward 8 offered an order—That the City Messenger be and he is hereby authorized to furnish each member of the Common Council with a copy of Cushing's large manual; the same to be charged to the Contingent Fund of the Common Council.

Mr. Felt moved to refer to Retrenchment Committee.

Mr. Fagan moved to adjourn. Lost.

Mr. Webster hoped there would be no more sarcasm displayed in the Council.

Mr. Ruffin moved to amend by adding an English grammar and a dictionary.

Mr. McGaragle accepted the amendment.

The order was referred to the Retrenchment Committee.

#### CONTRACTS ONLY TO TAXPAYERS.

Mr. Wilbur of Ward 20 offered an order—That the several boards and committees of the City Government be directed to award contracts for the construction or repair of any public work to no person not a taxpayer in this city, unless otherwise ordered by the City Council.

Mr. Pratt moved to amend by adding the words—

"That directors and heads of departments, who may have the employment of laborers at the expense of the city of Boston, shall so employ citizens of Boston only."

Mr. Wilbur accepted Mr. Pratt's amendment.

Mr. Thompson moved its reference to the Committee on Finance.

On the first trial a quorum did not vote. The motion was lost—14 for, 24 against.

Mr. Howes of Ward 18—I certainly trust that this order will not be passed. I, for one, am not willing to build a big Chinese wall around Boston and keep out every one from our midst. Personally, I am strongly in favor of free trade and of buying where one can buy the cheapest. We have nearly damaged and spoilt the reputation of the country by going on as we have under the protective tariff, and I trust that Boston will not imitate the country in that respect. The principle is analogous to the custom in Europe, where each city has a little duty it exacts from everything which comes into its borders. The marketman pays a tax upon every load of produce which he brings to the city. The principle involved here is the same and it is detrimental to the interests of the city. Now, sir, the gentleman has referred to the Sudbury River and the damage to the city by having the contracts awarded to outsiders. That question came up at the close of the session last year, and I took occasion to inquire of the Water Board as to the facts in the case, and from them I gained the following intelligence:

\* The conduit from Sudbury River to Boston was divided into twenty sections. Section 1 was done

by days' labor; on section 2 there were no bidders at all, and therefore no competition there; the other eighteen sections were awarded at an amount equal to about \$2,000,000—that was the amount which the contractor received for building these eighteen sections. The lowest Boston bidders for those same sections were \$2,700,000. That is, if the contract had been awarded to the Boston contractor, the city of Boston would have paid \$700,000 more than it does under the present circumstances—and that is what the Council is asked to vote upon now. I am opposed to anything of the kind, and I very much doubt the legality of the city doing it.

Mr. Thompson—In making my motion for reference to the Finance Committee, I believed they would give it a fair investigation. If the gentleman prefers any other committee, let him name it; it is too late to discuss so important a subject.

Mr. Day—There is one feature of the order which is a little too radical. No one but citizens of Boston are to be employed unless it is author-

ized by the City Council. There might be reasons for employing particular men well qualified for a position, and therefore I should like to offer an amendment.

Mr. Wilbur—It does not apply to laborers, but to contractors.

Mr. Day—As I understand, the amendment inserted refers to the employment of laborers, in order to bring this matter within the scope where it would be more easily reached than in the Council. I move to substitute the words "unless authorized by the Committee on the part of the City Council having the subject in charge."

Mr. Webster of Ward 3 raised the point of order that the motion to commit takes precedence of any motion to amend.

The Chair said the motion to commit had been lost.

Mr. Felt of Ward 13 thought this was a matter which might lie over for a week, in order to give the Council time to obtain information, and he moved to adjourn.

The motion was carried and the Council adjourned





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

MAY 21, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Forty traverse jurors were drawn for the April term of the Supreme Judicial Court.

## EXECUTIVE APPOINTMENTS.

Constable—D. M. R. Dow. Confirmed.  
Police Officers Without Pay—David M. Dickey and several others. Confirmed.

Police Officer—Daniel W. Sullivan. Referred to Committee on Police, on motion of Alderman Burnham.

Superintendent of Lamps—James K. Fagin. Laid on the table, on motion of Alderman Slade.

## PETITIONS REFERRED.

To the Committee on Ordinances on the part of the Board. George T. Angell *et al.*, against contemplated action of the Board in relation to muzzling and killing dogs.

To the Joint Committee on Common. E. Lawrence, Jr., *et al.*, that the city assume the care of the enclosure in Berwick park.

To the Joint Committee on Claims. John Radin, for compensation for set of wheels and rubber cushions made for Steamer Engine No. 7; James Deshon, to be compensated for an invalid tax title purchased by him; Isabel Adamson, to be paid for damages by fall on sidewalk covered with ice on Decatur street, East Boston.

To the Committee on Lamps. James F. Upham, that Otis street, Ward 25, be lighted.

To the Committee on Health on the part of the Board. Petitions for leave to occupy stables by John C. Stuck, new wooden, one cow and one horse, Curtis street; Patrick McGovern, new wooden, one horse, Lyman avenue, Ward 25; Stephen Hill, new wooden, two horses, Orient Heights, Ward 1, and for two horses on Hill avenue, Ward 25.

To the Joint Committee on Survey and Inspection of Buildings. John D. Wester, for leave to erect a wooden building on Starr street, Ward 23.

To the Committee on Fire Department on the part of the Board, with full power. Hinkley Locomotive Works, for leave to exhibit a pneumatic fire extinguisher on a portion of the Back Bay lands.

To the Committee on Police. R. M. Field, for leave to project a lantern in front of the Boston Museum.

To the Committee on Paving. Charles H. Heath *et al.*, trustees, that the city prepare means of access from Swett street to their property at Pine Island; Trinity Church, that Trinity place be graded and macadamized; trustees of the Lawrence Model Lodging House, that flagstones be laid across East Canton street near their estates; Thomas B. Williams, that Weld street, between Centre and Walter streets, be put in order; Lucy F. and Horace W. Clapp, to be paid for grade damages on Oak place; Luther D. Shepard *et al.*, for a crosswalk on Boylston street, between Church and Arlington streets; W. J. R. Evans, that Lamartine street be put in order for travel near Green street; Robert Seaver *et al.*, that Centre street be macadamized near Green street and the Monument in Ward 23.

Petition for edgestones in front of estate of W. P. Faulkner on Elm street, West Roxbury.

Sally Barker *et al.*, that the sidewalk at 95 Hensley street be paved with brick; E. H. Learnard, that the sidewalks on the north side of Sparhawk street be laid with brick; John L. Webster *et al.*, for edgestones on Elm street and Greenough avenue, Ward 23; E. C. Sparhawk *et al.*, that Sparhawk street be graded and macadamized; Daniel Osborn, to be paid for damages caused by change of grade in Foster street, Brighton; Amos Cutler *et al.*, that North Beacon street be graded; G. Fuller & Son *et al.*, that Market street and portions of Western avenue, Chestnut Hill avenue and Washington street, Brighton, be watered by the city; Samuel C. Lord *et al.*, that edgestones and sidewalks be laid on Sherman street.

South Boston Railroad Company, for locations in Market and Canal streets, to enable their cars to approach near the Boston & Maine depot on their return trips.

Highland Street Railway Company, for leave to run twelve additional cars per hour round the circuit.

## HEARINGS.

On the hearing on the expediency of constructing a sewer in Boylston street, between Church and Charles streets, no one appeared to object. Recommitted to the Committee on Sewers.

No one appeared to object on the hearing on the petition of Eastern Railroad Company, for leave to connect their tracks with those of the Union Freight Railroad tracks on Causeway street. Recommitted to Committee on Paving.

## INSPECTOR AT THE ABATTOIR.

The order to fix the salary of the Inspector at the abattoir came up, under unfinished business, by special assignment.

Alderman Breck—Perhaps it is necessary to make some little explanation why I moved a reconsideration of the vote fixing the salary of the Inspector at the abattoir at \$1500, and why the passage of the order should not be concurred in. I do not think the reasons were fully understood by the Board, who supposed it was actually necessary to appoint an inspector there. It is unnecessary, for all the duties can be performed by the Inspector in the city; and if we vote that \$1500, it will only be to give some one a good berth. There is nothing he can possibly do. It is for the interest of all the butchers that nothing objectionable should go into the abattoir. It is impossible for diseased animals to be slaughtered and dressed there for our market, and as for very young calves they are not killed there, but are brought into the city by steamboats and railroads, where they are found by the inspectors and condemned. This salary is not called for and we may as well save what little we can. By giving the present Inspector here a horse and wagon, he can attend to all those duties at an expense not exceeding \$600, and I think less than that. The animals can be looked at after they are slaughtered just as well by the Inspector here as by making this new office.

Alderman Clark—I am rather surprised that this matter should be brought before the Board again, after this Board voted—7 to 5—that it was necessary to have an Inspector at the abattoir, and to pay him \$1500. Furthermore, an intelligent committee examined into this matter and made an intelligent report; and if we can place any reliance upon the reports of committees it is absolutely necessary that we should have an Inspector there to inspect the provisions sent to this city. I do not know but this Board are prepared to vote for it one Monday on a subject they thoroughly understood, and vote it down the next Monday; but I do not think they are. I stated upon reliable authority that there were eight or ten cases in which provisions would have been sent to the city unfit to go upon the table of any Alderman, had it not been for the Inspector upon the ground. I have been informed, and I believe it is susceptible of proof, that calves not more than two or three days old have been left at the abattoir, and would have been slaughtered there had it not been for the watchful eye of the Inspector upon the ground. Those facts can be substantiated by any Alderman who will take the trouble to send down to the Board of Health; and if those are the facts, there is no question but it is important that a man should be employed there at all hours of the day and night, if necessary. I have no doubt the superintendent of the abattoir is an upright and honorable man; but the Committee on Salaries investigated the subject thoroughly, and, if we can believe their report, the office is an important one, and \$1500 is little enough salary for such a man as it is necessary to have there. Upon the passage of the order I call for the yeas and nays.

Alderman Breck—I agree with the Alderman so far as \$1500 being little enough. It is too little altogether. An Inspector at the abattoir should have \$3000, and an assistant, so that he can be relieved at night. It will be impossible for one man to do all the law requires, if it is all the Alderman suggests. But it is no more use having an Inspector there than here in City Hall. The Inspector in the city can do it as well. I think the Alderman has been misinformed in saying young calves have been carried there. They do not do that kind of business there. It is done out of the city. They would not dare to carry them there to be slaughtered. Many of those calves are slaughtered out in Middlesex County, in Maine and New Hampshire, and



brought here by rail and steamer. The men interested in the abattoir would do everything to prevent poor beef from coming into the city, for it would be found out by the Inspector, who is around everywhere, and sees not only what comes from the country, but from the abattoir. I hope we shall not vote \$1500 for the entirely useless office.

On motion of Alderman Viles, Dr. Durgin, chairman of the Board of Health, was requested to make a statement to the Board in relation to the matter.

Dr. Durgin—I have not heard one word that has been said up to this time, so that I can hardly know just exactly what is wanted.

The Mayor—The Board would like to know the necessity for this officer.

Dr. Durgin—I consider the necessity very great. The experience of a year or more has shown us that unhealthy animals are killed there and that after animals have died they have been dressed there, intended for the market. Animals have been condemned before death by the Inspector, and considerable meat has been seized and condemned after it has been dressed. During a period of four months and thirteen days there were 2227 pounds of meat dressed for market that was seized in that building by the Inspector and condemned as unfit for food. Within one month animals have been seen sick and unable to stand, and have fallen into Charles River and drowned, and they have been taken out by members of this association and dressed, and the owner thereof tried hard to make the Inspector believe that that meat was fit for market; but it was seized and destroyed. During the past April the Inspector has seized two whole beeves at that building and condemned them. Immature veals are brought there and slaughtered, and some of the meat has been seized and destroyed during the past year. There is much less at present than formerly; but that diseased cattle are slaughtered there and the meat dressed for market there can be no sort of doubt whatever. Within a few moments I have submitted a list of the meat seized during a few months of last year, which Alderman Clark has in his possession; and also a letter from the Secretary of the State Board of Health, who would be very glad indeed to state the reasons why that board labored hard for the Legislature to pass the act in regard to this subject. It was unanimously argued by the State Board of Health, and an act was passed in 1876, authorizing our board to appoint this officer, which we did a very few days after the act went into effect. The result is on paper before Alderman Clark.

Alderman Thompson—Could not the same officer (the Inspector of Provisions) attend to it the present year?

Dr. Durgin—I do not know that he can. Last year we considered it important to have an officer stationed there all the time. We failed in our efforts to get such a man as we wanted, and in lieu of that we secured the services of the Inspector in the city proper. He generally went there once a day, sometimes oftener. This year we determined to place a man there permanently.

Alderman Clark—Do you think it necessary that a man should be stationed there permanently in order that provisions intended for market may be properly inspected?

Dr. Durgin—I do, without any doubt whatever.

Q.—Have you ever heard of any young calves sent there to be slaughtered?

A.—I have seen them there myself; our officer has seized some of them.

Q.—How many has he seized?

A.—I could not tell without the record. I think several cases are shown on the paper before you. In the early part of last year there was considerable of it done, and I told the president of the association, Mr. Taylor, that those calves should not be allowed to go upon the premises; they attempted to throw some doubt upon the statement that those calves were sent there for slaughter. The presence of the Board of Health caused one man to gather up a large number of those calves that were unable to get up off the ground themselves; they had been left in a pen by themselves, and after we left another load was brought and unloaded into the same pen, where at least ten or a dozen were unable to get up. I should judge they were from one to three days old. They were picked up by those men who brought them there and put into a cart and driven away into a by-street, and there stopped until our Inspector followed up the wagon, and then the

driver went on. The Inspector could tell you more fully as to where he was and about his chasing him that night than I can.

Alderman Breck—Has the inspector ever seized any veal after it has been slaughtered there?

A.—I think he has, although I should be obliged to refer to the records to tell you positively.

Alderman O'Brien—Do you intend to select a man who resides in that neighborhood, or will you send one from the city?

A.—It is best that he should reside at the place. It will be necessary for him to be there all the time, and to be up one morning early in the week as early as two o'clock to meet one train, and on other mornings about seven o'clock.

Alderman Thompson—Is he supposed to inspect every animal slaughtered there?

A.—Yes, sir.

Q.—Can he inspect five or six hundred thousand a year?

A.—I should think it would be necessary to inspect that number. I have no doubt he can do it in a year. He can see every animal before it is slaughtered, and see the meat before it leaves the building.

Alderman Wilder—What sort of training would you require a man to have had for this place, to enable him to judge by the appearance of the animal before it is slaughtered, and also by the appearance of the meat afterwards?

A.—We should try to secure the best man we could.

Q.—Would a practical butcher be specially qualified for the duty?

A.—No, sir; I think he might not be. You might find a person outside the profession of butchering who is capable of judging of the condition of an animal or a piece of meat.

Q.—You think the inspection has been imperfectly done by reason of the Inspector having other duties to perform.

A.—He has labored under great disadvantage by reason of not being there all the time.

Q.—Then you believe that members of the association would not hesitate to furnish diseased meat, veal twenty-four hours old, or anything else, that people would buy, if it were not for the presence of the Inspector?

A.—I judge simply by the facts, even with the presence of the Inspector there.

Alderman Clark—Do you consider Mr. Terry a competent man for Inspector of Provisions at the abattoir?

A.—We do consider him a very good man for the business.

Q.—It requires all his time?

A.—I think it will require his whole time.

Alderman Fitzgerald—Have you appointed a man?

A.—Yes, sir.

Alderman Clark—When was this act passed?

A.—In April, 1876.

Q.—It authorized the Board of Health to appoint an Inspector?

A.—Yes, sir; one or more inspectors.

Alderman Fitzgerald—Did you ask for an additional Inspector last year, as soon as the act passed?

A.—We appointed one at once, but his compensation was simply the use of a team to get back and forth.

Q.—You mean that the Inspector of Provisions at Faucuil Hall was the inspector at the abattoir?

A.—The Inspector at Large in Boston.

Q.—With the addition of a team to enable him to get to the abattoir?

A.—Yes, sir.

Q.—Don't you think the present Inspector could do this business if he had an assistant?

A.—If he had an assistant that could—

Q.—You thought all that was necessary last year was a team, and you did not think it necessary to come to this Board to ask for an additional Inspector. Do you not think now that the Inspector of Provisions with an assistant at a salary smaller than \$1500 could perform that work better than it was done last year by one man?

A.—You want just as good a man, if not even better, to inspect the live animals and meat at that association than here in the city at large; and the assistant here would need to be just as good a man, if not better, than the Inspector himself; and to be in here any portion of his time would place him at a disadvantage in doing his whole duty at the abattoir. We do not consider that we did enough last year, but we did the best we could under the circumstances. The man who had been appointed by the Mayor and con-

firmed by the Board of Aldermen was a good man; we had seen his services for two years, and we appointed him to go there when he could find the time. That was his duty prior to the passage of this act.

Q. Then you did not deem it necessary to ask for a special Inspector last year?

A.—We did not deem it necessary simply because we could not find such a man as we wanted. We took one man out there and gave him to understand that the City Council would give him \$2000, but he would not accept it. He was such a man as we wanted, and we would have appointed him. The next best thing we could do was to appoint a tried man and save the salary.

Alderman Burnham—Can a man looking at a live animal ordinarily tell if the liver or some other internal organ is diseased?

A.—I should think it rather doubtful. Such a man as we would be likely to appoint would have the advantage of seeing the animals approach the grounds, and if they were very sick they would manifest it; and if he is there all the time he would have the additional chance of seeing the meat.

Q.—In looking at the meat could a man judge whether the animals was diseased in the liver or some internal organ?

A.—In a very great many instances it is his only chance to see whether the meat is good or not. He even, if the animal gave no evidence of sickness while alive, after it is slaughtered he might find a condition of the internal organs which would justify him in condemning the whole, and sometimes only a part. Sometimes there are injuries which destroy a portion of the meat, while the remainder is suitable for food.

Q.—That being the case, is it not proper to have an Inspector upon the ground so as to witness the slaughtering of the animals, and to see the meat afterwards?

A.—It gives a very great additional security for him to see all he possibly can while the animals are being slaughtered. The same thing is done in Chicago, New York and Pittsburg; so that we are not the first to do it.

Alderman Clark—I wish to read the following communication:

OFFICE STATE BOARD OF HEALTH, }  
BOSTON, May 21, 1877. }

*Dr. S. H. Durgin, Chairman Board of Health:*  
Dear Sir—In reply to your inquiry, I have no hesitation in saying, from an intimate knowledge of the facts of the case, that an Inspector of animals and meat at the abattoir is a necessity of the very first importance. The Inspector, too, should be a first-rate man, familiar with his work. There is no other way, in my opinion, in which it is possible to prevent the introduction into our markets of considerable quantities of meat that ought to be condemned. This is a measure which the State Board of Health have urged for several years, and which has been adopted by special act of the Legislature at the request of our board.

Very respectfully yours,  
CHAS. F. FOLSOM,

Sec'y State B. of H.

Here is a list of seizures made by J. H. Terry, the Inspector of Provisions, at the Brighton Abattoir:

May 13, 1876, 400 pounds beef, John W. Kelly owner.

June 10, 1876, 800 pounds beef, N. & G. D. Chamberlain owners.

July 19, 1876, 547 pounds beef, W. H. Monroe owner.

Aug. 19, 1876, 350 pounds beef, owner of same unable to be found.

Sept. 26, 1876, 150 pounds beef, owner of same unable to be found.

Dec. 7, 1876, two carcasses veal, owner of same unable to be found.

Dec. 11, 1876, 150 pounds of beef, owner of same unable to be found.

Seizures in April, 1877, two whole beeves, except a few pounds of one.

Those are the facts, Mr. Mayor, in regard to it.

Alderman Breck—I have no doubt an inspector is needed out there. The report just read by the Alderman is from the Inspector of Provisions at large, and what he detected then he can detect now. I do not see the necessity of fixing the salary at \$1500, because I believe the work can be done no better for \$1500 than it can be for \$600. I move an amendment that the salary be \$600 instead of \$1500.

Alderman Clark—I have no fears after the information received from the chairman of the Board of Health, that any such amendment will

be adopted by this Board. The chairman has stated the views of the Board of Health in regard to the office, and he has stated what was done last year to prevent the community from being imposed upon. He has stated that it requires the time and attention of a competent, able man, and, if that is a fact, \$1500 is little enough. We pay the Inspector of Provisions at large \$2200, and the duties do not so require his time but that he can run his own private business into the bargain. If that is the case, and we pay \$2200 to an Inspector here, and he is enabled to carry on his own private business, then \$1500 is little enough to pay the Inspector at the abattoir, where he will be required to give his entire time during the day and be up at two o'clock in the morning part of the time.

The amendment (\$600) was lost—yeas 5, nays 7:  
Yeas—Aldermen Breck, Fitzgerald, Robiison, Thompson, Wilder—5.

Nays—Aldermen Burnham, Clark, Dunbar, Gibson, O'Brien, Slade, Viles—7.

Alderman Wilder—I believe, from what I can learn in relation to the matter, that perhaps an Assistant Inspector might be valuable; but I believe they would be valuable only in relieving the Inspector of the duty of attending to another department of provisions. It is true that the present—and no one—Inspector can give attention and examination to the slaughtering of meat at the abattoir, or examine the same meat when it comes into Boston, and also give that careful scrutiny and inspection to the fish, oyster and lobster trade which perhaps all three deserve. But I have no doubt that any competent Inspector, if relieved of those departments by an assistant, would be fully able to give the citizens of Boston all the protection that it is possible for an Inspector to give them. What is the Inspector at Brighton going to do all the time, any more than look on? I stood there and saw eight sheep slaughtered in one minute. I do not know how a gentleman is going to be able to know a great deal about the vital condition of those animals when he has got to pass his opinion upon eight of them in a minute. As fast as they are killed one party takes off the hide, another party takes another part, and the carcass passes through several hands, and in the course of two or three minutes it is hung up. I can conceive that a man can walk through the rooms where the carcasses are hung up and give a casual glance at all. I do not value \$1500 or \$15,000 if it is to protect the health of the consumers of provisions; but I cannot feel it to be my duty to vote \$1500 to pay for services which I know—and which any practical man must know—can be of but little value. Therefore I move that the salary be made \$800.

Alderman Clark—I have the greatest respect for the opinion of the Alderman who has just taken his seat, upon some subjects, with which he is familiar, and particularly the specialty in which he is engaged. If a man should ask me to give my opinion upon a box of cigars, or a cart-load of tobacco, I should certainly go to the Alderman to be informed about it. But I understand that he went out to the abattoir one afternoon and was taken under special charge by the superintendent, and from that inspection of that institution he has formed his opinion. Now, sir, I say he is not so competent to give an opinion as the intelligent members of the committee in this Board and the Common Council, and Dr. Durgin, who have given this matter a careful and thorough investigation.

Alderman Thompson—The committee were not united.

Alderman Clark—The committee were so united that both the Aldermen voted to pay this Inspector \$1500 a year. It may be that they have had reason to change their opinion. The Alderman from the Brighton District has stated that a man who performed the duty there would be worth \$3000, and that he ought to have an assistant. Now they have found a man, Mr. Terry, who performed this duty to the satisfaction of the Board of Health, whom we appointed and to whom we pay salaries to look after the health of the city. This man has performed his labors to the complete satisfaction of the Board of Health, and they propose to pay him \$1500 a year less than Alderman Breck says the Inspector at the abattoir ought to have; and yet the Alderman gets up here and moves that the salary be \$600. There is no consistency in that. I presume that the Board will pass the order to pay \$1500, and not go back upon the judgment it has rendered.

Alderman Breck—The Alderman did not under-

stand me, I said the Inspector would be worth \$3000, and he should have an assistant, and I repeat it. It would be impossible for a man to go there and do it without large pay. He would not only be obliged to get up one night, but he would be confined there every day and night. I should not like to be confined there for less than \$5000 a year. I do not believe it is necessary to have an Inspector there at all. I believe the people who are slaughtering there will look after the health of the city, for it is for their interest. Every pound of meat brought here is inspected, and it will be impossible for them to do it without being found out, for the Inspector is around every morning. If we have this man appointed, it will be a double inspection; therefore I think it is no use to go any further unless we have it inspected when it comes into the city, and have a card marked that it has been inspected, so that the Inspector here can be relieved. I believe the Inspector in the city can do all that is required. The gentleman stated that 400 pounds were seized at one time. Now a large veal would weigh that, that is one veal slaughtered there that the Inspector condemned. He said it was not fit for meat and called the butcher's attention to it, and finally they explained that only a little of it was bruised; he took a part of it and all the rest came into market, and that is about the only unsound animal that was brought into the market from there.

Alderman Clark—I would ask if this Inspector here can inspect 450,000 cattle a year? That is 1500 a day. Can this Inspector attend to this and still perform all his duties here? I believe it is his duty to inspect everything in the shape of provisions that come here. Now, sir, it is my opinion that the meats which come from the abattoir do not receive a very thorough inspection by the Inspector at Large. It may be that there have been very few instances of diseased meat having been seized. It is simply because they had an Inspector there to look after it. But here are 400 pounds of diseased meat seized at one time, and 800 at another—enough to poison 400 individuals at one time and 800 at another. It may be that this is of no consequence; but I think it is a good deal of consequence, and that we should be protected against diseased meat from parties at the abattoir. I believe it is just as important a measure as the muzzling of dogs to prevent their causing death by hydrophobia.

Alderman Breck—The Alderman asked me how it is possible for the Inspector in the city to look after all the veal that is slaughtered. I say it is the easiest thing in the world to examine the dressed meat, compared to examining the cattle while alive. The Inspector must not only examine them when alive, but after they are dead and hung up. He has got to look after them before they are driven into the abattoir.

Alderman Clark—So much more reason for paying him a reasonable salary.

Alderman Breck—And so I say \$1500 is not enough; he should have more. But that beef all comes into the city, and can be examined here as well as it can out there. The abattoir is conducted with the greatest care. It is for their interest to have no bad meat brought from there and condemned. Therefore, I think the office is entirely unnecessary, so long as we have an Inspector of beef in the city. Give him a horse and wagon, and let him go out and he can do the same business that the Inspector at the abattoir can do, and do it just as well exactly.

Alderman Slade—I want to say a word or two, myself. The subject of two or three hundred dollars salary has cost this Board three or four hours' talk. The fact is that an Inspector must be appointed at the abattoir because the law requires it. The Committee on Salaries were requested by the City Council to fix the salary of the Inspector, and they went out there. Alderman Wilder was invited to go out with us, there being a vacant place in the carriage on account of the absence of one of the committee, and he went. I do not think any person was in the care of the superintendent of the abattoir or any one else; we were altogether. After we got through, the matter of salary was talked over by the committee. I asked what they paid a good, smart, intelligent butcher; and I think \$3 or \$3.50 a day was the most. The Committee on Salaries disagreed in nothing but the amount of salaries, the difference being \$300. The committee favored \$1500, and I did not make a minority report. The only question before is on the matter of salaries, and I think \$1200 is enough.

Alderman Wilder—I withdraw my motion to substitute \$800, because I shall vote against any salary at all, on the ground that on my own judgment, without any leading, in any way, by the superintendent of the abattoir, or anybody else, I don't believe anybody can do the least good there.

Alderman Viles—The statute says the city must appoint one or more inspectors at the abattoir. If that is so, as the Alderman says one cannot perform the duty, I shall go in for appointing two at a good salary. I am also informed by the chairman of the Board of Health that an Assistant Inspector in Boston cannot go out there and seize anything but dead meat; and he also informs me that one of the seized pieces of meat was in charge of Mr. Taylor, the president of the abattoir.

Alderman Fitzgerald moved to make the salary \$1200.

Alderman Clark called for the yeas and nays, and the amendment was lost—yeas 5 nays 7.

Yeas—Aldermen Fitzgerald, O'Brien, Slade, Thompson, Wilder—5.

Nays—Aldermen Breck, Burnham, Clark, Dunbar, Gibson, Robinson, Viles—7.

The order fixing the salary at 1500 was passed in concurrence—yeas 7, nays 5.

Yeas—Aldermen Burnham, Clark, Dunbar, Gibson, O'Brien, Slade, Viles—7.

Nays—Aldermen Beck, Fitzgerald, Robinson, Thompson, Wilder—5.

#### MISCELLANEOUS PAPERS FROM THE COMMON COUNCIL.

Petitions, etc., were referred in concurrence.

Report and ordinance to provide for the issue of certificates of seven years' service to such members of the Fire Department as are entitled thereto.

Alderman Burnham explained that the ordinance was to revive an old custom which prevailed before the Fire Commission was established, and which was stopped because the ordinance did not have a clause authorizing the Mayor to sign the certificates. There will be no expense, as the city owns the plates.

The ordinance was passed in concurrence.

Order appointing Thomas Cunningham as a Field Driver and Pound Keeper in this city, and George A. Spear as a Fence Viewer. Passed in concurrence.

An order for Boston Water Board to cause all work on the Mystic Valley sewer to be done by the day, and to employ none but citizens of Boston came up referred to the Committee on Water. Concurred.

#### LOCATION ACCEPTED.

A communication was received from the Metropolitan Railroad Company accepting the forty-seventh location, granted by this Board May 14th. Placed on file.

#### IMPROVEMENT OF LAMARTINE STREET.

A communication was received from the Street Commissioners on petition of E. P. Foss and others for curbstones on Lamartine street, said Board having decided that it is not expedient to widen said street at present. Referred to Committee on Paving.

#### EAST BOSTON FERRIES.

The annual report of the Directors of East Boston Ferries to April 30 was received. Laid on the table and ordered printed.

Paid into treasury during the year \$176,032; expenditures, \$169,976.96. Included in the amount paid into the treasury is \$3069 for sale of ferry boat John Adams. Owing to the business depression the receipts fell \$7384.11 below the estimate. The property is in good condition, except the painting, which will be done at an early day. The estimated receipts for next year are \$170,000, and expenditures \$181,300. Amount received from teams \$64,081.59; from foot passengers, \$104,902.16; from North Ferry, \$73,131.25; South Ferry, \$95,852.50. Amount paid for wages and salaries, \$90,478.54; repairs on boats and landings, \$14,715.47.

#### BOND APPROVED.

The bond of Francis X. Macdonald, constable, being presented duly certified, was approved by the Board.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Report and order for edgestones, paved gutters and cross walks on Commonwealth avenue from Dartmouth street to West Chester park; also to

macadamize the roadways of said avenue at an expense not exceeding \$50,000. Order read twice and passed.

Report and order to widen the bridge on Huntington avenue over the Boston & Albany Railroad to the full width of said avenue, at not exceeding \$4000 expense. Order read twice and passed.

Report that leave be granted Andrew W. Newman to move a wooden building from Washington street, Ward 21, to corner of Columbia street and Stanwood place. Accepted.

Order of notice to heirs of Stephen H. Bennett to close up openings in front of their estate on Chardon street near Green street, and remove obstructions, etc., within thirty days, or in default thereof for the Superintendent of Streets to remove the same. Passed.

Report and order to grade and macadamize West Chester park from Beacon street to the bridge over the Providence Railroad; also to erect fences on both sides of said street and a plank walk on one side of the same. Order read twice and passed.

Reports and orders to sprinkle streets in conjunction with the abutters, as follows: Dearborn street and Enstis street, \$67; Washington street, from Cliff street to Cedar street, \$150.

Report and order of notice for hearing on Monday, June 11, at four o'clock P. M., on petition of S. L. Bates *et al.*, for the removal of the trees now standing in the sidewalk on School street between Arcadia and Amory streets, when all who object may appear and be heard. Order passed.

Report and order for hearing on Monday, June 11, on petition of Middlesex Railroad for turnout track in Haymarket square, when all who object may be heard. Order passed.

#### METROPOLITAN RAILROAD.

Alderman Robinson submitted a report from the Committee on Paving, with an order granting the right to the Metropolitan Railroad to lay down a single track on Atlantic avenue, from the tracks of said company now laid on said avenue, near Rowe's wharf, to Commercial street; also a single track in Commercial street, from Atlantic avenue to Battery street, and to connect said track by a curved track with the track in Battery street, and also with the track on the avenue leading to the North Ferry slip. Said company shall also have the right to connect the track located by this order on Atlantic avenue with the track of said company on Broad street; also to lay a turnout track on said Atlantic avenue, between India street and Central wharf; and a turnout track on said avenue, between Commercial street and Commercial wharf, and a turnout track on said avenue, between Lewis wharf and Eastern avenue. [Appended to the order are the usual conditions.] Order read twice and passed.

#### PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Orders to remit taxes for 1874 on lot 124, West Castle street, and tax for 1875 on lot on Albany street, corner of East Newton street, said lots having been forfeited for breach of conditions of sale. Severally read twice and passed.

The Joint Standing Committee on Public Lands, to whom was referred the petition of Joseph H. Hunneman and others making a proposition as to price to be paid by the city for a surrendered estate on the Northampton-street district, having given the subject full attention, would submit the following report:

That in considering the subject, a hearing was given to the petitioners—afterwards it was deemed expedient to obtain from the City Solicitor, in writing, his opinion as to the time in which the valuation of land taken in the Northampton-street district and surrendered to the city should be made, his decision was—the date of entry by the city for the purpose of raising the grade—which was in February, 1874—the committee then found that it was best to effect, if possible, a compromise, the petitioners wanting \$16,100 with interest; the award, as made by the city referees, fixed the value for 1874 at \$12,710 with interest. The amount as agreed upon and accepted by the petitioners is \$16,451.90.

The committee believing it to be for the best interest of the city that said amount be paid, would recommend the passage of the following order:

For the Committee,

HUGH O'BRIEN, Chairman.

Ordered, That there be paid to Joseph Hunneman and others, \$16,451.90 in full settlement for

estates surrendered to the city of Boston, situated on Hunneman street, so called, on the Northampton-street district, upon giving a deed and release of the same satisfactory to the City Solicitor, and an acquittance and discharge for all damages, costs and expenses connected with said surrender or connected therewith; said amount to be charged to the appropriation for Northampton-street District.

Read once.

#### ARMORIES.

Alderman O'Brien submitted the following from the Committee on Armories:

Report and order that the Committee on Armories be authorized to expend a sum not exceeding \$250 in fitting up the headquarters of the Fourth Battalion of Infantry M. V. M., at Boylston Hall; said sum to be charged to the appropriation for Armories.

Order read twice and passed.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers.

Reports and orders of notice of hearings on Monday next at four o'clock P. M. on the expediency of constructing a sewer in Fairfield street, from the passageway north of Commonwealth avenue to the passageway south of the same; in Adams street, between Centre and King streets, and in King street, Dorchester. Orders passed.

#### STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board in favor of granting permits to occupy stables by—

Timothy Sullivan, Cambridge street, Brighton; Boston Fire Brick Company, 408 Federal street; William T. Thacher, Butler avenue, Ward 1.

Severally accepted.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Applications Refused—W. B. Ford, that the hack license of Edward Brackett at 105 Court street be rescinded; J. Carr, for hack stand at Providence Railroad station; Walter H. Humphrey, for leave to take birds, etc., for scientific purposes; J. Van Buren, 101 for auctioneer's license.

Auctioneers' Licenses Granted—W. S. Kyle, 10 State street; Edward P. Harrington, 24 Tremont row.

Wagon Licenses Granted—Edmund P. Barker, Suffolk Market; Cornelius Z. Carroll, 11 and 13 Albany street; Patrick Sweeney, 114 Essex street.

Intelligence Offices Licensed—Elizabeth Kingman and others (renewals).

Junk Collectors Licensed—James Crudden and others (renewals).

Common Victuallers Licensed—T. T. & E. T. Mayhew, 18 Elm street; Henry Abt, 1017 Tremont street; Calvin D. Macomber, 831 Sixth street; James Ferris, 204 Broadway; Gerhard Hass, 1420 Tremont street; Benjamin H. Merrill, 510 Harrison avenue; William H. Buck, 124 West Canton street; B. F. S. Calton & Co., 1144 Tremont street.

Wagon License Granted—Mann & Co., 8-10 Court square.

Severally accepted.

#### VACATION SCHOOLS.

Alderman Clark submitted a report from the Committee on Finance recommending the passage of the order to transfer \$2000 from the Reserved Fund to constitute an appropriation for the establishment of vacation schools by the School Committee.

Report accepted and said order laid over.

#### TREE TO BE REMOVED.

Alderman Clark submitted a report from the Committee on Common on the part of the Board, in favor of granting permission to H. L. Pierce to remove a tree opposite his premises in Ward 24. Accepted.

#### COTTAGE STREET BRIDGE.

Alderman Clark offered an order—That the Joint Standing Committee on Laying Out and Widening Streets, with the approval of his Honor the Mayor, be authorized to make an agreement with the New York & New England Railroad Corporation for rebuilding the bridge of said corporation over Cottage street, Ward 20, the said rebuilding being rendered necessary by the widening of Cottage street by the city, paying said corporation such sum of money as will forever relieve the city from rebuilding or maintaining said bridge; the expense thereof to be charged to the appropriation for Laying Out and Widening Streets.

Alderman Clark explained that this was a long-delayed work; that it is necessary to do the work in order to secure betterments already laid.

The order was read twice and passed.

FIRE COMMISSION.

Alderman Clark presented the remonstrance of Silas Pierce, C. U. Cotting, Harvey D. Parker, Isaac Fenno & Co., C. F. Hovey & Co., Potter, White & Bailey, George C. Richardson & Co., Otis Norcross, E. R. Mudge, Sawyer & Co., Jackson, Mandell & Daniell, Shreve, Crump & Low, W. A. Brooks & Co., Jeffrey Richardson, Kidder, Peabody & Co., James L. Little, Abbott Lawrence, Charles A. Morrill, Robert C. Mackay, James R. Osgood, George B. Chase, Lemuel Shaw, S. M. Quincy, George S. Hall, Henry Bigelow Williams, J. H. Dix, and 450 other remonstrants against the proposed change in the management of the Fire Commission.

Referred to Committee on Fire Department. Sent up.

PUBLIC PARKS.

At 4½ o'clock P. M. the Board took up the special assignment, viz.—

Consideration of report of Special Committee on Public Parks (City Doc. No. 44), with orders to appropriate \$1,000,000, for purchase of land for that purpose; to be raised by a loan for a period not exceeding thirty years, at a rate not exceeding five per cent.

The question was upon the passage of the order of the majority.

Alderman O'Brien—As chairman of the Special Committee on Parks, I desire to submit a few remarks in connection with the reports already submitted by this committee. The most important measures the City Government have ever been called upon to consider were a full supply of pure water, a complete and perfect system of sewerage, and parks for breathing places, for recreation, and for sanitary purposes. These three measures no large city can overlook or dispense with, and if we fail to provide them for our large and growing population, we fail in the performance of our duty. By a hard struggle water was introduced. No measure ever met with greater opposition. But, in the introduction of water, the short-sighted policy of the City Government only looked ahead a few years, and not long since the city was threatened with a water famine and was forced to provide an increased supply. In the meantime our business suffered, and large manufacturers, who would today be employing thousands of men, were driven from our city, because our water was so short it could not be sold for manufacturing purposes, and since it has been sold the price has been so high many of our manufacturers could not afford to use it and compete with neighboring cities. This, I repeat, was a short-sighted policy. When we consider that the supply of water for 350,000 inhabitants depended on a single conduit, and that conduit known to be out of repair, weak, and liable to give way, I cannot help thinking what a risk we ran, and how dilatory came our measures of relief. Surrounded as we are by salt water, what would become of Boston if our supplies were cut off for a single week, and what an immense amount of suffering would have been inflicted on our people.

The new conduit, connecting us with the Sudbury River, will be completed this year, and a full supply is secured, I will not say for all time, but for a long time ahead. This generation and the next will not be called upon to provide for any additional supply. I repeat, this work will be completed this year, but the expenditure of \$4,000,000 for this purpose was opposed on the ground that it would make our taxes so burdensome that our taxpayers would not be able to bear up under the burden. It was opposed by men who make it a business to oppose every public improvement—who can see nothing ahead but disaster and trouble. Have our taxpayers ever looked at the matter and compared the result with these predictions? I will do it for them. The rate of taxation for thirteen years has been as follows:

Per \$1000.		Per \$1000.	
1876.....	\$12.70	1869.....	\$13.70
1875.....	13.70	1868.....	12.30
1874.....	15.60	1867.....	15.50
1873.....	12.80	1866.....	13.00
1872.....	11.70	1865.....	15.80
1871.....	13.10	1864.....	13.30
1870.....	15.30		

This year the rate of taxation will be about \$13 per \$1000, so that while this expenditure of \$4,000,000 has been going on, an expenditure that was to bring such disaster on our taxpayers, the

average rate of taxation has been the smallest for thirteen years. I do not say that this result will always follow, but I will say that when such a large expenditure of money was necessary for a great public improvement, it forced economy in the administration of city affairs, many of the sinecures and deadheads were cut off, and all expenditures more closely looked after and watched.

The sewer question is now under consideration. Our engineers are at work on the plan proposed by the late commission, but we failed to meet this question until it was forced upon us—until the filth of the Back Bay and the South Bay and the Charles River flats has almost made our best and most costly dwelling houses untenable. Is not this short-sighted policy? Can the metropolis of New England afford to be classed among the most unhealthy cities of the country? I hope this great improvement will be pushed forward by the Committee on Improved Sewerage. It should have been begun and completed ten years ago, before the South End and the Back Bay were filled up with costly dwellings. This work, I regret to say, will not be commenced this year, and it will be years before it is completed. Our taxpayers need not be alarmed about the cost, as the work will be distributed over so many years, the cost will be scarcely felt. This work will also meet with opposition from the men who oppose all public improvements—the croakers of this generation, who can see nothing but disaster and ruin ahead, who believe that Boston has ceased to grow.

For years the park question has been under consideration. The citizens of Boston have been called upon several times to express their approval of parks, and that expression has always been emphatically in their favor, and yet year after year this City Council fails to make a beginning, and precious time and splendid opportunities have been lost. The same short-sighted policy that has interfered with our water supply, and with our sewerage, is in full force against parks, and prevents this great improvement from making any progress. Parks are as much of a necessity for a large city like Boston at the present time, or as Boston will be in the future, as a good supply of water or perfect sewerage, and I intend to discuss this question from this standpoint. Parks are a necessity now, and will be a still greater necessity in the future.

Our city is yet in its infancy. From its first settlement, upwards of two hundred years ago, it has grown up without any system. Streets and lanes have been laid out to suit the convenience of parties for the time being without any regard for future growth, and this system has been continued, with few exceptions, to the present time. Our suburbs are now being built up without any system, and, in many instances, are no improvement on Turn-again alley, Crooked alley, and Blind lane of one hundred and fifty years ago. Looking ahead twenty or twenty-five years has rarely been a consideration, and when considered, we have always failed to realize the growth of the city for any length of time. Succeeding town and city governments have had about as much as they could attend to in making improvements on the short-sightedness of their predecessors. We have been building up only to pull down a few years later, and the extensive improvements that are being forced upon the city show that our work is still incomplete. The Park Commissioners' report has been the only systematic plan that has ever been presented to lay out and improve our vacant land on a system commensurate with our future growth. This vacant land will be the future residence of our citizens when Boston proper will be devoted almost exclusively to business purposes, and now, when the cost is comparatively trifling, we still hesitate to lay it out on some systematic plan—we still fail to realize what Boston will be twenty-five or fifty years hence. It is quite amusing to look back about one hundred and sixty years, and see how the Bostonians of that day divided up what is now the business part of the city—the wealth of the city at the present time. In 1713, with a population of 10,000 inhabitants, Boston was divided into eight wards and precincts, and what do we find? Let me give you a list of some of the most noted localities one hundred and sixty years ago, from North End to Boylston street, now covered with splendid warehouses and devoted almost exclusively to business. We find—

- Frog lane,
- Turn-again alley,
- Blind lane,
- Crooked alley,
- Hogg alley,
- Rainsford lane,
- Flounder lane,
- Crab lane,

Gridley's lane,  
 Sconce lane,  
 Jolliff's lane,  
 Davy's lane,  
 Rawson lane,  
 Bishop's alley,  
 Mackerel lane.  
 Pierson's alley,  
 Pudding lane,  
 Spring lane,  
 Leverett's lane,  
 Link alley,  
 Marshall's lane,  
 Scotto's alley,  
 Cold lane,  
 Gallop's alley,  
 Wood lane,  
 Salutation alley,  
 Sliding lane,  
 Henchman's lane.

Gibbs lane,  
 Cooper's alley,  
 Tanner's lane,  
 Cow lane,  
 Belcher's laue,  
 Long lane,  
 Shrimpton's lane,  
 Hiller's lane,  
 Paddy's alley,  
 Wing's lane,  
 Green lane,  
 Creek laue,  
 Swing-bridge laue,  
 Marsh lane,  
 Elbow lane,  
 Beer lane,  
 White Bread alley,  
 Lime alley,  
 Greenough's alley.

With a few sprinkling of streets, this was Boston one hundred and sixty years ago, and it appeared to be the ambition of the men of that day to lay the city out in lanes and alleys. I have no doubt fully impressed with the belief that they were doing all that was necessary, not only for their immediate wants, but also for posterity. If the Bostonian of that day could only make an appearance and try to find out his favored locality of Paddy's alley, Elbow lane, Turn-again alley or Frog lane, he would be more bewildered than Rip Van Winkle after his twenty years' sleep. A few of the magnificent warehouses lately erected by our merchants, or a few of the splendid buildings erected by our insurance companies, are really of more value than the entire valuation of that period, but what vast amounts of money have been expended in making the city proper what it now is, and what vast amounts of money must be expended before it comes up to our standard. The city is still in its infancy, and yet we fail to see or provide for its future growth. The lessons of the past, the growth of the past, appears to be no guide for us. Is Boston to stand still, that we are so indifferent? There is nothing in the character of our people, in the enterprise and energy that has brought about so great a change as has taken place during the past 150 years, that would warrant such a conclusion. Fifty years from this time our city will contain at least 1,000,000 of inhabitants. If the percentage of increase is as large as during the past fifty years our population will be far beyond this figure. We may have occasional reverses, but all our leading cities must continue to prosper and grow rapidly. New York, before another century has passed away, will be the largest city in the world, and who that looks forward to her in that position but must think what a blessing her Central Park, and the new parks now in progress, the Morning Side Park, the Riverside Park and the East River Park will be if considered only from a sanitary point? In this connection let me read you a short extract from the New York Herald of the 14th instant, as follows: "The bright and cheery weather yesterday drew from the crowded houses of the city thousands of toil-worm men and women to the verdant, meadows and shady walks of Central Park. It is on this people's day that can be best appreciated the blessings which this breathing place confers on the dwellers in the crowded tenement houses of this city. In great streams the people poured in from all sides, and it was only necessary to watch them for a little while to become convinced that they enjoyed fully the health-giving beauties by which they were surrounded." Philadelphia, Chicago, Brooklyn and Baltimore must continue to grow and prosper, and these cities will grow and prosper all the better from the wisdom and foresight that has secured to each of these cities such magnificent parks. New York today, notwithstanding her Central Park, has 1000 men employed in laying out and completing the Riverside Park, and the men of New York are determined to make that city not only one of the most attractive in the country, but, also to place within the reach of every citizen delightful places for health and recreation. It is claimed that the Morning Side, Riverside and East River parks have natural advantages which are not to be matched by the suburbs of any city in Christendom. Is Boston to stand still and allow all the beautiful suburbs, now so easy to be obtained, all the vacant land now within our reach, the banks of the Charles River now within our grasp, without taking one step in advance? I have no hesitation in saying that we have far better material

to make our city attractive than New York. Philadelphia or Baltimore, and the only difference between us is that while we hesitate to move they long ago commenced and are completing the work.

I am decidedly of opinion that now is the time to commence the work. I fear that the entire scheme of the Park Commissioners is beyond our reach, let us commence with the inner line of parks, although we run the risk of losing the finest and cheapest park of all—the West Roxbury park—now about the geographical centre of the city. Land is cheaper than it is likely to be for years to come, and the present opportunity should not be lost. It is true that we have a great many unoccupied stores and dwellings, but no more, if so many, as New York, Philadelphia, Baltimore, or other leading cities. The late depression has, in fact, been felt in all business centres. New York is not discouraged or dismayed by the depression but is now creating new parks that will cost more than the entire Boston scheme. Philadelphia has just opened, with imposing ceremonies, the Main Building on her Fairmount Park, and every one who visited the Centennial must remember the magnitude of that Main Building, which is to be retained there as a permanent structure. Is Boston to stand still? Has all our vitality and energy and enterprise taken its departure? London, Paris, and all the great cities of Europe are constantly expending large sums of money in improvements, because these cities have not yet ceased to grow or lost their vitality. A few years ago, France was at the mercy of the German Empire, when the indemnity she had to pay led many to think she would become bankrupt; but peace was no sooner declared than her people went to work unanfully to redeem their losses. The year following the war the city of Paris expended \$25,000,000 for improvements, and Paris today is the most prosperous city in the world. Is Boston to stand still? If any member of the Board supposes that because we have a great many unoccupied stores and dwellings our growth is checked, he cannot be a very close observer of passing events. Last year, the year of greatest depression yet experienced by business men, the estimated cost of new buildings and improvements was \$8,062,576. There were erected 879 buildings and 141 stores, and additions and improvements were made to 1935 others. Does this look like standing still? These improvements, in one year, are more than twice the valuation of the city of Charlestown in 1840. These improvements were distributed as follows:

	Buildings.	Stores.	Valuation.
City proper.....	186	89	\$4,393,425
Roxbury.....	174	17	827,180
East Boston.....	62	2	123,225
South Boston.....	79	8	183,100
Charlestown.....	55	10	399,175
Dorchester.....	95	3	240,500
West Roxbury.....	134	6	327,385
Brighton.....	94	6	233,140
Total.....	879	141	\$6,727,130

These new buildings have been well scattered over the city, but about one-half of the entire number were built in Roxbury, West Roxbury and Brighton, showing that our suburbs are fast filling up, even in years of great depression in business. The location of the permits issued for alterations and additions for the year 1876 were as follows:

	Buildings.
City proper.....	690
Roxbury.....	336
East Boston.....	161
South Boston.....	220
Charlestown.....	186
Dorchester.....	133
West Roxbury.....	171
Brighton.....	39
Total.....	1936

The estimated cost of these improvements was \$1,335,446. The building operations in the city, actually in progress May 19, was as follows:

	New Buildings.	Additions.
City proper.....	115	356
Roxbury.....	102	95
Dorchester.....	65	67
East Boston.....	42	54
South Boston.....	41	100
Charlestown.....	29	88
Brighton.....	34	32
West Roxbury.....	60	80
Total.....	488	872

This don't look like standing still; 488 new buildings are now in process of erection, and additions

and improvements are making to 872 others—in all 1360. The number of new buildings included in the above table, the work now actually in progress, bounded by the Charles River, Arlington and Tremont streets, known as the Back Bay territory, was sixty-three, and additions and improvements are making to twenty-two others, and the season for building operations has hardly commenced. The estimated cost of the new buildings erected and the improvements made the past six years has amounted to \$68,248,687, and the number of new buildings erected was 6590. These improvements, covering a period of only six years, exceed in value the valuation of any other city in the Commonwealth, and are about twice the valuation of the city of Charlestown in 1875. These improvements exceed the entire valuation of Boston in 1830. These are no fancy figures, but are taken from the reports of the Inspector of Buildings. These facts show that we are not standing still; and because we have a large number of unoccupied stores and dwellings (not many more than is usually the case) is no good reason why we should become discouraged. If you want to keep them unoccupied, stop all your public improvements, and this result will be sure to follow. If you want to fill them up, make your city attractive.

I am convinced that the business depression that has been such a drawback on our prosperity, for some years, has about taken its departure. Its marks are still visible, but there is now scarcely a branch of business that is not starting up on a sounder basis than for some years. The presidential question, so embarrassing to business the past year, has been settled. Our cotton crop, that was predicted would be a failure with free labor, has yielded a larger return than it ever did under the old system; our agricultural productions are of such magnitude that hundreds of vessels from Europe arrive in ballast to load with our surplus productions; nearly all branches of our manufacturing business are now comparatively prosperous, and, with the experience of the past few years, have a brighter future before them. With such immense resources, both mineral and agricultural, we cannot stand still. We cannot afford to go on as we have been going for ten years, giving our whole attention to destroying property. We must commence building up and laying out the city on some systematic plan, and no plan has ever been presented equal to the plan of the Park Commissioners. The opponents of parks give some remarkable figures about the expense that will follow their adoption, but they fail to show the benefits that always result from such improvements—work for the professional man, work for the mechanic, work for the laborer, a large increase of taxable property, and employment of surplus capital. The opponents of parks also fail to consider what previous mistakes have cost the city. The money expended for widening streets, improving and redeeming property allowed to be built up without any system, would pay for ten such park schemes as has been laid out in the commissioners' report. Let us take a glance at these figures:

Cost of laying out and widening streets.....	\$24,916,785
Cost of Fort Hill improvement.....	1,575,000
Cost of Church-street district.....	1,178,491
Cost of Suffolk-street district.....	2,426,084
Cost of Northampton-street district.....	171,316

Total already expended.....\$30,267,676

The proposed improvements are:

Atlantic avenue.....	} \$10,000,000
Commercial street.....	
School street.....	
Boylston street.....	
South street.....	
Portland street.....	
Hamilton place.....	

And if we go on making all the improvements contemplated it is doubtful if the amount already expended and to be expended would fall far short of \$50,000,000, all in consequence of want of system—all in consequence of not looking ahead and providing for the wants of our large and increasing population.

I have said that we have had no systematic plan in laying out the city; but an exception might be made so far as the magnificent streets adjoining our Public Garden are concerned. For this improvement we are indebted more to a private corporation and private enterprise than any wisdom that has emanated from City Hall. To the Boston Water Power Company, more than to any other corporation, we are indebted for the filling up of the Back Bay, and I sometimes feel, when this company is denounced as land speculators, that it

would be well to consider what they have done for the city to make this spot so attractive. A large portion of our wealthy citizens now reside in that locality. Historical societies, art unions, schools of technology, private institutions of learning, the finest church edifices in the city or in the country, all are now to be found there, and the men who can go back twenty-five or thirty years can only have a conception of the vast improvement this has been, and how largely it has added to the wealth of the city. It has not only added to the wealth of the city, but it has given employment to our best architects, to our leading builders, to our mechanics and laboring men, because all this improvement has been the work of their creation. In this connection it would be well to consider the great increase of property in that neighborhood during the past twenty years, as follows:

The assessed value of the Back Bay basin in 1855, including all the real estate assessed to the Boston Water Power Company, was..... \$1,100,000  
Valuation in 1874..... 40,012,600

Increase in twenty years.....\$38,912,600  
Exempt property..... 4,688,900

Taxable valuation.....\$34,223,700  
Taxable increase..... 33,123,700

An increase of \$33,000,000 in taxable property, yielding an annual income to the city of Boston of \$500,000 per year. From a nuisance and an eyesore to our citizens, this territory has been made the most beautiful section of our city, paying a large percentage of our current expenses. It should also be remembered that all this building up, this \$33,000,000 increase in our property, was the work of labor, gave employment to our workmen, and was distributed among them. While this improvement was going on you found no loiterers about city hall, appealing for work to keep them from becoming a charge on the city. I repeat, when workmen stand up and denounce these improvements they denounce what is their great gain, for it was their hands that did the work, and it was among them that these \$33,000,000 were distributed.

The increase of property within a circle of six miles of City Hall has been almost marvellous. Have the Aldermen ever looked into this matter, and noticed our wonderful increase in wealth and population? No country in the world, no State in the Union, can show a better record. If we go on increasing in the same proportion, all the vacant land in the neighborhood will soon be occupied. The whole population and valuation of Massachusetts in 1830, 1840, and 1875, as taken from the census returns at the State House, was as follows:

	Population.	Valuation.
1830.....	610,408	\$208,360,407
1840.....	737,700	299,878,329
1875.....	1,651,912	1,840,252,701

The population and valuation of what is now the city of Boston, and within six miles of the State House was as follows:

	Population 1830.	Valuation 1830.
Boston.....	61,392	\$60,698,200
Roxbury and West		
Roxbury.....	5,247	1,805,617
Dorchester.....	4,074	1,136,129
Charlestown.....	8,783	2,441,167
Brighton.....	972	399,371

Brookline.....	80,388	\$66,480,484
.....	1,048	552,326
Cambridge.....	6,072	1,732,048
Watertown.....	1,641	549,237
Arlington.....	1,230	331,926
Medford.....	1,755	931,050
Malden.....	2,010	363,878
Chelsea.....	771	244,261

Total..... 92,995 \$71,185,210

	Population 1840.	Valuation 1840.
Boston.....	93,383	\$94,581,600
Roxbury.....	9,089	3,257,500
Dorchester.....	4,875	1,691,245
Charlestown.....	11,484	4,033,176
Brighton.....	1,425	458,485

Brookline.....	120,256	\$104,022,006
.....	1,375	743,963
Cambridge.....	8,409	4,479,500
Watertown.....	1,810	973,835
Arlington.....	1,363	472,423
Medford.....	2,478	1,095,200
Malden.....	2,514	586,136
Chelsea.....	2,390	695,781

Total.....140,585 \$113,068,844

	Population 1875.	Valuation 1875.
Boston.....	224,163	\$609,338,895
Roxbury.....	50,429	73,901,700
West Roxbury.....	11,783	26,577,900
Dorchester.....	15,788	34,632,300
Charlestown.....	33,556	34,911,700
Brighton.....	6,200	14,599,400
	341,919	\$793,961,895
Brookline.....	6,651	27,579,106
Cambridge.....	47,838	66,623,015
Watertown.....	5,094	7,999,920
Belmont.....	1,937	3,827,336
Arlington.....	3,906	5,998,628
Medford.....	6,267	9,887,517
Somerville.....	21,868	31,317,000
Malden.....	10,843	9,846,110
Chelsea.....	20,695	18,543,116
Melrose.....	3,990	4,452,828
Everett.....	3,551	4,404,650
Winthrop.....	663	1,036,235
Reverc.....	1,603	1,981,475
Total.....	477,290	\$987,458,825

*Recapitulation.*

	Population.	Valuation.
Boston, 1830.....	80,388	\$66,480,484
Boston, 1840.....	120,256	104,022,096
Boston, 1875.....	341,919	793,961,895

*Within Six Miles of State House.*

	Population.	Valuation.
1830.....	92,995	\$71,185,210
1840.....	140,585	113,068,844
1875.....	477,290	987,458,825

These figures show how rapidly we have increased in wealth and population. In thirty-five years the population in a circle of six miles from the State House has increased over three-fold, and valuation has increased about nine-fold, and this will give us some idea of this circle thirty-five years hence. The largest increase of population has been in the suburbs. Roxbury, with a population of 9089 inhabitants in 1840, now numbers 62,212 inhabitants. Dorchester, with a population of 4875 inhabitants in 1840, now numbers 15,788 inhabitants. Brighton, with a population of 1425 inhabitants in 1840, now numbers 6200 inhabitants. Brookline, with a population of 1365 inhabitants in 1840, now numbers 6651 inhabitants. And this large increase has all taken place in the short space of thirty-five years. These figures show that vacant land in the suburbs is being rapidly occupied, and that there is no time to be lost if parks are to be secured. The valuation of property 1830, now is thirteen times greater than in and eight times greater than in 1840. Are we to stand still for the next twenty-five or fifty years? Not if the figures of the past are the least indication of our future growth and prosperity, and are not the figures of the past the only true basis from which to estimate our future growth?

What surprises me most in relation to the park movement is, that the working men do not take a greater interest in pushing it forward. There has been no movement ever commenced or inaugurated by the city that will give so much employment to workmen. We expend \$1,000,000 every year on our streets, but of this amount only one-third goes to workmen—the widening of streets may enrich the capitalist, but a small percentage of the cost goes to labor; but once establish your parks, and the work of laying out and beautifying them is almost exclusively the work of labor. When thousands of able-bodied men are pressing for employment, as they have been for some two years past, I have thought what a pity it was that some of the proposed parks had not been secured, so that we could give employment to some of this labor—so that we could have some place to set these men at work instead of supporting them at the expense of the city, or at the expense of the charitable. The Street Commissioners were appealed to for some improvement that would enable us to give employment to men who were quite destitute, to enable them to bridge over the late depression in business, and they could only recommend a street improvement at South Boston. I say emphatically that the adoption of the park scheme would do more for labor than any other scheme ever proposed to the city. The parks of the commissioners would be the vineyards of the laboring man, and would also give his family, now crowded in narrow streets and tenement houses, a place for health and recreation.

But it is said that most of these parks are placed beyond the reach of the poor man—that citizens from the North End, East Boston and Charlestown

will not be benefited in the least. The West Roxbury park, the largest park of the commissioners, far ahead of all other parks in the country so far as natural beauty is concerned, is the most difficult to reach, but at the same time is easily reached by horse cars and steam railroads. It is more easily reached by the citizens of North End, East Boston and Charlestown than Fairmount Park in Philadelphia is reached by the mass of the people of that city; and an estimate made in 1875 showed that this park was visited by 11,000,000 people in that year alone. This shows what value is placed upon this park by the citizens of Philadelphia. The distance of a few miles does not prevent them from visiting it to the extent of 11,000,000 in one year; and I repeat, that for natural advantages and beauty of scenery it is far inferior to the West Roxbury park. Let this park once become the property of the city—the property of every citizen—and it would also be visited every year by millions of our people. The Central Park of New York is as far from the mass of the population of New York as the West Roxbury park is from the people of the North End, and who ever heard a New Yorker say that it was beyond his reach or out of the way? This extreme park, now looked upon as beyond our reach, is very near the geographical centre of the city, and, in the course of years, if laid out as a park, would be the most attractive spot in the country, surrounded as it must be by a large population. This park of 485 acres would cost the city about \$1,250,000. It is already a park, and very little money would be required for improvements. No expensive filling would have to be made—no expensive stone walls would have to be built—and this park would, in fact, cost less than any of the other large parks selected by the commissioners. Nature has already prepared the scenery by the great variety of trees, the beautiful lawns and the extensive views of all the surrounding country. No expensive grading would have to be done there, for that work has already been accomplished by the great landscape Architect on High. I repeat, that the West Roxbury park, about the geographical centre of the city, is the cheapest of all our parks, notwithstanding its large area, and no scheme will be complete without it.

The Brighton park of 160 acres, costing less than \$400,000, has also many natural advantages, is already a park, and would cost very little for improvements. If the land was secured scarcely a dollar need be expended upon it for many years to come. It is also within easy reach of all our citizens.

The Jamaica park, including the Jamaica Pond, the only natural sheet of fresh water in the city, is also a park of great beauty, and would cost the city very little for improvements. I have no hesitation in saying that it should be secured at once to preserve it from the further encroachments of the ice houses that are now increasing around it—destroying trees that would take years to replace. The City Council have visited this spot and can judge for themselves. Here we have a reservoir of water, supplied by natural springs, beautifully located, superior to any reservoir the Water Board could build for \$1,000,000, and year after year we allow its natural beauty to be destroyed. I say, Mr. Mayor, that it is a shame to hesitate in this matter. The Park Commissioners ask only \$500,000 to secure it, and but a small portion of this amount would be wanted for years, as arrangements could be made with most of the principal abutters to occupy their estates during life. I believe it would be a clear gain in dollars and cents to the city to secure it now. The old aqueduct corporation now supply a portion of Roxbury with water from this pond—come into competition with the Cochituate water, and supply our citizens cheaper than the Water Board rates. This company are willing to sell out all their rights and privileges to the city on very reasonable terms, although the income derived from water alone is about \$15,000 to \$20,000 per year. I repeat again, the natural beauty of this pond is fast being destroyed by the encroachments of ice houses, and at any rate the borders of the pond should be secured and the destruction of trees put a stop to.

The Back Bay park and the South Bay park have their advantages, and could not be left out of the plan without injuring it as a whole. It should also be remembered that on the Back Bay there is now more costly buildings in process of erection than in any other part of our city, and the South Bay park is placed in the midst of a dense popu-



lation. The creation of both these parks would tend to abate nuisances that must sooner or later be abated, if we have any regard for the health of our citizens, and would add largely to our taxable valuation.

The Charles River embankment, about which so many extravagant estimates have been made for the purpose of putting a stop to this improvement, it will be seen, from a careful estimate of our City Engineer, is not such a costly affair as has been represented, when we consider all its advantages. We would have sixty-nine acres of land within five or fifteen minutes' walk of our densest population, reaching up to the North End of the city, on the borders of one of the finest rivers in New England. The site of this park once secured, the work of completing might go on for a long period of years, and would come so gradually that it would be scarcely noticed in our tax bills. The expense of filling up might be materially lessened by making it a dumping place for all the ashes and dry dirt of the city. With its driveway of nearly three miles along the borders of the river, and within so easy reach of the mass of our population, it would be a place of great resort. As it stands now it is simply a nuisance, and a nuisance that must sooner or later be abated.

I have thus alluded briefly to the largest parks selected by the commissioners, and will detain the Board but a few minutes longer. It may be argued that the scheme is altogether too large for the city, but the same argument was used when New York was about to establish parks. Mayor Kingsland, who was Mayor of New York in 1851, became interested in a series of articles written by Andrew Jackson Downing of Newburg on the subject of parks, and it was through the interest created by those papers that led to the establishment of the Central Park in 1857. Mayor Kingsland thought that a park of 160 acres would be sufficient for the city at that time, with a population of 500,000 inhabitants; and Mr. Downing fixed upon 400 acres. Neither of the gentlemen had the most remote idea that the city would grow to its present magnitude. The first Board of Commissioners, a board distinguished for its ability, fixed upon 1000 acres, and this vast domain is now in possession of the city, and is used by millions of New Yorkers without a cent of cost. As an instance of the short-sighted frugality that sometimes takes possession of city councils, when the City Hall of New York was built, the Building Committee of the City Council determined that it would be useless to waste white marble on the rear of the building, since that side would only be seen by persons living in the suburbs. The city now extends eight miles above the old City Hall.

I repeat, Mr. Mayor, that we have failed to meet the wants of our people. While we have been growing wealthier day after day, we have failed to realize that the accumulation of wealth is not the only thing that is needful for a great city. One of the leading physicians of the city told me only a few weeks ago that with parks and improved sewerage the death-rate of the city could be reduced twenty-five per cent. What, then, does all our wealth amount to if year after year the health of our citizens is lost sight of? What does all our boasted prosperity amount to, when our city year after year is becoming the most unhealthy of all large cities? His Honor the Mayor, after taking the oath of office, and impressed with the solemnity of the occasion, told us in a few brief but suggestive words, "Boston is now one of the most unhealthy of the large cities. I appeal for the truth of this statement to the eloquence of facts." These words have been ringing in my ears ever since. "Boston is now one of the most unhealthy of the large cities." What have we done? What has the City Council done to prevent this result? Nothing; absolutely nothing. While accumulating wealth we have forgot, and still forget, to provide for the health of our citizens. There is nothing in our climate, nothing in our surroundings, that would lead to such a result, except that we are so bent on accumulating money we overlook this important matter. The only breathing place we have, the few acres that comprise Boston Common, has become so sacred that millions would not purchase one foot of it, and there is no other spot our citizens can go to without becoming trespassers and intruders. We have failed to make improvements commensurate with our growth and prosperity, and how much longer is this short-sighted policy to continue? This is the important question that this City Council has to decide, and we shall only take

a departure in the right direction when we adopt the order now before us and commence the work that our citizens have so many times demanded and indorsed.

Last year, when this question was before the Board, every Alderman, with scarcely an exception, was in favor of parks, but only two *actually* voted for the order to establish them. It was sent back to the commissioners to bond the land, to do something that was altogether impracticable and impossible. The object of this was to defeat the order. I hope this year we will have a square vote upon it. The commissioners have displayed admirable judgment so far as the matter can be safely intrusted to them. There is no possible way the city can be defrauded. Every movement is under the control of the City Council, and the commissioners believe that it will take some three years to secure the land after they have the power to purchase, as they intend to proceed slowly, cautiously, and pay only what the land is actually worth in cash. The advantage, it appears to me, is now almost exclusively on the side of the city. Land is more depressed than at any time for years, and parties who hold this property will have to negotiate at a time when high valuations cannot be sustained. I apprehend no trouble on the part of the commissioners obtaining the land on the very lowest valuations. They know every foot of land included in their report. They have given an extraordinary amount of time and labor and attention to the subject, and have done their work so thoroughly and understand it so well they cannot be deceived. I feel that the committee on the part of the City Council, who have taken occasion to visit all the parks selected, although they may differ about some things, will fully indorse this statement in relation to the work of the commissioners. Their work was a work of honor, and no work has ever been more faithfully performed. Their labor was in the interest and for the benefit of all our citizens, high and low, rich and poor alike, and looks solely to the future welfare and prosperity of our city.

My respected associate on the committee, the Councilman from the Charlestown District, who submitted the minority report No. 1, has made some extraordinary statements. He says that "were it not for a few landholders and speculators, some of whom are not even citizens of Boston, the park question would not have been brought before this City Government, who were elected on principles of retrenchment and reform." What are the facts? The subject was brought before the City Council eight years ago, and a joint special committee was appointed to consider it. It has been before every City Council since, and last year the subject was referred to the present City Government.

His Honor the Mayor in his inaugural address brought the matter again before the City Council, as previous mayors had done before him, and the subject was again referred to a special committee. Now, is his Honor the Mayor the agent of landholders and speculators, and have previous mayors for eight years past also been the agents of landholders and speculators? He says this is a City Government elected on principles of retrenchment and reform. I believe he has voted against every measure of retrenchment that has been proposed, but is very willing to expend \$250,000 or \$300,000 in the Mystic Valley. Parkways also appear to be very objectionable to the Councilman from Charlestown. Can a city be built up and laid out without streets and leading avenues? The parkways of the commissioners are nothing more nor less than leading avenues, that must sooner or later be laid out, parks or no parks. These avenues have been well considered by the commissioners. They circle the city from the North End to Dorchester, and the expense of laying them out would be very small, as the material is to be found around those parkways to grade and make them perfect. The gentleman in objecting to parkways—styled such very appropriately by the commissioners—is evidently one hundred and fifty years behind the times. I can imagine with what pleasure he would have laid out Crooked alley, Flounder lane and Elbow lane one hundred and fifty years ago. But I would ask this gentleman if a city can be laid out and built up without streets and leading avenues, or parkways if you please to call them such, or does he think it best to go back to the lanes and alleys of one hundred and fifty years ago. Then he winds up with "deserted wharves and grass-grown streets." I am not sur-

prised that he recommended the whole subject to the next City Government. It was evidently too much for him.

The minority report of the Councilman from the West Roxbury District is carefully considered and written. The parks that he recommends are worthy of all that he has said so well about them, and only show the wisdom of the commissioners' selection. He also appears to be alarmed at the possible expenditure covering a period of thirty years, but the adoption of the scheme he recommends would destroy a well-considered plan. In the language of the majority report, "the several parts of the system have been so chosen and combined that the value of any one part taken in connection with the others is very much greater than it would be if standing alone. I am satisfied that he believes this as much as any of the majority, but fails to see that these parks will cost the city scarcely a dollar, if we take the experience of the creation of parks in other cities as a criterion or a basis. This has been demonstrated fully. I plant myself on the experience of other cities in the creation of parks, and this experience is far safer than his imaginary figures. *I believe that what has been accomplished in other cities can be repeated here.*

On the 31st of December, 1875, the city of New York had expended on Central Park.....	\$30,779,636
Received from increase of taxation, due to the park, Dec. 31, 1874.....	24,994,731
Net amount of outlay.....	\$5,784,905
In 1875 the city received in taxes in excess of actual valuation before the park was created.....	\$5,182,658
In 1876 taxes in excess of valuation.....	5,042,029
	\$10,224,687
Deduct net amount of outlay.....	5,784,905

Balance in favor of the city..... \$4,439,782

Will the finances of the city permit the commencement of this scheme of parks? I admit that our debt is now large, but we have also *large resources and assets*. The discussion of our financial condition has been so recent, it is useless to go over the ground again. Our Sinking Funds, with their prospective accumulations, are now large enough to pay our entire debt at maturity, not including the water debt. This fact is beyond a doubt. Thirty-year bonds of the city will sell at 10@12 per cent. premium. It was only a few weeks ago one of our bankers sold \$500,000 at 111 to a life-insurance company. The premium that could now be obtained for a thirty-year loan, if placed in a Sinking Fund, with the betterments, would pay the park bonds and debt at maturity, to say nothing of the revenue to be obtained by the increased value of property that always follows their creation. The high school that we are about to erect is provided for in the order. The valuable property now used for high-school purposes will be nearly, if not quite, sufficient to meet the debt. Atlantic avenue should be completed in justice to the North End of the city, and will cost about \$1,000,000. I do not believe in the street widenings that have been so extensively carried on, but this work should be completed because we are already committed to it and our commerce demands it. I regret, in this connection, that so many citizens at the North End have arrayed themselves against parks, because they imagine that the park scheme interferes with this improvement; but I am satisfied that if Atlantic avenue is defeated or delayed, it will be defeated by the men who oppose parks, because they oppose every improvement without regard to its necessity. These are the only large expenditures that appear to me necessary for the next ten years at least, except the intercepting sewer and parks, and instead of increasing our debt, I believe that it will be reduced even if all these improvements are carried out. There is now a margin of \$7,000,000 over and above the limit allowed by the act limiting city indebtedness. The debt maturing and already provided for by our Sinking Funds, during the next ten years, amounts to \$12,000,000. Some of the Sinking Funds are so arranged that a portion of the debt will be paid or provided for before maturity, so that we have a margin of at least \$20,000,000 to carry on necessary improvements during this period, and still keep within the limit allowed by law, *based on present valuations*. I am confident that we shall cancel debt faster than it can possibly be created, with the high school, Atlantic avenue, the intercepting sewer and the park scheme in full progress. Our general debt is about \$28,000,000, aver-

aging some fifteen years, with a Sinking Fund of \$13,800,000 to meet it, and it requires no great financial ability to decide that this Sinking Fund, mostly six per cent. city bonds, with its accumulated interest, betterments and other resources, will take care of this debt. The water debt is \$12,770,000, with a Sinking Fund of \$1,600,000. Most of this debt runs from twenty-five to thirty years, and with the increase of the Sinking Fund during that time. \$100,000 raised yearly by taxation, with its natural increase, would take care of the water debt at maturity. Financially, we are in a condition to commence and carry on these improvements, and taxation will not be so high as during the past ten years, unless we have ceased to grow, a fallacy that no sensible man will in-dorse.

While we have been talking about parks, the city of Albany has commenced and created one. As it was the last park of any magnitude established, it may be well to show the results. The cost of this park, as per treasurer's report of Jan. 1, 1877, was \$793,480. The increased assessed value of property in consequence of the park yielded an annual revenue of \$82,821, a sum that exceeded by \$49,470 the annual interest charge on account of the park, including maintenance, so that the remainder of the city was relieved from taxation yearly in the sum of \$49,470, which, as the treasurer remarks, if it could be set aside for that purpose, would extinguish the park debt in twelve years. The treasurer also says, that during the winter of 1875-6, a winter of unusual distress, there was given employment, in the construction of the Boulevard, to an average of 150 men and many teams, men needy and in positive want; this fact the working men of Boston would do well to remember. I will not tax the Board with other figures. The same results have followed in other cities where parks are established, and this experience is better than the imaginary figures of the minority reports. All the leading cities in the country have established parks but Boston. Second-class cities like Albany, Buffalo, Cincinnati, Columbus and others, have established them. Is this creditable to our enterprise? Boston, today, is the wealthiest city in the country on the basis of population, and Boston today is far behind other cities in providing for the health, the recreation and pleasure of her citizens.

Apologizing to the Board for detaining them so long, I will say in conclusion that my only excuse is the importance of the subject. I think I have shown that Boston is not a dead city so far as business prosperity is concerned; that there is no good reason why great public improvements should be stopped; that we have increased remarkably in wealth and population; that all our public-improvements have been behind the times, behind the enterprise of our citizens; that the City Government have failed to realize the growth or the wants of our people; that if, after the experience of the past, we fail to improve our vacant land on some systematic plan, we are greater failures than previous City Governments.

Alderman Fitzgerald—I have listened with a great deal of interest to the speech of the Alderman who has just sat down; and while he detailed the rapid growth of the city of Boston for the last quarter of a century, and the increase in her taxable property, the wonder with me was how it was accomplished without parks. The conundrum with me was, how it was possible that the city of Boston could have grown to such immense proportions without a great arboretum surrounding her. But I came to the conclusion that the city of Boston did get along, and flourish and thrive and become one of the richest cities in the Union, even though she had not this grand system of parks, those luxurious places of resort which are marked and mapped out so magnificently in the report of the Park Commissioners, and which have been so ably advocated by the Alderman who has just sat down. Now, I take the ground with the Park Commissioners, that parks are a luxury; that they are unlike sewerage and water. We need fresh air, pure water and thorough sewerage; but the commissioners themselves, in their report, say that parks are a luxury; and they are not to be classed with water and sewerage. They say—

"In a limited sense expenditures for parks are like those made for ornamental architecture and domestic decorations, and for amusements, theatres, music halls, and other luxuries appertaining to modern city life, though, unlike these, the enjoyment of parks is freely shared by the whole community."

In this admirable report of theirs the commissioners admit that the park question is unlike that of pure water or sewerage—that they are in a measure a luxury. Now, it seems to me that a wise economy and sound judgment would dictate to any individual, before he wanted to gratify his æsthetic taste, that he should first see how much he needs in the absolute necessities of life; how much he must expend in what is absolutely necessary in his household; and then after that, if his purse admit of it, and his tastes carry him in that direction, how much he should expend upon ornament and decoration which are akin to public parks, when you compare what the private man does to what a public corporation, like the city of Boston, should do for the welfare and entertainment and amusement of the people. First, we should consider what the cost is to be; second, whether the purse of the city of Boston can bear the strain; third, whether there are other things which are more necessary, which are crowding and which ought to be done before we enter upon this grand scheme for a park system. First, as to the cost. I have read the report of the majority of the committee and the report of the Park Commissioners over and over again; but neither the commissioners, the committee nor anybody else can enlighten us as to the ultimate probable cost of parks. The commissioners report that five millions of dollars will cover the actual cost of the land necessary for parks; but it has been my experience, and it must be the experience of every man connected with the City Government, that when the city needs a spot of land, if it be assessed for twenty cents, and the individual finds that it is needed by the city, he will ask thirty-five cents a foot for that land, and will refuse to sell it for anything less. As a proof of that, I refer to the chairman of the Committee on Public Instruction. For months we have been trying to obtain a suitable site for a schoolhouse in the Brighton District. We have selected a lot assessed for twenty cents a foot and the owner refuses to sell it for less than thirty-five cents; he asked fifty cents with a great deal of modesty, and he refused to take less than thirty-five cents. Take the land in the neighborhood of the proposed high schoolhouse. Four years ago it was bought for \$255,000, and the same hue and cry was raised that if you did not buy it then you could not get it for double that; but it is not worth half that today. For five brick buildings in that neighborhood, which are assessed for about \$14,000 each, they want the modest sum of \$25,000; while I am confident that if they were put up at auction and sold under the hammer they would not bring the amount for which they are assessed. Wherever it is known that the city of Boston requires land for any specific purpose, you will find that the owners ask double the amount they would ask from ordinary individuals at a forced sale, by themselves. Pass this order for \$1,000,000 to initiate this grand scheme, and commit the city to the proposed system of parks, and the land will be bought as dearly today as it can be ten years hence, and you would not get it for one dollar less; because, sir, many people have bought the land, or bonded it, for the purpose of selling it to the city of Boston, and some of them did so three, four or five years ago. These people have invested their money in the land, and much of it is heavily mortgaged. Do you imagine they will sell to the city at a loss, when they will know that the city must have it when the proposed system of parks is so nicely proportioned and mapped out from Point Shirley to Dorchester, that the beauty of the scheme would be destroyed if they did not have the whole, according to the remarks of the chairman himself. I venture to say that not \$5,000,000, but \$8,000,000 or \$9,000,000 will be needed to buy the land before you get through with it. But I will take their own valuation of \$5,000,000 in round numbers for all the lands taken; for the Charles River sea-wall alone and the filling up of the Charles River park, without any ornamentation, it requires \$2,600,000 according to the cheapest calculation by the City Engineer, and \$3,600,000 by the highest, and taking the medium one which he has given, it will be \$2,114,900. For the Back Bay park \$1,625,800 will be needed to fill it up and put it in a condition to prepare it for ornamentation; and, for the South Bay park \$200,000 will be required for filling. Taking these three proposed parks alone, the amount necessary to put the land in condition for

ornamentation will be \$10,000,000, and I venture to say that four or five millions more will be necessary to put the parks in a condition to be walked over by seekers for fresh air and pleasure in the country. So before we get through with our proposed system of parks it will cost at least from fifteen to twenty millions of dollars. We have no estimate from any committee or the commissioners upon anything save and except the valuation of the land, the proposed wall around the Charles River basin, and the Back Bay and South Bay parks; and yet those, according to their own estimates, will foot up the enormous sum of \$10,000,000; the ornamentation will cost \$5,000,000 or more, and I venture to say that from fifteen to twenty millions will be nearer the amount which these parks will cost than the figures set forth by the majority of the committee. Now, in order to meet that, Mr. Mayor, what have we got? Those who have had charge of municipal affairs in many cities of the country became so reckless in their schemes for the proposed improvement of the cities, that the public became alarmed; and that alarm reached the State of Massachusetts, whose Legislature, in order to throw a safeguard around the treasuries of the different cities and towns of this Commonwealth, and prevent the selectmen and city fathers from running riot in fancy schemes and speculations with the people's money, wisely passed a law prohibiting any city or town in this Commonwealth from creating an indebtedness exceeding three per cent. of the valuation of said city or town, except what is required for pure water. Now, sir, what is the condition of the city of Boston? We owed nearly \$44,000,000 on the 30th of April—\$43,590,497.30. We call something a gross indebtedness and something else a net indebtedness, but there is no such thing; it is a mere fiction. Our debt is \$43,590,497, and upon that we pay interest every year. On that debt we paid interest last year, from the 30th of April, \$2,522,057.28; and in addition to that the revenue which went into the Sinking Funds was \$1,087,018.78, exclusive of the interest which went into the Sinking Funds from bonds belonging to the city of Boston, which the Sinking Fund Commissioners hold; so that we pay interest on the full indebtedness, and more, making the total paid for indebtedness \$3,659,066, equal to \$5.25 per \$1000 upon the valuation this year, which will not be more than \$700,000,000 upon the real and personal property; and if we had no indebtedness our taxes, instead of being \$12.70 on \$1000, would be only \$7 and some odd cents, providing this money did not go in this direction. We have a Sinking Fund, and the law limiting municipal indebtedness excludes the amount in the sinking funds, so that it can be taken from the gross debt, and that gives us a net debt, as we call it, of \$28,153,454; and deducting the water debt, which is also excluded, according to the act, it leaves us an indebtedness of \$15,376,743, which the \$350,000 for the high school will make \$15,700,000 in round numbers, or about two and two-sevenths per cent. on the valuation, leaving us five-sevenths per cent. or thereabouts, beyond which we cannot go in contracting more debts in improvements, in the building of sewers, or anything of that kind. That is the condition of the city financially. We have a margin of five-sevenths per cent., and we can create between six and seven millions more debt and no more from now. Mr. Mayor, if pure water be an absolute necessity; if this city of Boston is to be made healthy—I agree with the Alderman that pure air is a prime necessity, because without it we cannot live; and if that is so, there is one scheme which we must adopt before all others. We must have some kind of a system by which to provide pure air—or rather by which vitiated air can be prevented from entering the homes where people live more than half their lives. Today the city of Boston is unhealthy; and why? Because the sewers of this city are nothing else than conduits for conveying impure air that breeds malarial fevers throughout the whole of the South End and the Back Bay. If we are to have a healthy city, we must first have a city that is thoroughly seweraged; and that cannot be done at a less cost than about \$6,000,000. I hold, sir, that before parks, before any other scheme, this system of sewerage should claim the attention of the City Council; and all we can add to our debt this year or next should be in perfecting this work, which cannot be delayed any longer, and which will cost at least \$6,000,000, if not more. It is an absolute necessity in order to protect and preserve the lives of the

little children and the grown-up people in our homes. A system of parks will cost, perhaps, ten or fifteen millions of dollars. Suppose we carry out that. They tell us it will annually cost the city of Boston but the amount that is expended for the city hospital, about \$125,000, to lay out the parks in such a condition as to make it a pleasure to the eye and agreeable to walk in. I do not know whether it was intentionally drawn so or not, but the order reads—

"That the Treasurer be and he hereby is authorized to borrow, under the direction of the Committee on Finance, the sum of one million dollars for the purchase of lands for park purposes; the certificates of indebtedness to run for the longest term of years allowed by law, not exceeding thirty years, and to bear interest at a rate not exceeding five per centum per annum."

Well, sir, no certificate of indebtedness can run for that time for any park purposes. You cannot borrow money for any park purposes for a longer period than ten years. The law governing municipal indebtedness sweeps away that, and covers all your loans. It is a later law. It was passed on the 14th of May, and went into effect on the 14th of June. I have heard some gentlemen say that possibly the law authorizing the city to lay out parks and allowing the city to issue scrip was a later law. This law did not go into effect until June 14, and it covers all the loans you make for parks in the city of Boston, unless you receive such an act as was expected by the majority of the committee, and upon which their report was based. You cannot make a loan for a longer period than ten years. Suppose we issue the whole \$5,000,000 now—because if you are going into this thing, you might as well bear all of it at once—what effect will it have upon our taxation? Five millions at five per cent. would be \$250,000 a year; and we will be obliged by the law governing municipal indebtedness to lay aside annually an amount equal to eight per cent. of the sum borrowed, in order to meet the debt at maturity, which will be \$400,000 a year; and that will be \$650,000 added to the tax list every year for a \$5,000,000 loan. Where the other money is coming from, I do not know. Where the money to build the sea wall, to dredge and fill up with, is going to come, I do not know; because under the act creating the Park Commission and giving the city authority to issue its scrip, the money borrowed can be applied only in paying for the land taken; and any money spent for filling, dredging or ornamentation must be raised in the general tax levy. We will have \$650,000 a year sure to be raised for the next eight years to pay for the land, and if the other money is to be got out of the citizens of Boston, and the park is to be put in any decent condition, it will require at least \$350,000 or \$400,000 more to be added to the tax levy every year, which will make a million dollars. It will require more policemen—it will be joyful tidings to some of the gentlemen who have been applying for that honorable position—to keep the parks in order and make them safe for people to walk in. It will cost yearly—I exclude this sea wall; I exclude everything; and where the money is to come from I do not know, unless it is by a special statute such as was tried to be run through the Legislature without the consent of the City Council—I say it will make about \$1,000,000 a year addition to the tax levy to meet the park expenditures. Can the citizens of Boston spare it today? Can we take up this park question and this sewer question, and the widening of Atlantic avenue altogether, and are we able to bear the burden? The Alderman spoke about the number of houses being put up, and about the panic being over. I do not see any sighs of it in the corridors in City Hall, or in the revival of business all over the city. Nobody else sees it. If they see anything at all, they will tell you they see the return of prosperous times a long, long, long way off. What is the financial condition of Boston today, and the people who must pay this money? Two weeks ago I asked that an order might be passed directing the Chief of Police to give the number of empty houses and tenements in this city. The Board refused to pass it. I said I would take it as evidence that the Board did not want to show the terrible condition of the city of Boston to the citizens of the State and the Legislature. I received by hard plodding—I was determined to find out as best I could—the number of empty houses and tenements in Boston, and I have it here. The number of wholly empty houses on the first day of May

1876, was 2159, and their taxable value was \$11,782,700. Add to that the tenements and houses only half occupied, which the Assessors do not take, and I venture to say the taxable value of property in the city of Boston (which is empty the whole year round; because the first of May may be taken as a criterion) will not be less than \$22,000,000—unproductive, so far as these houses are concerned. How is it with the people who pay taxes? I find down in the City Collector's office that on the first day of September, 1875, where were unpaid and uncollected taxes for 1875, on real estate, the enormous sum of \$391,746.25, or \$400,000 in round numbers, and the number of houses and estates advertised for sale last September, for unpaid taxes of the year preceding, was over 2900; I counted them up as best I could—representing, at \$13 on \$1000, about \$30,000,000 worth of property on which the owners could pay no taxes. That is the condition of the people who will have to pay for the park scheme. The taxable value of the real estate will be about \$500,000,000, and that is mortgaged to at least \$250,000,000. Half of the personal property in the city of Boston, held in your stores and elsewhere, represents in a great measure the indebtedness of the people who own it; and it is all taxed. These are the people who will have to pay for this proposed park and for sewerage. What is the condition of the occupied real estate throughout the city? I appeal to any gentleman listening to me, who owns real estate, and I venture to say that, after paying taxes and repairs, it does not net three per cent. throughout the city of Boston; and the hardest money the poor man has to pay is the tax on the house which he paid three or four thousand dollars for three or four years ago, and giving a mortgage for twenty-five hundred or three thousand dollars. The papers are filled each September with a long list of delinquent taxpayers that almost startles people. How is it with our commercial men? Read the Commercial Bulletin. What is it but a list of failures? Yet we are told that times are prosperous! As a master in chancery, I know that when people sue they hesitate to arrest a man for debt, for fear of his going into bankruptcy. That is the financial condition of those who own houses and of those who engage in trade; and nobody can deny it; and those who feel it most are not the richest. The laboring man who has laid up the earnings of years, and who after a while purchased a house in Roxbury, Charlestown or South Boston for three or four thousand dollars, and mortgaged it for seventy per cent. of its value, has lost all by the shrinkage in value, and is trying to carry that immense load of a mortgage until better times come round. It is he who most feels all this heavy burden of taxation. Now, I ask any gentleman who has listened to me if the picture I present is not a true picture of the financial condition of the city of Boston today? The people are taxed more than they can bear, and now it is proposed to add this to the burden. And what is the grand argument? I heard a remark just now from a man here [among the spectators] who cannot keep down his feelings; and I will tell you what that argument is. There is one class of people that is always appealed to; and I am sorry to say in many cases they are appealed to with success. It is the laboring class. Whatever money is taken out of the city treasury; whatever money is to be paid for schemes of this kind, is to help the laboring man forsooth; and many of the laboring men are caught by this talk which I have heard everywhere in connection with this park question. They are spoken to and appealed to; they are told that idleness will cease; that the good old times, when they had work and plenty of it, will come round, and the millennium is coming for them, for a million dollars for the grand scheme of parks is going to be voted upon by the City Council. I do not yield to anybody in my desire to see laboring men employed; but I do not think the city or the State is a soup house. I think that public servants should try to so conduct the State and city that the working people will depend upon their own industry, and not upon the city, State or national treasury to aid them. I consider it criminal to be thus urging schemes in the name of the poor and unemployed, especially when not for their benefit. But this order is not for the benefit of the workmen. Not a dollar of this one million this year, not a dollar of the other million next year, not one single dollar, can be expended for labor. The report reads that "never was labor so

cheap." That is an assertion in which I do not disagree with the majority of the committee. Never was labor so cheap; and materials were never so cheap. But what has that to do with the laboring man, when I tell him that not a single cent of the million dollars will give him an hour's work? If we pass the order and borrow a million dollars, not a single cent of it will go into the pockets of the laboring man; but it will go into the pockets of land speculators. I presume they did not know it before, and I propose to tell them that. There might be some strength in the argument if it could be shown that the laboring man is to be benefited by this. The act provides that the scrip we issue, and for which we receive money, shall be devoted to buying land, and nothing more. I would like to know where the labor is coming from. I will do anything to help the laboring men; but they can get no labor from it. The appropriation bill is passed, and the money for labor on parks can only be raised by putting it into the tax levy, and we can raise nothing more until next May. So that the argument that the working man is to be benefited by the passage of this order—an argument which has been reiterated throughout the city, an argument which has been used to threaten me if I did not vote for this park scheme—that argument has been industriously circulated, until I think many of the workingmen believe that the grand day of deliverance from idleness, and the time for giving work all round to every man, is coming if this park order passes. It is not so, sir. The intention of the Park Commissioners, the intention of the gentlemen who propose this order, is that the land shall be bought, that it may lie idle years; and in the sweet by and by, after some years, then the laboring man who comes to City Hall today can get work upon this public park. If the workingman is satisfied with that kind of prospect, and can be induced by it to go for a park, he has less sense than I give him credit for. I say it is a speculation to sell land—I do not mean by those who are honestly trying in the City Government to get it through; I do not mean them; but I mean by persons outside. It is simply a pressure brought by people outside of the City Government to get rid of lands which they own and are trying to make the city of Boston buy of them; and, when those lands are bought, you will not find those people demanding breathing places for people to go and expand their lungs in; their lands will be bought, and some others must come and make arguments for the workingmen of the city of Boston; they will have accomplished what they want and be satisfied. The other argument is that Boston, like New York, will be benefited by parks. Boston is unlike New York. Our people resort to the seashore. We have now, down at Revere Beach, a water park; our harbor is a water park which is frequented by thousands and thousands during the summer months. Thousands of people go to Revere Beach and breathe the pure sea breeze, for the sum of fifteen cents, an amount just equal (or nearly so) to that which it would cost to take them to any park, suburban or otherwise, in the city of Boston. And the theory of the rise of real estate in Boston compared to New York is not exactly correct. New York is like what Charlestown is today. There was no vacant land in New York, and it was obliged to create it in the region of Central Park. Of course, land in the vicinity went up to an enormous price; people bought around Central Park and held it, much to their grief. Boston has as much land as is needed for residences, and it will be years and years before people will go to live in the region of the proposed parks. It will be years and years before the city is so thickly filled up as that. The outlying districts and the suburbs of Boston are one series of parks. The residences in Roxbury and Brookline are but beautiful parks, not created at the expense of the city of Boston, but by the taste of the people living on the roadways. In that respect Boston is different from New York. I am in favor of parks; they would be a beautiful addition to Boston, and I should favor them at any other time than now. I think the people of Boston can better afford to pay ten dollars for parks years hence than they can afford to pay two dollars today. The record of foreclosures by mortgage is something terrific to look at. Such things have never happened before in the history of our savings banks. People cannot carry their mortgages along, and

when the estates are sold they do not bring an amount equal to the mortgage. Nearly every sale of real estate is a sale for foreclosure. I have here a list of some property sold the other day in this city, as tending to show how everything has depreciated. On April 23, McClellan & Knights sold the estate 330 Beacon street, comprising a lot thirty-three feet on Beacon street by 180 on Fairfield street and a large three-story octagon front and rear brick dwelling, for \$43,650; Mr. Wainwright, in the spring of 1873, was offered \$70,000 for that estate. On May 16, Samuel Hatch sold the wharf property on Atlantic avenue, containing about 71,514 feet—the terms were \$2000 down, one half cash and the balance on three or five years' mortgage at six per cent. interest; the property was free of encumbrance and was assessed last year for \$192,000; it was started at \$1 a foot and was knocked down at \$1.42½ a foot, or about \$109,505. A house on Beacon street, corner of Hereford, and the house 68 Pinckney street, were offered by auction to satisfy mortgages, the one of \$50,000 and the other of \$15,000, but no bid was offered near their value, the highest bid on the Pinckney-street house being \$8000. So it is with property all over the city. Real estate is coming down to the amount of the mortgage; and yet people are trying to carry our municipal indebtedness away above what it ought to be. With a margin of only five-sevenths per cent., and with our sewerage and other improvements pressing upon us, cannot the park lands lie quietly a year or two longer? Especially as the argument, which is strongly used—that it is going to help the workingmen—simply amounts to nothing, and it is only an appeal to their prejudices for a scheme which can amount to nothing for them for five or six years. Not a single cent of this park scrip can be used for the workingmen. In consideration of all these things, I have made up my mind that it is inadvisable to commence this scheme of parks this year; and if it continues to be agitated for a year or two, I have no doubt the people of Boston, in their own good time, when the sewerage question—which will give work to poor people; every cent expended for sewerage, except the cost of the material, will be spent for labor—is settled. I am in favor of sewerage. I shall vote for \$5,000,000 for a system of sewerage if it comes up this year, and I think it ought to take precedence of parks. If the argument that parks are going to help the workingmen is strong, I think it can be used with ten times the strength for sewerage, because five-sixths of the money for sewers will be spent for labor, while all the money you can appropriate for parks now will be of no benefit to the laboring man.

Alderman O'Brien—I merely want to say one or two words in answer to the Alderman. I am in favor of the intercepting system of sewerage; but that every cent of it goes to the laboring man is not true in any sense of the word. I suppose that one-half the cost of the sewer will go to the laboring man; the other half will go down East, or to some place where they manufacture brick or other material. One half the cost of this sewer will go out of the city, and perhaps the other half may go into the pockets of the workingmen. But still I believe in it, and I hope the Committee on Improved Sewerage will push it on with the greatest despatch possible. I don't believe it can be pushed this year, and I appeal to the chairman of the committee to explain it. Our City Engineer has not got through with making his estimates for the work, and I don't believe he will get through for months so that he can present a plan to this Board for adoption. It is a work that requires time, and it is a work that we did not commence in time. We were behind the time in commencing it. Now, the Alderman who has just taken his seat desired to appeal to the laboring men and to show that not one cent of this money that we ask for would go into their pockets. In the first place he estimates the cost of the scheme laid out by the Park Commissioners at from fifteen to twenty millions. The actual cost of the land is less than \$5,000,000; and where do the fifteen millions of dollars to complete these parks go to? Every dollar of it goes into the hands of the laboring man. And why is it that the laboring man, the mechanic and the architect do not stand a fair chance in relation to this measure? It is because the Massachusetts Legislature cheated them out of it. An act was presented to the Legislature for leave to carry on this

improvement on a thirty-year loan. The city authorities asked for it because they wanted to set the mechanics, architects and laboring men to work; and the men who are against parks defeated that measure in the Legislature, and cheated the laboring man, so far as that act was concerned. That is a fact, Mr. Mayor. The laboring man was cheated by the Massachusetts Legislature because they refused to pass an act that would put, as the Alderman says—if his estimates are correct—from fifteen to twenty millions of dollars in the pockets of the workingmen. They wanted to make this improvement upon a thirty-year loan. That is the true state of the case.

Alderman Robinson—I have no prepared speech, Mr. Mayor, and the facts and figures which have been given tonight by the two Aldermen who have spoken almost craze my brain to think of them. If I had Aladdin's lamp I would bring that genie on the middle of this floor tonight and direct him to have, before sunrise tomorrow morning, a system of parks with beautiful driveways all around this city. If I had as well the wishing cap that we have read of in the Arabian Nights, I would transport myself to the valley of Sinbad the Sailor, and capture about all the jewels, emeralds, rubies and pearls, and precious stones; and I would take a handful of them and give to my friend, Fitzgerald, and tell him to sell them for the best price he could and make the best system of sewerage any city ever had. I would set every man in the city of Boston at work tomorrow morning, and I would provide a dinner for the members of the Common Council at the Cattle Fair Hotel next Saturday, or the next fair day that they should chose to go to the parks. I would do something, gentlemen, for you all—every one of you; even my friend Thompson, who sells steel rails. But there never was but one Aladdin and never but one Sinbad; but the greatest of all those heroes was Jack the Giant-killer, who exists no longer, and we cannot make a raid upon him, and we have got to take things as we find them. Money comes now in very small quantities, and with confounded hard knocks, when it comes at all. We have got to see whether parks are useful and necessary, and whether we can build them. As to their utility, I think sufficient has been said by my friend Alderman O'Brien to show that they are useful not only in this country, but in every city of any considerable size in the civilized world you find that parks are an absolute necessity. If you take a voyage across the Atlantic and reach the old smoky town of Liverpool—so smoky that its suburbs are pretty much of the same character as Boston, and it has as much suburbs as any city in the world—there you find the Princess Park and another which they have laid out within a few years of 400 acres, for which they paid two and a half million dollars, and they are at work beautifying that park so that all the people can go there together.

If you go from there to London you find Green Park, James Park, Hyde Park, Regent's Park, Kensington Gardens, and innumerable squares. Pass over to Paris and you find the Bois de Boulogne at one end, and the Forest de Vincennes at the other; the Tuileries, the Champs des Elysees and all the innumerable squares where people congregate in the open air. Go to Marseilles and you will find parks, and people live there just the same as in Paris. At Naples you find parks; and pass over from there to old Germany and you will find in Berlin one of the largest parks in Europe, where there is no sewerage, and the smells are perfectly heartrending sometimes. You will find also a park of eight thousand acres. At Dresden and Munich you will also find large parks, where there are deer and all sorts of animals grazing side by side. But the best and greatest park of all is in Vienna, right in the centre of the city where the largest portion of the city want it. Here prince and potentate, rich and poor, meet upon the utmost equality. A person sitting beside you at one of the tables in the beer garden might be a member of the royal family, but no more notice is taken of that person than there is of any other. The wife of a gentleman high in rank told me of an incident that occurred to her while sitting in this very park in Vienna. As she sat there one day a party of ladies came along and took their seats at the booth by her side and called for beer, which they laughingly drank and went away. No attention was paid to them, and they seemed to be a happy,

jolly party of ladies. She inquired who they were, and to her surprise and astonishment she found that the lady who attracted her attention most was the empress of Austria, and the rest were her maids of honor. To show how these parks are used by all classes, when I was in the capital of Saxony, Dresden; I saw a man who had been in the United States and, said there was no public place where a gentleman could go with his family and sit down with all classes of people. It was the dearest thing in Dresden to be able to go there and all the people meet perfectly free together, and no notice taken of any rank or station. While seated there I noticed around me a species of flies that resembled flakes in a snow storm. I asked what they were and was told they were something that came to that garden and nowhere else; that a new crop came every season. It seemed to me that those parks were so delightful that even these flies came there to spend the few hours of their existence in common with mortals. Now, gentlemen, and Mr. Mayor, it is said that Boston has a system of parks all around it. It has beautiful suburbs; but they are receding all the time. It is growing more and more difficult year after year to reach those suburbs; and now it requires an expensive horse and carriage to do so; and many people cannot afford to enjoy the beautiful suburbs of the city of Boston. And when they do go there to see those beautiful lawns and everything else that is attractive, they cannot go on to them unless by consent of the owners without trespassing. They are getting more and more distant every year; and it seems to me that we in Boston should put in the entering wedge so that we can have something like parks, and have a place where all our people can meet in common. I do not agree with my friend, Alderman O'Brien, that times look very prosperous. I do not see any very great improvement in business affairs. On the contrary, it looks worse today than it did a year ago. All of us around this Board know what a torment—if I may make use of the expression—it was to meet the workingmen last winter and feel at the same time that we were unable to give them the work that they begged for so hard. I see no reason now to believe that it will be any better another winter than it was last. The time is passing in which to begin our enterprises. I know of nothing at all that we have projected; and it has got so far along that any large enterprise can not be projected this year; and it looks to me as if in all probability next winter will be as hard as it was last. Some persons think the war in Europe will lead to business. When our war began there was hardly a cart or anything else, to carry troops to the field, or to carry on the war with at all. Those nations in Europe all have large standing armies, and they have been months and years gathering their supplies together. We have had four large mills working night and day making powder for Russia, and as many more were making powder for Turkey. The Providence Tool Company has been making arms for Turkey for three years, and those people are supplied with arms for this year. It was not till last fall that Odessa, the great exporting wheat country of the world, was so loaded down with grain that they were in a state of failure. Now they have sufficient supplies to last them this year and next. We cannot expect that that war in Europe can do us any good for this year. Now if there is any plan that can be devised in the City Council, in the purchase of the West Roxbury park, as has been suggested, or any other park, if we adopt that plan we shall have done our duty at least to our successors to give them an opportunity to employ men, as we have this season.

Alderman Thompson—At this late hour I do not propose to say much upon the subject of parks, only that I have been very agreeably entertained and instructed by the gentlemen who have preceded me. I desire to remark to the chairman of the committee, who introduced the subject, while he was entertaining us with his statistics, I regretted that he did not continue his figures. I noticed that he stopped at the year 1875 with his increase of valuation and population. I was surprised at that, because I thought he was going to give us the exact facts as they exist today.

Alderman O'Brien—If the Alderman will allow me to interrupt him one moment. The census returns are made up every ten years. In 1885 we will have other returns, and until that year it will be impossible to give him any more figures. I took the figures last made.

Alderman Thompson—The Alderman can give

ns the valuation for 1876 by sending down to the lower floor of this building, and he will find that, instead of \$795,000,000, the valuation is \$745,000,000. It is my opinion that when he calls there in September he will find the valuation reduced below \$700,000,000; and if I could have my way, and estimate the valuation of the city of Boston at its market value today, it would be reduced one hundred millions. But I said I was not going to discuss this question of parks. I merely wished to remind my friend that he reflected upon his associate upon the committee—a gentleman [Mr. Stone] who comes from the district in which I reside—a little unjustly and severely, I think. He referred to him as having been a little out of the way in his statement; and then remarked that that gentleman could see his way clear to vote \$250,000 or \$300,000 for a sewer; while all they asked, and all he voted for has been \$200,000, and what is the sewer for? It is to perfect property which is worth \$3,000,000 to the city of Boston today. It is necessary to spend that amount to preserve that value to the city of Boston; and it is a work which requires no aid from the treasury of Boston. The Mystic Water Works support themselves today and turn into the treasury a hundred and fifty thousand dollars a year. Now, sir, a reflection upon a member of the City Council who is willing to vote to perfect property like that is unjust at this time. As I said, I do not propose to make any remarks at this time. I only wish to remark to the Alderman that it is a very different thing from voting for the scheme now before the City Council. Three-fourths, if not seven-eighths, of that \$200,000 is going into the hands of the laboring people; and we have a proposition come up to us which provides that that expenditure shall be made to the laboring people of the city.

Alderman O'Brien—Last year I voted with a great deal of pleasure to appropriate \$200,000 to purify the Mystic water. It was far purer than the Cochituate before Charlestown was annexed, but it became suddenly impure when Charlestown was annexed. I was very willing to do it because I became convinced that the people of Charlestown had been drinking impure water for a number of years. But the gentleman from Charlestown, talking about parks, said in his report that they are a public improvement which will cost twice as much as will be appropriated by the city of Boston, and I took him upon his argument and said the Mystic sewer will cost \$400,000 upon the same principle. When people talk about parks, they bring forward any quantity of imaginary figures; but when you talk about any other matter, they come down to the real facts. I hope those gentlemen will treat this question not with imaginary figures, because they can get as many facts in regard to parks as any other improvement that is made.

Alderman Wilder—This question of parks is admitted upon all sides to be as great, perhaps, as any that can come before us. The Alderman [Alderman Fitzgerald] has given me some information which I did not have before—that the appropriation contemplated in this order was all to be spent in the purchase of land, and in no other way. I would not presume to doubt anything the Alderman says, but that statement being made, I want time to think it over. I have some well-settled opinions upon this matter of parks, but the lateness of the hour and the fulness with which this question has been discussed will prevent me from attempting to discuss it tonight, and I rise, Mr. Mayor, to move that the matter be specially assigned to half-past four o'clock next Monday afternoon.

Alderman Fitzgerald—Before we proceed further I would say that any one who read the twelfth section of the act creating the Park Commission would have no doubt whatever as to the intent of the act:

"Sect. 12. For the purpose of defraying the expenses incurred under the provisions of this act, the City Council of Boston shall have authority to issue, from time to time, and to an amount not exceeding the amount actually expended for the purchase or taking of lands for said parks, bonds or certificates of debt, to be denominated, on the face thereof, the 'Public Park Loan,' and to bear interest at a rate not exceeding six per centum per annum, and to be payable at such periods as said Council may determine. For the redemption of such loan said Council shall establish a sinking fund sufficient, with the accumulating interest, to provide for its payment at maturity. All sums received for betterments shall be paid into said

sinking fund, until such fund shall amount to a sum sufficient, with its accumulation, to pay at maturity the bonds for the security of which the fund was established."

I would say further that I had an interview with the City Solicitor, and his idea was just that, too.

Alderman Clark—An attempt was made in the Legislature to get the right to issue bonds for the purpose of filling any of these lands when taken, so as to give the laboring classes employment. A very strong attempt was made, but it was at a time in the session when no new business could be entertained except by a four-fifths vote of the House. That act was passed upon unanimously by the Senate. They saw the necessity for giving to the city the right to issue bonds for the purpose of buying lands and filling them, by a long loan, namely, thirty years, and the Senate voted upon it unanimously. It went into the House, who voted by a large majority to give the city that right, but it required four-fifths of all the members to obtain that right, and a strong lobby was brought against it by members of the House and outside parties, and the city was prevented from obtaining that right simply because it required a four-fifths vote for it. If it had been introduced at a time when it did not require four-fifths, the city would have obtained the right. Now, this is only preparatory to entering upon the commencement of the work in the coming year. It will take the commissioners some little time to make their purchases and to get ready to employ those thousands of men who are standing around this hall from week to week, and give them employment, as it is proposed to do. I merely wish to make that statement. I am in favor of a postponement of this subject for one week. It has been very ably discussed for and against, and all the arguments that can possibly be raised against parks have been put to the Board in a very able manner by the Alderman from the Twenty-first Ward, so that I doubt whether anything new can be brought forward against the establishment of parks at the present time. But there never has been a time since Boston has been a city when there have been so many occupied stores as at present. There are a great many vacant ones; it is always so. But there have been seventy acres of store property built over in the last four years, commencing after the panic. I understand that in the number of vacant stores in Boston and New York, as compared with the population and business of each city, Boston is infinitely superior to New York today, notwithstanding the dull times. The Alderman has spoken of the rapid growth and prosperity of the city without parks; but he forgets that twenty-five or thirty years ago the Common was a public park sufficiently large to accommodate the inhabitants of the city; and he forgets that the city, instead of having a population of thirty or forty thousand, has a population of 350,000 or 400,000; and he forgets that the cities of Newton and Cambridge are fast growing towards us, and we are growing towards them, and that the time is not far off when Charles River beyond Newton will be the boundary of the city of Boston; and unless parks are provided for now we shall have no opportunities to obtain them. I propose at a future time to speak of the public parks of other cities and to show some reasons why the city of Boston should establish public parks now. I regret that we have so large a debt, but it is not large for what we have done, and there is no city in the world whose credit is at so high a premium. We must not wink out of sight the fact that ten millions of this debt has been put upon us by the negligence of our predecessors, in not laying out the city as it should have been. We must not forget that the great fire of 1872 forced upon us a debt of ten millions which we spent in creating new streets and widening old ones, which could have been done for one-tenth the cost twenty-five years ago. We owe nominally forty millions of dollars, and we have thirty millions to pay it with. It don't make much difference how much a man owes, if he has got \$125 to pay \$100 with or \$200 to pay \$150 with. It is a notorious fact that the building of the Public Garden and the improvement of the Back Bay territory has added to the taxable property more than fifty or sixty millions of dollars; no doubt about that. But I did not rise to make any remarks upon the general question of public parks. I merely wish to state that it is not proposed to spend this entire money in the put-

chase of land. The entire estimate for lands is \$4,900,000, which is probably a million more than we shall have to pay for them. The Alderman speaks of the immense rise in real estate when the city wants to purchase, and the fact that the city cannot buy land at thirty-five cents a foot which is assessed at twenty cents. It shows that real estate has not depreciated to the extent that he would have us believe. Don't you believe the citizens of Boston would be glad to sell land to the city for money as cheap as to individuals? It is a fact that no corporation buys land or gets work done so cheaply as the city of Boston, because the pay is sure. I am glad to know that the city cannot buy land for a schoolhouse at less than the assessed value. The Alderman tells a good many instances of real estate selling for a good deal less than it was assessed for. Why is it? Because the building has depreciated. You can build a house or store today for—

Alderman Gibson raised the point that Alderman Clark was out of order in discussing the main question, while the motion was to assign.

Alderman Clark stood corrected, but he wanted to impress some things upon the Alderman's mind and give him something to think of.

Alderman Fitzgerald, in reply to Alderman Clark, said there were many occupied stores, but the occupants are going into bankruptcy, refusing to pay rent, and failing at ten, fifteen and twenty cents on the dollar. He liked to hear Alderman Clark speak and revive the drooping spirits of the taxpayers, and hoped he would have an opportunity to show the cheery side of Boston's finances.

Alderman Clark said he was prepared to go on. He was well known as a believer in parks and in Boston's growth and prosperity, and he believed those who live through 1877 will see a greater prosperity than Boston has known. He favored the High School order, and believed more property is selling in Boston above its assessed value than there is selling below it.

The subject was assigned to 4.30 P. M. next Monday.

#### PLAYGROUNDS.

A report and order came up for the Committee on Common, etc., to provide playgrounds in several portions of the city, at a cost of \$2000, and that the Committee on Finance provide the means.

Alderman Thompson moved the indefinite postponement of the subject.

Alderman Clark said the Committee on Common recommended the expenditure, and the order had been introduced by members of the Council who believed playgrounds should be provided. One is to be provided at South Boston, one at Jamaica Plain and one on the Back Bay, which will cost nothing but a trifle in levelling the ground. It is just to the youth that they should have some place to play.

Alderman Thompson said he had visited some of the playgrounds proposed, and supposed the proposition was to send the North End and Charlestown boys there to buy them back. A great deal of territory is lying idle that the boys can use. If the committee had provided a playground at the North End it would be some use.

Alderman Clark said Alderman Thompson did not understand the subject. The boys in each section are to have a playground. The use of some of the land is given, others are let for a small sum, and the city owns some suitable lots. He called for the yeas and nays.

Alderman Gibson said he would be willing to vote for the land that is to be free and not to hire any.

The motion to indefinitely postpone was lost, and the order to provide the means was passed in concurrence.

#### VENTILATION OF THE COUNCIL CHAMBER.

A report of minority of Committee on Public Buildings in favor of an improved system of ventilation of the Common Council chamber, at an expense of \$3000 (substitute for the majority report "inexpedient" to legislate) came up referred to Committee on Finance.

Alderman Fitzgerald said the committee had investigated this subject and believed it best to leave it to the committee to provide ventilation, rather than expend \$3000 in an experiment. You cannot regulate the temperature of any hall unless you regulate the tempers of those in the hall—some are hot, some warm and some cold; and if one is satisfied the others are not. They had seen the system and had opinions from various gentlemen, and voluminous reports from Mr. Wilbur.

Alderman Thompson had seen the system work, and had been perfectly surprised at it. He wanted the Board to see it. The vote in the Council was 57 to 0.

On motion of Alderman Thompson, the order was laid on the table.

#### CLERK FOR LICENSE COMMISSIONERS.

A request of the License Commissioners for an additional clerk came up referred to Committee on Retrenchment.

Alderman Fitzgerald said that committee had reduced that office in clerical assistance and probably would not report in favor of granting the request.

Alderman Thompson moved that the request of the commissioners be granted, as they desire to get to work as early as possible.

On motion of Alderman Burnham, the matter was laid on the table.

Alderman Clark understood that it was necessary, as there must be a great deal of labor at this time. He moved a reconsideration of the vote to lay on the table.

Alderman Burnham understood they had one clerk already, and, as the committee had reduced the force, he thought the Board needed time to consider it.

Alderman Fitzgerald explained that a clerk in the City Clerk's office did this work, and that clerkship was abolished.

Alderman Gibson had understood that applications were coming in at the rate of 500 a day, and the assistance was much needed.

The reconsideration prevailed.

After some informal discussion, the City Clerk was called on to explain the duties of the clerk referred to. He said the law required him to keep a list of the licenses granted, alphabetically and numerically arranged. The custom had been to grant licenses, send notice to the City Clerk, and his clerk made out the license and sent notice to the parties. The Committee on Retrenchment, in abolishing the clerkship, had unintentionally crippled his office, as the clerk was used to do other work, and he [the City Clerk] had been compelled, in order to keep the work of his office up, to hire a clerk at his own expense.

The motion of Alderman Thompson was adopted as expressed in the following order:

Ordered, That the Board of License Commissioners be authorized to employ an additional clerk, at a salary not exceeding \$1200; said salary to be paid from the receipts from liquor licenses.

#### POLICE.

Alderman Rohinson submitted the following from the Committee on Police:

Report in part on Mayor's appointments of police officers of 14th inst., recommending the confirmation of the appointment of William W. Mitchell. Report accepted and said nomination was confirmed.

Report on request of License Commissioners, recommending the passage of the following:

Ordered, That until otherwise ordered the maximum number of members of the Police Department of all ranks be fixed at 715.

Ordered, That the Chief of Police, under the direction of the Committee on Police, be authorized to detail fifteen men from the police force for permanent duty at the office of the Board of License Commissioners; the officers so detailed to be paid from the receipts for liquor licenses.

Alderman Clark understood this was an increase of the force, and that thirteen men are to be detailed at the commissioners' office, and it will entail an expenditure of \$15,000 a year, which will reduce the net receipts from licenses that amount. He understood that fifteen men were detailed from the regular force last year.

Alderman Rohinson said the men were necessary; but he was not aware they were detailed from the regular force last year.

Alderman Burnham explained that these men were to be appointed specially for this duty, and it was not an increase of the regular force.

Alderman Thompson confirmed Alderman Burnham's statement.

Alderman O'Brien said he understood that these policemen were nothing less than detectives and informers. After selling a man a license he did not believe in putting detectives upon him.

Alderman Fitzgerald understood that these men were to be regular policemen, and that fifteen were to be detailed for this work.

The orders were passed.



## PROTECTION OF PLANTS ON PUBLIC GROUNDS.

Alderman Clark offered an order—That his Honor the Mayor be and he is hereby authorized to offer a reward of \$25 for the arrest and conviction of any person detected in stealing plants or flowers from the Public Garden and public grounds; the expense to be charged to the appropriation for Common, etc.

Alderman Clark explained that this was done last year, and served to protect the plants. There have been many complaints about stealing plants. The only cost had been advertising the notice.

Alderman Fitzgerald did not object to the order if it is intended merely to frighten people; but he did object to the principle of paying a reward for informers.

The order was passed. Sent down.

## INDEFINITE POSTPONEMENT.

On motion of Alderman Slade, the report in favor of permitting William R. Cavanagh to remove two wooden buildings on Blue Hill avenue to Washington street, near Marston avenue; also, a remonstrance against the same by Malachi Lennon and others, were taken from the table and indefinitely postponed, the Alderman stating that the difficulties had been settled.

## POLICE APPOINTED.

A communication was read from the Mayor appointing the following-named persons police officers: Daniel A. Sullivan, Dennis Sullivan, Thomas A. Simpson, John A. Fynes, Patrick Houghton, Jr., James Driscoll, John J. Leary, Daniel O. Felt, James F. McDonald, James Horgan, Cornelius Sullivan, Thomas J. Linton, Daniel A. Doherty, M. J. Nugent, D. J. Shaunessey and Patrick Melody.

Referred to Committee on Police.

## NOMINATIONS CONFIRMED.

On motion of Alderman Fitzgerald, the executive nomination of L. Foster Morse to be Registrar of Voters was taken from the table.

Alderman Viles asked if the nomination was legal, as the statute says he "shall" be appointed in February or March.

Alderman Fitzgerald read a part of the act to show that a vacancy by death, resignation or otherwise may be filled at any time. The term of the present incumbent has expired.

Alderman Clark—I am very sorry to be obliged to vote against any appointment made by your Honor, and would not do so did I not believe the interests of the city would be injured by the displacement of Mr. Spinney, who has occupied the position since it was established and given entire satisfaction to the community. I believe Mr. Morse is well qualified for the position, but as I have reason to believe any charges made against Mr. Spinney are of a frivolous character, I shall be compelled to vote against Mr. Morse. I have heard no reasons for Mr. Spinney's removal, and I have been informed that he has given entire satisfaction to both political parties. I did not know him by sight even until the other evening he called to thank me for having said a good word for him a week ago. If there are good reasons for his removal I am ready to be convinced, and shall vote for another.

Alderman Fitzgerald—An excellent reason for voting for Mr. Morse is that he has been nominated and the other gentleman has not. His term expires by limitation and he has not been reappointed. I was always of the opinion that one Registrar was enough, and opposed more than one in the Legislature. Mr. Spinney is no more Registrar of Voters than I am.

Alderman Clark—I am well aware of that. I do not believe it would be safe to have only one Registrar, not even with Mr. Spinney or Mr. Morse.

It being my opinion that Mr. Spinney is the best man, I shall withhold my vote from Mr. Morse, hoping he will not be confirmed and that the Mayor may see fit to change his mind, for it may be that he has heard some charges that cannot be substantiated.

Alderman Viles—While I shall vote for Mr. Morse, I do so with a protest against the turning out of so faithful a Democrat as Mr. Spinney, who has had three years' experience, and putting in another Democrat without that experience. I have known Mr. Morse many years, and he will make an efficient officer, and I believe his Honor has used more than his usual good judgment in the selection. I shall vote for Mr. Morse, and let the responsibility rest with your Honor.

Alderman O'Brien—The mistake in this is the impression that Mr. Spinney is displaced. He has not. His term has expired, and your Honor did not see fit to reappoint him, and selected some other man. That responsibility has been placed upon you, and I do not think it is fair to stand up here and refuse to vote for one man because you did not nominate another. I sympathize with any man who loses a position at this time; but you have the responsibility, and as the integrity of the candidate is not doubted, I do not see that this Board can do better than vote to confirm.

Alderman Gibson—As gentlemen have said, your Honor has the right to appoint; and the members of the Board have the right to vote independently. I have known Mr. Spinney a long time, and feel that he ought to have been nominated. For that reason I shall vote against Mr. Morse.

Alderman Burnham—I have had a thirty years' acquaintance with Mr. Spinney and know his fitness for this or any other office which he in his good judgment would accept. Without questioning the right of your Honor, it seems to me the members of this Board have the same right to vote for or against it. The exercise of the right by your Honor at this time looks like a reflection upon Mr. Spinney; and, therefore, I shall vote against confirmation.

Alderman Fitzgerald—The great trouble is we are not all mayors to appoint whom we please. The responsibility rests on the Mayor to appoint, and on the Board to reject if he appoints an unfit man. Mr. Spinney's term has expired, and he has no more right to the office than any one else. Rotation in office is a principle that underlies all republican institutions, and I think it an excellent thing. I fancy that such a man as the people of Boston would elect to be Mayor would not accept a nomination made by any one else if he were required to make it. I know I should n't.

Alderman Clark—I do not propose to criticize the Mayor. I merely wish to say that were I a member of the Democratic party I should think the interests of that party would suffer by the displacement of Mr. Spinney, who has had three years' experience, and has been a leading Democrat. I don't propose to vote against Mr. Morse, but I propose to put myself on record against the removal of such a good Democrat as Mr. Spinney, and I call for the yeas and nays.

Mr. Fitzgerald—No man in Boston is so peculiarly fitted by taste for this office as L. Foster Morse, and I know that the public interest will not suffer so far as he is concerned.

The nomination of Mr. Morse was confirmed—yeas 8, nays 4; Aldermen Burnham, Clark, Dunbar and Gibson voting nay.

On motion of Alderman Clark, the nomination of Henry W. Longley to be Fire Commissioner was taken from the table and confirmed. Sent down.

Adjourned, on motion of Alderman Robinson.

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## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

MAY 24, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## MISCELLANEOUS PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

Order to remit taxes on forfeited estates, viz., for 1874, 124 West Castle street; for 1875, Albany, corner East Newton street.

Severally read once.

Order to make agreement with New York & New England Railroad Corporation for rebuilding bridge over Cottage street, and to relieve city from rebuilding or maintaining said bridge.

Mr. Clarke of Ward 22—I don't really understand this order, and should like to ascertain whether this Cottage-street Bridge is a part of the Swett-street extension. At the time Swett street was constructed a bridge was built over the New York & New England Railroad, and the foundations for a bridge have been laid over West Chester park. I don't understand whether this is included in that matter or not.

Mr. Felt of Ward 18—A few years ago Cottage street was widened. It is in Dorchester, and is not a part of the Swett-street improvement. About six feet of the bridge have to be widened this year in order to collect the betterments. The Committee on Streets gave it careful consideration and came to the conclusion that the best parties to make a contract with are the New York & New England Railway Company.

The order was passed to a second reading.

## FIRE COMMISSIONER.

An Executive communication appointing Henry W. Longley a member of the Board of Fire Commissioners for three years came down for concurrence in the confirmation of said appointment.

On motion of Mr. Pierce of Ward 18 the yeas and nays were ordered, and the appointment was confirmed in concurrence—yeas 41, nays 15:

Yeas—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brown, Cannon, Clarke, Coe, Day, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, Ham, Kelley (Ward 3), Kelley (Ward 6), Kidney, McGaragle, Mullane, Nugent, O'Connor, O'Donnell, Perham, Reed, Roach, Roberts, Ruffin, Shepard, Sibley, Souther, Spenceley, Stone, Thorndike, Upham, Vose, E. R. Webster, Wilbur, Wolcott—41.

Nays—Messrs. Crocker, Danforth, Felt, Hibbard, Hiscock, Howes, McClusky, Mowry, J. H. Pierce, O. H. Pierce, J. B. Richardson, M. W. Richardson, Sampson, Smardon, Thompson—15.

Absent or not voting—Messrs. Brintnall, Burke, Cox, Cross, J. J. Flynn, Fraser, Jackson, Loughlin, McDonald, Morrill, Pearl, Pope, Pratt, Warren, G. B. Webster—15.

Subsequently a motion to reconsider, by Mr. Sibley of Ward 5 (hoping it would not prevail), was lost.

## CLERK FOR LICENSE COMMISSIONERS.

An order came down to authorize the License Commissioners to employ an additional clerk at a salary not exceeding \$1200 per annum, to be charged to the receipts for liquor licenses.

The question was upon giving the order a second reading.

Mr. Thompson of Ward 9—When that order was before us at our last meeting I moved its reference to the Retrenchment Committee, because in their original report they reported that this clerk was not necessary. Now it appears there is a difference of opinion between the Retrenchment Committee and the License Commissioners, and I thought it was quite proper to have a report from that committee, who are our organ in regard to these facts. The chairman of the Retrenchment Committee, on the part of the Board of Aldermen, declined, for his committee, to make this investigation; but I am now better satisfied that we ought to have a report upon this matter, and that it ought to be referred to some committee; therefore I move that it be referred to the Committee on Salaries, that they may make this investigation.

Mr. McGaragle of Ward 8—I think it is hardly necessary to refer the order. It is necessary that

the commissioners should have a clerk. The discussion in the Board of Aldermen last Monday was very broad, and brought in the City Clerk, whose remarks I will read, with the permission of the Council:

"After some informal discussion, the City Clerk was called on to explain the duties of the clerk referred to. He said the law required him to keep a list of the licenses granted, alphabetically and numerically arranged. The custom had been to grant licenses, send notice to the City Clerk, and his clerk made out the license and sent notice to the parties. The Committee on Retrenchment, in abolishing the clerkship, had unintentionally crippled his office, as the clerk was used to do other work, and he [the City Clerk] had been compelled, in order to keep the work of his office up, to hire a clerk at his own expense."

Now, sir, it is evident that we need this clerk. Somebody has got to fill out these licenses after they are granted. The License Commissioners have only one clerk, whose duty it is to receive and file the applications. After the licenses are granted they need somebody to fill them out and transmit them to the City Clerk for his and the Mayor's signatures. It is important that it should be done at once, as every man in the liquor business is doing it illegally. The interest saved on the deposits they make will amply repay for hiring this clerk; and by the time this matter can go to a committee and be reported back and passed by both branches, a month will have passed. As I said, the interest saved at four per cent. on the amount deposited would amply repay for this expenditure, besides furnishing Mr. McCleary with some help and relieve him from hiring a clerk out of his own pocket. Therefore I hope it will not prevail.

Mr. Thompson—If I understand this order it is to provide an additional clerk for the License Commissioners, and not for the City Clerk.

Mr. McGaragle—The pay is to come from the fees received for licenses. Not a dollar of it comes out of the city treasury.

Mr. Thompson—I cannot see the distinction. It is taking it out of one pocket and putting it into another—apparently robbing Peter to pay Paul. As I understand, this is not a clerk for Mr. McCleary's office, but for the License Commissioners, at a salary of \$1200 a year. I believe the commissioners will have work for him for a month or six weeks perhaps, and I don't know what his occupation will be the rest of the time. If it is to provide a clerk for the City Clerk, the order should be changed. But there still remains a disagreement in opinion between the Retrenchment Committee and Mr. McCleary. At the beginning of the year the committee thought the clerical force in the City Clerk's office sufficient to do the work; we acted upon that opinion and abolished the clerkship, and now we are asked to retrace our steps. It was known just as well then as it is now what the duties of the License Commissioners would be. The clerkship we abolished was in the City Clerk's office, and the one proposed to be established is in the office of the License Commissioners. I do not understand that the duties of the License Commissioners are more onerous than they were last year, and it seems to me that we should move slowly in the establishment of a new office. If it is necessary that the License Commissioners should employ another clerk temporarily I am willing to vote for an order to that effect; but this is establishing a permanent clerkship.

Mr. Mowry of Ward 11—Permit me to ask if it is necessary that an additional clerk should be employed the entire year? And if not, what time of the year is it necessary to employ one?

Mr. Clarke of Ward 22—I propose to answer that question. I had some talk with the License Commissioners, and they informed me that they did not propose to have an assistant clerk for the entire year, and only temporarily, until such time as they can do without him. At present they are receiving some three hundred applications a day, and they already have some 4000 on hand. It is impossible to file them away and put them in a proper condition for the commissioners to take them up for action. It is only intended that the salary shall be at the rate of \$1200 a year, and they do not intend to keep this man employed any longer than it is absolutely necessary. After those applications have been heard and passed upon by the commissioners, all the licenses granted have to be recorded by the City Clerk in a proper book, and indexed under both the names and the numbers; and for that purpose

Mr. McCleary will require additional help in his office, and he will have to ask the City Government for it. The commissioners will employ this clerk only until such time as they cannot get along without him, and then they will discharge him.

Mr. Crocker of Ward 9—I hope this matter will be referred to some committee. As I understand, the Retrenchment Committee have made a report substantially that they had provided all the clerks necessary, and I understand from the statement of the chairman of the committee on the part of the Aldermen that they think it is not necessary to have this clerk. I should like to hear some authentic statement as to the necessity for this clerk. If a clerk is needed for only three months I do not see why the order does not limit the employment to that time. I have no doubt that if the order is passed in this shape the clerk will be employed all the year round. I hope the matter will be referred to some committee to find out something about it.

Mr. Wilbur of Ward 20—As long as we had an elaborate report from the Retrenchment Committee at the beginning of the year, and as they looked into this matter, they certainly must have known the duties of the License Commissioners then just as well as they do now. I certainly hope we shall have some information in regard to this matter from the Retrenchment Committee. It seems to me that they can give us some light.

Mr. McGaragle—I do not pretend to know as much about this business as some of the members do; but it is evident that when the Retrenchment Committee visited Mr. McCleary's office and made their report, the work of the License Commissioners was done for the year. This special work can last but a short time, as May, June and July are the months in which the heft of the work required of the License Commissioners is done. These licenses must be signed by the City Clerk, and he must keep a record of them in his office, which he cannot do with his present force, as he has had to pay money out of his own pocket to keep up the work of his office. This work can be done in two or three months, and then he will not be compelled to keep a clerk there if there is no work for him. This order should pass tonight in order that parties may receive their licenses and do business legally. Parties are willing and ready to pay their money for licenses.

Mr. Sampson of Ward 17—The gentleman from Ward 18 speaks of this order as if the clerk were to be employed by the City Clerk. Now, it strikes me that is not contemplated in that order. It seems to me that this work should be done in his office, as before, and I have a substitute in regard to that which I propose to offer.

The President—The question is upon the reference, and the substitute is not in order.

Mr. McGaragle—The gentleman from Ward 17 misunderstood me. I said the City Clerk is compelled to sign licenses, whether he goes to their office or whether they come to him.

Mr. Wilbur of Ward 20—I fully agree with the gentleman from Ward 8, and have no doubt an additional clerk is needed in the License Commissioners' office. The only point is that the committee reported that the clerk was not needed in that office and the clerkship was abolished; and it has gone broadcast over the world that there had been a saving of so much money. But now they are coming in here and asking for an additional clerk for a different department. I have no doubt they need a clerk, and I hope they will have one; but I hope it will be done in a proper way.

Mr. Thompson—For the purpose of allowing Mr. Sampson to offer his substitute, I will withdraw the motion to refer to the Committee on Salaries.

Mr. Sampson offered as a substitute an order—That the City Clerk be authorized to employ an additional clerk at a salary not exceeding \$1200 per annum; said clerk to fill out the licenses issued by the License Commissioners.

Mr. Barry of Ward 22 moved the previous question. Lost.

Mr. Sampson—My reason for offering the substitute is the statement made in the Board of Aldermen by the City Clerk, which was read by the gentleman from Ward 8, and which I will read again. [Mr. Sampson read the City Clerk's statement, as printed above.] Now it seems to me wrong for the city to compel the City Clerk to hire a clerk at his own expense after reducing his salary a very liberal amount. As the clerk contemplated by this order can be employed only two or three months in the year, and as Mr. McCleary says he has used the clerk for other work, it seems to me

hardly wise to pass an order giving the commissioners authority to employ a clerk a whole year for work that will take only a few months.

Mr. Spenceley of Ward 19—There can be no doubt they need an additional clerk for a certain space of time; but it seems to me they do not need one for the entire year. If they have business for him for only two or three months, it seems to me we ought to pass the order in that way. Therefore I move an amendment that the clerk be hired for three months.

Mr. Clarke—If I understand this matter, we have got the cart before the horse, in this respect: The License Commissioners ask us to give them an assistant clerk for the time being, to be paid a salary at the rate of \$1200 a year, and as soon as they can get along without him they propose to discharge him. At present his duties will be to receive the large amount of licenses now on hand and get them in proper shape to be presented to the commissioners; and those that the commissioners take action upon should be promptly entered and recorded in the office. The order is intended for that purpose, and not for a clerk in the City Clerk's office. Now, besides that, I understand that when these licenses get up to his office, if he finds it necessary, he will ask the City Council for an additional clerk for his office, and that will be done by a separate order. He has got to have them properly indexed and arranged, and if he finds he cannot do it with his present force, he will ask for an assistant. But this clerk is for the business in the License Commissioners' office before it reaches the City Clerk. They actually need one now, because of the large number of applications, and every one who is selling liquor today is violating the law. They wanted to get to work this week, and to ascertain who is selling illegally and who has not applied for a license. It is to save litigation and expense to those who have already made application that this order is introduced. It seems to me we ought to allow them this additional clerk. They do not propose to hire him any longer than they need him; and I think we have confidence in the commissioners to feel that they will not keep this clerk any longer than his services are required.

Mr. Crocker of Ward 9—It seems to me that in this matter of a clerk for the License Commissioners we have disregarded the idea of economy with which we started at the beginning of the year; and we have also to come before us the matter of fifteen policemen who have been called for to assist the License Commissioners to perform their duties. That is an expense of \$15,000 a year for the policemen and \$1200 for a clerk—about \$16,000 additional expense that we are going to incur. We thought we did a great thing when we adopted the report of the Retrenchment Committee and cut down expenses at the beginning of the year. But here we are throwing away on one department a large portion of what we saved then. I do not know the necessity for it, and it seems to me that if we go on in this way the economy and retrenchment that we started with is not going to amount to much. Gentlemen may say it is not coming out of the treasury, but out of the fees; but it is plain that it will amount to the same thing, and the city will be just so much out of pocket. Last year we had so much coming into the treasury from licenses, and this year we are going to take out \$16,000 in addition to what we took out last year.

Mr. McGaragle—While I am aware that the appointment of fifteen policemen is not now under discussion, I am entirely surprised to hear such a total misconception, by a legal gentleman, of the duties of the policemen to be employed by the License Commissioners. The asking for these fifteen men is nothing new. They had fifteen men last year going about in citizens' clothing as spies and informers, who were paid out of the fees for licenses. That system was obnoxious to all respectable citizens. These fifteen men are to be taken from the police force of Boston, and will wear the uniform of the police. They will not be any additional expense to the city. I think the substitute of the gentleman from Ward 17 is right and proper. Mr. McCleary needs more assistance, and if we adopt the substitute, the clerk can do the work for the License Commissioners and also relieve Mr. McCleary from paying for additional clerk hire out of his own pocket—a thing that should be done; for I think that every man employed in City Hall should be paid by the City Government,

instead of out of the pocket of the head of a department; therefore, I hope the substitute will pass.

Mr. Spenceley of Ward 19—I think the gentlemen do not understand this question. The substitute is explicit that this clerk is for filling out the licenses. I do not know whether he will do it in the commissioners' office or in the City Clerk's office; but of course it is necessary to have it done. I was very much pleased to hear the gentleman from Ward 9 [Mr. Crocker] say "we" retrenched at the beginning of the year. That sounds singular to me. I believe, sir, that the gentleman had better look to the record of that long night we spent here and see how much he retrenched. The question before us tonight is, Do they need this clerk to do the business which the statute law requires them to do? I do not believe in it, any way; but that is not the question. The question is, Do they need the clerk? Everybody admits that they do, and now what is the use of trying to dilly-dally about it? It is just their harvest time, and why delay this matter? The business is delayed unless they have a clerk. I think this clerk can be hired for the space of three months, and when the business is over they can do away with him. The gentleman from Ward 22 says they may keep him as long as he is necessary. I think he should be hired now.

Mr. Thompson—It is easy to say we all think they need a clerk at this time. I understand the License Commissioners have two clerks now. We do not know that this one is necessary. I have this ground for believing that it is not necessary: The Retrenchment Committee, composed of five members of the Council and three Aldermen, believed it is not necessary. I did not surrender my judgment to the Retrenchment Committee, but I believed in some things they did say. I believe it should be investigated by some committee, and I move to refer the matter to the Committee on Salaries.

Mr. Flynn of Ward 13—I hope the amendment or substitute of the gentleman from Ward 17 will prevail, and I hope the amendment of the gentleman from Ward 19 will not prevail. He says what is the use of dilly-dallying with this thing, and wants it passed. Now, every member of this Council has confidence in the City Clerk, and if he finds that the clerk is not necessary for the service in his office, he will discharge him. I think the substitute of the gentleman from Ward 17 is the proper order to pass, and I move the previous question.

Mr. Sampson—If the gentleman will withdraw that motion I should like to offer an amendment, as I drew the order hastily.

Mr. Flynn withdrew the motion.

Mr. Clarke—I would inquire of the gentleman from Ward 17 whether the pay of this clerk is to come from the City Clerk's appropriation for clerk hire or from the receipts for licenses?

Mr. Sampson—I understand that it came from the license fees last year. Gentlemen do not seem to understand that heretofore the commissioners have granted the licenses, but they were issued from the City Clerk's office, and have to be signed by the City Clerk and Mayor. Therefore it is quite important that the filling out and indexing should be done in the City Clerk's office.

Mr. Spenceley—In answer to the gentleman from Ward 13, I desire to say that I have confidence in the City Clerk, and I believe that if he does not need a clerk in his office he will discharge him. But this clerk is hired for a specific purpose.

Mr. Flynn—He [Mr. Sampson] is going to alter the order.

Mr. Spenceley—Then if he alters the order I am willing to let it pass. I am in favor of giving them all the help they need. I withdraw my amendment.

Mr. Sampson offered the following as an amendment to the substitute:

"In addition to his duties in the City Clerk's office, the salary to be paid from the receipts from licenses."

Mr. Clarke—Some members seem to think that the License Commissioners had two clerks last year and the Retrenchment Committee cut off one. It appears that there were four clerks employed there last year; one was called the clerk of the board, and one an assistant clerk, and there was one clerk in the office of the City Clerk, and one in the Collector's office. The Retrenchment Committee cut off the last two clerks, but they did not cut off the assistant or the clerk of the board.

Mr. Sampson's amendment to the substitute was adopted.

Mr. Thompson renewed the motion to refer to the Committee on Salaries. Lost.

Mr. Sampson's substitute, as amended, was adopted, and the order as amended was ordered to a second reading.

On motion of Mr. Clarke the rule was suspended, the order was read a second time, and put upon its passage.

Mr. Crocker—I merely wish to suggest that it seems rather unusual to provide a clerk in the City Clerk's office to be paid wholly from the fees for licenses, whose duties only relate partially to the issuing of licenses. I only make that suggestion.

The order was passed.

On motion of Mr. Clarke the rule was suspended to allow him to move a reconsideration, which he did, hoping it would not prevail. The motion was lost. Sent up.

#### POLICE FOR LICENSE COMMISSIONERS.

An order came down for fifteen men from the police force to be detailed for permanent duty at the office of the License Commissioners, to be paid from receipts for licenses.

The question was on giving the order a second reading.

Mr. Crocker of Ward 9—I believe I was charged with misrepresenting this matter of fifteen policemen. I believe I made the remark, and I desire to repeat it, that it has been necessary to employ fifteen additional policemen, at an expense of \$15,000, in order that fifteen of the old policemen may be detailed to aid the License Commissioners. That is, that an additional expense is incurred now, which, at the beginning of the year, we proposed to do away with.

Mr. McGaragle—I think the gentleman still wrong, and if he will allow me I will read from the report of the Committee on Police at the last meeting of the Board of Aldermen:

"Alderman Robinson said the men were necessary, but he was not aware they were detailed from the regular force last year.

"Alderman Burnham explained that these men were to be appointed specially for this duty, and it was not an increase of the regular force."

Last year fifteen men were appointed who had a roving commission and went about in citizens' clothing and visited places and made reports. They went in places without being in uniform and there was nothing by which they could be recognized as officers or anything else. This year it is proposed to substitute fifteen regular officers in uniform for those men with a roving commission. I was present and heard the discussion in the Board last Monday. They do not propose to increase the regular force a man, but instead of taking men at large, they take them from the police force and replace those by new appointments. It is virtually the same number of police officers that we have now.

Mr. Coe of Ward 23—I think the gentleman who last spoke has only stated a part of the facts in this matter. As I understand it a portion of last year the License Commissioners employed fifteen men, but at the time the Retrenchment Committee made their report there were only five men in their pay. I see on page twelve of the Retrenchment Committee's report that they do not even consider that those five were necessary, and they propose to save the amount of \$4695 which was paid for those men at \$3 per day. Now the License Commissioners of this year find that instead of five men, which the committee considered unnecessary, they require fifteen. Those five men received \$3 a day for each of 313 days, so that there was an expense of \$4695, which the Retrenchment Committee proposed to save. Now the commissioners propose to add fifteen men to the police force, each at a salary of \$1095 a year, so that the additional expense incurred by the city is \$11,845. This is quite a little slice from the savings made by the Retrenchment Committee.

Mr. Thompson of Ward 9—There is one element in this order that I think needs some consideration, leaving out the fact that fifteen new men are to be appointed, which I think questionable; because at the beginning of the year the salaries of policemen were fixed and an appropriation made for their pay, and, in order to get these men in, the Board of Aldermen sanctioned the appointment of fifteen policemen, and this order is before us to authorize their payment from the fees received from licenses. Now, some months ago we passed an ordinance which changed the direction in which these fees go. Formerly they were kept as a part of the fund to pay off debt, and never got into the treas-

ury; but now they are covered into the treasury, and I do not know how we are going to get them out unless by an appropriation. We have made efforts two or three times to amend or suspend an ordinance by the passage of an order, but as our joint rules stand we cannot do that. Although we have had a legal opinion that we can do that, yet I think we should not do a thing which our joint rules forbid. We are now attempting to suspend an ordinance by an order, which is wrong. If they are to be paid at all, let us appropriate the money, and not pass an order which is in violation of our joint rules.

Mr. Sibley of Ward 5—This question of license hinders our legislation about every session that the subject comes up. The commissioners ask for a few men to help them, and it is admitted that they need them. I think the question is pretty well understood, and I move the previous question.

The main question was declared carried. Mr. Thompson doubted the vote and called for the yeas and nays, which the Council refused to order.

The order was passed to a second reading.

#### UNFINISHED BUSINESS.

Order for a transfer of \$10,000 to be expended in establishing a branch Library in West Roxbury. Passed in concurrence—yeas 57, nays 0.

Order for a loan of \$350,000 for New English High and Latin School building. Passed in concurrence—yeas 63, nays 0.

Order to construct said building. Passed in concurrence.

#### EMPLOYMENT OF CITIZENS AND TAXPAYERS.

The order for boards and committees to award contracts for public work to none but citizens and taxpayers in Boston was considered under unfinished business, the question being on the amendment of Mr. Day of Ward 4, viz.: Unless otherwise ordered by the committee having the subject in charge.

Mr. Day—My reason for offering the amendment was this: The first order stated that no person could be employed unless permitted by the City Council. That, of course, would include both branches, and I thought there might be instances where a contractor might require the services of some particular person for some special work, and that it would rather facilitate matters to have it decided by a committee rather than have it come before the City Council. I thought a committee could act as well and more intelligently upon a simple matter of detail than the whole City Council.

Mr. Day's amendment was lost—19 for, 25 against.

The order was read a second time and put upon its passage.

Mr. Spenceley of Ward 19—I should like to make an amendment to the order by stating that no person shall be employed in any department of the city of Boston unless he is a taxpayer of the city.

Mr. Crocker of Ward 9—I merely wish to say that it seems to me that this order will be quite mischievous in its effects. Unless an order is passed through both branches of the City Council, it prevents a contract being made with any firm, one member of which is not a citizen of Boston; and it will prevent the purchase of a great many patented articles which the city wants procured by contract. We do not want to be prevented from contracting for certain patent articles unless a special vote of the City Council is obtained. There are a great many occasions where the city has to do work on its water works out of town, and on other public improvements where it is inconvenient to employ citizens and taxpayers of Boston, and where it would be much more economical and reasonable to employ somebody where the work is to be done. It seems to me there are a great many ways in which the order will work mischief.

Mr. Barry of Ward 22—While I am in sympathy with the motion offered by the gentleman from Ward 19, I think it is in too wide a form. That would include the lady teachers in the public schools.

Mr. Howes of Ward 18 offered an amendment, to add the words "And that in all work done in the several wards, no contract shall be given to a non-resident of a ward, and no laborer shall be employed who is not a resident of the same ward."

Mr. Howes—It seems to be the opinion of quite a number of members of the Common Council that this plan of getting things done, and restricting ourselves, is a good one. If it is good at all

it is good to any length you wish to carry it, and I do not see why we should not apply it to any of the wards just as well as to the entire city. If anything is to be done in Wards 13 or 15, why should not the men there do the work, and what reason is there in sending to Charlestown for men to do it? and why should the contractors take a number of meals from the poor people of those wards? If we do anything at all, I certainly think we should do it thoroughly. I am free to say that I should not do anything of the sort. I do not believe in any system that restricts the city from taking advantage of the market. We have one case in the Committee on Common. We advertised for bids for a fence on Commonwealth avenue and the difference between the lowest Boston bidder and the man who got the contract was something like \$2000, and it was not a very large contract either. The contract was given out for about \$4000, and the lowest Boston bid was something like \$6000. If adopted, this system would run all through the City Government; it would include labor as well as material, and everything that the city cannot furnish itself. There are many things used in building the new conduit, and in the system of improved sewerage, which can be done outside of Boston much better than in Boston. I imagine that in building the new siphon near Savin Hill, it will be necessary to go outside of Boston to get material and skilled labor; and this order would cut off that entirely. If we are going to carry it out, I believe, as several gentlemen believe about the prohibition law, that it had better be carried out as rigidly as possible, and in that way show its absurdity. Therefore I hope the amendment will pass.

Mr. Spenceley—I think the far-seeing gentleman from Ward 18 has stated the matter very correctly. He seems to understand all about it, and I move that it be referred to the Committee on Common and Squares.

Mr. McGaragle of Ward 8—The gentleman from Ward 18, who offered, made one mistake in offering, his amendment, although I think it was unintentional. If there are any public improvements in Ward 18 I am very fearful they would have to go outside of the ward to get laborers to do it. I merely wanted to call his attention to it.

Mr. Wilbur of Ward 20—I had the honor to offer this order, and did so for what I believe to be for the best interest of the taxpayers of Boston. It is well known at the present time business is very much depressed, and we have in the city of Boston a great number of unemployed mechanics and laborers. I thought that it would be wise to have an order of this kind at the present time, and that it might help a large portion of the community. The gentleman [Mr. Crocker] speaks of this order covering the entire matter of materials. I think he is mistaken. For I very well know that a great deal of the material used in the water works is manufactured and contracted for in Philadelphia—such as the iron pipe. I think if the gentleman will read the order I introduced he will see it does not cover material. It covers only the matter of labor. I know that the order may look like being rather arbitrary in excluding non-residents and not taxpayers from being awarded contracts by the city of Boston. On the other hand, I can see no hardship, for I believe there are contractors in the city of Boston who can perform the work as cheaply and as well as the men from other cities who are employed to do work here. I would only call attention to the fact that last year sewer contracts were awarded to men from Providence; and also in the building department to men from New York. It is well known that the work was not so well performed as it would have been done by contractors here. So far as the paving department is concerned I cannot say; but I do know that a great many men were employed on the sewers at that time who were not paid by the contractors. Laborers were brought here from Providence to perform work on sewer contracts, and were left here. I hope that we shall pass this order, or something that will protect the contractors and the laborers of the city of Boston at the present time.

Mr. Flynn of Ward 13 moved the previous question.

Mr. Thompson of Ward 9—I cannot help taking the time of the Council for one moment by saying that I hope the previous question will not be ordered. It is a matter of too much importance to the city to be passed upon under the spur of the previous question.

The Council refused to order the main question by a division—23 for, 28 against.

Mr. Crocker—As the order reads it could be easily avoided. It provides that a contract shall not be awarded to any person not a taxpayer of the city of Boston. It would be a simple matter for any person in New York to become a taxpayer in Boston by buying a square foot of land somewhere. Half a dozen might own a piece of land together, and pay their taxes upon it, if it were not more than a cent apiece. The whole effect of the order could be evaded in that as the order stands. It seems to me that this is a matter which might well be left to the different city officials who make contracts and employ laborers. It seems to me it is reasonable and desirable, so far as it is practicable, that they should give the preference to citizens of Boston in awarding contracts and employing laborers—more so, perhaps, than we are in the habit of doing. It is a thing that ought to be more taken into account than has been done, and perhaps the attention that has been given the subject in this body will tend to make them more careful as to the parties to whom they give contracts involving the employment of labor. It seems to me the matter may well be left in that way. If we try to make a rigid rule we shall make one that can be easily evaded—as I think I have shown in regard to this order—or else one that will cause mischief by the making of undesirable contracts.

Mr. Thompson—As I suggested at the last meeting, when a similar order was under consideration, if we want to accomplish this thing we must do it through the heads of departments and committees. We may pass orders as long as we choose, and it will take more legal ability than we have here to adopt a rule that will bind them. The only way is to pass an order authorizing certain work to be done and trust to their discretion in carrying it out; and if they do not carry it out we can call them to account. If gentlemen think it really desirable, let them bring in a resolve expressing that opinion, and let its merits be discussed pro and con. I am not prepared to say I should vote for or against such a resolve; but I think there are many things that might do good in the protection of labor. To pass an order of this kind is doing away with the entire value of the heads of departments. If you pass such an order you had better say to your heads of departments that they are simply head clerks. That is not what they are elected for. If you, as an employer, have any wish that you desire to carry out, tell them so; and from the little experience I have had in this City Hall you will find them only too willing to do so. If the gentleman wants a discussion upon the merits of the question let him put in a resolve.

Mr. Fagan of Ward 19—I desire to ask from the gentleman who offered the order whether it means that men who take contracts from the city shall be compelled to employ none but citizens of the city. I think that would work a hardship upon the contractor; and if some laborers had not their naturalization papers in their pockets, the contractor would have to wait until they could go home and get them. I think it would be well to include these employed by the city, but not those employed by contractors.

Mr. Hibbard of Ward 17—One week ago I was in favor of this order, but since then I have been led to change my mind, and I think it would be very dangerous. We have heard one instance related by the gentleman from Ward 18. As I understand it this is adopting a policy worse than strikes, which I don't believe in. It seems to me that the gentleman from Ward 9 [Mr. Thompson] has covered this thing very well—that we should express our opinion or wish as to who should be employed.

Mr. Spenceley—I raise the point of order that the gentleman is out of order, the question being upon the reference.

The President—The point is not well taken.

Mr. Hibbard—I should like the gentleman from Ward 19 to get me on the track if I am off. I believe that in all contracts the right is reserved to reject any or all bids. I think that enough has been said in this Council Chamber already to satisfy the boards and committees that it is the wish of the City Council to employ citizens of Boston where it can be consistently done, and I think they will adopt the suggestion. Certainly they would if we offer a resolve in place of this order, and I hope it will not prevail.

Mr. Pierce of Ward 24—I do not know that another amendment would be in order; but I believe

there are two objections covering the ground alluded to by the last speaker; and I had prepared an amendment which I proposed to offer. With the consent of the Council I will read it:

Strike out the words "otherwise ordered by the City Council," and add "unless it shall appear to the committee having the subject in charge that such action would be detrimental to the interests of the city of Boston."

It seems to me that would throw the responsibility upon the committee, who, knowing this feeling of the City Council, would be careful; and in any case they would give the benefit of the doubt to the citizens of Boston rather than to outside parties. In some cases it would be much more expensive to employ Boston contractors, and the committee would take the responsibility of giving the contract to out-of-town parties.

Mr. Wilbur of Ward 20—I think we have had a pretty good expression of opinion from the Council. In regard to the point which the gentleman from Ward 19 [Mr. Fagan] wished to understand, I would state that the original order did not contemplate employing only contractors; but an amendment to that effect was offered by the gentleman from Ward 22, and I offered this as a substitute.

Mr. Howes—There is one point I should like to make in regard to the records of last year. The contract for the nineteenth section of the new conduit was given to a Mr. McDonald of New York State for \$64,200; and the lowest Boston bidder was for \$272,895, nearly five times as large as the amount of the contract.

Mr. Clarke of Ward 22—I should like to ask the gentleman to read the bids on the contract for the last two sections given out within a month or so. I think that two Boston parties were several thousand dollars less than any outside parties, and they got it.

Mr. Howes—I have not the record of that. I certainly trust the Boston parties got it.

Mr. Spenceley—It seems to me that the most intelligent way to get out of this is for the gentleman who offered the order to put in a resolve, and for that purpose I will withdraw my amendment.

Mr. Wilbur offered the following as a substitute:

Resolved, That in the opinion of the City Council the several boards and committees of the City Government, in awarding contracts for the construction or repair of any public work should give preference to citizens of this municipality, where it can be done without detriment to the interest of the city.

The substitute was adopted and the resolve was passed. Sent up.

#### CUSHING'S MANUAL FOR MEMBERS.

Mr. Webster of Ward 3 moved a reconsideration of the vote whereby was referred to the Retrenchment Committee the order to provide a large edition of Cushing's Manual for members of the Council. He said he would not discuss it, but leave it to the good sense of the Council.

Mr. McGaragle of Ward 8 hoped better reasons would be given. He judged from Mr. Webster's speeches that the book is needed.

Mr. Webster contended that if the Retrenchment Committee were to be sneered at in every matter, their services might as well be done away with. A small copy, to be kept permanently in the desks, might be desirable; but the members would hardly read a large one, and it would be of no practical benefit. It is too absurd to take up the time of the committee with.

Mr. Pierce of Ward 24 moved that the whole matter be indefinitely postponed. Carried.

Mr. McGaragle asked for the ruling of the Chair as to what had been indefinitely postponed.

The President said the whole matter had been indefinitely postponed.

Mr. McGaragle—I beg to differ. The question before the Council was on reconsideration.

The President—The Chair is of the opinion that the indefinite postponement carried the whole matter, according to the practice of the Council.

Mr. McGaragle—I shall have to appeal from that decision, though not very anxious about the order. The order was referred to the committee, and the reconsideration was on that motion, and not on the original order.

Mr. Thompson of Ward 9 quite agreed with Mr. Webster, but thought the ruling of the Chair might bear hardly in some cases. The reconsideration was not moved on the main question, and he thought the indefinite postponement of a sub-



subsidiary motion did not apply to the main question.

Mr. Pierce of Ward 24 thought this might make some difficulty in the future, and on his motion the rule was suspended; the indefinite postponement was reconsidered, the reconsideration prevailed, and on motion of Mr. Spenceley the order was indefinitely postponed.

#### TREASURY DEPARTMENT.

The annual report of the City Treasurer was presented. The amount expended during the year ending April 30, 1877, on general appropriations was \$7,263,797.83; special appropriations, \$4,417,423.41; total, \$11,741,221.24; other payments, but not drawn for by the Auditor, including bank tax, State tax, interest on city loans, etc., \$5,120,666.15, making a grand total of \$16,861,887.39; balance in the treasury, \$3,466,668.07.

The annual report of the City Collector was presented. Among the items included in the report is \$8,379,746.13 for collected taxes, while the uncollected taxes amount to \$947,643.09.

Severally referred to the Joint Committee on the Treasury Department. Sent up.

#### PERMIT FOR WOODEN BUILDING.

Mr. Kelley of Ward 3 submitted a report from the Joint Committee on the Survey and Inspection of Buildings, recommending the passage of an order—That the conditions contained in the order dated May 11, 1877, authorizing the Inspector of Buildings to issue a permit to the Highland Street Railway Company to erect a wooden building at 466 468 Blue-Hill avenue be so far modified as to permit the erection of said building with one brick wall built on its northerly side, in accordance with the requirements of said order. Read twice and passed. Sent up.

#### PROPOSED VISIT TO THE WATER WORKS.

Mr. Clarke of Ward 22 offered an order—That the City Messenger make arrangements for a visit by the City Council on Friday, June 1, to the works now being constructed for the introduction of water from Sudbury River; the expense of the same to be charged to the appropriation for Incidental Expenses.

Mr. Clarke explained that the city is spending a large amount of money on the work, and he thought it highly proper that the members should go and see how the work is done.

Mr. Spenceley desired to amend by naming June 17.

Mr. Felt thought that not in accordance with Mr. Spenceley's principles, the day being Sunday.

Mr. Spenceley moved to make it the 16th.

Mr. Kelley of Ward 3 favored the visit, but thought later in the season preferable, when the work was further along. Some of the work is scarcely commenced now. He thought some converts had been made to the park scheme from the elevation they saw on their recent visit; but he thought this trip should be later.

Mr. Clarke thought they ought to go before it is hot, as they would have to walk some eight or ten miles.

Mr. Kelley of Ward 3 preferred September, as it would give a better opportunity for viewing the work; and the fruit would be ripe also.

Mr. Spenceley withdrew his amendment.

Mr. Day of Ward 4 thought Saturday an inconvenient day to many, as the visit to the parks had shown.

The order was refused a second reading—13 for, 35 against.

#### DISPOSITION OF LICENSE FEES.

Mr. Thompson of Ward 9 offered an order—That the Committee on the Judiciary obtain from the City Solicitor his opinion as to whether an appropriation of license fees, under the ordinances, as they stand at present, is not equivalent to an appropriation of money from the treasury within the meaning of the joint rules 16, 17 and 18.

Mr. Thompson said he did not make his objection to the order for fifteen policemen clear, and there are legal doubts in the way which this will solve.

The order was read twice and passed.

#### WARDROOM FOR WARD 24.

Mr. Barnard of Ward 24 offered an order—That the Committee on Public Buildings be requested to provide a suitable wardroom for Ward 24, which shall be more centrally situated than the present one. Ordered to a second reading.

#### BACK BAY IMPROVEMENT.

On motion of Mr. Felt of Ward 18, the order to consent to the closing of a fifty-foot street described in indenture between the city and the State and the Water Power Company, dated Dec. 31, 1864, was taken from the table.

Mr. Thompson of Ward 9 said he had conferred with the City Solicitor, who says there is no objection to passing the order, and the city will not be committed in any way.

The order was passed. Sent up.

#### CIVILITIES TO DISTINGUISHED STRANGERS.

Mr. Pope of Ward 14 offered an order—That his Honor the Mayor be authorized to extend, on behalf of the City Council, such civilities to distinguished strangers who may visit the city during the present year as may appear to be courteous and proper; the expense to be charged to the appropriation for Incidental Expenses.

The order was read twice and passed—yeas 49, nays 3.

Yeas—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Cannon, Clarke, Cox, Danforth, Day, Dee, Doherty, Duggan, Fagan, Fernald, J. J. Flynn, Fraser, Ham, Hibbard, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClusky, McDonald, McGaragle, Morrill, Mullane, Nugent, O'Connor, Pearl, Perham, O. H. Pierce, Pope, Reed, Roach, Roberts, Ruffin, Shepard, Sibley, Smardon, Spenceley, Stone, Thorndike, Upham, Vose, Warren, G. B. Webster, Wolcott—50.

Nays—Messrs. Coe, J. H. Pierce, M. W. Richardson—3.

Absent or not voting—Messrs. Brintnall, Brown, Burke, Crocker, Cross, Felt, D. A. Flynn, Howes, Loughlin, Mowry, O'Donnell, Pratt, J. B. Richardson, Sampson, Souther, Thompson, E. R. Webster, Wiibur—18.

Subsequently Mr. Crocker of Ward 9 moved a reconsideration of the vote.

Mr. Crocker—I do so with some hesitation because it may seem as though it was dictated by want of confidence in the Mayor. No such reason as that induced me to make the motion. It is rather an unusual order. The amount is wholly unlimited, and the character of the persons to be entertained is wholly undetermined. I do not recollect that any such vote as this has ever been passed in former years. It seems to me that it will leave a door open to an unlimited amount of expense. Anybody that comes to Boston might be considered a distinguished stranger and the largest amount of junketing might be done under that simple order and a very large amount of money spent. I do not think anything of that kind ought to be done this year. We ought not to pass orders which will open a door and make it possible for such things to be done. If we pass this order this year it may be asked for next year, and the precedent having been established it will become a regular thing. If the Council vote to reconsider I will move to refer it to the Finance Committee, and perhaps they will report it back in some form by which there will be less liability to mischief. I am not prepared to suggest an amendment, as I have not had time to think about it; but it seems to me it is hardly wise to pass the order in the shape it is now. The whole appropriation for Incidentals might be spent in entertaining distinguished strangers; almost anybody from abroad might be considered a distinguished stranger, and the most expensive entertainments might be given them, and furnish an excuse for a very large number of people to participate in them.

Mr. Pope of Ward 14—This order is exactly the same that was passed by the City Council last year at the meeting of Feb. 28, and I see no reason why it should not be passed this year; as long as it was passed then, I hope the reconsideration will not prevail.

Mr. Webster of Ward 3—I trust this motion will not prevail. I believe the Mayor of Boston, who appoints our commissioners when their terms expire, who has to sign all our bills before they are paid, and who is the executive officer of the city of Boston, is entitled to some of the respect due to his office, and I am willing to leave this matter entirely in his hands. There are occasions in which it is necessary. You cannot call a special meeting of the City Council and vote on each particular case. I believe we have a Mayor this year whom, if we trust in all the other important interests of the city, we can trust in this.

Mr. Thompson of Ward 9—The gentleman from Ward 14 has suggested to my mind an argument

against the passage of this order. He cites the order passed last year as a precedent for passing this one. Last year was the centennial year; it was expected that a great many distinguished people would come to Boston—and they actually did—from every part of the world, and the order was passed then as an exceptional one; but now it is urged as a precedent for passing this order, although there are no reasons for supposing that any exceptional circumstances will occur for making expensive hospitality on the part of the city a duty. I understand that such an order was never passed before last year. The matter came up tonight totally unexpected by me, and I am not prepared to state the facts about it. I think there is a contingent fund of \$3000 for the Mayor, of which he has entire control, and I think he can apply it to these purposes if it be necessary, and if it is necessary that amount can be increased, but the point I would make is this: An order was passed last year to meet an exceptional case, and if it passes this year, there being no exceptional circumstances, it will grow into a custom to have such an order every year, and it will finally come to be considered a part of the Mayor's duty to entertain, at the city's expense, every visitor to the city who considers himself, or whose friends consider him, a distinguished person. Speaking personally of Mayor Prince, I have no doubt the money would be expended with the greatest propriety; but it will be the foundation of a custom. It seems to me we are passing it without consideration. I should probably be willing to vote for it if it were reported upon by a committee. Let a committee take it and talk it over and see if an order in that form is desirable, and if not, let it be reported back in proper form; and let us vote upon it after having an opportunity to think upon it. I do not suppose there is any necessity for it immediately.

Mr. Flynn of Ward 13—I hope the reconsideration will not prevail, for the reason that both of the gentlemen who advocate it sat in their seats when the roll was called and shirked the vote, and did not vote on the question at all; and now they are entertaining the Council with long speeches when we ought to have got through an hour ago.

Mr. Pierce of Ward 24—I hope the motion will prevail; and as one of the very small number who voted against the motion when the yeas and nays were called, I desire to explain. I object to the Mayor having the whole amount of the appropriation for Incidentals placed at his disposal. I think the precedent is a bad one. In the appropriation bill I find there is a contingent fund of \$3000 for the Mayor. Last year was the centennial year, and the order was passed as an exceptional case; but a very small part of the appropriation was used. In all probability the Mayor's contingent fund will be sufficient for this year; but if it is exhausted I should be willing to vote a further sum.

Mr. Sampson of Ward 17—I am one of those who did not vote for or against the order for the reason that no one explained it; and as I did not understand a part of it, I did not want to place myself upon record against it if it were needed. I trust the reconsideration will prevail and that we shall understand the object of it. Last year such an order was passed for the first time. There was reason for it. We were expecting a visit from the Emperor of Brazil and representatives of other foreign governments; and it was thought that the Mayor's contingent fund would not prove ample for the expense of entertaining visitors. It did prove ample, however, and the appropriation for Incidentals was not touched for that purpose. I trust the reconsideration will prevail; and if the order is necessary, I shall be happy to vote for it.

Mr. Wilbur of Ward 20—The reason I did not vote for the order was not that I objected to it, but I did not know what it was. I hope it will be reconsidered or postponed or laid on the table. If this is in anticipation of entertaining any distinguished visitors, I think it is time enough to pass such an order when the emergency arises. If it is merely in expectation that something may occur, and we don't know whether it is or not, it seems to me there is no hurry about it. I have confidence in the Mayor, and know very well that no money placed at his disposal will be improperly spent.

Mr. Webster of Ward 3—I do not know where this order came from, but I think if we refuse to pass it, or reconsider it, it might be construed as an insult to, and would imply a lack of confidence

in, the Mayor. I do not see the least necessity for it, and I think we can leave it entirely to the Mayor.

Mr. Crocker—I am at a loss to understand how this can be construed as an insult to the Mayor. I protested against any such idea being entertained when I made the motion to reconsider. It seems to me it is a very extraordinary vote, to give unlimited authority to the Mayor to expend for the entertainment of strangers a sum limited only by the amount of the appropriation.

Mr. Webster of Ward 3—I would like to ask the gentleman a question. In case Mr. Cobb, for whom we voted, had been reelected, would Mr. Crocker have raised his voice against this order?

Mr. Crocker—If I am a judge of what would be my own conduct, I should, most decidedly. It was an unusual case last year; we expected a great number of strangers here, and it was wholly uncertain how many there would be, and how extensive arrangements it would be necessary to provide for them. It was thought that the special fund provided for such things would be insufficient. Now that my attention has been drawn to it, I think the order might have been restricted in amount; but it seems to me it ought not to be made a precedent. Because we were required to do it last year under unusual circumstances, an effort is made to have this thing go on indefinitely, because if you stop it, it will be an insult to the Mayor for the time being. It seems to me it ought to be stopped now. I made the motion out of no ill-feeling toward the Mayor, and hesitated to make it because some such interpretation might be put upon my conduct.

Mr. Flynn of Ward 13—On March 16, 1876, a similar order was passed and the gentleman [Mr. Crocker] voted for it. In the Council the vote was—Yeas 6, nays 0.

Mr. Crocker—Was I present?

Mr. Flynn—Yes, sir.

Mr. Crocker—I will merely reply by saying that I do not deny voting for it last year. There seemed to be special reasons for passing that order last year which do not exist this year.

Mr. Thompson—Since there has been an attempt to place this opposition upon personal grounds to Mayor Prince, I want to state distinctly that that is not my feeling. I am sorry to have that word applied to me, and personally I would be willing to trust Mayor Prince with all I have in the world. The gentleman from Ward 13 has applied the disagreeable word "shirk" to the refusal of myself and other gentlemen to vote. I did shirk the vote, because when the order was offered I did not take in its meaning. I was very loth to vote in opposition to the Mayor, and I did not see just what reason there was for objecting to it, but I felt that the order was not a wise one. I do not want my action to be construed as being personal to our Mayor, but as being based upon a doubt of the general propriety of the order.

On motion of Mr. Spenceley of Ward 19, the main question was ordered.

The reconsideration was lost, by a division—14 for, 31 against. Sent up.

#### NEW SCHOOLHOUSES.

Mr. Shepard of Ward 4 submitted the following from the Joint Committee on Public Buildings:

Ordered, That the Committee on Public Buildings be authorized to erect a primary schoolhouse of brick, on the Weston-street lot owned by the city in Ward 19, to contain eight rooms, the plans for the same to be prepared by the City Architect and approved by the Committee on Public Instruction; the expense, not exceeding the sum of \$40,000, to be charged to the special appropriation for building a primary schoolhouse in the Sherwin District.

Ordered, That the Committee on Public Buildings be authorized to erect a temporary building for school purposes on land owned by the city, situated at Egleston square, Ward 21, the building to be of wood, and to contain two rooms, the plans for the same to be prepared by the City Architect and approved by the Committee on Public Instruction; the expense, estimated at \$3500, to be charged to the special appropriation for building a schoolhouse at Egleston square.

Severally passed to a second reading.

#### EXPLOSIVE COMPOUNDS.

Mr. Thompson of Ward 9 offered an order—That the Committee on Ordinances be requested to report such ordinances as are necessary to give

effect to the statute of 1877, section 216, relating to the transportation and storage of explosive compounds within the city. Read twice and passed. Sent up.

#### INSPECTION OF HALLS, ETC.

On motion of Mr. Mowry of Ward 11, the motion to reconsider the vote whereby was passed the order for the Inspector of Buildings to report on the expediency of making any changes in means of egress from schoolhouses, halls or churches, was taken from the table. The reconsideration was lost. Sent up.

#### THE OFFICIAL REPORT.

On motion of Mr. Flynn of Ward 13, the order to contract for a report of the proceedings of the City Council for the year beginning July 1st next, was taken from the table.

Mr. Howes of Ward 18 offered as a substitute an order—That the Committee on Printing be requested to arrange for the publication of a synopsis of the proceedings of the City Council, and that on and after July 1st, 1877, the publication of the verbatim reports of the proceedings of the City Council be discontinued.

Mr. Howes—This year was started as one of economy, and I imagine that one of the best economies is to cut off unnecessary expenses. It seems to me that the publication of the proceedings of the City Council, to the extent that it has been carried for some time passed, is an unnecessary expense to the city. We can do as most deliberative bodies do—publish a mere abstract of votes passed and measures adopted, and possibly those defeated, at a very small expense. As far as the debates in the City Council are concerned that might be left to the attention of the five or six gentlemen in the corner, who, I think, can give to the public all the points that are necessary. This custom of publishing the proceedings at length is an erroneous one, in my opinion. It is not adopted in the English Parliament. A short time ago there was quite a debate in the House of Commons on the subject of publishing the debates in full, after the manner of the Congress of the United States, and it was voted down by a large majority. I know, sir, from personal experience, that if it were not for the debates being published at length, the other papers would, as a matter of news, give more full reports of all debates which take place, or of those portions of them in which the public have great interest. Now, sir, a large part of the talk here is for the sake of producing an immediate impression, and the public have no interest in much of the eloquence we have here. Therefore, I do not see the necessity of continuing the reports, except for the purpose of lumbering up the archives of the city and supplying the private libraries of members. The debates might be preserved, and they would be, so far as the daily papers are concerned, in the daily newspapers, and I think that is all that is necessary for this Council to do.

Mr. Pierce of Ward 24—It becomes my duty to say that in this matter the Committee on Printing will be governed entirely by the action of the City Council. The committee have had the whole matter under consideration, and it has been suggested that we ask the City Council to give us directions as to how much of the debates ought to be printed—whether as a verbatim report, or nearly so, or somewhat condensed. At present the reporter takes the responsibility of reporting as much as he sees fit, and I believe he has sometimes expressed the wish that he might be relieved of that responsibility. I think the Committee on Printing, and I am quite sure the present reporter would be very glad to have some action taken in the City Council as to the way in which the debates shall be reported. My own impression is that it would be quite proper to take the responsibility from him by the specific action of the City Council. My own private opinion is that a very considerable report is desirable.

Mr. Spenceley of Ward 19—I heartily concur in what the gentleman from Ward 18 has stated. I have never seen where \$6000 were well expended in giving verbatim reports of the proceedings of the City Council. They may be well in after years to look back to, in order to contradict us, perhaps; but I do not see the reasonableness of it in any other way. We come here and talk; and what do we get from it in print? I thought several times that I should move that this matter be indefinitely postponed. In years gone by I have seen the Council journal which gave a synopsis of the proceedings, and I think that is better.

Mr. Day of Ward 4—I cannot say that I am in sympathy with the substitute. I understand that this verbatim report is published as much for the information of the public as for the gratification of members. For instance, a great deal of information can be obtained from the report of the debate on public parks. I think the money is well expended in giving the public a knowledge of the inside working of the City Government, and I think it is best to keep on as it has been in the past.

Mr. Crocker of Ward 9—I indorse the remarks of the gentleman who has just sat down. This money is well expended in putting in accessible shape before all the people of the city a full statement of all we do here and the reasons for what we do. A great many acts are done by the City Government which are not easily understood unless they can be stated to the public; and if it were not possible to convey to the public the reason therefor, by means of the printed report of the proceedings here, I have no doubt it would often be necessary for gentlemen to rush into print with communications to the public. Gentlemen on committees would often be called to make statements to the public regarding measures, and that would have to be done by letters to the public press. Even then they would not get before the public as fully as they do now. I believe it is desirable that the public should thoroughly know what we do here, and the reasons for all we do; how much of folly and how much of sense we talk; and they will be better able to judge whether we deserve to be sent back again. A bald statement of the mere votes and orders we pass here would give comparatively little idea of the reasons for what we do. I believe that the money has been well expended, and that the citizens of Boston take a great deal of interest in that report; more than that, we see the folly of a great deal that is said here.

Mr. Barry of Ward 22 moved the previous question.

Mr. Spenceley—The gentleman from Ward 9 says the public are interested in this report. I would like to ask him what is the circulation of the Transcript compared with that of the other papers? It seems to me that that would answer the question as to whether the public are interested in them. When a question comes up which would benefit the laboring classes, the gentleman [Mr. Crocker] always calls it buncombe; and yet he says that a man who gets up here and talks well ought to be sent back. I would like to ask where is the consistency of a man who talks like that? If a man comes here and works and pleads for the poor, he says that man ought not to be sent back; and if a man takes up time in talking nonsense on a public measure he should be sent back.

Mr. Crocker—I am called upon to answer these questions. One question was about the circulation of the Transcript. I had occasion to look into that some years ago, when I was on the Printing Committee, and found it quite large compared with other papers in the city. There are one or two others that have a larger circulation than the Transcript; but it has a large circulation. The gentleman says I charged other people with talking buncombe. My impression is that he will not find that expression in any of the printed reports of my speeches; and one advantage of the printed report will be to enable the gentleman to investigate and find that expression.

Mr. Spenceley—I will find it for you.

Mr. Crocker—I do not think that word has been used by me in any of the speeches referred to, or in any others.

Mr. Thompson of Ward 9—I would ask the gentleman [Mr. Howes] if he considers that such newspaper reports as are given of the Legislature would be full enough. I have looked at the reports of the Legislature for two or three important subjects, but I could not find any reference to what was going on.

Mr. Howes—I think that far greater interest is taken in the affairs of the city by the readers of Boston papers than in the affairs of the State, and on that account the reports of the Legislature are not so full as the reports of the City Council would be if there were not a full report in one paper. Taking the matter of parks. I think that where a question of this kind came up, if we had no full report the other papers would go to the expense of making more full reports than they do now. I do not know but we should have as full a report as

is necessary for the public to know, if we merely gave the action of the City Council.

Mr. Pierce of Ward 24—I wish to call attention to the fact that if the reporting is done by the newspapers, we shall have no record of the proceedings kept in any form, as we now have. Of course, the files of the newspapers could be referred to; but they are bulky and could not be referred to by many of us. It seems to me that it is important that many of the debates should be kept for reference. For instance, the public park question was discussed to a certain degree last year, and to new members coming here this year it is very convenient to refer to them and see what arguments were used at that time. And so it would be if the subject is postponed this year. The reports will be of value next year. For that reason I think it is important that there should be some official report.

Mr. Wilbur of Ward 20—It seems to me that this matter will keep another week, and therefore I move that the Council adjourn.

The motion was lost.

Mr. Day of Ward 4—In regard to the remarks of the gentleman from Ward 19, as regards the circulation of the Transcript, I think it is increased by the publication of the reports—certainly to the number of the parties who desire to ascertain what is done in the City Government. My understanding is that it is by no means certain that the Transcript will publish the report. Bids are to be advertised for and the contract may be awarded to the paper having the largest circulation. The circulation of the paper would be increased to the amount of those taking this report.

Mr. Webster of Ward 3—There is another advantage in leaving the matter as it is. No member of this Council can act intelligently during the year unless he has a good idea of what the Board of Aldermen do; and you can say the same of the members of the Board of Aldermen. Take, for example, this park question. Alderman O'Brien made a speech which, the papers say, may be called a manual of information on the subject; and Alderman Fitzgerald made a reply. In case we had a mere synopsis of those speeches, which might be six or eight lines, I should like to ask how any member of this Council could form an idea of those remarks, unless the speakers had them printed, as Alderman Burrage did last year? I believe the report is of more value than it costs. Of course we say many things we should not say; and if we do, it is undoubtedly well enough that the people should know it. It is of great advantage to file away what is said and done; and there is no session of the City Council but that somebody has occasion to refer back six months, or a year or two years, and see exactly what was said and done. A synopsis is very indefinite. You are apt to miss the entire sense. Each reporter uses his own judgment, leaves out one thing and puts in another. It seems to me that if we have any record at all, it is better to have it full.

Mr. Barnard of Ward 24—I think we are all prepared to vote for this, and I move the previous question.

The main question was ordered.

Mr. Howes's substitute was lost.

The order was passed. Sent up.

Adjourned, on motion of Mr. Vose of Ward 24.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

MAY 28, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE APPOINTMENTS.

Police Officers Without Pay—Page Moore and five others in different parts of the city. Confirmed.

Undertaker—Thomas Feely. Confirmed.

Public Weighers—Marshall H. Wells, F. E. Pray and O. S. Tarrs. Confirmed.

Measurer of Wood and Bark—Marshall H. Wells. Confirmed.

Police Officer—Harry S. Lyman. Referred to Committee on Police on motion of Alderman Thompson.

## PETITIONS REFERRED.

*To the Committee on Paving.* Adamant Pavement Company, for leave to put down some of their pavement in this city; Payson & Co., for leave to lay down Abbot's bituminous concrete pavement in this city.

Petition for edgestones in front of estate of John D. Wester, corner Starr and Bishop streets.

Petitions for brick sidewalk in front of estates of Fabius Rose, Warren, near Gaston street; James McDonald, 236-238 Havre street; R. W. Williams, 321 Dudley street.

Howard Snelling & Co. *et al.*, for a crosswalk on Kilby street, at Doane street; Ruth L. Reynolds, that the sidewalk at 85 Mt. Pleasant avenue be put in order; Benjamin W. Nichols, that Lowder's lane, Ward 23, be put in order.

Barnes, Gill & Co. and seventy others, and Jesse Tirrell & Co. and forty-nine others, for repavement of Beach street; Isaac Pratt, Jr. *et al.* that Ashford and Chester streets, in Brighton, be put in order for travel.

*To the Joint Committee on Public Lands.* Martin Hayes, that a condition of sale on land on Albany street, corner of East Newton street, purchased by him of the city in 1871, be cancelled; John Carey, that the bond for land on E street, sold to Stephen H. Tarbell in 1871, be cancelled, and a new one issued.

*To the Committee on Markets.* George D. Brown, for transfer of portion of stall No. 15 New Faneuil-Hall Market to Joshua Thorndike; also that a new number be given to said portion stall.

*To the Committee on Sewers.* F. W. Reynolds *et al.* that a sewer be laid in Orchard street; J. H. Skinner *et al.* for a sewer in Sagamore street, Dorchester; Sands, Furber & Co. *et al.*, F. W. Lawrence *et al.*, for a sewer in North Market street; Robert D. Griggs *et al.*; for a sewer in Jenkins street.

*To the Joint Committee on Public Buildings.* Trustees of the Public Library, for use of a room in Curtis Hall, West Roxbury.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables, by David W. McKinney, Hemlock street; Nancy S. Grose, Dorchester avenue; Mrs. A. R. B. Robinson, Savin Hill avenue; John Geggis, Church street; Mrs. T. Connolly, 1732 Tremont street; Mary E. Dean, Howard avenue.

Boston Catholic Cemetery Association, for leave to enlarge their cemetery on Arnold street, West Roxbury.

*To the Committee on Lamps.* Richard Virgo *et al.*, that Ferdinand court, Charlestown, be lighted; Sylvester L. Ward, that lamps be placed and lighted on Seaver Hill avenue and Maple street.

*To the Joint Committee on Water.* A. E. Pratt, to be furnished with Cochituate water free of charge for the purpose of watering Tremont street, Roxbury.

*To the Committee on Police.* William Lovett, for the prevention of ball playing in front of premises 123 Monument street, Charlestown.

*To the Joint Committee on Claims.* Samuel R. Spinney, late Registrar of Voters, for compensation for services rendered in April and a portion of May.

## WARD ROOM FOR WARD FOUR.

Alderman Thompson presented the petition of Oliver Brine, *et al.*, that a portion of the Wyman estate in Ward 4, at the junction of Main, Bunker

Hill and Medford streets, be secured as a site for a wardroom and police station.

Alderman Thompson—The citizens of Ward 4 ask for a ward room and police station, as there is none within one mile from that section of the city, it being at the extreme northerly end of the city. I think it would be wise for the Committee on Public Buildings to consider this subject favorably.

The petition was referred to the Committee on Public Buildings. Sent down.

## MIDDLESEX RAILROAD.

A petition was received from the Middlesex Railroad Company, for track in Cove street and turnout track at Old Colony and Boston & Albany Railroad depots.

On motion of Alderman Thompson an order was passed for a hearing on the same on Monday, June 11, at four o'clock P. M.

## HEARING.

No one appeared to object at the hearing on the sewer in Adams and Fairfield streets. Recommended to Committee on Sewers.

## NORTHAMPTON-STREET DISTRICT.

The order to pay J. H. Hunneman \$16,451.90 in full settlement for an estate on the Northampton-street district, surrendered by him to the city, was considered under unfinished business.

Alderman Thompson—That subject came before a sub-committee of the Committee on Claims, and a proposition was made to Mr. Hunneman. I should like to inquire of the committee from whom this order emanated if the amount proposed here is the same that the sub-committee recommended last fall?

At the request of Alderman O'Brien the Mayor read the report of the Committee.

Alderman O'Brien—In explanation of that report I would say that the valuation of the property at the time the city became liable and responsible for it was \$16,100; and that was the sum claimed by Mr. Hunneman. The Committee on Claims last year selected three experts to fix a value upon this property when the city took it in 1874, two years before; and they fixed the value at \$12,700. To settle this matter the committee split the difference between the assessed valuation of the land as made by the city of Boston in 1874, and that placed upon it by the experts in 1876, which would give Mr. Hunneman \$1600 more than the experts allowed him; and it would be \$1600 less than the valuation of the property by the city at the time it was taken. After consulting with the City Solicitor the committee thought it was an equitable and just way of settling the claim.

Alderman Thompson—My reason for inquiring into the matter was that I was under the impression that Mr. Hunneman declined to accept the award of last year, and that other matters connected with the Northampton-street district were referred to these experts. My opinion was that Mr. Hunneman had waived his claim to \$16,000, and that it was to be decided at the same time the others were. If the committee are satisfied, I have no objections to offer.

The order was passed. Sent down.

## VACATION SCHOOLS.

The order for the transfer of \$2000 from the Reserve Fund to be set aside for a special appropriation for vacation schools, to be established by the School Committee, was considered under the head of unfinished business.

The question was upon the passage of the order.

Alderman Thompson—That adds two thousand dollars to the School appropriation. I move as an amendment that it be charged to the appropriation for Public Schools.

Alderman Fitzgerald—I hope that amendment will not pass. We cut down the school appropriation so low that there is scarcely any margin left. No department has been cut down so much as public instruction. If all the other departments in the city had been cut down in the same proportion as the school department, our appropriation bill would have been a great deal less. The amount is so small which they ask for for this object, and it is such an excellent one, that I think the Board should not hesitate about granting it. I scarcely think it worth while to argue the question, it was argued so thoroughly when the question was before us a few weeks ago. I hope the amendment of the Alderman will not prevail, and that the report of the Finance Committee will be accepted.

Alderman Thompson—I have not changed my mind in regard to the necessity of advisability in this matter. It seems to me when a committee have a million and a half of dollars, or in that vicinity, appropriated, and desire to try what is certainly an experiment for a few weeks—and if it works well it is going to add some \$50,000 to our expenses every year—they should take it out of the money that they have without getting it from the city treasury. I certainly hope that it will be charged to their appropriation, for the reason that I believe the money will be used more economically if they realize the fact that it has got to come from their appropriation. We should consider that we are now encroaching very fast upon our appropriation for incidentals, and that the Committee on Public Instruction when they made the appropriation for Public Schools, left a large latitude for certain exhibitions and fancy arrangements for the School Committee. I have no doubt that they can use a portion of that fund for this purpose, if it is of so much importance that they pretend it is. I regret that I was not able to be present at the second hearing of the committee, which amounted to just nothing at all. I call for the yeas and nays upon the amendment.

Alderman Fitzgerald—In connection with this matter, I would also state that an erroneous impression prevails in regard to these vacation schools. Some persons spoke to me a short time ago about them, that they were under the impression that they were for the compulsory education of children during vacation, and were astonished that anybody should pretend to wish to compel them to go to school during the summer months. It is optional with parents to send children to these schools. They are half-time schools, but will be kept open during the whole day. The children who go in the morning will not go in the afternoon. It is optional with parents to send them to that school during vacation. From the list of applications the School Committee intend to select those children whose parents desire to keep them out of mischief a part of the day.

Alderman Clark—I have no doubt that the object of the vacation school is a good one—whether it is to keep children out of mischief, or whether it is to instruct them in mechanics or any other branch of education; but as I believe the appropriation for Public Schools is sufficiently large to take this amount from, I shall vote for the amendment offered by Alderman Thompson. The appropriation for Public Schools is sufficiently large for them to take two thousand dollars from it to experiment with, and believing so, I should hope that the amendment would be adopted.

Alderman Burnham—I trust that the amendment will prevail. I regard this as an experiment that, under certain circumstances, might be a good thing, but I regard it as an experiment that will fail. If, as an experiment, these vacation schools would draw into the schoolroom that larger class of vicious boys and perhaps girls that are found in the street, and keep them away from mischief, I should regard it as a good expenditure. But I fear that the little boys and girls who do not need to be drawn into a schoolroom, and are well enough, and who need air and outdoor exercise during vacation, are not the ones that parents, or those having control over them—there not being any officer to compel the attendance of older ones in school—are the ones who will fill the school during vacation; and it seems to me that they are not the children who should be gathered into the school room during vacation. If those having the school affairs of the city in charge desire to try such an experiment, it should be done from the appropriation for schools.

Alderman O'Brien—I feel as does the gentleman who has just taken his seat, that this experiment will fail if we adopt the amendment of the Alderman from Charlestown. The School Committee have well considered this matter, and they would not come before us and ask for \$2000 if they could try this experiment out of their own resources. If we fail to pass the order as it comes from the Finance Committee, I believe that will be an end of these vacation schools. It is a small matter, and I believe the experiment should be tried. Whether the \$2000 comes out of one pocket or another does not make much difference, and if we adopt the amendment of the gentleman from Charlestown, I have no hesitation in saying that it will be an end to the vacation schools this year.

Alderman Fitzgerald—I judge from the speeches of the gentleman on my right [Alderman Burn-

ham], and the member of the Finance Committee [Alderman Clark], who reported this order, that possibly the amendment of the gentleman from Charlestown will pass. In their own case, the money may be expended by the School Board, and by and by they will come to us for an additional appropriation, which we cannot refuse them. It is far better to give it in the shape in which the original order was worded than to have the expenditure made from the school appropriation. They will spend their money, and when they get through they will come to this Board, and this Board cannot refuse them. We have cut down the appropriation for schools so much that if the School Committee don't make any change in the salaries, as recommended by the Committee on Public Instruction, before the end of the year they will have to come here for more money, or else they will have to close the schools. Some of the salaries of the school teachers have been cut down more than ten per cent., and the contingent fund has always been cut down very low. The money appropriated for the school festival—which I was opposed to—can be used for these purposes far better than in the exhibition of music. However, that is all done, and the Music Hall festival will be. The incidental fund is very low, and if this sum is taken from the appropriation for schools, at the end of the year we will have to take something from our Reserved Fund and help them out. I am glad, however, that in this case we shall have the vacation schools. I shall vote against the amendment; but if it passes, I shall feel that we ought to have the vacation schools, and I shall vote for the order as it will be amended, and by and by the School Committee will have to come to us for more money.

Alderman Thompson—The Alderman's argument is substantially this: that if we appropriate the money, well and good; but if not, the School Committee will go ahead and call upon us to make up the deficiency. Now I don't propose to be bulldozed into voting for the measure by any such threat as that. The School Committee have rising a hundred per cent. larger appropriation than is given in any other city in this Union, and they should get along with this appropriation. It has been intimated to me that notwithstanding the City Council reduced salaries, the School Committee have been considering whether they should do it or not. Well, sir, if they choose to take that responsibility they are welcome to it; but under those circumstances I would not yield. They know how much money they can spend, and they must make their expenses according to the appropriation. In view of the intimation that they are coming to us for an additional appropriation, I should certainly think there was more reason in voting for the amendment than I should under other circumstances.

The amendment was adopted—yeas 10, nays 2, Aldermen Fitzgerald and O'Brien voting nay.

The order as amended was passed. Sent down.

Alderman Thompson moved the reconsideration of the vote just taken, hoping it would not prevail.

The reconsideration was lost.

Alderman Fitzgerald—Before the reconsideration was moved I was going to ask from what fund in the school appropriation this money was to come.

Alderman Thompson—Incidentals.

Alderman Fitzgerald—From what branch of the Incidental Fund? Will the Alderman inform me?

Alderman Thompson—It was left optional with the School Committee.

Alderman Fitzgerald—A similar estimate as made by the Alderman was made by the Committee on Public Institutions, but the gentleman who had charge of that was so strenuous about it that it was put back and the figures made out for the contractors for public institutions. I know that the Alderman has an idea that fuel will be a great deal lower. Possibly it may be, but if the schools depend upon the price of fuel I am afraid they will not have anything to spend for them. The whole Contingent Fund is so emptied out here that I don't know where the rest of the money is coming from. I should be sorry to see it defeated upon that ground.

Alderman Thompson—I am very glad that the Alderman reminded me of my views upon the Committee on Public Institutions. The committee allowed the contractors \$6 per ton for fuel; and they have contracted for a ton at \$4, and are allowed twenty-five cents drawback for delivery.



PAPESS FROM THE COMMON COUNCIL.

The accounts of City Collector and Treasurer for the year 1876-77 came up. Referred to the Committee on the Treasury Department. Concurred.

Resolve, That in all contracts made with the city for public work, preference should be given to citizens of Boston. Passed in concurrence.

Report and order to modify the conditions for the erection of a wooden building by the High- and Street Railway Company on Blue Hill avenue. Order passed in concurrence.

Order for the Mayor to extend civilities to distinguished persons who may visit the city during the present municipal year. Passed in concurrence—yeas 10, nays 0.

The order to employ an additional clerk for the License Commissioners, at a salary of \$1200, comes up *amended*, so as to authorize the City Clerk to employ said clerk to attend to the license duties and other work in his office. Concurred.

Order to advertise for proposals for printing and publishing proceedings of the City Council, and to make contract therefor at a cost not to exceed \$6000. Passed in concurrence.

Order for Inspector of Buildings to report, before May 31, on the expediency of making any changes in the means of egress from schoolhouses, halls or churches. Alderman Fitzgerald explained that the Inspector made a similar report last year, and contended that there is no need of creating an unnecessary panic by passing such an order, as the Building Committee are doing all they can. On his motion the order was indefinitely postponed. A motion to reconsider was lost.

Order to consent to closing up and building over the fifty-foot street laid out along land of the Boston & Albany Railroad Company, between Columbus avenue and Dartmouth street. Passed in concurrence.

BONDS APPROVED.

The bonds of David M. R. Dow and John Newell, constables, being presented duly certified, were approved by the Board.

INVITATION ACCEPTED.

An invitation was received from Post 13 G. A. R. for the Board to attend Memorial services at Music Hall, on Wednesday next at 2½ o'clock. Accepted.

LOCATION ACCEPTED.

A communication was received from the Metropolitan Railroad accepting the forty-eighth location, granted by this Board on the 21st inst. Placed on file.

JAIL EXPENSES.

A requisition was received for \$1469.20 from the Sheriff of Suffolk County for expenses at the jail during the present month. Ordered paid.

THE SINKING FUNDS.

The annual report of the Commissioners on the Sinking Funds was received and laid on the table and ordered to be printed.

Funded debt April 30, 1876.....\$43,848,835.73  
 " " " " " 1877..... 43,590,497.30

Decrease for year ending April 30, '77....\$258,338.43

Total Redemption Funds April 30, '76..\$15,813,209.07  
 " " " " " '77.. 15,437,043.24

Decrease Redemption Funds for year....\$376,165.83

Debt, less means for paying same April 30, '76.....\$28,153,454.06

Debt, less means for paying same April 30, '77..... 28,035,626.66

Increase of debt less Redemption Funds during the year.....\$117,827.40

Amount of debt paid at maturity and redeemed and cancelled with Revenue Funds during the year.....\$2,275,338.43

Appended to the report is the report of the Treasurer and Committee on Accounts of the Board. Laid on table and ordered to be printed.

FEES OF UNDERTAKERS.

Alderman O'Brien presented a petition from Lewis Jones & Son and other undertakers, asking that some system may be devised by which they will be relieved of furnishing certificates to both the City Registrar and the Board of Health. In connection therewith the Aldermen offered the following:

Ordered, That the City Registrar be and he is hereby directed to furnish to the Board of Health, daily, a copy of each and of all the returns of deaths made to his office by undertakers and others.

Ordered, That the Board of Health be and is hereby directed to grant no license for the burial of any body required by law to be registered in the office of the City Registrar, or for the removal thereof from the city, without the applicant for such license presents the certificate of registration issued by the City Registrar in accordance with section 4 of chapter 21 of the General Statutes.

Referred to the Committee on Health on the part of the Board.

MOUNT HOPE CEMETERY.

The annual report of the Trustees of Mount Hope Cemetery was presented and placed on file. The receipts were \$34,153.83, and the expenses \$32,327.72; balance \$1826.61. Sent down.

PUBLIC INSTITUTIONS.

The twentieth annual report of the Board of Directors for Public Institutions was presented. The expenditures were as follows:

House of Industry.....	\$198,714.75
Almshouse, Charlestown District.....	8,178.63
House of Correction.....	84,463.88
Lunatic Hospital.....	57,138.59
Pauper expenses.....	62,173.11
Steamer J. Putnam Bradlee.....	13,400.23
Office expenses.....	7,953.32

Total expenditures.....\$432,022.51

Income..... 49,175.27

\$382,847.24

Expenditure 1875-76.....\$453,608.12

Expenditure 1876-77..... 432,022.51

Decrease of expenditures 1876-77..... \$21,585.61

Actual running expenses 1875-76.....\$398,796.99

Actual running expenses 1876-77..... 382,847.24

Decrease in actual running expenses..... \$15,949.75

The expenditures have increased and decreased as follows, v'z.:

House of Industry, decreased.....\$11,183.23

House of Correction, decreased..... 13,154.28

Lunatic Hospital, decreased..... 2,252.51

Steamer J. Putnam Bradlee, decreased..... 6,264.86

\$32,854.88

Almshouse, Charlestown District, increased..... \$496.37

Pauper expenses.....10,691.06

Office expenses..... 81.84

11,269.27

Total decrease..... \$21,585.61

During the year the mansion house at Austin Farm has been enlarged and fitted to be used as an almshouse for women, at a cost of \$21,948.40. The sum of \$12,673.02 has been expended in building and furnishing an addition to the main building at Austin Farm, and \$14,973.01 in furnishing and fitting up the building on Marcella street for a home for pauper boys. The amounts expended for the above-named purposes were provided for by special appropriations made by the City Council, \$15,000 of which were transferred from the appropriations for other institutions under charge of the Directors. The expenditures for the new lunatic hospital have been \$923.33 paid town of Winthrop for taxes for 1876.

Sent down.

POLICE.

Alderman Robinson submitted a report from the Committee on Police recommending the confirmation of the appointment of James P. Hancy to be a police officer. Accepted, and said nomination was confirmed.

PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports, That the petition of the trustees of the Lawrence Model Lodging House for flagstones across East Canton street be granted. Accepted.

Report and order—That permission be and hereby is given to the Highland Street Railway Company on and after the 15th day of June and until otherwise ordered by this Board, to increase the number of cars run by said company on Tremont street, north of Temple place, Cornhill and Washington street between Cornhill and Temple place, to a number not exceeding twenty-four in any one hour. Order read twice and passed.

Reports and orders to grade and gravel Spring Garden street from Crescent avenue to Harbor View street, estimated cost \$2500; for edgestones and paved gutters and sidewalks on Sherman street between Dale and Bower streets; for edge-

stones across the Soldiers' Monument at the intersection of South and Centre streets, West Roxbury, and to macadamize said Centre street from South street to Green street; for edgestones, paved gutters and macadamized roadway on Wales street between Blue Hill avenue and Harvard street; to grade and gravel Park street between Oriole street and Martin street, West Roxbury; to construct a plank walk on one side of Washington street from Forest Hills station to Ashland street; for edgestones and paved gutters and sidewalks on Trinity place; to repave Broadway between H and K streets with small granite blocks, estimated cost \$17,000; to repave Tremont street from Pleasant street to the bridge over the Boston & Albany Railroad with small granite blocks, estimated cost \$10,500; for edgestones and paved gutters on Lamartine street between Green street and Cedar avenue; to repave Fourth street between E and F streets with small granite blocks, estimated cost \$7000. Orders read twice and passed.

Report and order of notice for hearing on Tuesday, June 19, on petition of South Boston Railroad Company for leave to lay down tracks in Canal street and Market street. Order passed.

Order of notice to John Egan to set back the fence in front of his estate on Terrace street to the established line of said street within ten days, and in default thereof, for the same to be done by the Superintendent of Streets at expense of said Egan. Passed.

Order of notice to the Middlesex Railroad Company to pave the space between its tracks on Cambridge street, Charlestown, with small granite block, between Main street and the Boston & Maine and Eastern Railroad crossing. Read twice and passed.

#### FANEUIL HALL.

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall in favor of granting the use of said hall to Company A, First Battalion Cavalry (National Lancers) on June 14, their fortieth anniversary. Accepted.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Pawnbrokers Licensed—John Long, 22 Howard street (upon the relinquishment of the license to deal in second-hand articles); J. N. Roberts, 666 Washington street.

Dealer in Second-hand Articles Licensed—Charles H. Moore, 94 Fulton street.

Hack License Refused—John Quinn, 355 and 357 Atlantic avenue.

Wagon License Refused—Martin A. Hayes, Columbus avenue, at Boston & Providence depot.

Intelligence Office Licensed—George Hastings and Henry Lane, 3 Tremont row.

Amusement License Granted—C. F. Howard, to exhibit certain new processes in mathematics at a stand in Dock square, subject to revocation at any time by the Committee on Licenses.

Minors' Applications Granted—Eight newsboys, five bootblacks.

Junk Collectors' Licenses—Philip King and ten others (renewal.)

Victuallers Licensed—Edward F. Sanders, 182 Atlantic avenue; James W. Stewart, 14 Exchange street. Severally accepted.

#### CITY ARCHITECT'S ASSISTANT.

Alderman Fitzgerald, from the Committee on Public Buildings, submitted an order—That, until otherwise ordered, the Assistant in the office of the City Architect, heretofore paid for his services at the rate of one dollar per day, be allowed and paid at the rate of \$500 per annum, beginning May 1st, 1877. Read twice and passed. Sent down.

#### CHELSEA BRIDGE.

Alderman Thompson, from the Committee on Bridges, submitted the following:

Ordered, That his Honor the Mayor be authorized, in behalf of this city, to procure from the Boston & Lowell Railroad Company and the Nashua & Lowell Railroad Corporation, the Mystic River Corporation and the Oriental Coal Oil Company, releases of all claims they now or may hereafter have against this city by reason of the construction of Chelsea Bridge to a width not exceeding sixty-six feet, and the filling in thereof, in pursuance of the plan of widening, whether by reason of the filling or occupation of the flats now adjacent to the present structure of Chelsea Bridge, or by reason of the alteration of the grade of said bridge; also an agreement that

the city may occupy their land beyond the location of said bridge as widened, with the slopes of said filling, so far as may be necessary or convenient for said slopes, and that they will maintain and support the sides of said filling upon the land without expense to the city; and the Mayor is also hereby authorized to release to said corporations all the claims of this city upon them, or either of them, for land and flats on either side of said Chelsea Bridge, beyond the line of construction of said bridge, to a width not exceeding sixty-six feet, as before mentioned, and also to release said corporations from any claims for betterments which may be assessed on them by reason of the construction of said bridge.

Ordered, That the order passed by the City Council and approved by the Mayor June 9, 1876, and the order passed by the City Council and approved by the Mayor Dec. 15, 1876, being orders relating to releases of the aforesaid corporations, be and the same are hereby rescinded.

Alderman Thompson explained that the parties with whom the committee had been in negotiation had agreed to the arrangements proposed, and this order is to concur with the aforesaid orders in the change made in the agreement of last year.

The order was read twice and passed. Sent down.

#### SEALERS OF WEIGHTS AND MEASURES.

Alderman Slade submitted the following:

The Committee on Markets and Weights and Measures, to whom was recommended the report and order relative to the appointment of Deputy Sealers of Weights and Measures, beg leave to submit the following report:

The powers and duties of the Sealers of Weights and Measures have been greatly increased by the recent change in the law.

As the law now stands, the Sealers and Deputy Sealers are required to give notice annually to all persons using scales, weights and measures for the purpose of buying or selling goods or commodities, to bring in such scales, weights and measures to be adjusted and sealed. At any time after publishing said notice the Sealers are required to go to the houses and stores of the inhabitants and test and seal their scales, etc.

For the purpose of doing this the Sealers are allowed to carry with them duplicate sets of standards. Sealers are also required to visit annually every hay and coal scale, and every dormant or other platform balance, that cannot be easily removed, and seal and adjust the same. Formerly, sixty days were allowed persons using scales, etc., in which to bring them to the office of the Sealers, and the latter could not make their annual visits until the expiration of that time. The Sealers were not allowed to take their standards with them, so that, excepting hay and coal scales and dormant balances, very few scales were sealed, excepting such as were carried to the office of the Sealers. The law was, therefore, comparatively a dead letter. It will be seen that a larger force is necessary under the present law than formerly, and the committee are of the opinion that not less than four deputy sealers should be appointed. This will increase the force from three to five officers.

The committee are decidedly of the opinion that the Deputy Sealers should be paid a salary. The fee system has been tried in Boston and proved a failure. As the law now stands, if Sealers are not paid a salary, they may demand double fees, and the result would be that an onerous tax would be laid upon all persons using scales, weights and measures. It is for the interest of the public that scales, weights and measures should be correct, and the public should pay for the protection afforded it. The committee respectfully recommend the passage of the order attached to their former report.

Accepted and said order passed, and on motion of Alderman Clark the committee were authorized to report nominations.

#### PLAY GROUNDS.

Alderman Clark submitted a report from the Committee on Common, on the report in relation to play grounds, with an order—That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund the sum of \$2000 to constitute a special appropriation for the purpose of defraying the expenses of providing play grounds as set forth in the order of the City Council, approved May 22, 1877. Read twice and passed—yeas 12, nays 0. Sent down.

## STONY BROOK IMPROVEMENT.

Alderman Viles submitted the following:

The Committee on Sewers, to whom was referred the reports of the Board of Health and of the Street Commissioners upon the present condition of Stony Brook and its proposed improvement, report that by the terms of the act of the Legislature the proceedings in taking land and making a new channel must be performed by the *City Council* of the city of Boston; and for the purpose of bringing the matter before both branches of the Government, they suggest that they be discharged from its further consideration and, that the subject be referred to a joint special committee. Accepted.

Alderman Viles, from the same committee, offered an order, That ——— with such as the Common Council may join, be a joint special committee to take into consideration the reports of the Street Commissioners and the Board of Health upon the improvement of Stony Brook.

Passed, and Aldermen O'Brien and Dunbar were appointed on said committee. Sent down.

## SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Reports and order to build sewers in Boylston street between Church and Charles streets, in Gibson street, in Dorchester avenue between Gibson and Centre streets, and in Mather street. Orders passed.

## PUBLIC PARKS.

The Board took up the special assignment for 4.30 P. M., viz.:

Consideration of report of Special Committee on Public Parks (City Doc. No. 44), with orders to appropriate \$1,000,000 for purchase of land for that purpose, to be raised by a loan for a period not exceeding thirty years, at a rate not exceeding five per cent.

Alderman Burnham—This subject is before us for consideration and I shall beg the attention of the Board while I present some of my own views in relation to the subject. At our last meeting we listened to the extended and eloquent remarks of the Alderman on my right favoring the park scheme as seen from his stand point. It was as able an argument as any man could have made upon that side, backed up by figures gathered from city, county, State and national statistics and census returns, and great indeed must have been the diligence and patience to bring us such an array of figures. We also listened to the able argument in opposition, from the eloquent Alderman on my left. He, too, brought us a great array of figures, as seen from his stand point, which, being nearer home, and in closer relation to the business view of the subject, made his information, I believe, more valuable for our guidance.

Others, in a more general way, presented parallels with parks in foreign cities. We had also, to some extent, comparisons of Boston's park wants as measured by other cities in our own country. Now I propose from another stand point to attempt to present my own convictions of this park subject in the clearest, matter-of-fact way, and aside from theories, without underrating local interests, deal with the Boston of today. I believe this Board of twelve Aldermen should sit as jurors on this park question, determined to hear the whole evidence, and come to our conclusions only when the evidence is all in and well weighed in the balance of common sense. We have then before us for our immediate consideration the report of the special committee on the subject of parks for Boston. Of the majority report favoring the park scheme I shall attempt only to speak.

The committee present us eight propositions. From a careful perusal I can only see in their first, second, third, fourth, sixth and seventh propositions what Boston's eloquent son of the past defined in that never-to-be-forgotten sentence of two words—glittering generalities.

These propositions, as arguments for public parks, apply alike pertinently to any future time as to today. In the fifth proposition they say, "The citizens of Boston desire that public parks equal to the wants of a great and growing city should be established." Possibly this is true; but maybe this proposition might be included with the others. It is so general a statement, I would so include it, had they not referred us to the history of the steps that have been taken to establish public parks in Boston. In Appendix B, annexed to the "Report," we are furnished with all these steps in detail, and they cover the whole history, and in them we have all the proof there

is that "the citizens of Boston desire public parks." Now I appeal to every gentleman of this Board, if, on a consideration of this history, he has not come to this conclusion, in that the essence of the whole matter is found in this minute part of the record.

"At a special election held June 9, 1875," (the Legislative park act) "was accepted by the people; yeas 3706, nays 2311." That record is the weight that turned the scale in favor of public parks.

Now, I desire to ask if we are justified in saying that, because of this record, made two years ago today, the citizens of Boston desire public parks? I ask you here and now to look at the business record of Boston for these two years intervening. Why, sir, our business men have grown old ten years in two! The great anxieties in business, great margins of loss, great shrinkage in values, great depletion on every side, have hurried their record into our very vitals. Now, with the picture fairly before us, tell me, is there a member of this Board who honestly believes that if the question of public parks was submitted to the property owners of Boston (the men whose estates will in the end pay the bills), there is one in a hundred would vote today for public parks. I am not now speaking of land owners and speculators, who suppose they are to be personally benefited by the laying out of the public parks. They are advocates for them, of course; why should they not be? Some of them, although doing business in Boston, are not among the tax-paying citizens of Boston. But I am speaking of the men whose property must, in the end, pay the \$20,000,000 the parks will cost. Will they vote for parks? Under proposition 8, two very pertinent questions are asked—

First—Can the city afford the entire system?

Second—Is it expedient to commence the work now?

The committee answer both in the affirmative, but the business outlook of today compels me to answer both in the negative, and so to vote, and yet in so doing I by no means subscribe to the conclusions of the committee on p. 3, viz.:

"If Boston cannot afford such an expenditure to secure the priceless benefit of parks, it must be because she has entered the ranks of cities like Newburyport and Salem, which have ceased to grow. If, twenty years from now, our wharves are to be deserted, our manufactories idle, our streets grass-grown, then, indeed, it is unwise to enter upon this or any scheme calling for an outlay of money; but if Boston is to increase in wealth and population, as we believe she is, there can be no question but that we can well afford all the money necessary to give us this system of parks."

I say I by no means subscribe to their conclusions. I say for Boston she has not entered the ranks of cities like Newburyport and Salem—cities which have ceased to grow; but if we desire her to enter the list, load her down with a \$20,000,000 debt in addition to the present freight, load her as New York and Philadelphia and Chicago are loaded. No, sir, I believe Boston is to increase in population, business and wealth. The Alderman opposite who spoke so earnestly and eloquently on the other side, portraying our future for the next ten years, spoke truly. I believe we shall have our railroad North and West, via Hoosac, and South and West via Poughkeepsie Bridge. I believe the vast products of our great and growing West and Northwest, the petroleum and flour, the grain and hemp, the beef and pork, and other merchandise, will come from the interior to Boston, not only for home consumption and traffic, but in their outgo to the Old World, South America and the islands of the broad ocean. And the imports in return, to meet the growing wants of our vast interior, will in Boston be exchanged from ship to storehouse and to rail car; but I cannot on that belief build up an honest and true argument for entering upon this great scheme of parks in the present condition of business, thereby adding to our already heaped-up millions of debt. The committee, and those who favor parks, it seems to me, are viewing this matter not only from a false standpoint, but with a hampered vision. They ignore our present condition; they see only in part; not like a man who puts his hand at a distance from his eyes, between them and the object toward which he is looking, and then says, I see, because he sees so much that is not hidden by his hand, but like the man who brings his hand so close to his vision that it shuts out every object—is thus looking at the park question singly and

alone. There is much else beside that must be seen. I trust our vision will take in the whole field before we act. I see, and I want others to see, that Boston will not suffer if her park grounds, simply as park grounds, are not increased for a quarter-century. I see no justification for the assertion that the public-park grounds of Boston are inadequate to a city of our rank. The assertion is made only by comparison. What if New York, Philadelphia, Baltimore, Chicago, have larger parks than we? Do we of necessity need what they need? Do we, with East Boston and South Boston jetting out into the sea, and with our Charles and Mystic rivers on the north, and our Neponset River on the south, need parks as much as they do? Has not our railroad system, wherein it differs from theirs, much to do in settling our park question for us? Shall we overlook our harbor gems—*islands* than which none on which the sun shines are more beautiful; our Revere and Nantasket seashores, such as no other city has? Why not claim that our water and sewerage systems should be patterned by other cities? We want water and sewerage adapted to our individual necessities, not theirs; and our want of parks can take no measure from other cities. Boston is no pent-up city, without breathing space. Her surroundings wonderfully meet the needs of her people. As has been said, and it can be said of no other city, "the very horse cars run through miles of the most beautiful parks that nature ever provided for any city," breathing spaces with a country air as pure as earth affords, and our annexations for the past few years have made them ours. And besides, we are not so very poor, in the possession of our Common and Public Garden, our Reservoir Driveway and our squares; and to be added still, our harbor and beach excursions, open to all for their enjoyment at the smallest minimum cost. Had we 10,000 acres of parks, the people would go to them instead. Now, Mr. Mayor, I have this feeling—with our present debt we cannot afford an added outlay for parks; we have enough for today, we can purchase more tomorrow. Consequently, this is the wrong time to enter upon such a scheme. It may come in the future—then, if need be, let it come. If we refuse today, the saving will make us able and ready then.

The interest account for a ten years' delay, added to the cost of keeping up our parks for ten years, will, ten years hence, sink out of sight any rise in real estate that under any circumstances will be the good fortune of our city to experience, and enable this city, without injury to her credit, to build parks then with a magnificence not yet conceived of.

Don't let us forget our adversities in business, and talk and act as though we are rich. Luxuries and adornments (and parks to Boston are nothing else) belong only to times of prosperity, and should consequently be made dependent upon times of prosperity. That is a law, and we cannot change the law. You cannot hide the fact that the burdens of taxation (for first cost and maintenance) will be increased by any move we may make in the direction of parks at a time when they should be lessened instead, and the burden will fall upon the active business men. Such a course is not wise. Why is a city different from an individual? Who doubts the wisdom of cutting down personal expenses by lopping off luxuries when the income is cut off? Not one.

Do not, then, let us be misled by the assertion that land for parks is cheaper today than it will be in the future. I do not hesitate to assert it and to maintain it, that all the land in the whole programme of a park system as presented to us, keeping our interest account in view, can be bought at a less price in the future than today. Who does not know that in times of business depression and adversity real estate is the last thing to come down, and that in times of coming prosperity it is the last thing to advance? I know it and I can see no loss in waiting; and I frankly say that in looking about to find reasons for entering upon a park scheme now, simply as a park scheme, thus far I find none at all.

I turn now to look at the matter from another point, and here there are two of the locations which have been recommended that engage my serious attention, and in reference to these the reasons for are not valid as against parks alone, but involve other considerations. These considerations, in time, will be forced upon this City Government. They come to me as reasons for a supply of pure water come; as reasons for good and healthful drainage come, impressing one with

the idea of necessity to be met when it comes, at any reasonable cost. These locations are Back Bay and South Bay.

Here, to this city of Boston, are two great inevitable, standing, increasing, yet to be unendurable, nuisances that in time must be abated.

It is not our fault that they exist; but the charge that rests upon us is that by the mistake in filling in Back Bay we have precipitated the time for abating the nuisance there, and taken the burden upon ourselves, that need not have been borne for generations to come. Again, it is our fault—and those best able to judge can see it most plainly—that we have filled up so much of South Bay that what nature designed to be, and but for our mistaken art in filling up might have continued to be, the most beautiful bay of inland water any city in the world could boast of, is instead become a great cesspool, demanding now at our hands an intercepting sewerage system that will cost more than every inch of the filled territory is worth. There stands the fact. It is ours to see the condition of things as they exist, to admit that something must be done, and to do it. I am ready then to say that more than good sewerage is needed, and that need touches the question of public parks.

The accumulating sewerage filth of the coming years, increasing as population increases, must be carried off; and the accumulated sewerage filth deposit of the past (now the cause of such just complaint) must be covered up; and therefore I conclude that to these two locations we should apply our first expenditure for parks. With this view of the matter, much of the reports of commissioners and committees, so far, seem to me to be at fault, and for these reasons: Back Bay seems to hold in their minds a disproportionate place. And why? I answer, because it is the lesser nuisance of the two. South Bay, in the very heart of the city, is by far the greater, and consequently the first to demand our attention. Again: The Back Bay nuisance can be held in abeyance at small present cost. We have already before us for our consideration a Back Bay plan, to intercept all the sewage now flowing into Stony and Muddy brooks, for their entire length—every sewer—and to carry the deposit into Charles River, there to be diluted by the flow of waters, and thus temporarily controlled; so that for years we shall have no more difficulty with the sewage of these polluted streams. This will cost \$75,000. Then \$25,000 (or less) will cover the accumulated sewerage filth in the creeks and on the flats, and thus that existing nuisance be temporarily controlled; and \$25,000 more will do dredging in Charles River that shall sink the outflow of this miniature intercepting sewerage system, and all the other sewers there, out of sight—and out of smell. More: At this small cost Back Bay can be and is to be regenerated from its present condition of death-dealing miasma to a condition of sweetness and health; and, Mr. Mayor, it will stay regenerated, at least, until our great intercepting sewer (needed for future generations) is completed.

But the other locality, South Bay, the very heart of the city, is a different affair. This is a great catch basin; it holds all that comes into it via Roxbury Canal and every other sewer, and holds it with a fearful grasp, fostering disease and death to be dealt out somewhere in the future with a lavish hand. Our action toward intercepting sewerage shows we are awake in some measure to our condition; shows that the truth has dawned upon us—that the accumulating sewerage filth of all time to come must be carried off. But just as plainly has the truth dawned upon us that the accumulated sewerage filth of scores of years—more than a century—here deposited must be covered up. I see no relief so accessible as by a double work here to be done in an outlay for parks. The nuisance is one of vast magnitude, and to successfully abate it I believe that all the land between Chester park (extended Swett street) and Boston street will be needed, and it will be found a territory none too small when the matter is more fully understood. This whole territory should be raised to grade by taking from the bottom of South Bay all the material that can be placed upon the territory and covered up with a surface covering of clean soil; thus, by dredging and deepening the water territory and raising and grading this land territory, we shall ultimately find the grade of health for by deepening the whole of South Bay so that there shall always be at least ten feet of water, we can have in the very centre of our city a sheet

of pure water, sweetened twice in every twenty-four hours by the tidal flood—worth more to the great city of the future, as a reservoir of pure air and a promoter of healthy breathing, than all the vast scheme before us can give. And wonderfully, too, is the territory adapted to it; Swett street thereby becomes the broad central avenue across the entire city—open on one side to what can be made a beautiful sheet of water, and on the other to the broad acres of public park; accessible because central, and made more so by the New York & New England Railroad crossing it at right angles, and nearly in the middle, giving diversity to the plan and the cheapest transportation. And I have this to add, that the deepening and the raising processes I have spoken of by the use of the present improved steam dredge machinery will be brought down to its minimum cost.

Again—The spots I have indicated are the only spots where there is a shadow of a chance for betterments to tell to the credit of the vast expenditure—for these (at present two great cesspools of a great and growing city) are valueless to the owners of the land if they must keep and pay the taxes on them for the next ten or fifteen years, and therefore their consecration to parks will bring with it a value they can never have without.

Mr. Mayor—It is only in these two localities that I see work to be done for a long time in the direction of public park improvements.

The *must do* is already stamped upon these territories, and here is work of sufficient magnitude to expend all the money we have to expend, even if it be done on a thirty-year loan. As I said, whether we will or not, the work will be forced upon us in time—and when it comes it should be undertaken and with steady advance be made to move forward for years before its completion. Now, Mr. Mayor, in closing what I have to say at this time, I am ready to express my desire that this park order may be so amended by the friends of the measure as to call for investigation in the direction I have indicated—and before we vote one dollar for parks, in any shape, I trust it will be had.

Mr. Mayor, long may the patient live when the extremities are diseased, but if the heart become diseased there is no remedy, the patient must die. Let us consider if these urban centres, as compared with suburban extremities, are not as the heart to the extremities,—and if so, like wise physicians in care of the body, let this City Council be wise in time. Let there be more Park Commission investigation and planning, more estimates on a new basis, more engineering to develop the cost, and let the planning be in harmony with the natural topographical defects and excellences that so self-evidently exist, and all this, I say again, before we move at all. We cannot be wise to embark in this great scheme involving such weighty interests, holding in its grasp the health and the credit of a great city, until we have more fully canvassed Boston's individual needs by reason of her inherited defects, and mapped out without the possibility of a mistake the results to follow our action. It is not for me to offer the amendment I have indicated, but without such an amendment it is for me—and, as I see it, for us all—a duty to vote against the entering upon any and all park schemes whatsoever.

Alderman Wilder—It would be useless for me, Mr. Mayor, to attempt to go over and discuss the whole park question. It has engaged the attention of the people of Boston, more or less, for several years, and is one which I believe of more importance to the citizens of Boston than any other question that will come before us for our action; and being in a position where it becomes my duty to give a vote upon this question, I desire to occupy a few moments in stating upon what grounds and for what reasons I shall give the vote I shall give upon its final passage. Mr. Mayor, my colleagues and myself are, to a certain extent, representatives of Boston and the people of Boston. They have confided to us the power of voting their money out of their pockets, and it becomes us to consider well before we take such a vote whether we are the real representatives of their wishes and interests, the truest exponents of the best principle for the benefit and prosperity and growth of the city we love and which we are bound by oath to protect. First, for a single moment, let us see who wants parks. I beg to differ slightly with the Alderman who has just taken his seat. He says that the question was not an expression of the people of Boston by a vote in which there were about 3000 votes in the affirma-

tive and some 2000 in the negative. I believe the citizens of Boston have expressed their opinion at other times in other ways, and in some of the most unmistakable ways. The manner of treating this question as one of a personal nature, and as one of land speculation, and also of stock speculation, and its having any personal bearing whatever upon a member of this Board, is not worthy of our consideration. We know better. We suppose that intelligent men among our most intelligent business people know tolerably well what they ask for, and in answering this question of who wants parks I will call your attention to a copy of the petition, as the City Clerk was so kind as to furnish me with all the names of taxpayers who have come of their own accord, and asked the former City Government to take action upon the report of the Park Commissioners as submitted. The number of those petitioners is 8606. I have the original petitions in my hand with the original signatures attached. And now let us see for a moment who some of those 8606 people were. We find the names of Marshall P. Wilder, Benjamin F. Stevens, Nathaniel J. Bradlee, J. Huntington Wolcott, Henry Saltonstall and 549 others attached to one of these petitions. To another petition we have the names of Dr. Bethune, Dr. Charles E. Buckingham (my old family physician, who I am sorry to say has since passed away), R. M. Hodges, Dr. J. M. Bigelow, J. P. Curtis, Oliver Wendell Holmes, Dr. E. H. Clarke and 680 others. Now, Mr. Mayor, I do not need to take time to tell you who they are. I have had their evidence in the public papers, over their own signatures, and their valuable testimony from the platform at Faneuil Hall, where a voluntary meeting of citizens gathered to ask and urge upon the last City Government to do something in regard to parks. They ask for it for sanitary reasons, for such names as I have read here, for those 8600 who have joined them and who have heeded to our business, whose capital makes Boston a commercial city, the men who pay the taxes which we expend here—if I should name you the amount they represent you would say it is fabulous, but I have something to say upon that point in a moment. If those are not the men who know what they want and who know what is best for Boston, where shall we turn for information? Now I regard it as my duty—and I presume my colleagues regard their duty in the same light—to pay some attention to men of that class and character. They are the men to whom we look for everything that makes Boston a live city, and to whom we look for examples to lead us to the right course for progress and prosperity. I believe that it is my duty, in a measure at least, to heed some of their opinions—of course, tempered and restrained by my own judgment; but in considering such a petition as that, the thought has occurred to me that due heed and caution was not quite our whole duty. There are, sir, on that list, almost 9000 voluntary petitioners, composed of our bankers, our merchants, our leading manufacturers, and the leading men of Boston. They do not quite represent Boston alone; and standing here in a measure, as I do, as an humble representative of that capital and business enterprise, I feel that I have a still further duty to perform as their representative. There are issued from the Collector's office 87,000 tax bills. I was surprised when I learned how many of those tax bills represent simply and purely a poll tax. When I name the number, which I believe is correct, as taken from the books, I believe many of you will be astonished. When you remember that a man who owns property—no matter if it is mortgaged to the extent that my friend suggests, the larger portion of the equity is still in him, and his tax bill is more than two dollars. But out of that 80,000 tax bills which represent \$730,000,000 of taxable property, 70,000 of them were for \$2 for a poll tax. More than one-half of the property owners in Boston is represented on that petition. But, sir, what about these 70,000 men that do not pay anything more than a poll tax? Who are they? They are made up of laboring men, clerks, mechanics and students, and more than 30,000 of them are householders, men living in our city and paying but a \$2 poll tax, it is true; but that is not the extent of their benefit to Boston. Why, sir, it is their hard hands that build up cities. Have those men no rights which it does not become 17,000 property holders of Boston to remember to whom

they are indebted for a measure of the increase and accumulation of their property? Are not those 70,000 men just as good citizens; have n't they just as deep an interest in the wealth, the morality, the health and the progress of Boston as any other men? Mr. Mayor, let me tell you that those 70,000 men do not lack in intelligence; they know and they remember, and they have pictured to themselves the fact that they own just as much in the public domain as your millionaire, and it is right that they should. [Applause among the spectators.] And right here I want to say that the fortunate citizen who has gathered together his hundred thousand or more, who begrudges the little pittance of an addition to his tax bill that would make a free highway in which those poor men could go with their children and enjoy a frugal lunch, and feel that he is eating his bread upon his own domain, I say that the millionaire citizen who would withhold that pittance fails in his duty as a good republican citizen. [Applause among the spectators.] Mr. Mayor, I don't propose to occupy much more time of the Board; I have already occupied too much. I wrote down a few questions here—Who wants it? What is the necessity for it? What is the cost, and what is our duty? I guess I got a little mixed, and have spoken upon what is our duty in the first place, and mixed it up a little with who wants it? but I desire to speak for a single moment upon the necessity of it. I am understood to be in favor of parks. I am, Mr. Mayor, in favor of parks, so far as they will benefit the city of Boston; so far as it is judicious; although careful, far-seeing and far-thinking men may disagree upon the subject. In regard to the general operation of parks upon American cities we have all the statistics that we need. I believe I hazard nothing in saying that no park which has ever yet been projected and carried forward to any degree of completion in any American city as yet—looking at it purely and entirely as a financial measure—has not been a success. Those tables have been prepared and presented by others, and I simply content myself with this simple assertion, believing it to be true. If it is not true I am not responsible for it, for such are the facts that are published. And now, when my distinguished friend and colleague [Alderman Fitzgerald] stands up and says we cannot afford to do this thing; that we must first study economy; why, sir, it seems to me that if there is any measure in the world that is purely a measure of economy, it is the one in which the city shall put its money where it is sure of a good return for it; and the kind of economy that would deter a man today from voting for an appropriation to carry out a measure which he was fully satisfied was going to pay financially, would be the same kind of economy that would prevent a man from making an outlay for seed to plant in a soil that never failed to return a remunerative crop. The Alderman who has just taken his seat showed forth to some extent, and I don't know but to a very full extent, what are his views and what he thinks should be done. Still, I am not prepared to offer any amendment. I propose to give you exactly what I would do if I was supreme in this matter, or if I owned the city of Boston, and could do just as I was a mind to with it. This brings me to what is the proposition of the gentleman who has last addressed us upon this subject in regard to the Back Bay. I agree with him fully and entirely; only I go a little farther than he does, because the nuisance is somewhat more intolerable than he pictured. He does not believe that we ought to do anything at present, except to abate that nuisance on the Back Bay and on the South Bay, and by so doing put in two links in that admirable chain of parks which is recommended by the Park Commissioners. No, Mr. Mayor, I propose to consider our present position financially and otherwise, with is as full an appreciation as any man can have of the depreciation of business. I believe we fully appreciate the caution which has restrained and governed me in voting my constituents' money out of their pockets; and I believe this feeling is paramount among all of us, excepting only the determination to do our whole duty, if we can find it out. I would go farther than my friend, though thoroughly indorsing what he does. I believe it is a fact beyond all question that the inner line of parks is going to be adopted by the citizens of Boston, if not by ourselves, by our successors; if not

this year, next year; and if not next year, the year after. Now, this year I would esteem it a great calamity if this Board of Aldermen should, by reason of any unimportant differences in details, or for any other reason—I say I would esteem it a calamity if this Board of Aldermen should go through this year without paying the slightest heed to the desires of the people, and deferring the whole thing; and in order to prevent that which I believe to be nothing less than a calamity, I propose to be exceedingly conservative myself, so much that I shall come down to the two single points of my friend Burnham if that is all that the Board want. I may say right here that I should change the plan of the commissioners—I am speaking now as if I owned Boston and had it all my own way—I should change the plan, as in the taking of a hundred acres I should come up to Parker street in the easterly line, and on the southerly line come down to Boylston street; then I should make Parker street the easterly line of the water basin, and Boylston street the northerly line; and I should build a driveway eighty feet wide, nearly two-thirds of which would be completed by the completion of Boylston street and the widening of Parker street, which must be done; and I should have then a hundred acres of water instead of thirty, as they proposed, with ornamental grounds on each side.

But for the sake of the health and for the sake of saving expense, I would take that hundred acres and surround them with a driveway eighty feet wide, completely macadamize it, pave the gutters, and using the material for dredging as underfilling for the driveway, and covering it with clean gravel, surrounding it with a wall, that it should make it a perfect water basin. Understand me—I do not mean to put in retaining walls to make a reservoir, but just a water basin; and I undertake to say—and I know what I am talking about—that the hundred acres can be prepared for this purpose, and the driveway completed, and giving, if necessary—which I do not believe in—a plank sluiceway, for the channel of Stony Brook sewer (including \$50,000 for the cost of that, and including the building of Boylston and Parker streets, which is about \$90,000), and I propose to say that the nuisance on the Back Bay can be forever and eternally abated, and we can have one hundred acres of water renewed with pure water from the ocean or from Charles River twice in every twenty-four hours; and that that whole programme can be carried out for less than \$800,000. I believe, sir, and for good reasons, that the land itself, including the hundred acres, can be acquired for park purposes for a sum less than \$500,000. Now I ask, gentlemen, if that statement is a fact, if now is not emphatically the time to do it? Why, I can give you some other reasons. There is nothing but plain, straightforward logic in this kind of a proposition that I ask my colleagues to consider at the present time. There is, today, directly affected by the nuisance of the Stony Brook sewer—and let me say right here that the deposit from that sewer itself is not a nuisance, for if you spent \$75,000 and carried that sewage to Charles River it would not abate the nuisance; because, sir, for fifteen years the deposit from that sewer has been made on those flats, and at every low tide it lies there festering in the summer sunshine, and breeding disease to be wafted over the most populous part of the city. You have got to cover it up with pure, clean water and keep it there, and the work is done. But this is a digression. Now, I say that more than one hundred millions of the property of Boston is affected directly, more or less, by the contagion coming up from that cesspool on the Back Bay. Your assessors, if they do their duty—and I have no doubt they will—will take into consideration the fact, in assessing the property so affected. What is going to be done with these Back Bay flats. Were I on that Board of Assessors I believe I should act intelligently—and I certainly should try to act honestly—and if I went down there tomorrow to appraise the property affected by it, and believed that you had a City Government who understood the whole question, and I understood that you were not going to abate that nuisance, it would make a difference of \$40,000,000 in my estimate of that \$100,000,000 of property. If your assessors did not take that position this year, and this nuisance is not abated, some future assessors will. And so I say, to take 100 acres of that Back Bay

and change it from its present pestilential character into a place of beauty and health, is a piece of economy that no man can say anything against; economy, to say nothing about life and health, but simply on the ground of preserving already existing property, for the value you will save by its abatement will twice or three times pay the interest on its cost. It is a necessity, Mr. Mayor, and I remember one passage in your inaugural, in which, if I quote it aright, you said that necessity vindicates itself. I leave the Back Bay at that, and simply say that I should go on and secure a parkway through the orchard, up to the rocks over this side of Parker Hill, and so on around Parker Hill, by the commissioners' plan, to the shores of Jamaica Pond. Why? Because at the present time every owner upon the borders of Jamaica Pond is anxious that that beautiful sheet of fresh water shall be one of the places of ornament for the city of Boston. I would not spend a dollar there, but simply do what is necessary—I mean a dollar in improvement—but I would simply do what is necessary to secure that park. I would secure the borders of that pond, not because, perhaps, it may cost a little more a few years hence; but because I would preserve every tree and every portion of that pond, that will be beautiful to retain as a park, and would prevent any future desecration of its beautiful borders by the erection of more ice houses or the acquisition of any portion of it by parties who would buy it up in order to get a high price for it. There I would stop and take the risk for the future, in regard to following the Commissioners' plan by the parkway up to Bussey Woods. The Bussey Farm is all right; it is a free gift to the city of Boston for this generation or the next; they ask nothing for it except to take it when you can afford to build parkways and lay out paths; and you have 350 acres there free. Then following up the line across the railroad, they pass up over that romantic new road to the hills and rocks and dales of the immense park in West Roxbury. Mr. Mayor, I do not think that land is going to be any higher than it is at the present time; I do not think anybody is going to buy it; and I don't think we need encroach upon our appropriation of \$1,000,000 to secure that. Then we come along to that magnificent estate for park purposes owned or controlled by General Sargent. That estate is certain to be a part of the system of parks for Boston; it is sure to come. I don't want to appropriate any part of this million dollars for that, for it will keep; but I would go along down, spending no money until I came down to South Bay, which I will not say a word about, because Alderman Burnham has told you all about it, and just as it is. But I want to repeat that, in my judgment, it will be a calamity to the city of Boston if we, by any difference of opinion, fail to secure in this very modest way the future completion of that system of parks that shall give Boston the right to say that she is in accord with other cities in this distinguishing evidence of progress and civilization. The Alderman has congratulated us upon our Common. True, we are not destitute of breathing places. We have forty-five acres of Common, and ten acres of Public Garden. It is a pleasure, to think, Mr. Mayor, that we had belonging to the by-gone generation men so far-seeing for the future of Boston as to dedicate that little path to the public. Why, sir, for commercial Boston alone, for the aid of our commerce, that little patch on Boston Common has been the cheapest advertisement that Boston commerce has ever had. Now, what is a park going to do for us? What do people say about parks? Take the merchants who come from the West and South to make purchases; they make lengthy visits to Eastern cities for business purposes, and they also couple pleasure with business if they can do so; and if they can afford it they bring their families with them. They go to the city that has parks. The Alderman [Alderman Fitzgerald] says we differ from New York in our location. Perhaps we do; but we do not differ from New York and the rest of mankind in human nature. We do not differ very much in the impulses that govern and actuate men generally. I see by the papers that 102,000 people visited Central Park in one day; and they were not all citizens of New York. It cost, from thirty to sixty millions; but for what would they sell it? At what price would they cut it up into house lots? They differ from us, but they do not differ from us in one respect. We, like them, are an Atlantic seaboard city and have got to live by commerce,

and by competition with New York and every other city; and the man who does not believe it will pay—to say nothing about health and the increase of the happiness of our citizens—to make Boston attractive, that men I do not sympathize with, and he and I would differ in the way in which we would manage our business.

Mr. Mayor, I beg pardon of my colleagues for occupying so much time. I did not write any speech. There is one thing I have forgotten. I had written the word "cost" here, and I will tell you why I did it. I did it because the Alderman on my right [Alderman Fitzgerald] last week said we did not know anything about the cost. He said the appropriation as recommended by the commissioners was somewhere between four and five millions, and he estimated that the land would cost nine millions; and then he went a little farther, with his vivid imagination and matchless eloquence and oratory, to work up a load of taxation under which the community would struggle hereafter—fifteen or twenty millions. I do not know exactly what data the Alderman had for that. He is always very guarded and careful in what he says; but I apprehend that if he were going to build a house, or going into any kind of an outlay, even if it did not amount to more than ten thousand dollars, he would not rely upon his own opinion; but he would hang up his green bag for a moment, and apply to some engineer or trained mechanic, and take his judgment in preference to his own. Now, these estimates are made upon the assessed values in 1874, I think—was it 1874?

Alderman O'Brien—1875.

Alderman Wilder—Well, I don't believe that those values were any too high. I believe, and the Alderman believes, that with proper care given by judicious parties to go forward and estimate the value of that property, it can be bought for a great deal less. Nobody knows today that this one million dollars would not buy every acre recommended. I don't say it would; but I say nobody knows it would not. I would go just as far as my money would allow; but I would be certain that no land speculator made an improper combination out of all this. I believe we are competent to deal with this subject in such a way as to make such purchases as our million dollars will make, and in such localities as not to interfere with the final completion of this whole and beautiful system; but to make it at the points suggested by the Alderman who has spoken upon the question today; and if I could have my way I would go a little farther, just as far as the million dollars would go, and I would obtain all the land that I could at the price satisfactory to the Park Commissioners and the City Council.

Alderman Fitzgerald—Can the Alderman tell us how much land was bonded by the Park Commissioners when they were authorized to do so last year; what per cent. of all the lands were bonded at a certain price, and how many were willing to do it?

Alderman Wilder—I thank the gentleman for asking the question. It is a very important one in connection with the subject. This Board is made up of professional men, who are quite as conversant with business as commercial men. The Park Commissioners were given authority to bond land. The owners of land came into their office and said, We understand you have authority to bond our lands for park purposes, for so and so. The commissioners answered yes. Well, said they, are you going to buy it? The commissioners said, We don't know anything about it; we simply have authority to permit you, without any consideration whatever—purely a one-sided movement—to take your bonds for your lands at the prices the assessors fixed last year. If you choose to do it you can do so. The owners say, What advantage are we to receive from it? What authority have you? Mr. Dalton is a fair man, and said, We don't know what advantage it is to you.

Alderman Fitzgerald—Did he say that as one of the Park Commissioners?

Alderman Wilder—I do not know that he said so, but I should say that he would say so.

Alderman Fitzgerald—I do not want the gentleman to draw upon his imagination; I want him to state the facts as they are.

Alderman Wilder—I do not want to draw upon my imagination; but the fact is, the commissioners had authority to bond land without the slightest consideration; and under those circumstances thirty per cent. of the owners did bond their

lands. So much for the question; and I believe it is answered. I do not know that I have anything more to say; but I do want to make one single reference to the real pith and the stroug point of my friend's opposition speech. In the first place I must confess myself surprised at hearing such a speech from my friend, because from what I know of him I thought he had enough of the Young America element in his composition not to stand up here and oppose what the people and all his friends ask for; and nothing short of that eloquent speech could have convinced me that he proposed to vote against any such measure. I do not mean to say exactly that he was going to take that order as it is, for I want to put him in the foreground of those who are careful to protect his constituency, even if he votes against parks, and I am quite glad he is here. I expect him to change the bill a little and then vote for it. But to the pith and strong point of that speech. He turned round and told these men [the spectators] that they could not get a single dollar of that money. That was his strong point. I cannot say it is not true. All these people know that before their services can be required this land must be bought, and plans made, and we have got to get ready to give them employment. We have to make the first expenditure of a million dollars; and if the gentleman succeeds in postponing this appropriation to another year it will be still another year before we can get ready to have the work done. Now, why could we not go to work upon that Charles River? It is a most magnificent scheme, and if it came up this year I should not vote for it. That land will not cost one cent. Those sixty-nine acres belong to the city of Boston just when the city of Boston needs them.

I am not ready to vote for it this year because it is not necessary to abate nuisances; but I am ready to go to work upon the points that the Alderman from South Boston has referred to, and also ready to go further. Now, in relation to this one million dollars, the reason the act was defeated in the Legislature was because it was brought in so late in the session that, although it was passed by and unanimously voted in the Senate, it required a four-fifths vote in the House, which it did not receive, although it obtained a very large majority. But it did us no hurt. We could not by any possibility use any part of the money for the developing of park lands if we had got it. We can get ready and we can assure the people of Boston that the City Government of 1877 commenced parks and that it is not ready to subscribe to the doctrine that Boston is destined to be a cemetery. I want it to be done so that it will be safely guarded. I want to do it with such a certainty that if it shall be a failure in the future—which I have no fears of—any man who voted for it may be able to stand up here and defend his vote in favor of this one million of dollars. I appeal to you, my colleagues, to let no differences of opinion upon unimportant points delay this matter. Let no sophistry from my most eloquent friend [Alderman Fitzgerald] change you from your purpose to do your duty. I put it on that high ground. I say that as the representatives of the people of Boston we are conservators of the health of Boston, and it is no less than a solemn duty which we owe to the people to abate this nuisance, even if you don't build parks.

Alderman Fitzgerald—I have just listened to one of the most eloquent addresses ever delivered on this floor—but I will not say the most argumentative—on this subject; and the pith of his speech consists in an argument in favor of the Back Bay park, and an appeal to the people who have nothing to pay but a poll tax. He has striven to tickle the poor man who pays nothing but a \$2 poll tax by telling him that though he has only \$2 to pay he owns four or five hundred thousand dollars; and if he wants to devote a portion of their money not to help, aid and assist them to bread and butter, but to give them an opportunity to bask in green fields, to live during the summer months among luxuries, and drinking not the nectar of the gods, which should be part and parcel of the whole thing, but eating stale bread and cheese. Sir, I am tired, in a republican community like this, of hearing this kind of talk to the laboring men of this city and elsewhere. There never has been a project for the purpose of aggrandizing those who are rich, that the poor laboring man is not made the cat's-paw by which they are to pull the chestnuts out of the national, State or city treasury. It is

bringing into this republic the sentiment which obtains in France, and is a fruitful source of revolution there; and it is time that it should be stopped. Here was this public meeting got up, and the people crowded in there. I know how it was got up. I know the true inwardness of these public meetings. They were engineered by men who had land to sell; and I know it. I know it, Mr. Mayor; and I know that when posters are put up around the city of Boston that Rev. Mr. Bodfish and my friend Mr. Collins, and several others were to speak upon the park question, why, of course, that was sufficient to cram and crowd Faneuil Hall. If they were announced to speak upon muzzling dogs it would crowd Faneuil Hall just as much.

That is no criterion at all. The poor people are told that it must be done for their benefit, and a great many are converted by that idea. I do not yield to the gentleman on my left [Alderman Wilder] in my desire to see poor men of this city obtain work and employment; but I should not demean myself by appealing to them by telling them that the money is not coming out of their pockets, but out of the pockets of the rich, who can afford to pay for it. I should not speak of that kind of argument upon the park question. It is not an argument. I repeat it, that not one cent spent for parks this year can go into their pockets, and the commissioners themselves say that the land may be bought and lie idle for a few years. I should like to know how the laboring man is going to get any work out of it. If sewers are a prime necessity, and if they are provided for in a short time, then the laboring man will go to work, and while the city is aiding him it will be providing for the health and wealth of its inhabitants. In looking over the debates in past years I find an argument made by the gentleman opposite [Alderman Clark] in 1875, stating that sewers should claim our attention first. It is so. If I were assessed for 174,896 feet of land on the Back Bay on the east side of Parker street between the estates of the Boston Water Power Company and Aaron Healey, for \$52,500, I should see perhaps why there should be a park on the Back Bay; I should see why it is necessary to build a park down in that direction, and see it was more necessary to have a park there than anywhere else; and I should honestly see it. We are sure to be warped in our ideas and judgment by outside and external considerations, and I can well see how a man can be convinced that if his interest lies in one direction that the public will be aided and benefited in that same direction, and I could honestly do it. I am in favor of whatever will add to the material prosperity of the city of Boston. I intend to vote according to the advice given by the Alderman on my left, and I think the best interests of Boston demand that the city should not go into the park scheme at present.

This order is defective in two things. First, the legislative act forbids any park loan for a longer period than ten years. The moment you pass this order it takes itself out of the hands of the City Council to say where this land shall be taken for parks; and I hold that no land should be bought for parks unless we know just where they are to be located. That I consider a fatal defect in this order. I do not intend to reiterate the arguments I made use of the other day when I spoke. I think the argument made use of by the gentleman in relation to the poor men should cease being used in discussing public questions. True, the poor man pays nothing but rent for his house; when there are high rents and taxes, somebody pays for them, and the high rents and taxes are all paid by the laboring men. So long as there are high taxes, so long will there be high rents, so that the rich man may pay them directly into the treasury; but indirectly all of it comes out of the poor man. I say that we are not in a condition to go into this business this year. When we get sewers will be time enough to talk about parks. The sewer question will come up before the park question. The engineers are at work preparing plans, and in a short time we shall have the scheme before us. If the argument that it will benefit the poor man is a strong one for parks, it is much stronger for sewers. I addressed myself to this poor man question because it was made use of in the debate; and I should not have done so had it not been for what others have said.

Alderman Wilder—I am entirely in favor of some system of improved sewerage, and I want to allege right here that I do not believe the sewer-



age of Boston can be made perfect without the use of a large quantity of water for flushing those sewers. I want to state still further that there is not any place for a water basin but the one to which I have alluded, and that was one of the strongest points in my argument that I left out. Some one asked me, why not flush from Charles River? They forgot that a portion of Charles River is navigable, and that if Boston desired to do it she could not dam up Charles River without the consent of the United States Government. That is impracticable and absurd. I undertake to say that no system of sewerage will be complete without a basin for flushing the sewers every twenty-four hours.

Alderman Clark—The public-park question has been under discussion for so long a time, and so ably presented by the chairman of the Committee on Parks, and by gentlemen who have spoken on the other side, that very little remains to be said upon the subject. But having been an advocate of the establishment of parks from the beginning, I may be pardoned if I occupy a few moments in stating my reasons for voting for the order offered by the majority of the committee. I presume it is unnecessary to say anything in commendation of the work done by the Park Commissioners. The system of parks which they recommend meets with general approbation. Even those who are opposed to establishing parks join in praising the admirable manner in which the commissioners have performed their duty, and I believe, concede that if parks are to be established, no better system could be devised to accommodate all sections of the city. And here, sir, let me say that the plan of the commissioners is not the "impracticable scheme of an enthusiastic artist, existing only on paper," but, as those who like myself have visited the location of the proposed parks well know, it is a scheme which is entirely practicable and needs only the indorsement of the City Council to become a great reality. It is a system complete in detail, comprehensive in its adaptation to the wants of the several sections of the city, and entirely capable of realization. The principal objections brought against the establishment of parks are, First—That their cost would increase the burden of taxation to a disastrous extent, and, secondly, that they are not necessary, from the fact that our present pleasure grounds, together with the beautiful suburbs of the city and the facilities which exist for reaching them, are all-sufficient for our present wants. The cost of parks cannot be definitely stated, for the reason that the expenditures depend entirely upon the discretion of this and future City Councils. We can estimate the original cost of the park territory with a considerable degree of accuracy, but of course its future development and adornment depend upon the action of future City Councils; for it is wholly within the province of the City Council to regulate the sums which shall be expended annually, and thus prevent the tax of any one year becoming onerous or burdensome. The estimates of the cost of parks which are given in the report now before you were undoubtedly prepared with great care, both by the Park Commissioners and the City Engineer; but I believe that the actual cost will fall far short of the estimates. But assuming that the estimates are correct, and that the sum of \$9,000,000 will be required, it remains to be considered whether the city can afford the expenditure. In order to ascertain this, the effect upon taxation must be looked at. The majority of the committee went over this part of the subject very carefully, and the result, as stated in the report, was that to pay the principal and interest of a thirty-year loan for the above amount will require an annual tax of eighty-three cents on the thousand on the present assessed valuation of the city, if the bonds were to be issued at one time. But as the bonds will only be issued at such times as the money is needed, the annual tax will only be a little over nine cents on the thousand for each million of the bonds issued. It must be remembered that in this estimate no allowance is made for the revenue arising from betterments and from the increased valuation of property surrounding the parks. I believe, sir, that setting aside the betterments, the city will realize from the increased valuation more than enough to pay the cost of constructing and maintaining all the parks, long before the bonds would become due. Experience elsewhere has shown that parks are sources of public profit. I see no reason why the experience of other cities should not be repeated

here. Take, for instance, the facts given in City Document No. 105, 1874. Central Park, commenced in 1857, had cost up to 1874, \$13,902,515.60. The increase in valuation in that time (from 1857 to 1874) in the three wards adjacent to the park was 768 per cent.; in the rest of the city 91 per cent. Work was commenced on Prospect Park, Brooklyn, in 1866; the real estate valuation of the city, not including the wards adjacent to the park, increased sixty-two per cent.; the valuation of the wards adjoining the park increased 117 per cent. In Philadelphia, from 1868 to 1874, the real-estate valuation of the city increased twenty-one per cent., while in the neighborhood of Fairmont Park it increased over 400 per cent. In Baltimore the increase in the valuation of the whole city from 1860 to 1874 was sixty-nine per cent.; the increase of the lands adjoining Druid Hill Park was over 400 per cent.

We might go on and multiply instances and figures, but I think that the above showing will satisfy any one that the effect of parks is to greatly increase the valuation of adjoining real estate and throughout the entire city. I see no reason why the same results would not follow the establishment of parks in Boston. If you will look at the commissioners' plan you will see that almost all the locations of the proposed parks are in the midst of property affording eligible building sites and capable of being made the most beautiful portions of our city.

I think that this is particularly the case with the location of the Back Bay Park. It is in this direction alone that the city proper can grow. Every other foot of land is occupied, and unless one desires to go to Roxbury, Dorchester, Brighton or West Roxbury, the Back Bay is the only place available for the building of private residences. We know, sir, how much the improvement of this territory has added to the taxable value of Boston. The figures show that the taxable increase since 1855 has already been over \$33,000,000, and this is due entirely to the private enterprise which converted a comparatively valueless territory into a location for some of the finest public and private buildings in Boston. The development of the city in this direction still continues. Even the prevailing hard times have not checked it here as elsewhere. One-half of the new buildings in progress of erection in the city proper are in this locality.

For the information of the Board I would state that there are going up on the Back Bay, between Charles River and the Providence Railroad, buildings which, with the lands, will bear a taxable valuation of over one million dollars—new buildings commenced during the present year. Calling the buildings one half the value, there is an increase of a half a million dollars since the first of January in these dull times.

Now, sir, I believe that if the plan of the commissioners for a park in this locality is carried out it will be a fresh incentive to the growth of this portion of the city, and that the increase of taxable property will counterbalance the cost.

Good judges estimate that on the completion of the Back Bay Park, fifty million feet or eleven hundred acres of land would be bettered at once from five cents to one dollar per foot, making, at a low estimate, an increase in the assessed valuation of \$45,000,000. The land comprised in the area, bounded northerly by Beacon street, easterly by Parker street, southerly by Longwood avenue, and westerly by Brookline avenue, contains 16,027,156 square feet. In 1876 the lowest assessed valuation of any of this land was ten cents per foot—the highest, thirty-five cents per foot. Calling the average assessed valuation twenty-five cents per foot, the amount realized by taxation at \$12 per 1000 was \$48,081.46. A park laid out on this land would increase the valuation of the whole tract at least fifty per cent. the first year, and in fifteen years would show a property valuation of over fifty million dollars, upon which the annual tax would be \$600,000. If this amount were put into a sinking fund, the interest on it would in thirty years pay the entire cost of all the parks proposed by the commissioners.

In fact, sir, judging from the experience of other cities, the effect of establishing parks will be to increase the valuation of real estate to such an extent that the parks will not only cost us nothing, but will actually yield a revenue to the city. I believe that in a pecuniary point of view the establishment of parks will prove one of the most profitable enterprises ever undertaken by the city, to say nothing of the sanitary benefits which will accrue and the advantages of recrea-

tion and amusement which will be afforded to our citizens.

Statistics have been presented to show that property in this city is depreciating, that our commercial interests are declining, and that the burden of taxation is already more than the people can bear. I do not believe that the facts will bear out the statements. I venture to say that there has been no real estate, situated in eligible localities, sold for less than the assessed valuation. The sale of estate No. 330 Beacon street was cited as an instance of this depreciation. This estate contained 5000 feet of land, assessed at \$4 a foot, and a three-story octagon front and rear brick building, assessed for \$26,500, making the total assessed valuation \$46,500. The estate sold for \$43,650, or \$2850 less than the assessed valuation. All persons familiar with real estate will see at once that the land brought more than its assessed valuation, and that the depreciation was on the building. We know that building materials are fifty per cent., if not more, lower than when the building in question was erected, and it brought its fair market value at present cost prices. It is not to be supposed that any one will pay \$50,000 for a house when he can build one equally good for \$30,000, and if builders erect buildings in advance of the demand and on a falling market, and fail to realize, it is not an evidence of a depreciation in the value of real estate. The building alluded to has since been resold for \$45,000, so that real estate on the Back Bay has already commenced to jump upward.

Wharf property has not held its value owing to the decrease in the number of sailing vessels employed in our trade. The conditions which once rendered our wharves valuable, no longer exist. Our commerce has increased, but steamers have taken the place of the sailing vessels which once lined our wharves. When it is remembered that one steamer has the carrying capacity of almost thirty sailing vessels, and occupies only as much wharf room as two good-sized schooners, the reason for the decline in wharf property is obvious. Boston has today no more dwelling houses fit for habitation than are sufficient for the wants of its population. It is one of the most densely populated cities in the United States. It contains 42,748 dwelling houses and 75,446 families. Deduct the vacant dwelling houses, and we have nearly two families to a house. There are 8.46 persons to a dwelling. Philadelphia has six persons to a dwelling. If our people lived like the Philadelphians we should require 60,000 dwelling houses to accommodate them. One reason which partly accounts for the number of unoccupied dwelling houses is the taste for living in family hotels, which has developed rapidly within the past few years. Another reason is the fact that during the mania for speculative building which prevailed a few years ago, a great many cheap houses, unfit for habitation, were erected in undesirable localities. These buildings would not be occupied under any circumstances, and instead of being evidence of a depreciation in real estate, they are really monuments of the folly of the savings banks who furnished irresponsible parties the money with which to build them. The fact is, that ninety-five per cent. of the dwelling houses in Boston are occupied today, and the number of new buildings which are now being erected indicates that the supply does not exceed the demand.

I find that the actual prices paid are so close to the assessed values of 1875 and 1876 that a fair average would just about sustain the Assessors. The real loss and discrepancy occurs in the value of the buildings on the land, but if the same land were now vacant new buildings could in almost every instance be erected at so much less price than the original structures cost that the assessed value of the land would be sustained by the sales. As regards sales of store property on the burnt district, what few actual sales are recorded are just about the values placed on them by the Assessors of last year (1876).

The two stores on South-Market-street extension—

1. Sold one in September, 1876, at.....	\$49,700
Was assessed in May, 1876, at.....	41,000
	<u>\$8,700</u>
2. Another sold in December, 1876, at.....	\$41,700
Was assessed in May, 1876, at.....	40,000
	<u>\$1,700</u>

Purchaser to pay taxes of 1876 in addition to the \$1700.

The lot of land sold on South street, corner of Summer, was assessed at \$23 per foot, and sold for about \$38. The lot corner of Channing and Federal, which sold last week at \$18 per foot, was assessed in 1876 at \$15 per foot. I find also that in the Roxbury, Highland and South Boston districts, estates of moderate cost have in almost every instance sustained the Assessors. The great shrinkage is in high-cost city and suburban buildings. I have taken no note of sales made under mortgage orders, as they are really no criterion of true market value. I also find that in the real centre of the city (or the burnt district) at present but few desirable stores are vacant, and those are at the extreme limit (as Fort Hill or Lincoln street) of the circle. I am told by the leading real-estate brokers that it is extremely difficult to purchase any desirable improved store property in a good location at anything like its assessed value, many investors being willing to buy if they can be assured of say five per cent. return on their investment.

The chairman of the Committee on Parks has given you a statement of the amount which has been expended for some of the improvements made necessary by the growth of the city. The cost of these improvements has been a heavy tax upon our citizens, but I believe that our resources have increased in proportion to our expenditures. A favorite argument with the opponents of the park scheme is, that real estate in the city is in such a terrible condition that owners are unable to pay the taxes and carry their mortgages, that savings banks are compelled to foreclose, and that the estates when sold do not bring an amount equal to the mortgages. Let the facts given in the report of the City Collector show that the percentage of unpaid and uncollectable taxes is no higher now than it was in 1869, and is much lower than it was previous to the war. It is being reduced every year. The amount of unpaid and uncollectable taxes Sept. 1, 1876, was stated to have been \$391,746.25, but it has been reduced to \$69,000, and collections have not stopped. Another significant fact is that we have yet to find a case where real estate has irredeemably passed out of the owners' hands on account of non-payment of taxes.

The fact is, all business men are aware that the outlook is brighter than it has been for years, and the feeling in business circles is that the long-continued season of depression is over, and we have entered upon prosperous times once more. During the quarter ending April 1, 1876, there were in Boston one hundred and fourteen failures, with liabilities amounting to \$6,157,000; for the quarter ending April 1, 1877, there were thirty-one failures, with liabilities amounting to \$1,059,000. This shows a falling off of about seventy-five per cent. in the number of failures, and a decrease of about five-sixths in the amount of liabilities. I take from the Commercial Bulletin the following statement:

"BOSTON COMMERCE. There are some features of the foreign commerce of Boston which are deserving of a passing notice, most of them being of an encouraging nature. Perhaps the pleasantest of these is the steady increase in our import trade. During the first twenty weeks of the current year the imports at this port have amounted in value to \$18,123,015. In the corresponding weeks of 1876 the imports were valued at only \$14,348,534. A comparison shows the increase to have been \$3,774,481, or nearly \$200,000 a week. This is a gain of more than twenty-five per cent., while new York, on the contrary, with all her boasted facilities, finds an increase in her imports thus far this year of less than a million, in a total of \$128,000,000—less than one per cent. Our exports of leading lines of merchandise are also steadily increasing. In the month of April, 1877, there was exported from Boston \$345,500 worth of raw cotton, against \$117,648 for the same month in 1876. The exports of manufactured cotton goods in April of this year amounted in value to \$238,514, a considerable increase upon last year. Our exports of refined petroleum show a large increase, being \$132,500 in April, 1877, against \$51,000 worth in April, 1876. The exports of many other articles show a similar increase. On some accounts the increase in imports is of more importance, because it demonstrates an enlarged market and the growing importance of this port as a distributing point."

I am satisfied that the establishment of parks will be an advantage to the business interests of the city, by making it attractive to merchants from abroad. Every business man knows the ef-

fect of Central Park in this respect. Purchasers coming East are often attracted to New York by the desire to visit that beautiful garden. Boston loses a considerable amount annually on this account. Our merchants appreciate the situation, and you will find the strongest advocates of parks among the representatives of our commercial interests. The names of many of our leading firms appear upon the petition in favor of parks, as will appear by the following list, containing the names of forty-seven firms:

George C. Richardson & Co., Jordan, Marsh & Co., Parker, Wilder & Co., Upham, Tucker & Co., Wright, Bliss & Fabyan, E. R. Mudge, Sawyer & Co., Morse, Shepard & Co., Pingree, Woods & Clark, Wheelwright, Anderson & Co., C. F. Hovey & Co., Hogg, Brown & Taylor, J. L. Bremer, Brother & Co., William Claffin & Co., E. & A. H. Batchelder, Jenkins Lane & Sons, Field, Thayer & Co., James O. Safford & Co., Clement, Colburn & Co., Coon, Crocker & Co., John B. Alley & Co., Whitten, Burdett & Young, Macular, Williams & Parker, Miner, Beal & Hackett, Isaac Fenno & Co., Beard, Moulton & Daniels, G. W. Simmons & Co., Harris, Chipman & Co., Lord, Whittemore & Putney, Baldwin, Botume & Co., Baldwin, Farnum & Shapleigh, Fishers & Chapin, Rice, Kendall & Co., Abram French & Co., J. H. Chadwick & Co., Palmer, Bachelder & Co., Lewis Colman & Co., Denny, Rice & Co., Fairbanks, Brown & Co., J. R. Osgood & Co., Converse, Stanton & Davis, Chase & Co., H. & J. Pfaff, Laforme & Frothingham, G. Tuckerman & Co., William Bond & Son, Howard Snelling & Co., Naylor & Co.

The names of some individuals have been referred to by Alderman Wilder, and I find among the petitions for parks presented to the Board last year one containing 6739 names of citizens in favor of parks alone, and also another containing 549 for parks alone. In addition to that are petitions containing the names of three or four thousand persons asking for the establishment of parks and improved sewerage.

Now, Mr. Mayor, it has been stated here, publicly and earnestly, that no one but land speculators are in favor of parks, and that the public at large do not require them. Now let us see who are these land speculators and land grabbers. We find one petition headed by Peter C. Brooks, Martin Brimmer, F. Gordon Dexter, Edward Brooks, George H. Kuhn, George P. Upham, Royal E. Robbins and 150 other names of like character which I have taken the pains to copy from these petitions; and 150 names among those 6000 petitioners represent property worth \$150,000,000. On one of these petitions is Barney Corey, who has a park in front of his estate, and whose firm probably pays the largest amount of taxes—taking the whole concern—paid by the members of any firm in the city. That is the class of men who are represented to this Board of Aldermen as being land speculators. I do not believe that there is on this entire petition a single individual who will be benefited by the laying out of parks. Among the signers is Nathaniel P. Bradlee, the late candidate for Mayor of Boston. Most likely the citizens, understanding that it was necessary to have a candidate for Mayor who was in favor of parks, took the precaution to nominate Mr. Bradlee, knowing that the opposing candidate was in favor of parks also; so that on two occasions at Faneuil Hall and in the late elections the people have given evidence that they are in favor of public parks.

The next question is, Do we need public parks, or are our present facilities sufficient for the wants of the people? Within the last twenty years public opinion in this country has been awakening to a sense of the importance of procuring in all large cities open spaces for air and exercise, both as a sanitary measure and as affording to the inhabitants the means for rational enjoyment, which the conditions of city life do not otherwise permit. The necessity of providing such "breathing spaces" has been so strongly felt, that in many cities they have been furnished at much greater cost than would have been necessary had the necessity been sooner understood and anticipated. Experience has shown that the great advantage which a town finds in a park lies in the addition to the health, strength and morality which comes from it to the people, an advantage which is not only in itself very great and positive, but which as certainly results in an increase of material wealth as good harvests or active commerce. The reason is obvious: all

wealth is the result of labor; individual wealth is, on the whole, increased by the labor of the community; Labor is an expenditure of force, and it follows that without recuperation and recreation of force the ability of each individual to labor is diminished and his power to add to the wealth of the community is lost. This recuperation and recreation can only be obtained by presenting to the senses and imagination scenes entirely different to those with which they are daily associated. The increasing intense intellectual activity incidental to city life makes recreation more and more necessary. Hence the resident of the city finds in rural life that stimulus and recuperation which his tired senses demand, and it is the object of parks to place within the reach of every citizen, however humble, these means of relief which otherwise only those who have been favored by fortune could enjoy. Now, sir, I maintain that this is just what is needed in this city. Boston, usually so progressive in all things which relate to the moral and educational improvement of its citizens, is singularly behind the age in this respect. In or near London there are 10,718 acres of public parks. Dublin has 1752 acres; Liverpool, 190 acres; the Prater Garden in Vienna contains 1500 acres; Schöbrunn, near Vienna, contains 711 acres; the garden at Versailles, 3000 acres; the Bois de Boulogne, 2158 acres; St. Petersburg has 350 acres; Berlin, 200 acres; Munich, 500 acres; New York, 996 acres; Brooklyn, 900 acres; Philadelphia, 2700 acres; Baltimore, 680 acres; Cincinnati, about 1000 acres; Chicago, about 2700 acres; Providence, 430 acres; while Boston has only about 76 acres. How insignificant does this appear beside other municipalities, and yet the conditions which render parks necessary are the same here as elsewhere. I know that in answer to this it will be said that the suburbs of Boston are parks in themselves, and that the facilities for reaching them are within the means of every citizen; but how long will this continue? We know that the rural line is yearly becoming more distant from the centre of population. We know the changes which have taken place within the last twenty years, and we can easily predict what the next twenty will bring forth. There are those, however, who, I am sorry to say, have no faith in the future of Boston; who believe that she has reached her growth and will henceforward remain stationary. I regret that such views were entertained by the majority in past years, and the heavy expenditures which we have been compelled to make for improvements, rendered necessary by our continued growth, is the consequence of their short-sightedness. Let us not repeat the mistakes of our forefathers.

Boston will continue to grow. A great city is a maelstrom, which continually draws in the population of the surrounding country. I believe that the Boston of today is only a nucleus of the Boston that is to be, and that what we now term our suburbs are destined to be the most densely populated portions of the city. Then, sir, if we fail to avail ourselves of the opportunities now within our reach, we or our successors will have reason to lament our folly and short-sightedness. But to what extent do our beautiful suburbs meet the wants of those by whom public parks are more especially needed—the working classes in the community? What relaxation, what enjoyment, can they find in walking along our country roads and gazing at pleasures which they are forbidden to enjoy? Is there anything of the freedom, the sense of possession, which is felt by even the humblest citizen when visiting the people's pleasure ground—a public park? I believe not, sir, and I think that to argue against the establishment of parks on the ground that the suburbs of the city are beautiful is to show a misconception of the object of parks and a failure to appreciate the wants of the people.

Other cities possessing equal facilities for reaching their suburbs and the neighboring seashore resorts have found it expedient to establish parks. New York, for instance, possesses better facilities than Boston, and yet in a paragraph from a New York paper quoted in his remarks at the last meeting of the Board by the chairman of the Committee on Parks, we are told that on a certain afternoon "thousands of toil-worn men and women were enjoying the verdant meadows and shady walks of Central Park." Why did not these men and women avail themselves of the facilities provided for them and go to Coney Island or Jones's Wood, and thus disprove the

theory that a public park is the people's pleasure ground?

It is for the toil-worn men and women of our own city that we are asked to provide parks; and from whom does the request come? One of the most remarkable facts in connection with the park question is that the petitions in favor of the project are signed by persons who will have to pay the largest proportion of the expense, and who will derive the least direct benefit from it. Let me read you some names taken at random from the petitions in favor of parks. From the names of those I have read it will be seen that the names of some of our heaviest taxpayers are upon this list. Most of them own country seats, and are absent from the city during the months when the advantages of parks are the most freely enjoyed. It cannot be said that they are animated by any selfish motive. I venture to say that not one of them owns a foot of land which will be needed for park purposes. They are not land speculators, anxious to get rid of their land, but far-seeing, public-spirited citizens, who are desirous that Boston should have all the advantages possessed by other leading cities of this country.

I believe the establishment of parks to be a peculiarly popular work. The rich do not need them. They can surround their houses with beautiful grounds. They can have parks of their own. The public parks are for the people, for the masses of the people. They are places where the artisan, the laborer and the poor seamstress can seek rest and recreation with a free sense of ownership. I believe that they are necessary; that the money expended upon them will be wisely invested, and that as the years roll on and the spread of population and demands of trade invade the most retired places in our city, we shall congratulate ourselves upon the provident foresight which secured to us and our descendants the inestimable benefits of public parks.

Mr. Mayor, in my official course as a member of this Board, I have upon several occasions expressed myself in favor of public parks. I have spoken upon the question freely, and without reserve, and I desire not to stand before the public as a man of no opinions, or a man of such mixed opinions that the result has no character at all. On the contrary, I desire to stand as one bound to his principles by the frankest avowal of his sentiments on all important and interesting subjects involving the growth and prosperity of our city. I am not partly for and partly against parks; I am wholly and altogether in favor of them.

I disdain altogether the character of an uncommitted man upon a subject of such vital importance. Our action today may affect the welfare of all New England, for upon the action of this City Council depends whether the metropolis of New England shall be made the most beautiful and attractive city in America, or whether we shall allow the opportunity to pass and let future generations suffer for our want of comprehending the necessities of a rapidly growing city. I am committed against anything and everything which will interfere with our maintaining our position as the second commercial city in the country and which will prevent Boston from becoming what she ought to be, the first.

I am committed in favor of such a system of sewerage as will, in connection with public parks, improve the health of the city. I am committed in favor of such improvements as will afford the most ample railroad and shipping facilities from and to all sections of the country. And I am committed, unalterably committed, in favor of the capitalists, the owners of real estate and the business men of Boston, doing what the same class of people in Baltimore and Philadelphia have done with such great advantage to those cities, viz., the establishing of a line of railroad to the West and South, which will be entirely in the interests of Boston. These, Mr. Mayor and gentlemen, are my opinions. They are not the sentiments of the moment, but the result of much reflection and of some experience in our municipal affairs. I believe them to be such sentiments as are compatible with the future growth and prosperity of Boston.

Alderman Slade—I feel almost ashamed to get up here and attempt to make any remarks after listening to the speeches we have had upon this subject. When I say that I am committed to parks I don't exactly mean it; but my former action would indicate that, inasmuch as I voted for parks, and was one of a majority in about 5000 votes in favor of them, and why the people are so

indifferent upon so vital a question as that as not to take the trouble to go to the polls and vote at all, I have always been at a loss to know. It is very easy for men to grumble and complain at what others do, especially if they do wrong. As I said before, when I voted for parks I had little thought I should be placed in so tight a spot as I am now. At the same time, I am going to stand up to the rack when the time comes. I was in the City Government at the time the question of the Public Garden came before us. I voted for that and was abused for it afterwards by people living in that vicinity. I have never regretted it, and I do not believe there is a man in the city today who would give his vote to do away with the Public Garden and use it for the purposes that the people then thought that it should be used for. We are all thankful to our ancestors for saving a portion of the land of the city which is now called Boston Common. That ground is getting to be almost too sacred to step upon. At the same time who would lift his finger to use one spot of it permanently. I believe myself that something should be done in the direction of parks. I don't believe that this whole system will ever be swallowed by any City Government, and that it has got to be done in smaller parcels than it is brought before us in. The Committee on Parks have given us three reports, and I doubt that if it should be referred to the whole Board of Aldermen if we would not have twelve separate reports, and that none of us would agree. I regret one thing that I have heard in this Board so many times, and that is what seems to me to be a uncombed appeal to the poor people of the city. I am sorry that there is a man in the city of Boston who feels that he must come to the City Government for employment. I wish every man would be more independent. The laborer who comes to the city for help and labor, and the man who comes here and asks to be put upon the police, or to hold any position under the City Government, has at that moment lost his manhood. The pay is not much and they spend almost all they earn, and after laboring fifteen or twenty years they find themselves poor men. I advise almost every man, whether young or old, to keep his hands off the City Government. I regret that so much has been said which seems to encourage laboring men to depend upon the city for bread and butter. Now, Mr. Mayor, I am not ready at this time to vote for this bill. I do not like it, and if I must vote tonight I shall vote against it; and I do not want to do that. I think this Board ought to take more time and consider this subject well, and do something besides turning it over to another City Government. I am ready to vote by and by if some plan can be matured, which I think will not only be satisfactory to us but to all our people. I have not seen a man among my constituents who is satisfied with the bill as it is; nor have I seen a man who would be satisfied to have it carried over to another year. Almost everybody thinks something should be done. Now with these few remarks I am going to move that the further consideration of the subject be postponed for four weeks; and in the meantime it seems to me we can consult about it, come here, and perhaps do something to make a start upon this subject.

Alderman Robinson—If the gentleman will withdraw his motion for a moment, I should like to offer an amendment for the consideration of this part.

Alderman Slade—I will withdraw. I don't wish to stop the debate at the present time.

Alderman Robinson—I will read the amendment which I have offered.

Add to the order the following: "That the amount be used for the purchase of the Back Bay Park, so called, the West Roxbury Park, so called, and the South Bay Park, so called, and no money be expended for the park driveways."

Alderman Wilder—We are fast approaching the midsummer heat. I do not mean to say that we can do much that will do any good, but it seems to me that four weeks is a little too long. Would the Alderman modify his motion by making it two weeks from today? I believe we can get about as much information upon that subject in two weeks as in four.

Alderman Slade—This is a subject of immense magnitude, and I am in no hurry. We have got six months of the year left, and there is no hurry about taking action. I have no axes to grind. I have no interest in lands anywhere that will be affected by this matter, and I want to take time enough. I don't think four weeks will be any too long, and if we are not any better united then

than we are today, let it go four weeks longer. Let us do something this year.

Alderman Wilder—I entirely subscribe to what the Alderman says. I am perfectly aware that no member of this Board has axes to grind or laud to sell. The thought of that did not come into my mind. But I will tell you what I did think. Usually the summer vacation of the Council comes shortly after the 1st of July, and any one who has watched the legislation of the Council will find that very little important work is done just before the vacation. The Council is a larger body than this Board, and they will want their own time to consider the subject. I fear it will not receive full consideration before the vacation, but will come up next fall, and, like many other matters, stand a chance of having done with it just what the Alderman says he does not want done—laid over to some other City Government. That was my only purpose in making the suggestion. If we can be sure of action in four weeks, and can dispose of it before vacation, I am satisfied.

Alderman O'Brien—I am satisfied that if the matter is left as it now is, and if a postponement of four weeks is made, we shall start precisely where we left off without gaining one inch in advance upon this measure. My idea is that there are certain men in this Board who believe in the entire scheme; that there are certain other men who believe in no parks at all and will vote against them; that there are certain men who believe in some portion of the plan, and these are the men that I want to stand up here and say precisely what they want. There are enough in this Board to carry a park measure if the men who advocate some portion of the plan will stand up and state precisely what they want; and they will find that the majority who believe in parks as a whole will go with them and put this measure through. Now I should like to have this matter left in this way; if we are to consider it one, two, three, or four weeks, I want a committee selected from the men who have stood up here and said that they believe in one portion of this park scheme, and I want them appointed a sub-committee to consider the matter and to come in here and tell us precisely what they want, if they can agree among themselves. Then we can come to some conclusion. Unless we can appoint a committee of gentlemen who are in favor of some part of the scheme, we will make no further advance than we will have made when we leave off. I don't know whether it is my fortune or my misfortune that I don't own a foot of land on the Back Bay, so that my judgment would be warped in relation to a park. I do not know whether it is my fortune or misfortune that I do not own a foot of land in South Boston, and like my friend from South Boston do not live in any neighborhood where a park is to be established. I do not know whether it is my fortune or misfortune to live a long distance from the West Roxbury Park or any other park. Still, I will stand up here and advocate the whole scheme because I believe in it, and I do not care what speculator or landholder is benefited by it. I believe it is a scheme that will add to the wealth and prosperity of the city, and that alone is the reason why I advocate it.

The remarks of the Alderman from the Highlands [Alderman Fitzgerald] conveyed the impression that the Park Commissioners in their report admitted that parks are a *luxury*, and are not to be classed with water and sewerage. This, it appears to me, places the commissioners in a wrong position, because their report is based almost exclusively on the *necessity* of parks. On page 4 of their report we find the following:

"The commissioners have felt that the Back and South Bay parks were, in fact, matters of *prime necessity*, rather than choice, in a sanitary sense, and that no suburban parks, however beautiful and extensive, would at all compensate, either now or in future years, for the want of open spaces in these low and dangerous localities, bordering as they do upon the most densely inhabited parts of the city."

They regard parks as a necessity, and it is on that basis that their whole report is written. Again, on page 9—

"One of the strongest objections has been that Boston at this time should not increase its debt for any purpose not absolutely necessary. We think that the *necessity exists from a sanitary point of view*, and that the experience of other

cities proves that the question of cost need not stand in the way of immediate action."

They appeal to the citizens of Boston wholly because it is a measure of necessity. Again, on page 5—

"The scheme thus briefly outlined includes the two systems, urban and suburban, the former having water fronts on the harbor and the river, with intermediate parks; the whole designed mainly with reference to the *requirements of the public health*, but valuable also for the daily pleasure of the citizens; the latter, selected more with reference to the recreation of the people, will also, as the city grows, become *essential to the health* of the population then living in their vicinity. Referring to sanitary considerations, always paramount to such as are purely financial, the report of 1874 says, 'Nothing is so costly as sickness and disease; nothing so cheap as health. Whatever promotes the former is the worst sort of extravagance; whatever fosters the latter is the truest economy.'"

"The requirements of the public health," Mr. Mayor. If that is not a necessity I should like to know what a necessity is? Again on page 29, we find—

"The report on the sewerage of Boston (City Doc. No. 3, 1876, page 15) refers to this Back Bay region as follows:

"Between Dorchester Bay and Charles River we have a surface a thousand rods long, about half as deep at its widest part, and only six feet above extreme high tide. If this territory should be largely occupied by houses of an inferior class, thorough sewerage, at best a difficult matter, would be made even more so. A reservation of land, therefore, especially with an open water basin, as proposed by the late Governor Andrew, could not fail to be of great benefit to the city, in a sanitary point of view."

That, Mr. Mayor, is an expression of our great Sewerage Commission who made a report last year. No matter what is done in sewerage, if the Back Bay territory is allowed to grow up in a certain way sewerage cannot save them. I hope the chairman of the Committee on Improved Sewerage will take that into consideration. Again the commissioners, in referring to the Back Bay, say—

"This belt of land and water forever to be kept open, over which the prevailing winds of summer must pass before entering the town, cannot but have a good *sanitary influence* upon all that part of the old city lying to the eastward. A sufficiently broad opening has been made to Charles River to insure the free circulation of air at the northern end."

Now, after these positive statements of the Park Commissioners as to the *necessity of parks*, and also the extract given by them from the sewerage report, sustaining their position, let me give you the quotation from the report selected by Alderman Fitzgerald, to show that they look upon parks, as he looks upon them, as luxuries:

"In a limited sense, expenditures for parks are like those made for ornamental architecture and domestic decorations, and for amusements, theatres, music halls and other luxuries appertaining to modern city life; though, unlike these, the enjoyment of parks is freely shared by the whole community."

In a limited sense all great improvements are luxuries. The narrow-gauge road described so eloquently by the Alderman, as answering all the purposes of parks, running down to Revere Beach and conveying our crowded citizens to a spot where they can breathe fresh air, is a luxury. I have tried it and found it so from experience. I am afraid, however, that he has looked into this narrow-gauge road so much that it has warped his judgment, and that in consequence he fails to see in the well-developed scheme of the Park Commissioners something more worthy of the wealthiest city on this continent.

The Alderman has given us the number of unoccupied houses, but he fails to make a comparison with previous years. Let me do it for him. The number of houses in Boston and the number unoccupied on the 1st of May for a number of years have been as follows:

	Houses.	Vacant houses.	Valuation of vacant houses.
1876.....	39,804	2,159	\$11,782,700
1875.....	39,707	2,008	13,436,700
1874.....	39,106	1,626	10,704,000
1873.....	30,461	1,423	10,704,300
1872.....	29,736	1,253	9,265,600
1871.....	28,880	971	6,358,950
1870.....	27,457	812	7,684,800

It will be seen that the percentage of vacant houses does not vary materially. In fact, in May, 1876, the date at which the last count was made, the value of vacant houses was only \$11,782,000, against a valuation at the same time in 1875 of \$13,436,000, and the percentage was less in 1876 than the percentage of valuation for the previous four years. I believe it is due to the best interests of the city to make this comparison, because if the vacant houses are given for one year, solitary and alone, without a comparison with previous years, it conveys a wrong impression. This year, as near as I can learn from reports of the Police Department and from real-estate brokers, the number of vacant houses is less than last year. In all large and growing cities there must of necessity be more or less vacant houses, and the percentage appears to me small—only about five per cent. It certainly is not large enough to make capital of, or to show to the business world outside of Boston that we are going behindhand. Now, Mr. Mayor, as I stated when I arose, I believe we shall make no progress unless the gentlemen who are in favor of some portion of this scheme will be appointed a special committee to consider this matter during the one, two, or three weeks that they ask for. I should like to see—if I may be allowed to say so—Alderman Slade, Alderman Robinson and Alderman Thompson made a special committee of this Board to let us know what portion of this scheme they will go for; and then I believe we can do something. But if we postpone this matter for four weeks we shall come in here and start precisely where we began. I should make that amendment, Mr. Mayor, if it is in order, that the three Aldermen I named be a special committee to consider this matter, for one, two or three weeks if they desire, and make a report to this Board.

Alderman Fitzgerald—I am sorry that the few remarks which I made last Monday should have been the cause of so much uneasiness to the gentlemen who are in favor of public parks, or that the Park Commissioners should have been hurt because I quoted from their report. I quoted from their report, not because I thought they were any better judges whether parks were luxuries or necessities, than any other members of this Board or any citizen of Boston; but I quoted it as tending to confirm the opinion that I had formed in relation to parks. I still maintain that they are luxuries, and are not absolutely necessary to promote health and comfort as are water and sewerage in any large city. I was reading yesterday a very interesting article in a paper called the Nineteenth Century, published in London, in which was an essay upon contagious diseases, and, as tending to show how necessary drainage is to a city, it was stated that some years ago disinfectants were put into some of the main sewers of the city of London. The sewerage was so bad in all that section of the city that the disinfectant was perceptible in every house. It showed that the effluvia and gassy substances from the drains of the city are communicated to the air in every house, and that they fill the air which the people breathe, and of course must necessarily breed malarial fever, from which death will ensue. No such argument as that can be brought as tending to show the necessity of parks. I maintain, still, that parks are a luxury, and that with all their bias in favor of parks, the confession of the commissioners that parks are a luxury in a limited sense is a good confession from them. Now, what is the argument made use of to show the necessity of parks? There is a place called the Back Bay and another place called the South Bay which are in a terrible condition so far as drainage is concerned—*ergo*, parks are necessary. Because Back Bay and South Bay are in a bad condition, *ergo*, as an abstract question, parks are a prime necessity. There is no reasoning in it. It only shows that the Back Bay and South Bay are in a bad condition. It does not prove that parks are a prime necessity for the city of Boston. I mean parks in the abstract, and am not speaking of parks in any particular location. Now, the Alderman from the Highlands speaks of the number of occupied houses in the city, and he tells us that Boston is not in such a terrible condition. If his statistics are true, they show that the number of empty, vacant houses has been increasing for the last five years, and he gives what will probably be the result of this year. I wish he had voted for the order which I proposed, so that he could

have had the information without any approximate estimate. But, sir, the number of vacant houses does not show a deterioration of the property in the city of Boston. I appeal to every man here who owns property and ask him how many tenants pay their rent? I do not own a large amount of property, but I know that the little I do own does not pay me three per cent. after paying the expenses and repairs. And I am sure that last year it did not pay that. It is in South Boston, and is nearly all occupied. I appeal to the Alderman who comes from that section, who owns houses to some extent, whether real estate pays three per cent.

Alderman Burnham—Two.

Alderman Fitzgerald—It don't pay but two per cent. I appeal to the Alderman on my left [Alderman Wilder], and he will tell you that he owns some houses that have not paid him a dollar, because the people could not pay their rent. Never was Boston in such a terrible condition as it is today. Rents have gone down and are as low as they were before the war. You can hire a house today as cheaply as you could before the war; and although you let it as low as that you are not sure you are going to receive your month's rent. That has been my experience, and it has been the experience of the Aldermen to my right and left. I do not know what has been the experience of my friend opposite [Alderman Thompson]. He bows his head, which indicates that it is his experience, and I venture to say that it is the experience of every man who owns real estate in the city of Boston. Now, while our population has increased one hundred per cent. since 1860, our taxation has increased 206 per cent. That is the condition of the city of Boston, and that is why I am opposed to any park scheme, when this sewerage question has come upon us in order to drive miasma from the Back Bay and South Bay. But there is one thing I took special notice of in connection with this park question. The only person who took any notice of it was the Alderman from the Dorchester District. If Boston is to have a park that will be a benefit to the citizens, it should be the one proposed in Roxbury, and I was surprised that the gentleman who so ably advocated parks for the future health and happiness of the people of Boston, if he wished to behold the poor man starting out with his lunch in order that he may sit under his own vine and fig tree, so that he can call it his own, even if he cannot have paid for it, according to the argument of my friend on the left; I am surprised that they did not select the pleasantest place for a poor man's park—a place where they could ride or walk to commune with nature, and not with brick walls or mortar; where it would be a park indeed. I am surprised that nobody advocated what is the only park in the city of Boston where a man could walk in the cool of the evening. The only gentleman who has referred to it is my friend from the Dorchester District [Alderman Robinson]. I mean the West Roxbury Park, which is the only place in the city of Boston approachable by horse cars. The Metropolitan and Highland cars go right up close to it, and I am astonished that anybody advocated it but my friend from Dorchester. It seems to be the only location that approaches anything like Central Park, and yet, with all the anxiety which the advocates of parks have exhibited for amusing and instructing the people and giving them an opportunity to see nature improve by art, you never would have heard of it but for the Alderman opposite. The advocates of a park go down to the sickly district of the Back Bay and select a place for the poor man to eat his lunch and look over upon the \$75,000 houses and envy the people who live inside of them. That is a surprising thing to me. The West Roxbury Park can wait for a long time to come, they say; the other places can wait for a long time; but this sickly place down there must be bought. Nature must be seen in that mud; there is the place for the poor man to go for recreation and amusement. It struck me very forcibly that if I were an advocate of parks I should certainly advocate the scheme selected by the Alderman from Dorchester as affording the only place that will cost less to purchase and improve. Nobody thinks of that except my friend from Dorchester. Now, Mr. Mayor, I suppose that if the gentlemen who are in favor want a postponement of this matter, they will have it. They are a majority of this Board, I presume. But if they have any scheme, would it not be better to give it here, so that we shall know something about what

is going to be done, and that we may have it to think over during the next three or four weeks? I am more particular myself, because, if the park bill is going through, I wish to put in some amendments, in order to perfect it as nearly as I can. As a member of this Board, I suppose I have a right to do that. I intended to offer an order—

"That the Park Commissioners be requested to report to this Board the probable cost of the land to be used for the Back Bay Park, West Roxbury Park and the South Bay Park; also the probable cost of draining, filling and ornamenting said parks, and putting them in proper order to be used."

I think that is a legitimate subject to be inquired into in connection with this order. We ought to know how much it will cost—not only the lands, but the putting of the thing in such a condition as will make it pleasing to the eye and inviting to the poor persons for whom it is intended.

Alderman Clark—I am very glad to see that we are making some progress. I am glad to see that the Alderman from Ward 20 is in favor of public parks in some sections of the city. After one or two meetings I hope we shall be able to hear what he wants. He asks why the West Roxbury Park has not been recommended by the advocates of parks. Simply because the subject was recommended and recommended again, and he would have seen it if he had read the report. He would find that it has presented itself to the majority of the committee and that the advocacy of it here was not considered necessary. Mr. Mayor, the legal voters of Boston have declared in favor of a system of public parks. The only question is, where shall they be located? The commissioners have recommended certain localities, and among others are parks on the Back Bay and South Bay. They have given most excellent reasons for them, and they have been advocated by some members of this Board besides myself. And it has been shown that in these localities the increase of taxable property would in a very few years pay for the construction of the entire system of public parks. That, perhaps, is the only reason why the Back Bay and South Bay parks have been placed before this Board more prominently than the West Roxbury Park has been. The latter is a public park already. Very little money needs to be spent upon that locality to make a magnificent park. But the filling up of a territory like the Back Bay and the South Bay requires more explanation than perhaps the establishment of the park in West Roxbury or in Bussey Woods. I don't wish the fact to be lost sight of that the majority of the committee are in favor of adopting the entire system as recommended by the Park Commissioners, and are ready to vote for the entire project, or are ready to vote for the amendment offered by the Alderman from Dorchester, if that is all that can be done, although I should hope he would include the surroundings of Jamaica Pond. Now the building of this sewer which the Alderman is so anxious about, does not relieve the Back Bay and South Bay territory of the nuisance which exists over an area of 1000 acres at least. It will not improve the territory to such an extent as to disinfect the foul air from those thousand acres of marsh and flats, which are a disgrace to the city. That can be remedied, in my opinion, by just what the Park Commissioners have recommended—commencing this improvement which will lead individual enterprise to fill up that entire property, and making that 1000 acres become what the Back Bay, bounded by the Charles River, Arlington street and Dartmouth street, has been made by private enterprise.

Now, the Public Garden and the Common are guarded jealously by the citizens of Boston; and well they may be, for there is no spot of their size in this or any other country that is more beautiful. As I walked across them this morning the thought struck me, for what amount of money would the people of Boston part with that spot? I do not believe the people would part with the Common and Public Garden for twice the amount of the debt of the city, even calling it \$44,000,000; and when we reflect that those areas which we propose to take in the Back Bay and South Bay may be made as beautiful as the Common and Public Garden and their surroundings, I submit to this Board whether, while all the facts that can be obtained go to show that the improvement in the surrounding territory would pay for this improvement within the space

of fifteen or twenty years, in the increase of the taxable valuation of the property, to say nothing of the betterments—I submit whether it is not a subject upon which we ought not to take immediate action. But, as I said before, I am not quite sure but that the Alderman is coming around in favor of public parks. I hope we shall not postpone this subject for four weeks, because if we do it will not get to the Common Council until after its adjournment for vacation; and very little business is done after they come together in the autumn, except to get ready for the fall election. For one I am desirous of having a vote upon this question. I have had it upon my mind for the last five years. It has been recommended by every Executive we have had since the days of Mayor Gaston. It was recommended in the first inaugural of Mayor Cobb, and in each of his successive inaugurals; and it was recommended by your Honor. The public press were unanimously in favor of parks when they were recommended by Mayor Cobb. They advocated and indorsed the position which he took, and I am at a loss to know why some of them have changed their views. It seems to me that they are afraid that this is so popular a movement, and so much in the interest of the public, that they do not wish a Democratic City Government to inaugurate this measure, for fear that they will have too strong a hold upon the suffrages of the people. That is the reason, Mr. Mayor, in my opinion, why some of the journals oppose this measure today, for it is in the interest of the people. The rich and the poor have an equal interest in this. It does not propose to cater to one class more than another. All classes desire the establishment of public parks. They demand them, and will not be satisfied until they get them. Now, that may be, Mr. Mayor, why some of the public press oppose this measure to a certain extent at the present time, for I believe, with a single exception, it was advocated by the press as recommended by the late Mayor, and supported as a general thing by you. The public are in favor of parks. The only question is where shall they be located and to what extent. For one, I desire a vote from the members of this Board, so that we can know just exactly where we stand. I am prepared to vote for the amendment of Alderman Robinson. I did not suppose the order would pass this Board as recommended by the committee, and I had prepared another order which I hoped my friend [Alderman Thompson] would offer as a substitute for the one recommended by the committee. With your permission, Mr. Mayor, and with that of the Board, I will read it:

Ordered, That the City Treasurer be and he hereby is authorized to borrow, under the direction of the Committee on Finance, for park purposes, as authorized by chapter 185 of the Acts of 1875, the sum of \$1,000,000, which sum is hereby appropriated to pay for lands which may be taken by the Board of Park Commissioners by purchase or otherwise, under said legislative act, the bonds or certificates of debt to be issued in negotiating this loan to be denominated on the face thereof the "Public Park Loan," and to bear interest at a rate not exceeding five per centum per annum, and to be payable at such periods as the Committee on Finance shall determine; *provided*, that any and all purchases of land made under authority of this appropriation shall be confirmed by the City Council and approved by the Mayor before the final consummation of the purchase is concluded.

That, Mr. Mayor, would bring the whole subject back to the City Council. Not an acre of land could be taken without the consent of the City Council, approved by his Honor the Mayor; so that if the Park Commissioners should determine to take the West Roxbury Park, they would have to come to the City Council for approval, and the City Council would have control of the whole subject. It would not be in the hands of the Park Commissioners, but of the City Council, to say whether or not a purchase of land for parks should be made. I do not offer this order as a substitute, but I had it prepared, and I did hope that we should make progress enough to adopt it as a substitute, to say the least.

Alderman O'Brien—I hold in my hand the Proceedings of the City Council of 1875, and I will read an extract from a speech delivered on the park question:

"I will go further, and say that with all the draw-

backs in the city of Boston in regard to area, that little Common, with its 115 or rather its 49 acres, is more to the people in the shape of recreation and fresh air than are the thousands of acres in the Central Park of New York. And why? Simply because it is come-at-ible and easy of access. We want a park so near that the people, the laboring classes, can be benefited by it. The rich can take care of themselves in the heat of summer as well as in the cold of winter. We want it preserved among the poor people; we want it so near them that in five or ten minutes they can walk forth from their homes on a summer evening, after the labor or heat of the day, and get into the park, be it small or large. And that is why the Common is of so much utility to the citizens of Boston. It is easily reached from all parts of the city. The suburbs, as yet, need nothing of that kind. I have heard the gentleman from Ward 15 speak of the people of Boston and South Boston wanting to get recreation on a summer evening. Just fancy a poor man upon the South Cove, after his work is done, taking his children forth on a summer evening, marching to Corey's Hill, when the thermometer is up to 90°; just imagine these people of South Boston and the North End going forth on a summer's evening to enjoy the benefits of the park which Boston, in its wisdom and philanthropy, has furnished for the laboring classes. It is all well, sir, to put it down upon paper; but you will find that the public parks established upon that grand plan will not be so much benefit to the people whom you propose to benefit as it will those who can ride in carriages. If I am rightly informed, the parks of London are scattered through an immense city, and not in the suburbs, where you have to ride five or six miles to reach them. Is not that so?"

These were the remarks of Councilman Fitzgerald in 1875. He never appeals to the laboring man. He never brings up the rich, and makes a comparison with the poor. Why, here is a direct appeal to the poor man and to the laboring man, made two years ago; and yet he believes in this park in the suburbs.

Alderman Fitzgerald—I do not. I don't.

Alderman O'Brien—But, Mr. Mayor, he says that no man has stood up here and advocated the West Roxbury Park. I do not know what to think of myself, if after standing up here and advocating that park to the best of my ability, he now says the only man who advocated that park is the Alderman from Dorchester. He says that is a park beyond all parks, and he is surprised that no member of this Board stands up here and advocates it; and yet two years ago he said it would be a shame to send a laboring man to a park five or six miles away after a hard day's work.

Alderman Fitzgerald—In the speech which I made that night in the Council, I was opposed to parks; I am opposed to them now. In the speech that I made then I was speaking upon the supposition that I was a strong advocate of parks. If I was as strong an advocate of parks as is the gentleman [Alderman O'Brien] and the gentleman on the other side [Alderman Clark] the sickly region of the Back Bay would not strike me as the place; and I pictured what struck me as the proper place, in case I was an advocate of parks,—the Park in West Roxbury. He knows I would not vote for it. In reply to his remark about the reference in my speech to the poor man, I will say what I said was in answer to this same argument that it would be a benefit to the poor man, and that is why I introduced it in answer to the false argument that is continually brought up here. I did not first introduce it. If one had read part of my speech besides the extract, he might say I was trying to make capital of the poor man. The extract read alone would convey that impression, and the Alderman is trying to make a point upon it; and he can make the best of it. I was opposed to a park in West Roxbury in 1875, and I am opposed to it now. The speech I made in lauding the West Roxbury Park is the kind of a speech I would make if I were an advocate of parks as is the gentleman here and the gentleman opposite. That is the reason I was opposed to parks then and am opposed to them now. I introduced the poor man then in answer to arguments made by others. The Alderman could easily take an extract from my speech made here the other night and say I introduced the poor man, when in reality I was opposed to it. He has made a very good point, and he can make the most of it.

Alderman Slade—I want to renew the motion to postpone, but I will change the time to two weeks. I do not believe in this special committee. Let every man be a committee for himself, make a bill and report it in two weeks. I move that further consideration of the subject be postponed for two weeks.

The motion to postpone for two weeks prevailed.

Alderman Clark—I hope now that a special committee will be appointed. We have had this subject before us five or six weeks, and the Board are just as much divided in opinion as they were when the committee reported. That will be the result two weeks hence unless some committee is appointed to consider and report to the Board what they will be satisfied with. I hope the committee will be appointed, and that Aldermen Thompson and Slade will be upon it.

Alderman Wilder—And Alderman Burnham.

Alderman Clark—I move that a sub-committee be appointed to consider and report two weeks from today upon the subject of a location for public parks.

Alderman Thompson—It will be inconvenient for me to attend to this duty. I am engaged upon the army and navy monument business and that will take pretty much all my time between then and now.

Alderman Clarke—I hope he will be appointed so as to take his mind off the army and navy monument, for if we are desirous of having his services this year I think we must do something to relieve his mind of that subject. Furthermore we want to know how the Board stands upon this subject.

Alderman Fitzgerald—Take a vote upon it.

Alderman Clarke—I am ready, but it has been postponed. If the committee is not appointed we shall come together two weeks hence in precisely the same condition that we are in now—unable to agree upon anything.

Alderman Gibson—This committee would require more time to look it over, as they give only one-third of their time here. West Roxbury park would alone require a week to make up the figures. It will put a large amount on the tax bills, and we want to do only what is equitable. We want to know whether we are able to go into it now; and whether we have not got as many things on our hands as the taxpayers can carry out the next six years. Everybody knows that articles of necessity come in before luxuries. We have just put \$350,000 into a new schoolhouse and \$200,000 for the Mystic sewer. Then we shall need five or six millions to improve the sewerage, and within a few years I believe we have got to spend at least \$3,500,000 for a new court house. I believe it is admitted that all these are prime necessities. In nearly the same time the city will require a new House of Correction, to cost \$4,000,000—all articles of prime necessity. And with freeing the East Boston ferries—that is not a prime necessity—as I figure it up, there are about \$16,000,000 of prime necessities that we will require in the next five years, and which we cannot get along without. This park scheme could not be carried out for less than \$15,000,000; and besides the cost of the land and improvements it will require at least fifty policemen and the Committee on Common would have to call for \$350,000 a year to keep the flowers in order. I do not see how we can afford to invest in such luxuries in this great depression when the citizens of Boston are hardly paying their expenses, but are living upon the accumulations of the past. Many who were considered rich three years ago are not worth a dollar today. I should be willing to go into a park if it was suitable. The city owns the Chestnut Hill driveway, and why that is not taken into the scheme is a mystery to me. The only reason I can assign is because nobody but the city owns the land. That section is better fitted for a park than any in New York or Philadelphia. I undertake to say we could get a thousand acres at the reservoir and carry the people out there free, running a train every thirty minutes, and it would not cost a quarter of what this scheme will. There you have land and water, just as fine a situation as can be selected, and far nearer the centre of population than are the parks of New York and Philadelphia. There is no comparison between New York and Boston. New York lives entirely below the park, and the park is the only green patch they have, except Union square and a few spots where they do not allow the poor to go. We have horse railroads and



eighteen avenues, and people can go to every section they please. If we could make one grand park without continually having to add to it I would be willing to go into it; but I don't believe a committee can look the whole subject over in so short a time.

Alderman Robinson asked to be excused from serving on the sub-committee, as he would be busy in the Paving Department.

Alderman Clark said he was glad Alderman Gibson had referred to the Brighton Park, which showed he had not read the report of the commissioners or the committee, because it is one of the most beautiful parks recommended by the committee, with ravines, rocks and trees all ready, at the very small expenditure of \$400,000, more or less. But there are so many opinions as to where parks should be laid out, that it is almost impossible for any one to advocate one certain locality without being charged with being interested in real estate or something of that kind. He did not wish the fact lost sight of that the majority of the committee favor the entire scheme as recommended by the commissioners. He did not like to see members skirting responsibility.

Alderman Burnham thought Alderman Gibson's figures about the prime necessities were not easily wiped out. As he had said before, the "must be" is already stamped upon the Back and South Bay territories, and he did not see why they should not be considered as one of the prime necessities in connection with parks.

Alderman Thompson did not like the charge of shirking responsibility. He contended that Alderman Clark's rosy picture of Boston's prosperity was not true to the life. It was only a few days ago that the owner of a Chauncy-street store was offered \$50 a month for it, and another store was offered for sale, but a bid on it could not be obtained. The Alderman instanced other cases of sales of property at depressed prices.

Alderman Clark said his statistics were of sales actually made. The stores in Chauncy street were only put in temporarily after the great fire, and could not be expected to maintain their high rents.

Alderman Fitzgerald thought Alderman Clark had so long been giving such rose-colored views of Boston's prosperity that he actually believed them. If Boston were prosperous he would not hesitate about parks. The system of the commissioners is an excellent one, but he could not vote for it because of the state of business. He was surprised at the paternal feeling manifested by Alderman Clark for the welfare of the Democratic party. He thought the public press a true indication of public sentiment, and they feel that the people are unable to bear the burden. Nobody opposed parks as parks; but he simply opposed parks at the present time.

Alderman Clark said the press, as a whole, are not opposed to parks. The most enterprising paper in Boston, and as enterprising as any in the United States—the Boston Herald—is a strong advocate of parks. The Traveller, the Globe and the Post are advocates of parks at present; but some of the papers who were in favor of parks as advocated by the late Mayor are now somewhat equivocal upon the subject, to say the least.

The motion for a special committee was lost—5 for, 7 against.

#### DOVER-STREET BRIDGE.

Alderman Thompson submitted a report from the Committee on Bridges, representing that Dover-street Bridge had been reopened, which necessitated the reestablishment of the salary, and they recommended the passage of an order—That the salary of the Superintendent of Dover-street Bridge be established at the rate of \$2500 per annum, beginning April 1, 1877, and continuing until otherwise ordered; the said compensation to be in full for the services of himself and assistants. Read twice and passed. Sent down.

#### TRANSFER.

Alderman Slade submitted a report from the Committee on Market recommending the approval of transfers of lease of estates 53-55 Faneuil Hall Market, by C. & O. Rice, to John J. Ware; and by J. H. Russell, 17-19 Faneuil Hall Market, to G. H. Russell. Accepted.

#### LAND DAMAGES.

Alderman Clark submitted the following from the Committee on Streets on the part of the Board: Order to pay Hattie B. Prescott \$324 for land

taken and damages occasioned by the widening of Mill street. Read twice and passed.

Report and order for hearing on June 19, at 4 P. M., on petition of Boston Land Company for assessment of damages by location of Winthrop & Point Shirley Railroad. Order passed.

#### WALES-STREET DRAINAGE.

Alderman Viles submitted a report from the Committee on Sewers that it is inexpedient to take action upon petition of Laban Pratt and others, that Wales street, Ward 24, be provided with drainage facilities.

Alderman Clark asked what it was proposed to do, as some drainage should be provided.

Discussion ensued. Aldermen Viles, O'Brien and Gibson explained that the land was high, distant from sewerage, and could not be drained short of an expense of two or three hundred thousand dollars. The residents themselves petitioned in order to get some suggestion from the city authorities.

Aldermen Robinson, Slade and Fitzgerald, of the Paving Committee, concurred in the opinion, saying the residents had put in water before they had drainage, and were overrun.

Alderman Clark said his object in asking the question was to obtain information. He doubted whether the city was not bound to furnish them drainage.

Alderman Wilder suggested that they had had a report from an able committee, and while he highly respected Alderman Clark's views on Crocker he preferred the opinion of the Sewer Committee on Drainage.

Alderman Clark fully coincided with Alderman Wilder; and if the latter had made any further investigation in regard to the abattoir, he would like to have him report to the Board what the Board of Health found out there last week.

The report was accepted.

#### CLAIMS.

Alderman O'Brien submitted the following from the Joint Committee on Claims:

Reports of leave to withdraw on petitions of Mary Coulter, for compensation on account of personal injuries occasioned by a fall on sidewalk, and Catherine Driscoll, for compensation for personal injuries by fall on Orleans street. Severally accepted. Sent down.

#### PUBLIC PARK MEETING.

Alderman Clark presented a petition from Nathan Appleton and others, asking for the use of Faneuil Hall, June 6, for a public meeting in favor of public parks. Referred to Committee on Faneuil Hall.

#### PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Orders to remit taxes of 1876 on lots No. 4 West Brookline street, No. 154 Shawmut avenue, and 25 Olivcr street, said lands having been forfeited for breach of conditions of sale. Severally read twice and passed. Sent down.

Whereas, the City of Boston now owns certain of the fourteen lots abutting on Winship place, so called, and shown on a certain "plan of land appurtenant to Agricultural Hall, Brighton, to be sold at public auction on the 23d day of October, 1844, Joseph Bennett, Surveyor," recorded with Middlesex South District Plans, Book 1, Plan 49, and which were conveyed by the Massachusetts Society for the Promotion of Agriculture to various parties by deed recorded in said Registry of Deeds; and whereas each of said deeds contained a condition in substantially the following terms, namely: "Upon condition that the said grantee, his heirs and assigns, shall pay their just proportional share of the expense of keeping at all times in good order and repair the said avenue, place and circular plot, and such of the fences enclosing or abutting the same as do not form the boundary of any one of the said fourteen lots"; and whereas it is represented that said society is willing that such conditions should be released in such manner that there shall not be any liability to forfeiture for any past or future breach of said condition, but that the same shall remain in force only as a restriction, easement, or covenant, running with the land, or otherwise, so that the same might be enforceable in equity; it is therefore

Ordered, That the Mayor be and he hereby is authorized, for and in behalf of the City of Boston, to sign a request for the release by said society to the corporations or individuals holding title under said deeds to said fourteen lots of land of that portion of said premises by them respective-

ly holden, according to their respective titles, and all the said conditions and all right of equity for past breach or breaches thereof.

Read twice and passed. Sent down.

#### POLICE FOR BATH HOUSES.

Alderman Viles offered an order—That the Chief of Police be directed to detail a police officer for attendance at each public bath house in this city from June 1 to Sept. 30, until otherwise ordered.

Alderman Robinson moved that the order be laid on the table.

Alderman Viles said it was customary to detail the officers for this purpose. The usual amount was stricken from the police appropriation, and as the Bathing Committee had no money for it they were required to come to this Board.

Alderman Robinson said men could be obtained for \$2.50 a day without calling on the police when they have extra duty because of the vacations.

Alderman Viles said the Bathing Committee tried to get the appropriation through for the Police Committee, but they could not, and now they must call on the Board for the men.

Alderman Robinson said it was not proper to have part of the expense of baths charged to the police appropriation; but the committee should show just how much each bath cost.

Alderman Slade said he could not see why any department should be particular about not paying for work in other departments. The city don't care which appropriation it comes from.

Alderman Clark concurred in the view of Alderman Viles, and Alderman Gibson thought some of the old policemen could do the duty.

After further discussion on the same points the motion to table was lost and the order was passed.

#### SUPERINTENDENT OF LAMPS.

Alderman Fitzgerald moved to take from the table the Executive nomination of James K. Fagin as Superintendent of Lamps, and called for the yeas and nays. The motion was lost—yeas 2, nays 10.

Yeas—Aldermen Fitzgerald, O'Brien—2.

Nays—Aldermen Breck, Burnham, Dunbar, Clark, Gibson, Robinson, Slade, Thompson, Viles, Wilder—10.

Adjourned, on motion of Alderman Thompson, to Tuesday, June 5.

## CITY OF BOSTON.

Proceedings of the Common Council,  
MAY 31, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## MISCELLANEOUS PAPERS FROM THE BOARD OF ALDERMEN.

Reports of city officers were placed on file.  
Petitions were referred in concurrence.  
Reports of leave to withdraw on petitions—  
Of Mary Coulter, for compensation for injuries from a fall on sidewalk.  
Of Catharine Driscoll, for compensation for injuries from a fall on Oliver street.  
Severally accepted in concurrence.  
Orders to remit taxes on forfeited estates for 1876, viz.:  
No. 154 Shawmut avenue.  
Lot 4 West Brookline street.  
Lot 25 Oliver street.  
Severally ordered to a second reading.  
Order to pay at the rate of \$500 per annum the assistant in City Architect's office, heretofore paid at the rate of \$1 per day. Ordered to a second reading.

## STONY BROOK IMPROVEMENT.

An order came down for a special committee, consisting of Aldermen O'Brien and Dunbar, with such as the Council may join, to take into consideration the reports of Street Commissioners and Board of Health upon improvements of Stony Brook.

Mr. Perham of Ward 25—As this is a very important matter, I move that the committee on the part of the Common Council consist of five members.

Mr. Blodgett of Ward 8—I move to amend that motion, by referring it to the Joint Special Committee on Improved Sewerage.

Mr. Clarke of Ward 22—I hope that motion will not prevail, for the reason that there are members of the Council who are well acquainted with the troubles in the Stony Brook Valley, and if a special committee is appointed it seems to me that they can make their report upon this sewage running into the Back Bay, and also at the same time take into consideration the sewage of what is called Muddy River, which also flows into the Back Bay by the outlet of Stony Brook. In my section of the city the whole sewage is emptied into Muddy River, which passes under Brookline avenue about half way down the line to Beacon street into the Back Bay, and there it flows all the sewage of that section, and the section above Brookline avenue into the Back Bay. If a special committee take this matter into consideration they can make such a report as would be satisfactory to the Committee on Improved Sewerage, and would cover all that territory which requires immediate attention, rather than have to wait for the project of a main sewer which is now before the Committee on Improved Sewerage. It is a matter for the temporary relief of those portions of the city, and a special committee can take it up independently of the question of improved sewerage, and if the latter committee find that it interferes with their plans, we can discuss the matter when it comes up. It looks to me as though it ought to go to a special committee for immediate consideration.

Mr. Coe of Ward 23—I concur with the remarks of the gentleman last up, that this matter should go to a special committee. As he has said, it is a matter of very great importance, and it is necessary that a special committee should be raised to take it into consideration. The Committee on Improved Sewerage have their hands full, and I hope it will not be disposed of by reference to them.

Mr. Blodgett of Ward 8—The gentleman from Ward 22 says it ought to be referred to a special committee who have nothing else to do, and I agree with him in that. The Joint Special Committee on Improved Sewerage have met once this year and organized; that is all the meeting they have had, and I very much fear we will not have anything more to do unless we get something more. I think this is part and parcel of the business that is before them and should be referred to the same committee, who have nothing else to do but attend to it.

Mr. Ham of Ward 14—It seems to me there are already two committees of the City Council on sewerage. If any more are created they may conflict, and perhaps the city's interests will suffer in consequence of it. I think the Joint Special Committee on Improved Sewerage is the proper committee for that purpose.

The motion to refer to the Joint Special Committee on Improved Sewerage was lost by a division—15 for, 25 against.

The motion to make the committee consist of five on the part of the Council was adopted and the order as amended was passed. Messrs. Brown of Ward 23, Flynn of Ward 13, Pratt of Ward 21, Wilbur of Ward 20, and Thorndike of Ward 2 were appointed on said committee. Sent up.

## CHELSEA BRIDGE.

Orders came down to procure certain releases of claims against city on account of construction of Chelsea Bridge, etc., and an agreement that the city may occupy specified land, etc.; authorizing claims of the city to be released, and rescinding stated orders on the subject.

Mr. Thompson of Ward 9—Can any one give an explanation of this order, tell who offered it and why it has been introduced?

Mr. Richardson of Ward 10—I do not rise to offer any information, but I see it is a matter of very great importance. Any one who reads the order will see that it involves the release of property amounting perhaps to several hundred thousand dollars. Unless that matter has been referred to a committee who have reported upon it, I should certainly desire more information upon it. It involves the repeal of orders passed in 1875 and 1876, and the taking of releases, and I cannot vote for it without more information. I move that it be referred to the Judiciary Committee.

The motion prevailed.

## NORTHAMPTON-STREET DISTRICT.

A report and order came down to pay to Joseph Hunneman and others, \$16,451.90, in settlement for estate surrendered on Hunneman street, as therein set forth.

The order was passed to a second reading.

Mr. Clarke of Ward 22—I move a suspension of the rule, that the order may take its second reading tonight, for the reason that some of the Hunneman heirs, who live at the West, are at present in this city, and desire to return home. This matter has been before the Committee on Public Lands for the last two months, and it is very desirable to settle it at the present time.

The rule was suspended and the order was passed in concurrence.

## SALARY OF SUPERINTENDENT OF DOVER-STREET BRIDGE.

A report of the Committee on Bridges of the Board of Aldermen came down, with an order to fix the salary of Superintendent of Dover-street Bridge at rate of \$2500 per annum from April 1, in full for services of himself and assistants.

Mr. Danforth of Ward 12—Have the duties of this Superintendent been increased? His salary has heretofore been \$1400; that sum was recommended by the Salary Committee, and I thought the Retrenchment Committee recommended the same. Without his duties are greater I should oppose an increase.

Mr. Flynn of Ward 13—At the time the salary was \$1400 there was a draw which two men could swing off; now it is a double draw and he is obliged to employ two men to do the work. The work is double what it was before.

Mr. Reed of Ward 17—If the gentleman will look at the report of the Retrenchment Committee he will find that they left that salary till the bridge should be finished.

Mr. Thompson of Ward 9—In fixing the salaries of the several city officers, the Council adopted the report of the Retrenchment Committee, so that we have in general their judgment upon what salaries should be paid. I think we should keep the same standard, for if we change and take the judgment of another committee it may be felt that the other superintendents have been treated unfairly. For the purpose of getting their opinion upon it, I move that the subject be referred to the Retrenchment Committee.

Mr. Spenceley of Ward 19—I hope this will not be referred to the Retrenchment Committee. When the gentleman last up wants to make a good joke he moves to refer a matter to the Retrenchment Committee; and if a salary comes up he wants it referred to—

Mr. Thompson—I beg pardon for the interruption; but I do not see what ground the gentleman has for the remark. I made the motion in earnest.

Mr. Spenceley—I think the Retrenchment Committee did their work well. This matter has been brought to our notice, and I do not see why every salary established by the City Council should go to the Retrenchment Committee. I believe we ought to pass it as it is, and not have this salary dilly-dallying about a week or two in order to please somebody.

Mr. Thompson of Ward 9—The Special Committee on Retrenchment has for this year taken the place of the Committee on Salaries. In the routine of an ordinary year, the salary of any officer would be referred to the Salary Committee, who are supposed to be acquainted with the standard upon which salaries should be fixed. This year the City Council chose to adopt the standard of the Retrenchment Committee instead of that of the Salary Committee. The gentleman may think, because I have made this motion several times, that I intended it as a joke. It is not so. It is necessary, in a parliamentary body, to transact business properly, and any matter that comes in here should be referred to the proper committee. This year our Salary Committee is the Retrenchment Committee, and it is proper that they should apply their minds to the standard of this salary. If, in their judgment, they say that \$2000 is sufficient for this man, that should be his salary, because if we give him proportionately more than we do the other bridge superintendents it will be unfair. They have settled in their minds what is the fair standard of salaries for these officers, and we know by the report of the Committee on Salaries that their standard is considerably higher; and if we should refer it to them I would expect that they would put it about ten per cent. higher than the keepers of the other bridges. It is not the duty of the Committee on Bridges to fix salaries, and I do not believe the Committee on Retrenchment is the proper committee to consider this subject.

Mr. Mowry of Ward 11—I would like to ask of the gentleman from Ward 13 how much the Superintendent has to pay for his assistants, and what are the duties of this Superintendent in comparison with those of others?

Mr. Flynn of Ward 13—The number of vessels which pass through Congress-street and Broadway bridges is ten times greater than through this, and the salaries there are only \$300 more than have been reported by this committee, and there is the same number of assistants to employ. I think myself the salary is too high.

Mr. Ham of Ward 14—The new bridge over Dover street is similar to the one that has been in operation for two or three years over Federal street. It is a double draw and two horses are required to work it. On Federal-street Bridge the salary has been \$3000, and the Committee on Retrenchment recommended that it be reduced \$300. The expense of running Dover-street Bridge is the same as Federal street, and it seems to me that the salary is not too high.

Mr. Clarke of Ward 22—I do not understand that this matter has come from any Salary Committee, and I should like to inquire what committee makes this report?

The President—The Committee on Bridges of the Board of Aldermen.

Mr. Mowry of Ward 11—As long as there are some doubts about the propriety of establishing this salary, it seems to me it would be as well to let it go to some committee to investigate. I hope it will be referred to the Retrenchment Committee, as that is virtually the Salary Committee of this year.

Mr. Clarke—It seems to me it ought to go to the regular Salary Committee. I do not see why they should be ignored in all matters that come before the City Council relating to salaries. In years before they have usually been referred to the Standing Committee on Salaries, the members of which are capable of attending to their duties. Since the Retrenchment Committee have made their report, matters relating to salaries have been referred to the Salary Committee, and the Council ought to have confidence enough in them to refer it to them. I move that it be referred to the Salary Committee.

Mr. Spenceley—Just a single word. This matter has been before the Committee on Bridges, who know all about the salaries paid the different draw-tenders. I presume they have investigated the subject and can just as well decide how much this man ought to be paid as any committee we

have here. To refer it will only be putting upon another committee work that has already been done by the Bridge Committee. I am acquainted with some of the members of that committee and do not think they would vote to pay this man more than is paid other superintendents. As they have had all the facts before them, it is well enough as it is.

The motion to refer to the Salary Committee was lost, and the subject was referred to the Retrenchment Committee by a division—30 for, 16 against. Sent up.

#### VACATION SCHOOLS.

The order for a transfer of \$2000 from the Reserved Fund for the establishment of vacation schools came down with an amendment that the expense be charged to the appropriation for Public Instruction.

Mr. Wolcott of Ward 11—I hope we shall not concur in the amendment that comes down to us from the Board of Aldermen. The nature of and reasons for this scheme for vacation schools were very fully explained to the Joint Committee on Public Instruction by a member of the School Committee, and the reasons for them seemed so cogent that I believe every member of the committee from this branch voted to approve the order. The chairman read a letter which he received from the Superintendent of Schools in Providence giving the result of a similar experiment tried there, which was begun in the face of considerable opposition, and was finally carried by a small majority. It was carried on six weeks, and it was then found that 1100 children had attended at an expense of \$1600, or a little over \$1.50 for each child. The result commended itself to the hearty approval of all. I would remind the Council that a very great reduction was made in the appropriation for school expenses, which was deemed the maximum reduction possible. I voted with some unwillingness for the whole amount of the reduction, believing that it would not impair the efficiency of the schools, and that a reduction was needed at the present time. The action of the Board of Aldermen will, I think, if concurred in, be equivalent to the indefinite postponement of the whole matter; and I hope we shall insist upon our original action and non-concur in the amendment.

Mr. McGaragle of Ward 8—I hope we shall not concur in the order as it came from the Board of Aldermen. There is no doubt we crippled the appropriation for the School Committee very largely; but in addition to that, there is to be a musical festival at the Tabernacle, which required a large amount of printing, and the noble-heartedness of the School Committee in furnishing members of the City Council with two admission tickets to that place has no doubt crippled their funds. Although I think the vacation schools are not needed, still, I think the appropriation will be crippled by the amendment; and I should hope that we will non-concur with the Board of Aldermen on account of the magnanimous manner in which the School Committee have treated the members of the City Council.

The Council non-concurred in the amendment. Sent up.

#### PLAYGROUNDS.

A report and order came down to transfer \$2000 from the Reserved Fund to provide playgrounds.

Mr. Howes of Ward 18 stated that if anything was to be done this year it is about time that it should be started, and on his motion the rule was suspended. The order was read twice and passed, in concurrence—yeas 54, nays 1; Mr. Morrill voting nay.

#### RELEASES ON WINSHIP PLACE.

A preamble and order came down for the Mayor to sign a request for a release of conditions by the Massachusetts Society for the Promotion of Agriculture to those holding titles, under the deeds referred to therein, to fourteen lots of land on Winship place, as therein set forth.

The order was read twice and put upon its passage.

Mr. Howes of Ward 18—Has any committee examined into the merits of the case?

Mr. Clarke of Ward 22—That matter came before the Committee on Public Lands, who reported it to the City Council, recommending that the Mayor sign the releases.

Mr. Mowry of Ward 11—I move that it be referred to the Judiciary Committee. I see there are several conditions annexed to the releases, and they may be of some importance.

Mr. Crocker of Ward 9—I did not exactly hear the reasons given for referring it to the Judiciary Committee; but I would state that it came before the Committee on Public Lands, of which I am a member, and I believe it is a very simple matter. Certain lots were conveyed to various parties subject to conditions about a certain way, and the city of Boston has become the owner of one of those lots. In order to get mortgages upon their lots, some of the parties desire to get the conditions removed from their lots; and the parties who put the conditions on are willing to release them if all the owners of lots unite in the request. All that it is proposed to do is that the city join in the request to have them removed. If granted it cannot harm the city, but it will benefit the city's lots as well as those of other people. As I said, some of the parties are waiting to get mortgages upon their lots.

Mr. Mowry—What is the nature of those conditions?

Mr. Crocker—The conditions, as stated in "the order on page 379 of the proceedings of the last meeting of the Board of Aldermen, are as follows:

"Upon condition that the said grantee, his heirs and assigns, shall pay their just proportional share of the expense of keeping at all times in good order and repair the said avenue, place and circular plot, and such of the fences enclosing or abutting the same as do not form the boundary of any one of the said fourteen lots; and whereas it is represented that said society is willing that such conditions should be released in such manner that there shall not be any liability to forfeiture for any past or future breach of said condition, but that the same shall remain in force only as a restriction, easement, or covenant, running with the land, or otherwise, so that the same might be enforceable in equity."

It certainly cannot hurt anybody, and must benefit all the lots, one of which the city owns.

The motion to refer was lost, and the order was passed in concurrence.

#### UNFINISHED BUSINESS.

Order to remit taxes on forfeited estates, viz.:

For 1874—124 West Castle street.

For 1875—Albany, corner of East Nowton street. Severally passed in concurrence.

Order to make agreement with the New York & New England Railroad Corporation for rebuilding bridge over Cottage street, and to relieve the city from rebuilding or maintaining said bridge. Passed in concurrence.

Order to provide a wardroom for Ward 24, more centrally located than the present one. Passed. Sent up.

Order to erect a brick primary schoolhouse on city lot, Weston street. Passed. Sent up.

Order to erect a temporary building for school purposes on city lot at Eggleston square. Passed. Sent up.

Order to report ordinances to give effect to chapter 126, statutes of 1877, relating to explosive compounds. Passed. Sent up.

#### POLICE FOR LICENSE COMMISSIONERS.

The order for fifteen men from the police force to be detailed for permanent duty at the office of the License Commissioners, to be paid from receipts for licenses, was considered under unfinished business.

Mr. Thompson of Ward 9 moved to amend by adding "and to be discharged when their services are no longer needed by the License Commissioners."

Mr. Thompson—I have taken some pains to look up the facts in regard to this matter, during the past week, and I think they are substantially these: Last year and the year before, the License Commissioners employed a number of men who acted as the detectives for the office. The number varied from fifteen to five; they employed fifteen during the busiest season, and when their services were not so much needed part were discharged. When the Retrenchment Committee made their examination, only five men were in the employ of the License Commissioners, and the committee recommended that these five men be discharged, they considering their services unnecessary; and City Council concurred in the recommendation of the committee. There now comes to us from the Board of Aldermen an order which needs to be considered in connection with an order previously passed by that Board. The Aldermen have power to fix the number of policemen and have adopted an order—

"That until otherwise ordered the maximum number of members of the Police Department of all ranks be fixed at 715."

This increases the permanent police force. Then follows the order now before us—

"That the Chief of Police be directed to detail fifteen men from the police force for permanent duty at the office of the License Commissioners; the expense to be paid from the receipts for liquor licenses."

This, then, is really an attempt to increase the police force under cover of supplying the needs of the License Commissioners, and the effect will be that, after the requirements of the commissioners have been fulfilled—which, judging from the experience of last year, would be within a few months, when ten of these men might be discharged—these men would become permanent members of the Police Department—under the direction and control of the Chief of Police. The License Commissioners would no longer require their services, but they would not be discharged; they would be retained for the use of the Police Department. Now, if it is proposed to increase the number of policemen, let that question come before the City Council to be investigated and decided upon. But that is not the way in which this question is placed. Here is a case, they say, which calls for special action. We are going to change the policy of the past, when we employed men in citizen's clothing who could come upon people doing business without license, and if there was a breach of the law they could find it out. Now, it is not to be presumed that men doing business without license would be such fools as to commit breaches of the law openly in the presence of men with the city police uniform on; and it seems to me that the usefulness of those men will be wiped out by being in uniform, and if the question were here upon its merits that point might be discussed. But there seems to be a feeling that the License Commissioners are entitled to have some men, and I think that all they can ask for is to give them the men for such time as they need them; and for that purpose I put in my amendment, so that fifteen men should be detailed from the police force, and when their services are no longer needed they should be discharged. The Board of Aldermen have confirmed the appointment of fifteen men for that purpose; and the only question is, Shall we increase the police force so that those who come after us will find 715 men on the permanent pay-roll instead of 700? In its present form the increase is not merely to meet the requirements of the commissioners. The license bill may be repealed next year, and if it is, that would not do away with these fifteen policemen, for the order fixing the maximum number would not have been rescinded; and although the appropriation is made from the receipts for licenses this year, next year the appropriation for Police will have to be increased to meet the demand for these fifteen men. I hope the amendment will prevail.

Mr. Spenceley of Ward 19—I should like to know what the Council has to do with discharging those men, or adding an amendment like that, providing for their discharge. As I understand, the Board of Aldermen have already passed an order increasing our police force fifteen men. We can concur with them in providing for the pay of these men from the liquor licenses, and when their work under the License Commissioners is done, they will go back into the police force, and the chief can put them where he has a mind to; but that we have anything to do with that, is simply nonsense. We have nothing to do with it whatever. As I have said before, I believe it to be right that we have nothing to do with discharging those men. The Aldermen have voted to increase the force, and they send this order to pay the men for the time being from the receipts for liquor licenses. If we adopt the amendment we will send it back to the Aldermen, who will send the order back again to us, and there we shall be dilly-dallying along. I believe the License Commissioners have started out with the idea of carrying this law into effect, and I am willing to give them all the help they need. They say that if they don't enforce it the fault will be with the City Council. Now, I do not believe in a license law; but if we have one upon our statute books, and the commissioners ask for help to carry it out, I think we ought to give them the force necessary to do it. They ask for fifteen men, whom it is proposed to

detail from the police force; and when their work is done they can go back to their regular duty upon the force.

Mr. Ruffin of Ward 9—I have noticed, Mr. President that when any matter comes before us affecting the License Commissioners, it has always seemed to me that we have acted unfairly with that board, who are on the same footing with other boards of the City Government. There seems to be a prejudice against them. That is the way it appears to me. Sometimes it has seemed to partake of personal considerations; at other times members have allowed their feelings upon the matter of temperance or intemperance to have an effect upon their views on this question. We have reduced the salaries of the commissioners from time to time until now it seems to me we have got it down too low to make them an effective and efficient board. I look upon this board as not less important from a pecuniary standpoint than any other commission in the city of Boston. They bring a large amount of money into the city treasury from the licenses which they sell. We ought to make them as efficient as we can, and we ought to see that they have a force to collect as much money as they can. By a former vote we concluded to accept the provisions of the act passed by the Legislature and to allow persons to be licensed to sell liquor in this city. Now, let us make provision that every person selling liquor shall have a license and that the treasury shall not be defrauded of a large sum of money. In order to do that they must have an efficient force of policemen to assist them. I think it is important for another reason: When the prohibitory law was in force you remember we had a State police who enforced the law in this city, and that our local force under the Chief of Police had very little to do with it. All prosecutions were under the control of the State Constables in Pemberton Square, and they became very unpopular with the citizens of Boston, who thought it an interference with their city affairs. We thought our local force was capable of enforcing all the laws of the State, and that a State force ought not to be sent into the city. Now we have control of this matter. The State force do not make many prosecutions. That is done by the local police. Let us keep it there. If we want to avoid what the citizens of Boston look upon with horror—the appointment of a metropolitan police force by the State—you better see that your own police officers execute the laws of the State. In order to do that, the commissioners say they want fifteen men; and I contend that that is none too many to carry out the law. Let us give them all the force they require and in the manner indicated in the original order; and if we find that they have not enough, let us give them more. It is no use to talk about any other method or any other time; it should be done now. Somebody has said that their duties will cease in a few days. They will not. Violations of the terms of the licenses are occurring almost every day. Somebody must be prosecuted for selling liquor unlawfully, and no better persons can be found to do that than the regular police of Boston, wearing the uniform of police officers of the city. I am heartily opposed to having persons in detectives' clothing going into people's back yards. There are many evils connected with the system, like we had a few years ago, when men went about receiving pay from the State. Let those who enforce the license law be under the control of Chief of Police Savage, and let him and his whole force cooperate with the License Commissioners in trying to make this law as effective as they can.

Mr. Flynn of Ward 13—Were it not for the fact that the salaries of these fifteen men are to be paid from the revenue accruing from licenses, this matter never would have come before the Common Council at all. The Board of Aldermen have power to appoint as many police officers as they see fit; but in this case they save the salaries of the officers by deducting the amount from the revenue from licenses granted by the commissioners. Last year, the gentleman says, ten or twelve men were discharged. They were never appointed with the consent of this Council; they did not come here and ask permission, as in this case. There are many members of this Council from the suburbs who think that more men are needed. I know they are in South Boston, and I think they are in Dorchester. I have heard from members out there that

citizens have employed private watchmen to protect their property. I hope the order will not be amended, but be passed as it came from the Board of Aldermen.

Mr. Thompson—The gentleman from Ward 19 has changed his opinions somewhat since the passage of the retrenchment orders. He was not so anxious then that the License Commissioners should have all the force they asked for; on the contrary he voted for the discharge of the five officers they had, and now he is in favor of giving them fifteen. The gentleman from Ward 13 has raised the question which ought to be, but which is not presented here, and that is, is it necessary for the proper police regulation of Boston to employ fifteen additional officers? It is true that this body has nothing to do with the appointment of police officers, and that the Board of Aldermen can fix the force at such number as they please. But fortunately this body has some control over the appropriation; and although the Board of Aldermen can appoint, they have to come to us for the pay of the men, and the appointment is of no value unless we consent to the payment. The appropriation for the Police Department was passed upon the Retrenchment Committee's recommendation, provided for the pay for the number of officers which we then thought proper. Since then, the Board of Aldermen have decided to increase the police force, and for the purpose of obtaining the means to pay them have called upon us to join in making an appropriation of the fees received from licenses. The gentleman from Ward 13 says that if the police officers are so paid, the money will be saved to the city; but how? If it is not used for this purpose it will remain in the treasury and the taxpayers will be saved just that amount.

Mr. Flynn of Ward 13—One-half of the revenue from licenses goes to the State.

Mr. Thompson—I believe that one-fourth of the total receipts go to the State, and from the other three-fourths we pay such expenses as are properly chargeable to them; and the balance goes into the city treasury. I have the appropriation bill in my hand:

"The amount of expenditures for salaries of commissioners, clerks, and all other expenses connected with the issuing of liquor licenses, to be defrayed from the amount of fees received for licenses; all excess of revenue over expenditures to remain in the treasury, at the close of the financial year, subject to the order of the City Council."

So that the less you vote for any outside purpose like this for the payment of the police, just so much more money will there be in the treasury on the 1st of May, 1878, and just so much less money will you have to raise by taxation.

Mr. McGaragle of Ward 8—How much less is it proposed to pay the fifteen officers this year than last year?

Mr. Thompson—I make no comparison with what was done last year in regard to salaries. I understand that last year fifteen men were employed, and when the Retrenchment Committee made their examination, all but five had been discharged.

Mr. McGaragle—Did they not receive \$3 a day last year, and will they not receive \$2.50 this year, making a saving of \$.75 a day?

Mr. Thompson—I do not know how that is. That has nothing to do with what I have stated. It is not a comparison between the salaries paid for this year and last year. I make the statement that if we pass this order, the first of May, 1878, will find \$16,000 less in the treasury than if we do not, and that the citizens of Boston will have to pay \$16,000 more taxes in 1878 than they would if we did not pass this order. It may be necessary to make some appropriation for this purpose. It may be necessary for the commissioners to have more men; and the question is, how many men do they want and how long do they want them? This City Council made up its mind that they did not need even five men, and they were discharged. Now the commissioners want fifteen men. The Retrenchment Committee thought they were saving \$7500 from that department to the citizens of Boston; but \$18,000 will be added on account of this order. If we are to pass this order and increase the police force, let us place it fairly and squarely where it belongs; let us know if there is reason for it. The only reason assigned is that the extra force is wanted for the License Commissioners. I am not going to oppose that; I would only limit their em-

ployment to the time for which they are needed. I do not know but my amendment is objectionable, and I beg leave to offer the following instead:

"The officers to be paid from the receipts for liquor licenses so long as they are needed by the License Commissioners."

That will accomplish my object. We have not the right to interfere with the number employed, but we have the right to determine what amount shall be appropriated. It is just the same as the salaries of the school teachers. We have no right to say what the salaries of teachers shall be; but we have a right to say what amount shall be appropriated for schools. We put that amount into the hands of the School Committee, and, if they show a proper respect for the wishes of this City Council, they will fix the salaries so that our wishes will be carried out. So in regard to the Board of Aldermen. They are a separate board; they are practically a board of commissioners to appoint policemen; but if we give them only a certain amount of money, they cannot go beyond that. They can have no means of paying those men unless we provide the means. The amendment I offer meets that; as long as the commissioners need those men, they will be used and paid. But if the Committee on Police think the force is not sufficient, our joint rules provide that they should come in here and give us their recommendation in black and white to transfer money from the Reserved Fund, or some other fund which the Committee on Finance may provide, to pay those men. That is what they are doing now. They say the commissioners need those men, but they should be made permanent policemen, and it is attempted to increase the police force under cover of the License Commissioners, to which I am opposed. I do not say I would vote against an increase of the police force, if the Committee on Police would come in and say that it is needed; but I do oppose our blindly increasing the permanent police force under cover of the License Commissioners, and I hope we shall show that we are still the conservative branch of the City Council, and refuse to do it.

Mr. Flynn of Ward 13—The gentleman did not make his objections to passing this order clear, and offered an order referring this matter to the Judiciary Committee. I had the honor to hand the opinion of the City Solicitor to the gentleman from Ward 9 [Mr. Thompson], and for my own information I would like to have the opinion read.

Mr. Thompson—The chairman of the Judiciary Committee [Mr. Crocker] has the opinion in his hands, and I presume he will present it.

On motion of Mr. Crocker of Ward 9, the rules were suspended to allow him to submit the report of the Judiciary Committee, which he did, it consisting of the following:

CITY SOLICITOR'S OFFICE,  
2 FEMBERTON SQUARE,  
BOSTON, May 31, 1877.

Gentlemen—In reply to the question you propose to me, namely, "Whether an appropriation of license fees, under the ordinances as they stand at present, is not equivalent to an appropriation of money from the treasury, within the meaning of the Joint Rules 16, 17 and 18," allow me to say that, in my opinion, those rules are not applicable to the proposed expenditure of money received for licenses for expenses connected with the office of the License Commissioners.

In the general appropriation bill it is provided that all expenses connected with the issuing of liquor licenses shall be defrayed from the fees received for licenses, thus making a specific appropriation of the revenue derived from this source for all expenses connected with that commission. The expenditure proposed by the order now before the Council from that fund is for the payment of police officers rendering service to the commissioners. I, therefore, do not see that the expenditure proposed by that order differs in principle from the expenditure from any other fund in the treasury for the purposes to which it was appropriated in the general appropriation bill.

Very respectfully,

Your obt' serv't,

J. P. HEALY.

The report of the Judiciary Committee was accepted, and the discussion of the order was resumed.

Mr. Thompson—I should like to say, in regard to the opinion that has just been read, the gentleman from Ward 13 has had the advantage of the committee. I only received it from the gentle-

man from Ward 13 after I took my seat tonight, but this ruling seems to cover the ground of the necessity for an amendment. The ruling, as I understand it, is that the license fees are appropriated for a specific purpose, like all other appropriations in the bill; and therefore we can direct payments out of that fund for the purposes contemplated by the appropriation bill. Now, the purposes contemplated by the appropriation bill were the expenses connected with the issuing of licenses. Now, as long as the policemen are employed by the License Commissioners they can be paid from the license fees, but when they are no longer needed by the commissioners and are returned to regular duty with the Police Department, the payments from license fees must be stopped.

Mr. Flynn of Ward 13—I want to say, in behalf of the City Solicitor, that I did not have any advantage over the committee. I met him coming up in the elevator, and he requested me to give the opinion to Mr. Thompson; so that I had not seen it up to the time it was read by the gentleman from Ward 9.

Mr. Britnall of Ward 5—I hope this appropriation will not be made for fifteen additional men, for the reason that, so far as doing any good, the force will be too small to accomplish anything. In my opinion it should be done by the whole police force. The commissioners will require the cooperation of the whole force to enforce the law to the satisfaction of the people. We all know that everything has been unsatisfactory during the past two years, not only to those opposed to the law, but to its friends. The idea is to have this license law enforced in such a way as will please its friends and not its enemies; and everybody knows that fifteen men will not be able to do any good, and that it will require the whole force. For that reason I cannot see that this order should be passed. I should judge by the order that the fifteen men would report to the License Commissioners instead of the Chief of Police, which I think is wrong. Those gentlemen are not familiar with police duties and might err in judgment. As we have a Chief of Police of thirty years' experience I should hope that his judgment would be given in a matter of such magnitude for the interests of the city. In order to have it satisfactory to every one I think we ought to have it done by the police. I understand there are twenty or thirty applications for every appointment; so it seems there is great anxiety to get this position, and there would be some jealousy among policemen, which would operate badly upon the trade. For that reason I am opposed to having the law enforced in any such way. It is the same way in which it was done last year and under the State police. I think the law should be enforced to the letter; then everybody will be satisfied, and Governor Rice will be glad he vetoed the prohibitory law.

Mr. McGaragle—If the gentleman will read the order he will see that the Chief of Police is to detail these men. All the gentleman's eloquence has been thrown away.

Mr. Britnall—The gentleman misunderstood me. I object to their reporting to the License Commissioners instead of the Chief of Police. As this subject has been pretty well ventilated, I move the previous question.

The main question was ordered. Mr. Thompson's amendment was lost and the order was passed in concurrence.

Subsequently a motion to reconsider by Mr. Ruffin, hoping it would not prevail, was lost.

#### SCHOOL COMMITTEE.

A request was received from the School Committee for immediate action in providing suitable accommodations for the East Boston Branch High School. Referred to Joint Committee on Public Instruction. Sent up.

#### PETITIONS PRESENTED.

By Mr. Flynn of Ward 13—Petitions of J. H. Chadwick *et al.*, S. E. Crane *et al.*, J. W. Candler *et al.*, J. M. Mullane *et al.*, for abatement of nuisance in Roxbury Canal. Referred to Joint Committee on Health, with instructions to give the parties a hearing. Sent up.

By Mr. Flynn of Ward 16—Petition of Timothy Bernard, to be paid for injuries received from alleged defect in Court street. Referred to Joint Committee on Claims. Sent up.

By Mr. Ham of Ward 14—Petition of Jacob Harrison and seventeen others, that Fifth street, between I and K, be put in order. Sent up.

AUDITOR OF ACCOUNTS.

Mr. Felt of Ward 18 submitted a report from the Special Nominating Committee recommending the election of Alfred T. Turner as Auditor of Accounts. Accepted. Sent up.

Mr. Felt—As the present incumbent of this position is so well known to all members of the Council, and has so satisfactorily filled the position at all times, I move a suspension of the rule, that we may proceed to an election of Auditor of Accounts tonight.

The rule was suspended and an election ordered. Committee—Messrs. Felt of Ward 18, McClusky of Ward 13, Wilbur of Ward 20.

Whole number of votes.....	48
Necessary for a choice.....	25
Alfred T. Turner.....	45
Leverett Saltonstall.....	1
Leverett Saltinstall.....	1
P. A. Collins.....	1

Mr. Turner was declared elected. Sent up.

FIRE DEPARTMENT.

Mr. Spenceley of Ward 19 submitted reports from the Joint Committee on Fire Department, as follows:

*Vacations of Firemen.* Report in favor of passing the resolve, that in the opinion of the City Council it is expedient that the members of the Boston Fire Department shall be allowed an annual vacation without loss of pay, in addition to that already allowed, providing it can be done without detriment to the public service.

The report was accepted and the resolve was put upon its passage.

Mr. Clarke of Ward 22—I would like some explanation. The firemen have a vacation similar to the policemen, except that they have a vacation once a week or a month, whilst the policemen have theirs all at once. If we propose to give them a vacation in summer all at one time, in addition to what they now have, it looks to me as though the policemen will be in here next week and want the same provision for a temporary vacation in addition to the regular one.

Mr. Spenceley—I would like to ask the gentleman if he knows how many hours the policemen are on duty?

The resolve was passed.

Subsequently a motion to reconsider, by Mr. Spenceley, hoping it would not prevail, was lost. Sent up.

*Allowance of Crew of Fire Boat.* Report on order to inquire what reduction has been made in the pay and allowances of the crew of the fire boat William M. Flanders, and submitting the following statement from the Fire Commissioners:

OFFICE OF THE  
BOARD OF FIRE COMMISSIONERS,  
CITY HALL, BOSTON, May 31, 1877.

*Alderman Choate Burnham, Chairman of Committee on Fire Department:* Dear Sir—In replying to a request to furnish your committee with a statement of the changes which have been made in the pay and allowances of the "crew" of the fire boat, it is proper that a statement of causes that influenced the board to make the changes should be given.

It has been the rule of the board since its organization to conduct the department with that economy consistent with security which will reduce the cost of its maintenance, and where it is manifest that a saving can be made, by reduction or disuse, they have not hesitated to do it. They have been impressed with the importance and the necessity of continuing in that course, by the public demand and by the action of the City Council, in its course of retrenchment and in other ways, indicating what might be the result. And such being in entire accordance with the feelings of this board, they have not only rejoiced to see that their acts in that direction are approved, but emphatically incorsed.

When the commissioners examined the subsistence bills of the fire-boat crew on their assuming office, it was found that it cost per annum the sum of \$2163.63, or \$309.09 per man, being \$25.75 per month; they felt that that sum was larger than it should be, as the raw material only was furnished, all other conveniences for cooking, etc., being also found by the city; and as table board could be had in a first-class mechanics' boarding house for about \$16 per month, they decided a reduction should be made, and an order was issued limiting them to the sum of \$15 per month per man, and the captain has repeatedly stated that they lived well enough on that sum.

On making further investigation it was ascer-

tained that elsewhere, in other cities having a fire boat in service, New York in particular, by personal inspection it was seen that their "boat," larger than ours, with more men, was placed on the same basis as their permanent companies, furnishing their own rations and receiving the same pay. It was also found that the steam tugs doing their work *in our docks and around our wharves* were not "rationed," and in view of the fact that our "boat" was always within hail of the wharves, there was no occasion why they should not come into line on the same lay as other permanent members of the department. There was still another reason that prompted the board to make the change. The Committee on Retrenchment in their report say that they are of the opinion that the service of the fire boat can be dispensed with, thereby saving \$14,000 per annum. The board did not feel that the abandonment of the "boat" at present was quite a safe thing to do, and though the expense of running it is only some \$10,967.04 for 1876-77, they hoped by reducing the cost as they have done by some \$1820, by this act it would have an influence in retaining it in service until it became more manifest than at present that its use could be safely done away with.

The action of the board equalizes the conditions of the permanent force, and though the crew of the boat have nearly twice the amount of "leaves of absence" as the other permanent men, it is offset, perhaps, by the limit of their quarters.

Trusting that the reasons above named will be sufficient for justifying the action of the board,

I remain, very truly,

Your obedient servant,  
DAVID CHAMBERLIN,  
Chairman.

The report was accepted.

NINTH STREET.

Mr. Ham of Ward 14 offered an order—That the Committee on Streets be requested to report at the next meeting of the Council on the expediency of building Ninth street.

Mr. Flynn of Ward 13—This matter has been before the Joint Committee on Streets, and a sub-committee was appointed to report the estimated cost. We have been unable to get a report from them, and I think the committee will be unable to report by next Thursday.

Mr. Ham—The sub-committee reported to the committee some time ago, and have been endeavoring to get a report from the committee. This order is to assist them. The order was passed. Sent up.

IRON FENCE ON COMMONWEALTH AVENUE.

Mr. Howes of Ward 18 submitted an order from the Committee on Common and Public Grounds—That said committee be authorized to contract for the erection of an iron fence around the squares on Commonwealth avenue between Fairfield street and West Chester park; the expense therefor to be charged to the special appropriation for fencing and grading Commonwealth avenue.

Mr. Howes—The City Council has already appropriated the money for this purpose in the general appropriation bill; but the committee cannot use it until they have liberty to do so. The work is to be carried on forthwith, and we are merely waiting for the money.

The order was passed to a second reading, and Mr. Howes moved a suspension of the rule.

Mr. Crocker of Ward 9—I am disinclined to favor a suspension of the rule in order to put this thing through tonight. It seems to me to be rather a doubtful expediency to appropriate money for putting up an iron fence there this year. It would really seem to me that the money would be better saved this year. I should prefer to have it lie over, that I may think about it during the coming week.

Mr. Howes—Some two months ago, I think, there was a very lengthy debate upon this particular subject, and I imagine the members were very well informed upon it from that debate. The necessity or advisability of this action was fully discussed at that time, and it seems hardly necessary to delay it any further. With the exception of the fence the work is about all completed. The City Council have voted a large appropriation to grade and put the avenue in order, and all that is necessary to do is to put up the fence. The street is to be built upon very largely this summer, and I understand that a large building is to be put on the corner of Chester park and Commonwealth avenue within a few months, which shows that the street will need



all the improvement that the city intends to make there.

Mr. Crocker—The gentleman says it has been discussed; but a discussion in regard to the fence is not within my recollection. The street is to be graded and put in order, which can be done without an iron fence. It really strikes me tonight that this expense—now that we are retrenching in so many ways and saving money—for a fence might just as well be postponed for another year, and even two years.

The rule was suspended, the order was read a second time and put upon its passage.

Mr. Richardson of Ward 10—Is this the appropriation of \$6000 which was discussed, it I remember, six or seven weeks ago? That was an appropriation of \$6000 for building an iron fence on Commonwealth avenue. Is that the labor which the committee wish to go upon?

Mr. Howes—I did not understand all that the gentleman said, but I judge from the amount stated that he wishes to know whether the \$6000 appropriated for an iron fence is the money we ask for. I would answer that it is for the purpose of obtaining this money that the order is put in.

Mr. Richardson—I asked for the information because I remembered the discussion. If that is the same money I think the order ought to pass.

The order was passed. Sent up.

#### HOOR OF MEETING.

Mr. Brown of Ward 23 offered an order—That when this Council adjourn it be to meet at 8 o'clock P. M. on Thursday next, and that that be the hour for meeting until otherwise ordered.

Mr. Clarke of Ward 22—Has not an order of that kind been defeated by the Council?

Mr. Brown—An order of that tenor has been presented and I voted against it; but I have changed my mind and I want to vote for it.

The order was refused a second reading.

#### MANAGEMENT OF THE FIRE BOAT.

Mr. Burke of Ward 2 offered an order—That the Fire Commissioners be instructed to allow the crew of the fire boat William M. Flanders, for the purchase of provisions, an amount equal to the amount allowed for that purpose previous to the promulgation of general order No. 60, and to refund to said crew the amounts expended by them since then.

Mr. Burke—I desire to say a word in explanation. About two months ago I had the honor to offer an order requesting the Committee on Fire Department to report what reductions and allowances were made in the crew of the fire boat William M. Flanders. That report has been made tonight in a very elaborate manner by the Board of Fire Commissioners, and a great many statements have been made which I am prepared to say are not correct. Before I go any further I wish to say that this order does not interfere with the work of the Committee on Retrenchment, who had nothing to do with fixing the salaries of the fire department, except the chief officers. A large reduction was made in the pay of the crew of the fire-boat William M. Flanders by the Fire Commissioners. I, being a member of the Committee on Fire Department, received a note from the chairman of that board asking me to drop in to the office. I called one day and found that he had prepared a list of reductions, and among other things my attention was called to the reduction on the fire boat William M. Flanders. I remonstrated against it at the time and told him it was an unjust act, and he told me that the rest of the committee had agreed to it. It appeared that I was the last one consulted about the matter. Our committee really had nothing to do with the matter, and the chairman of the board did not forget to tell me so, but the board thought they would ask our opinion. I told him that things of that kind were not customary in boats of that class, and that I did not think the committee were familiar with boats of that kind. However, the order was issued and the men were deprived of their rations in addition to the reduction of their salaries. I believe that the Board of Fire Commissioners, as first established, was as able a board as was ever organized. On August 10, 1874, the following special order was issued:

\* \* \* III. "The captain is authorized to expend for provisions for the boat an amount not exceeding fifteen (\$15.00) dollars per month per man, the bills for this expenditure to be presented and passed upon monthly as heretofore." \* \* \*

This is a certified copy from Mr. F. W. Smith, Jr., clerk. In the report read this evening it is stated that in boats of that class the men are not

kept. I know that in a majority of boats of that class the men receive so much per month, and in seven out of thirteen boats around Boston the men are found; and I can name boats on which all the men are found. Furthermore I would state that in the boats where the men are not found, they do not work from eleven to twelve hours a day on an average, eating breakfast at home, carrying dinner with them, and going home at six o'clock in the evening. It is a well-known fact that the crew of the fire-boat are not allowed to leave their quarters on board the boat except on regular days allowed them by the Fire Commissioners. As to the statement made in regard to what other cities have done, I do not think that Boston proposes to imitate other cities; and in mentioning other cities, and New York in particular, no other city is cited except New York. The committee would have been glad to investigate the matter as I desired, but they thought the order did not reach that. But they feel prepared, if this order is referred to them, to make all the necessary inquiries about the matter. Therefore I leave the matter with the Council.

Mr. Spenceley—I had the honor to hand in the report from the Fire Commissioners, who answered a great many questions; but the main question asked was not answered. The question was what difference had there been in the pay of the crew of the fire boat this year and last year; and they go into an elaborate discussion, thus and so. They have simply cut off the rations and have cut down the pay by discharging one man. The committee we asked about. I do not know what is the custom on boats of that capacity in the harbor. I thought it no more than right, if these men did not get any more pay than the permanent men do; but it seems to me that it is a matter that requires investigation, and I move that it be referred to the Committee on Fire Department.

Mr. Howes of Ward 18—I should like to ask the gentleman from Ward 2, as a matter of information, How many cities, other than New York and Boston, have fireboats, by which the commissioners could judge of the pay?

Mr. Burke—I was not aware that any other city had. I simply stated that they said in their report that found in other cities, and New York in particular. I do not know whether New York has a fireboat or not. While I am up I desire to say one word in regard to the pay of the crew being the same as that of the permanent force. I do not wish to depreciate the value of the engineers running steam fire engines, but it is well known that a marine engineer really receives more pay than an ordinary one.

Mr. Thompson of Ward 9—What is the comparative pay of the men employed upon the boats to which the gentleman refers and those upon the fireboat?

Mr. Burke—The pay of the crew is now the same as the permanent force. The captain gets about \$100 a month. Men on boats of that class generally get from \$60 to perhaps \$90 and \$100 a month, and perhaps from five to twenty per cent. on the amount of work that they have to do in what they call "stacking"; and even in these dull times they will average \$100 a month. Such engineers as we have on the fireboat at the present time generally receive about \$125 a month, and are found. I can name more than one who has received that salary, and they are working for the city.

The order was referred to the Joint Committee on Fire Department. Sent up.

#### DRAINAGE OF MUDDY BROOK.

Mr. Clarke of Ward 22 offered an order—That the special committee appointed upon the improvement of Stony Brook also take into consideration the necessity of improving the sewerage of Muddy River from the Brookline line to its outlet on Back Bay.

Mr. Howes of Ward 18—It seems to me that it is not necessary for the city of Boston to go to much expense in investigating that matter. The town of Brookline is at present at work upon a very complete system of sewerage, which is to divert into Charles River the sewage now running into Muddy River, which will relieve that river of its impurities.

Mr. Clarke—If that is the case the committee will so report. Probably the committee will have very little to do, but I am in doubt what will be the result. The Board of Health have complained of the territory on the easterly side of Brookline avenue above Francis street for the last ten years,

and the expense which it has cost the city to make the examination and report would have paid the whole cost of relieving that territory of its imperfect drainage. It never has been attended to by the city, and has always been an eye-sore between Boston and the town of Brookline, because of annexation; and we have let it alone. It has been before several Boards of Aldermen, but they have felt that they would not do anything about it because the town of Brookline preferred to do their own sewerage. The town tried to get the city to help them build that sewer, but they could make no impression upon the Sewer Committee; and now I am in doubt whether the Brookline sewer will carry off the sewage from a portion of that territory. They propose to construct a sewer upon the westerly side of the Brookline Railroad; and they would have carried it on the east side of the railroad if Boston had joined them; but Boston took no interest in it and the result is Brookline is taking care of itself and leaving Boston out in the cold. It seems to me that this is a proper matter to take into consideration at this time, because they propose to run the sewer from Parker street to Charles River. If the sewage of

Boston is carried on the easterly side of Muddy River it will empty into the Back Bay; and if the two are carried off together and emptied into Charles River it can be done cheaper than if acted upon independently. If there are going to be any accommodations allowed by means of the Brookline sewer the committee can very easily make their report. At any rate we want something done.

On motion of Mr. Howes, the order was referred to the Special Committee on Improved Sewerage. Sent up.

#### TICKETS FOR SCHOOL FESTIVAL.

Mr. Coe of Ward 23 offered the following:

Resolved, That in the opinion of the Common Council the opportunity to accommodate invited guests at the school festival to be holden at the Tabernacle on Saturday next, June 2, is so much greater than heretofore, that the sub-committee of the School Committee having the matter in charge should be able to furnish the members of the Common Council with five additional tickets each, and they therefore hereby request of said sub-committee this favor.

Read twice and passed.

Adjourned on motion of Mr. Vose of Ward 24.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

JUNE 5, 1877.

Regular meeting, pursuant to adjournment, at four o'clock P. M., his Honor the Mayor presiding.

## A PERSONAL EXPLANATION.

Alderman Gibson—I rise to correct a mistake either on my part or on the part of the reporter. At the last meeting, speaking of our expenditures for the next five years, I meant to speak of free ferries as among the "prime necessities." I was reported as saying that free ferries are not a prime necessity.

## EXECUTIVE NOMINATIONS.

Police Officers Without Pay—Alson A. Lothrop and ten others, at various places in the city. Concurred.

Police Officers—Edward T. Moody, Moses P. Burden, Clarence A. Swan, Thomas W. Underwood, Max Kassman, Thomas T. MacDonough, Dennis Donovan. Referred to Committee on Police.

## PETITIONS REFERRED.

*To the Committee on Paving.* House of Angel Guardian, for abatement of sidewalk assessment on their estate on Ruggles street; William H. Slocum, for a cross-walk on Chauncy street at the corner of Avon street; Mr. Jacob Emerson and seventeen others, in favor of putting Fifth street, between J and K streets, in order; Patrick Magee *et al.*, against the assessment of abutters for setting edgestones on Boylston avenue; F. B. Brackett *et al.*, that Myrtle street, Ward 23, be graded; also that edgestones be set and the gutters paved in said street; Albert Bowker *et al.*, for brick sidewalks in front of estates Nos. 73 and 75 Cottage street, East Boston; William W. Nichols *et al.*, that Fourth street, between F and Dorchester streets, be paved with small granite blocks.

John Quirk, for leave to move a wooden building from Fourth street, Ward 23, to Poplar street.

Middlesex Railroad Company, for additional cars around the Boylston-street circuit; Highland Street Railway Company, for leave to lay down a temporary track on Chandler street.

Mary A. McGlynn, for edgestones and brick sidewalks in front of 82 Heath street; Jeremiah M. Mullane *et al.*, that Harrison avenue, from Northampton to Eustis street, be watered.

Metropolitan Railroad Company, for location of tracks in Dartmouth street and for tracks in Marlborough street to West Chester park.

Joseph P. Shaw *et al.*, that their names be stricken off from a remonstrance against setting edgestones in Boylston avenue, Ward 23.

George A. Wilson *et al.*, that Washington street, between Cambridge and Foster streets, Ward 25, be graded and macadamized; John O'Melia *et al.*, that the wages paid to laborers in the several districts of the Paving Department be equalized.

William R. Cavanagh, for leave to remove a wooden building from Washington street, Ward 24, to Fuller street, Ward 24.

George P. French, for brick sidewalk at 726 Eighth street; Ellen McCarty, for edgestones at 421 Eighth street; Jacob Hall *et al.*, for sidewalk on Centre street, West Roxbury.

*To the Committee on Sewers.* Bartlett Robinson *et al.*, for a sewer in Centre and Bowe streets; W. R. Clark, that a sewer be laid in portions of Mt. Everett and Quincy streets; Franklin Haven *et al.*, trustees, that sewerage be provided for lands lying between West Chester park and Camden street.

*To the Committee on Lamps.* John D. Wester, that Greenwood avenue, off Washington street, and Bishop street, from Starr street to Newbern street, Ward 23, be lighted. Samuel W. Winslow *et al.*, that street lamps be located on Knox street.

*To the Joint Committee on Claims.* James D. McNeil, for compensation for injuries received at slip of East Boston ferry; Margaret Sullivan, to be paid for personal injuries sustained by an alleged defect in Warrenton street.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables as follows: Cressy & Noyes, new brick, four horses, Plympton street; M. M. Sanders, old brick, eight additional horses, Shawmut avenue; Lewis F. Pierce, new wooden, one cow and three horses,

Oak avenue; Jacob Bancroft, old wooden, one additional horse, 82 Cahot street, Ward 19.

*To the Committee on Licenses.* T. L. G. Robinson, to be appointed auctioneer; Jacob A. Rich, for license as auctioneer.

*To the Joint Committee on Public Lands.* G. A. P. Darling, for the release of a certain condition of sale of land to him.

*To the Joint Committee on Treasury Department.* Harriet A. Morrison, for a correction of an invalid tax title purchased by her.

*To the Committee on Markets.* Henry T. Locke, for leave to transfer one half of cellar No. 10 Faneuil Hall Market to L. B. Ewings.

*To the Joint Committee on Public Lands.* Margaret S. McCarthy, for leave to surrender to the city an estate on Indiana place.

## MISCELLANEOUS PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Petitions of J. H. Chadwick and others, for removal of the Roxbury Canal nuisance, came up referred to Joint Committee on Health, with instructions to hear the parties. Concurred.

An order that the "ration" formerly allowed to the men on the fire boat be restored, and that compensation be made for its loss, came up referred to the Committee on the Fire Department. Concurred.

Order for Committee on Public Buildings to provide a more centrally located ward room for Ward 24. Passed in concurrence.

Order for Committee on Common, etc., to contract for the erection of an iron fence on Commonwealth avenue as far as West Chester park. Passed in concurrence.

Order to erect a brick primary schoolhouse on city lot, Western street. Passed in concurrence.

Order to erect a temporary building for school purposes on city lot at Egleston square. Passed in concurrence.

Report and communication from the Fire Commissioners in relation to pay and rations of the crew of the fireboat. Report accepted in concurrence.

Order to report ordinances to give effect to chapter 126, Statutes of 1877, relating to explosive compounds. Passed in concurrence.

A request of School Committee for accommodations for East Boston high schools came up referred to Committee on Public Institutions. Concurred.

## VACATION SCHOOLS.

The order to appropriate \$2000 for vacation schools came up with the non-concurrence of the other branch in the amendment that the expense be charged to the appropriation for School Expenses.

Alderman Thompson—This Board voted that the School Committee be permitted to try this experiment, the expense to be charged to their Contingent Fund. Since then I have understood that the School Committee have that authority without the consent of this Board, and it seems to me that the expression of the Board will be carried out by indefinitely postponing the subject. The committee will then have it in their power to try this experiment just as they please; and under these circumstances I move the indefinite postponement of the whole subject.

Alderman Fitzgerald—The indefinite postponement of this order simply means the non-providing of these vacation schools. Under the order as passed by this Board, the Auditor informs me—and it was exactly what I knew before and stated at the last meeting—that if the schools were established and the teachers employed, the money cannot be paid because there is nothing with which to pay them. The Contingent Fund specifies the object for which each and every item is devoted, and the Auditor will refuse to audit and the Treasurer will refuse to pay any bills contracted for vacation schools. If the Board do not want vacation schools they can say so by a direct vote, but I do not believe in killing it by indirection. If the Board believe there should be vacation schools, we should give them the means to carry them out. Under the amendment of the gentleman from Charlestown the expense is to be paid from the Contingent Fund; but the Auditor will not audit any bill sent in that way, and the money cannot be paid. The proper way is to pass the order as it originally came from the Finance Committee. I think the Auditor informed the Alderman opposite, who is a member of the Finance Committee [Alderman Clark] precisely what he informed me. I hope the original orders will be

passed, because I believe that no \$1500 will be spent so well and to so good purpose as the money for these vacation schools.

Alderman Thompson—Have not the School Committee the right to spend their appropriation for incidental expenses as they please, without consulting the Auditor? If not, then I have learned something new this afternoon. I did not know that either branch of the City Council are obliged to specify to the Auditor how they shall spend their contingent funds. My object is to have the School Committee try the experiment with the funds they already have. That was the opinion of the Board last week. I think the Alderman has not stated exactly what is the fact in regard to their having no right to spend the Contingent Fund as they please. I am sure no member of the Committee on Public Instruction knew for what purpose the appropriation for Incidentals was to be used. I am satisfied that this experiment can be tried from that fund without coming to the City Council.

Alderman Fitzgerald—The money devoted to Incidentals has separate items. For instance, so much is appropriated for text books for poor children, so much for drawing books, for the musical festival, for the exchange of books, for globes and drawings, and other things of that kind. The \$25,000 appropriated for text books cannot be spent for fuel, and the amount appropriated for fuel cannot be spent for text books; and so on through the various items. Nobody would say that, the School Board could expend for something else the \$50,000 appropriated for janitors. The money appropriated for Incidentals can be used only for the purposes for which it was appropriated, and as a consequence there is nothing in that fund from which this expense can be paid. The Auditor came to see me after the order passed, and said it was tantamount to killing the whole vacation school order.

Alderman Clark—I have stated heretofore that I was in favor of a trial of vacation schools, but I thought that the cost should be paid from the school appropriation. I was not present at the meeting of the Finance Committee when this order was considered, and had I been present I should have recommended that the amount be taken from the School Fund rather than be charged to incidentals. I was not present, and, therefore, am ignorant of any conversation that took place.

Alderman Fitzgerald—The Auditor said the whole matter was discussed in the Finance Committee, and they finally came to the conclusion that the only way it should pass is in the original order. The Auditor informed me that the Alderman was not present, and he thought that if he had been he would have advocated the order as it came from the committee. The Mayor was present, and I think he will state that that was the conclusion to which the Finance Committee came upon this question.

Alderman Thompson—If the Board will look at page 73 of the appropriation bill they will see that the School Committee have \$1,411,520; and there are items of salaries for instructors, officers, janitors, supplies, fuel; and for incidentals is \$100,000. The committee recommended that the estimate for incidentals be reduced from \$113,300 to \$100,000, and the estimate for janitors, supplies, fuel, etc., be reduced from \$153,000 to \$145,000. There are \$100,000 for incidentals, and if the School Committee see fit to spend \$2000 to try this experiment with, I do not think there will be any difficulty in prevailing upon the Auditor or Finance Committee to pay the bills. We do not know how this \$100,000 is to be expended. The objection is all imaginary that there is not sufficient margin for any such little expenditure as this. It is nonsense to say that the School Committee cannot appropriate \$200 from incidentals for any measure they deem proper. The Alderman stated that they had to take the incidentals from the janitors, supplies and fuel; but they have \$100,000 and so he must be mistaken, so far as that item goes. Really, all the items that they are required to explain are stated here and provided for; but we don't know what they are going to do with this \$100,000. Certainly they have a much larger fund for incidental expenses at their disposal than have the City Council.

Alderman Clark—I hope this subject will not be indefinitely postponed, and I move that it be laid upon the table.

Alderman Thompson—I have no objection. The subject was laid upon the table.

## BUILDING OF NINTH STREET.

An order came from the other branch for the Joint Committee on Streets to report at the next meeting of the Common Council on the expediency of completing Ninth street.

Alderman Burnham—I was about to state some reasons why the committee should be called upon to report, though I hardly know that it is necessary. This matter has been a long time delayed, and I say there is no disrespect which originated in the other branch. It has been four months in the hands of the committee. It was not a new matter, but came from the files of the Street Commissioners. It had received their consideration and came to us with the recommendation that it was a street improvement that might be entered upon in the interest of the city. That the interest of the public demands the improvement there can be no question, and the improvement has been long delayed, not that it could for a moment be condemned, but because it could be pushed along in the supposed exercise of economy in the management of our city affairs. This I believe to have been a mistake, because I can show that it is not a local improvement of the kind to be delayed, but for the interest of our city as a whole. When it comes before this branch I will be prepared to show that it was intended in the original laying out of the place to be a continuous street, and it is simply completing the original plan; and I will also show that the completion of Swett street makes it imperative upon us now. It can be done now at small cost and give employment of a type that returns a value received for every \$1 expended. The owners of the territory make liberal offers to the city, so liberal that it must be admitted by every fair-minded man that personal interests have nothing to do with the pressure for its construction. I will show you that taxation will be increased to an extent that the city treasury will not suffer. It is asked for the public good; 60,000 residents of South Boston and 30,000 in the Dorchester and Highland districts are interested in the making travel direct, and lessening the detention to travel in the opening of bridges, as well as overcoming the rise of the hill. It will save the whole territory at the head of Dorchester Bay to regularity and order in the laying out of streets, instead of the confusion now stamped upon the territory in the present projected streets. The bills cut down in filling will remove some of the most objectionable features of the plan and open one of the best localities to be built upon. Mr. Mayor, this is a spot where the development of a territory for business purposes is within two miles of State street and about 1/4 miles of Chester park, and although a comparatively small matter, yet so far as it goes, it transcends any development of grounds for pleasure only, and therefore demands our attention, as business should have attention before pleasure. In a business point of view the gain and saving in the repairs and opening of the bridges alone would be a full compensation for the whole cost, while the gaining in time alone will annually exceed double the amount we shall expend. Business prostration may be a reason why we should not build parks, but it is no reason why we should not meet a real want like this. Let us see this as we did Commonwealth avenue in making an appropriation of \$150,000 there. That was a proper thing to do. We were committed to do it some time. We might have spent \$50,000 a year for three years and met our obligations and satisfied everybody, for there was not the necessity there that Ninth street presents, but we voted that \$150,000 with hardly an objection to it. Mr. Chairman, when Commonwealth avenue is completed there will be but little travel on it, but here is an improvement that will cost less money and make a level and continuous avenue across our city from South Boston Point to Cambridge, over which, in my opinion, there will be a rate of travel of more than fifty to one as compared with Commonwealth avenue. Why, then, should not the want be met? Why should the idea in the committee that it is local improvement, or any other idea, delay reporting, and thus push off its construction? Is it more local than Commonwealth avenue? I cannot see it. I hope the committee will report upon it at once. And on the report I believe the City Council will deal fairly with the matter. I believe the order should pass.

Alderman Clark—This discussion is entirely out of order. The subject has not been reported by the committee and it is not a question whether

Ninth street shall be laid out and extended. I believe the question is upon concurring in the passage of the order instructing the committee to report at the next meeting of the Council. This subject came before the Street Committee and a sub-committee was appointed to see upon what conditions the abutters and owners of the land could be treated with for the purpose of laying out the street. Upon that sub-committee were the Alderman from the Bunker Hill District and two members of the Common Council from South Boston; and they have not yet been able to make satisfactory arrangements with the abutters to justify them in recommending that that street be laid out. That is the way the matter stands. It would be utterly impossible for the committee to prepare a report for next Thursday evening. Several parties from that district have given notice that they desire to be heard in opposition to laying out Ninth street, and it will be utterly impossible to give them a hearing and report to the Council next Thursday evening.

Alderman Burnham—The Alderman says this matter is not open for discussion. I did not intend to open the discussion, and if he had paid a little more attention he would have heard me say that I was prepared to discuss it when it came before the Board.

Alderman Clark—And he went on to compare this improvement with others made. The proper time to discuss it is when the report is made to the City Council.

Alderman Burnham—How long would the committee need to make up their report? I should be happy to amend the order so that they should have reasonable time.

On motion of Alderman Clark the order was amended by substituting "within four weeks" for the words "at the next meeting," and as amended was passed. Sent down.

#### SALARY OF DOVER-STREET BRIDGE SUPERINTENDENT.

The order to establish the salary of the Superintendent of Dover-street Bridge came up referred to the Committee on Retrenchment, etc. Concurred.

Subsequently Alderman Thompson stated that the reference had been concurred in without his notice, and on his motion the vote was reconsidered. He referred to the fact that this salary had been omitted in the Retrenchment Committee's report on salaries until the bridge should be completed. The bridge was opened in the latter part of March, and the superintendent has been obliged to employ another man, the bridge having a double draw, precisely like Federal-street Bridge, requiring a man on each side to attend to opening it. This man has been there since the latter part of March and has received nothing. The salary of the Superintendent of Federal-street Bridge, which is precisely like this, was \$3000, and the Retrenchment Committee reduced it to \$2700. This bridge not being opened quite as many times, the Bridge Committee made the salary \$2500, and he felt quite sure the Retrenchment Committee would indorse it. The Superintendent of Broadway Bridge receives \$2900. The principal object in having the order go through is that the men can get their compensation, and it will be a hardship to them if they cannot do so.

Alderman Burnham confirmed the statement of Alderman Thompson, adding a correction of a statement made in the other branch that another bridge was open ten times where this one is once. It is open two-thirds as often as others where the superintendents receive a larger salary. It was opened over 5000 times last year. Its proximity to the Old Colony Railroad track requires great skill in the Superintendent and his assistants.

The Board refused to concur in the reference, and adhered to the vote by which the order was passed. Sent down.

#### VACATION OF FIREMEN.

A report and resolve came up that the firemen of this city should receive a vacation without loss of pay.

The question was upon the acceptance of the report.

Alderman Burnham—This report is in favor of passing the resolve expressing the opinion of the City Council to the Fire Commissioners, that it is expedient that the members of the Boston Fire Department shall be allowed an annual vacation without loss of pay, in addition to that already allowed, providing it can be done without detri-

ment to the public service. I feel called upon to say it had not the unanimous vote of the joint committee. It was not concurred in by the members of the committee on the part of this Board, and yet the matter was not by them deemed of sufficient importance to present a minority report, as it was only a resolve. The minority of the committee could see no reason for the Fire Commissioners increasing the expenses of the department—over \$10,000—in this direction. The members of the Fire Department now have twenty-four days' vacation in the twelve months—that is, they draw pay for twenty-four days for which they render no equivalent in service. They also can have the vacation this resolution seeks by application to the commissioners and supplying a substitute that shall be acceptable to them. No one denies the desirability of an occasional vacation, and the rules of the Fire Department do not forbid it, for in that they provide for it and admit of it. If the firemen wish it they can have it. It was argued that the firemen had a confined life—which is true—but the minority considered that the fireman accepted the life, with the full knowledge of its conditions, and this confinement was set over against the enjoyment of days of comparative ease. It was also considered that the firemen themselves had not expressed the wish, and neither did the commissioners feel that it would be for the best interest of the force; if they had it would be given the department. Therefore I have only this to say—that while I have no unwillingness that the Fire Commissioners should consider the matter, I see no reason for its adoption.

On motion of Alderman Burnham, the whole subject was indefinitely postponed in non-concurrence.

#### ELECTION OF AUDITOR OF ACCOUNTS.

A report came up nominating Alfred T. Turner for Auditor of Accounts, with certificate of his election. The report was accepted and an election ordered. Committee—Aldermen Viles and O'Brien.

Whole number of ballots.....	12
Necessary for a choice.....	7
Alfred T. Turner.....	11
Leverett Saltonstall.....	1

Mr. Turner was elected in concurrence.

#### RESIGNATION.

A communication was received from George L. Thorndike resigning the office of Inspector of Elections of Ward 2. Placed on file.

#### PETITION FOR STEAM ENGINE.

A petition was received from Welch & Chipman for leave to erect and use a stationary steam engine of seven horse-power at 56 Dorchester avenue, and an order of notice was passed for a hearing thereon on June 25 at four o'clock P. M.

#### AUDITOR'S MONTHLY EXHIBIT.

The Auditor's monthly exhibit of the appropriations for June 1 was received. Sent down.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Order to grant license to keep intelligence office at 28 Sudbury street by Henry Lincoln. Read twice and passed.

Order to revoke, for cause, the license heretofore granted to A. B. Carleton to keep intelligence office at 833 Washington street. Read twice and passed.

Collectors of Junk and Second-hand Articles Licensed—Thomas Kerrigan and seven others.

Licenses to Keep Intelligence Offices Granted—Maria P. Hughes and eleven others (renewals).

Auctioneer Licensed—David C. Sisson, 1055 Washington street.

Wagon Licenses Granted—Dennis Noonan, 21 Lewis street, East Boston; Hall & Currier, 100 High street; Osman Leach, 33 Court square; F. H. Little, 321 Broadway; M. J. McLaughlin, 502 Tremont street; H. P. Kelley, opposite Franklin Schoolhouse, Washington (removed from 387 Shawmut avenue.)

Victuallers' Licenses Granted—H. M. McDonald, Chelsea Bridge; Miss Abhy E. Downing, 74 Portland street; Mary Carlton, 211 Cambridge street; Joseph F. Reynolds, 4 Cambridge street.

Wagon Licenses Refused—Albert A. Kane, South Market street.

Pawnbrokers' Licenses Refused—David Kurtz, 54 Merrimac street; William Jackson, 30 Merrimac street.

Severally accepted.

FANEUIL HALL.

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall, recommending the granting of the use of said hall to Nathán Appleton *et al.* on June 6 for a meeting on the subject of public parks. Accepted.

PERMIT FOR WOODEN BUILDING.

Alderman Wilder submitted a report from the Joint Committee on the Survey and Inspection of Buildings, with an order authorizing a permit to be issued to John D. Wester to erect on Starr street, Ward 23, a wooden building according to application on file in the office of the Inspector of Buildings. Order read twice and passed. Sent down.

PERMITS FOR STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board as follows:

That leave be granted to occupy stables, on the usual conditions, by John Geggis, Church street; Mrs. A. R. B. Robinson, Savin Hill avenue; John C. Stuck, Curtis street; David W. McKinney, Hemlock street; Mary E. Dean, Howard avenue. Severally accepted.

DEPUTY SEALERS OF WEIGHTS AND MEASURES.

Alderman Slade submitted a report from the Committee on Markets, recommending the election of Daniel C. Hunt, George W. Close, Daniel P. Sullivan and Jeremiah Harrigan as Deputy Sealers of Weights and Measures. Accepted.

On motion of Alderman Slade, an election was ordered. Committee—Aldermen Wilder and Dunbar.

Whole number of ballots.....	12
Necessary for a choice.....	7
Daniel C. Hunt.....	3
George W. Close.....	6
Daniel P. Sullivan.....	7
Jeremiah Harrigan.....	7
John N. Devereux.....	9
Frank H. Butler.....	4
John P. Sawin.....	7
J. V. Meghen.....	5

Messrs. Sullivan, Harrigan, Devereux and Sawin were elected.

WATER DEPARTMENT.

Alderman Clark submitted the following from the Joint Committee on Water:

*Cochituate Water for Watering Streets.* Report of leave to withdraw on petition of A. E. Pratt to be furnished with Cochituate water free of charge for the purpose of watering Tremont street, Boston Highlands. Accepted. Sent down.

*Work on Mystic Valley Sewer.* Report on order to have work on Mystic Valley sewer done by the recommending the passage (in place thereof) of the following:

Resolved, That in consideration of the present large number of laboring men in our city who are without employment, it is the sense of the City Council that in the construction of the proposed sewer in the Mystic Valley, the work should be done by day labor, and that none but citizens of Boston should be employed; and it is therefore hereby

Ordered, That in the construction of the proposed sewer in the Mystic Valley the Boston Water Board be authorized to have the work done by day labor, provided that none but citizens of Boston shall be employed.

Messrs. Fraser and Jackson, of the committee, dissent from the foregoing and recommend the passage of the original order, which was referred to the committee, directing the Water Board to do the work by day's labor, and employ none but citizens of Boston.

The question was upon the passage of the resolve and order of the majority.

Alderman Clark—The original order directs the Water Board to do this work by day's labor. The passage of the resolve and order of the committee will accomplish the same purpose, by authorizing, instead of ordering them to do the work by day's labor. That is the only difference between the two.

Alderman Fitzgerald—Have they not that power now?

Alderman Clark—They have no authority to expend over \$10,000 except by contract, and they are obliged to advertise for proposals for all contracts exceeding \$10,000. This order authorizes them to do this entire work by day's labor, and advises that they employ none but citizens and taxpayers of Boston.

Alderman Fitzgerald—If I understand it, the difference between the two orders is this: The

first order is mandatory on the commissioners and the second order simply gives them authority, and they can do it or not, if they deem fit: I move to amend the order by inserting "and recommended" after "authorized." It would not be mandatory upon them, but will show the disposition of the City Council.

Alderman Clark—I have not the slightest objection to the amendment; I accept it.

The resolve and order as thus amended was passed. Sent down.

PAVING REPORTS AND ORDERS.

Alderman Robinson submitted reports and orders from the Committee on Paving, as follows: Report that petition of Howard Snelling & Co. *et al.*; for crosswalk on Kilby street, at Doane street, be granted. Accepted.

Order of notice to Middlesex Railroad Company that in the opinion of this Board the public safety and convenience require that Charlestown street, from Haymarket square to Causeway street, should be paved with small granite blocks, and that said company be directed to pave on said street the space occupied by its tracks with small granite blocks; said work to be done under the direction and to the satisfaction of the Superintendent of Streets. Passed.

Report and order to pay Thomas Manning, George O. Sears and Robert Scott \$889.29 for grade damages at 6-8-10 Oliver street.

Alderman Thompson asked an explanation, and Alderman Robinson said the Superintendent of Streets had authorized those parties to go on and perform the work of raising the sidewalk, etc., and this is simply the vouchers for the expenditure. The committee did not think any damage had been done to the estate.

The order was read twice and passed.

Report and order to repave Charlestown street from Haymarket square to Causeway street with small granite blocks; estimated cost, \$12,000. Order read twice and passed.

Order to close Franklin avenue, between Court street and Cornhill, against the passage of vehicles and foot passengers until the building operations now in progress on said avenue shall have been concluded. Read twice and passed.

Reports and orders for brick sidewalks in front of estates of James McDonald, 236-238 Havre street; A. J. Bamford, 92-96 Brook avenue; R. W. Williams, 321 Dudley street; and estate of Fabien Ross, Warren street, near Gaston street.

Order to pave India street, between Central and Custom House streets, with small granite blocks; estimated cost, \$5000. Read twice and passed.

Order to pave the westerly side of Tremont street, between Northampton and Camden streets, with small granite blocks; estimated cost, \$3000. Read twice and passed.

POLICE APPOINTMENTS CONFIRMED.

Alderman Robinson submitted a report in part from the Committee on Police, recommending the confirmation of the following executive nominations of police officers made on May 14, 21 and 28: Harry S. Lyman, Patrick Houghton, Jr., David O. Felt, Daniel W. Sullivan, Thomas J. Linton, Michael J. Nugent. Report accepted and said nominations confirmed.

MUZZLING DOGS.

Alderman Bréck submitted the following, which, on his motion, was laid on the table and ordered to be printed:

The Committee on Ordinances, to whom was referred the orders that all dogs found running at large unmuzzled, and that all female dogs found running at large should be killed, and who were requested to consider the expediency of requiring that all dogs shall be muzzled or restrained from running at large, having considered the subject, beg leave to submit the following report:

The statutes in relation to dogs have been the subject of careful consideration from a very early period, beginning in 1715, when a provision for killing unruly and ravenous dogs was included in a statute encouraging the killing of wolves. The laws have been amended from time to time with a view of providing for the most perfect protection to persons and property. The laws in force at the present time are as follows:

Every owner or keeper of a dog is required to have it licensed annually, and to cause it to wear around its neck a collar distinctly marked with its owner's name and its registered number, and to pay for such license—for a male dog two dollars and for a female dog five dollars. (1867, chap. 130, sect. 1.) Any person keeping an unlicensed dog is

liable to a fine of fifteen dollars, five dollars to be paid to the complainant and ten dollars to the city treasurer. (Ibid., 5.) The assessors of cities and towns are required annually, on the first day of May, to take a list of all dogs owned or kept in their respective cities and towns and to return the same to the city or town clerk on or before the first day of July. Any person or keeper of a dog who shall refuse to give just and true answers, or shall answer falsely to the assessors, relative to the ownership thereof, shall be punished by a fine not exceeding ten dollars, to be paid into the city treasury. (Ibid., 6.) Mayors of cities are required annually, ten days from the first day of July, to issue a warrant to one or more police officers, directing them to proceed forthwith either to kill, or cause to be killed, all dogs within their respective cities, not licensed and collared, and to enter complaint against the owners or keepers thereof, and any person may, and every police officer shall, kill, or cause to be killed, all such dogs whenever or wherever found. (Ibid., 7.) Police officers to whom the warrant shall have been issued are required to return the same, on or before the first day of October following, to the Mayor, and state in said return the number of dogs killed, and the names of the owners or keepers thereof, and whether all unlicensed dogs in his city have been killed, and the names of persons against whom complaints have been made, and whether complaints have been entered against all persons who have failed to comply with the provisions of law. (Ibid., 8.) Mayors of cities are required to transmit annually to the district attorney a sworn certificate of the service of the warrant and whether the same has been duly executed and returned; and it is the duty of the district attorney to prosecute all officers who fail to comply with the provisions of the law. (Ibid., 9.) The mayor and aldermen may order that any dog or dogs within the limits of the city shall be muzzled or restrained from running at large during such times as shall be prescribed in such order. After passing such an order and the publication of the same, said mayor and aldermen may issue their warrant to one or more police officers, who shall, after twenty-four hours from the publication of such notice, kill any or all dogs found unmuzzled or running at large contrary to such order. (1877, chap. 167, sec. 1.) The mayor and aldermen may cause special service of any order passed by them respectively to be made upon any person, requiring that any dog owned or kept by such person shall be muzzled or restrained from running at large, by causing a certified copy of such order to be delivered to him. Any person who, after receiving such certified copy, shall refuse or neglect, for the period of twelve hours after receiving such notice, to muzzle or restrain such dog, as required by such order, shall pay a fine not exceeding twenty-five dollars. (Ibid., 3.) Whoever suffers loss by the worrying, maiming or killing of his sheep, lambs, fowls or other domestic animals by dogs is entitled to be paid the full amount of such loss from the treasury of the city. The treasurer may bring an action of tort against the owner or keeper of any dog concerned in doing damage to domestic animals to recover the full amount paid on account of such damage. (1867, chap. 130, sec. 10 and 12.) Every owner or keeper of a dog shall forfeit to any person injured by it double the amount of damage sustained by him, to be recovered in an action of tort. Any person may kill a dog that shall suddenly assault him while he is peaceably walking or riding without the enclosure of its owner or keeper; and any person may kill a dog that is found out of the enclosure or immediate care of its owner or keeper, worrying or wounding any neat cattle, sheep or lambs. If any person so assaulted, or finding a dog strolling out of the enclosure or immediate care of its owner or keeper shall, within forty-eight hours after such assault or finding, make oath thereof before a justice of the peace or police court for the county, or before the clerk of the city or town where the owner of the dog dwells, and shall further swear that he suspects the dog to be dangerous or mischievous, and shall give notice thereof to its owner or keeper by delivering him a certificate of such oath, signed by the justice or clerk, the owner or keeper shall forthwith kill or confine it; and if he neglects to do so for twenty-four hours after such notice, he shall forfeit ten dollars. If, after such notice, the dog is not killed or confined, but is again found strolling out of the enclosure or immediate care of the owner, any person may kill it. If a dog, after such notice to its

owner or keeper, shall by such assault wound, or cause to be wounded, any person, or shall worry, wound or kill any neat cattle, sheep or lambs, or do any other mischief, the owner or keeper shall be liable to pay to the person injured thereby treble damages, to be recovered in an action of tort. The city council may make such additional by-laws and regulations concerning the licensing and restraining of dogs as they may deem expedient, and may affix any penalties, not exceeding ten dollars, for any breach thereof. (General Statutes, chapter 88, sections 59 to 67.) A city ordinance provides that on complaint being made to the Mayor of any dog within the city which shall, by barking, biting, howling, or in any way disturb the quiet of any person or persons whomsoever, the Mayor shall issue notice thereof to the owner or keeper of such dog; and in case the owner or keeper shall neglect to cause such dog to be forthwith removed and kept beyond the limits of the city, or destroyed, he shall forfeit and pay one dollar for every day during which such neglect shall continue after such notice; provided, that the justice before whom the case shall be tried shall be satisfied that the dog had, in the manner aforesaid, disturbed the quiet of any person or persons in the city. (Ordinances, page 233.) It has been held, in an action to recover damages for injuries inflicted by a dog, that "the wrong done to the person injured consists not in the act of the master in owning or keeping, or neglecting to restrain, the dog, but in the act of the dog, for which the master is responsible" (117 Mass., 109); and further, that, to recover damages, "it is not necessary to allege or prove that the owner knew of the dangerous character or habits of his dog, or that the dog was in fact accustomed to bite." (3 Allen, 191.) It will be seen that while by the law a dog is property, the weight of responsibility is placed upon the owner, and the law only protects him so far as to prohibit the injuring of that property without cause. Although existing laws would appear to afford reasonable protection from dogs, there is a feeling of insecurity on the part of some of our citizens. Hence the requests for further legislation. The excitement on the dog question occurs at irregular intervals with more or less violence. At times it assumes almost the form of an epidemic and travels from place to place, gaining strength as it extends. An extraordinary number of cases of dog-biting are reported; the papers are filled with accounts of deaths from hydrophobia in localities where the disease was rarely or never known before, and the excitement usually culminates in a demand for the extermination of dogs. Much of this excitement is due to the natural antipathy which many persons have against dogs, while a greater part arises from a dread of the disease known as hydrophobia and the popular ignorance of the subject. If hydrophobia was as common as the number of reported cases would lead us to suppose, it would be well to consider whether it would not be a duty to exterminate the whole canine race. But it is really one of the rarest known diseases—so uncommon as to lead scientific observers to doubt its existence—and it has been proven that the majority of deaths attributed to hydrophobia can be traced to other causes, while it is believed that many deaths have been caused simply by *fear* and the *power of imagination*. If the latter is the case the danger would be greatly reduced by spreading in the community a true knowledge of the facts, and would be still further diminished if the public were made familiar with the symptoms of rabies, so as to be able to detect it in its incipient stages and, by immediate action, prevent its propagation. The Legislature has recognized the wisdom of doing this by ordering that the symptoms of hydrophobia shall be printed on every dog license. Another step in the right direction would be to publish them once or twice a year in the newspapers of the city.

Believing it to be a matter of public interest, and also that an authoritative statement of the facts will have a beneficial effect in allaying the unnecessary excitement which exists at the present time on the subject of hydrophobia, the committee submit a brief compilation of the opinions of the best authorities on that subject.

Canine rabies is not a sudden disease, appearing all at once, like apoplexy; it does not suddenly carry the dog it attacks from the most flourishing state of health to a condition of furious delirium. It is a popular error to suppose that the appearance of the disease is immediately characterized by acts of madness. It has its premoni-



tory signs, which are so marked that when known they cannot be mistaken for anything else. The Council of Hygiene of Bordeaux published the following statement of the symptoms of rabies, for the purpose of protecting the public against the dangers of hydrophobia:

"A short time, sometimes two days, after the madness has seized the dog, it creates disturbances in the usual condition of the animal which it is indispensable to know.

"1. There is agitation and restlessness; the dog turns himself continually in his kennel. If he be at liberty he goes and comes, and seems to be seeking something; then he remains motionless, as if waiting; he starts, bites the air, seems as if he would catch a fly, and dashes himself, barking and howling, against the wall. The voice of his master dissipates the hallucinations; the dog obeys, but slowly, with hesitation, as with regret.

"2. He does not try to bite; he is gentle, even affectionate, and he eats and drinks; but he gnaws his litter, the ends of the curtains, the padding of cushions, the coverlids of beds, the carpets, etc.

"3. By the movements of his paws about the sides of his mouth, one might think he was trying to free his throat of a bone.

"4. His voice has undergone such a change that it is impossible not to be struck by it.

"5. The dog begins to fight with other dogs; this is a decidedly characteristic sign, if the dog be of a peaceful nature.

"The numbers 3, 4 and 5 indicate an already advanced stage of the disease, and the time is at hand when men will be exposed to the already dangerous fits of the animal if immediate measures be not taken. These measures are to chain him up, or, better still, destroy him."

A very early symptom of rabies in the dog is an extreme degree of restlessness. Frequently he is almost invariably wandering about, shifting from corner to corner, or continually rising up and lying down, changing his position in every possible way. If he is at liberty, he will imagine that something is lost, and he will eagerly search round the room, and particularly every corner of it, with strange violence and indecision. He seeks quietness, likes retirement and obscurity, and conceals himself in the corners of rooms and under furniture. He begins to gaze strangely about him as he lies on his bed. His countenance becomes cloudy and suspicious. A peculiar delirium is an early symptom, and one that will never deceive. The dog sees imaginary objects, he gazes wildly around, he snaps and barks, and he rushes at his imaginary foe. The attachment of the dog towards his master seems to be rapidly increased. His affection increases with his sufferings. Even in the paroxysms of the disease he obeys his master's voice. His fatal desire to bite is overcome by the power of his attachment. The dog refuses his natural food; he frequently turns from it with an evident expression of disgust; at other times he seizes it with greater or less avidity and then drops it, sometimes from disgust, at other times because he is unable to complete the mastication of it. This palsy of the organs of mastication, and dropping of the food, after it has been partly chewed, is a symptom on which implicit confidence may be placed. The appetite becomes depraved and the animal will swallow articles entirely unfit for food, and which in his natural state he would reject with disgust. A symptom of short duration, seldom lasting more than twelve hours, is an increased secretion of saliva. It however never equals the increased discharge which accompanies epilepsy or nausea. The stories of mad dogs covered with foam are altogether fabulous. A dog recovering from or attacked by a fit may be seen in this state, but not a rabid dog. The increased secretion of saliva soon passes away. It lessens in quantity and becomes thicker, viscid, adhesive and glutinous. It clings to the corners of the mouth and probably more annoyingly so to the membrane of the fauces. The dog furiously attempts to detach it with his paws. It is an early symptom, and can scarcely be mistaken. If the dog, while doing so, loses his balance and tumbles over, there can be no longer any mistake. As the saliva becomes more glutinous, the dog is afflicted with insatiable thirst. If he continues to have power over the muscles of his jaw, he will lap water. If his jaws and tongue are paralyzed, he will plunge his muzzle into the water to his very eyes, in order that he may get one drop of water into the back part of his mouth to moisten and cool his dry and parched fauces. Hence, instead of the disease being characterized

by the dread of water in the dog; it is marked by a thirst often perfectly unquenchable. There is a marked and peculiar change in the dog's voice. His barking is entirely different from its normal tone. He becomes suddenly aggressive towards other dogs, and will attack them in preference to any other animal. There are other appearances, such as insensibility to pain, weakness in the hind quarters, and a desire to wander away from home, which accompany the disease, but sufficient has been quoted to show that the symptoms of rabies are discernible in season to prevent danger. The authorities on dogs agree substantially as to the symptoms of the disease.

Professor Dick holds that rabies is essentially an inflammatory affection, attacking peculiarly the mucous membrane of the nose, and extending thence to the interior part of the brain, and so giving rise to a derangement of the nervous system as a necessary consequence. This train of symptoms constitute mainly, if not wholly, the essence of an occasional epidemic not unlike some forms of influenza or epizootic disease, and the bite of a rabid animal is not always, to an animal so bitten, the exciting cause of the disease, but merely an accidental concomitant in the prevailing disorder. Also the disease hydrophobia, produced in man, is not always the result of any poison introduced into his system, but merely the melancholy, and often fatal result of panic fear and of the disordered state of the imagination. Those who are acquainted with the effect of sympathy, and imitation, and panic, in the production of nervous disorders, will readily comprehend the meaning of the professor. The testimony of all writers on the subject is—

First, that rabies is only propagated by inoculation; second, that a dog does not suddenly go mad, but that the disease incubates and has its promitory symptoms; third, that rabies is more frequent in temperate and cold than in hot climates, and is more likely to occur in winter and spring than in summer or autumn; fourth, that rabid dogs never have fits, do not avoid water, but desire it, do not dash through the streets, foaming at the mouth—the dogs which are seen in that condition being affected with epilepsy, to which dogs are extremely subject—and do not run with their tails between their legs, unless pursued and frightened; fifth, that the statistics of hydrophobia show a very considerable ratio in favor of escape from inoculation when bitten, that the bite of a rabid dog by no means invariably causes hydrophobia, and that prompt cauterization of the wound by a skilful surgeon may be considered an almost certain preventive of the disease; sixth, that tetanus and other spasmodic affections have often been mistaken for hydrophobia in man, and that the effect of the bite of a dog, whether hydrophobic or not, upon a person of nervous temperament may be sufficient to produce a train of symptoms resembling the disease itself.

It matters little, however, whether a death is caused by hydrophobia or by fright occasioned by the bite of a dog. In either case the result is the same, and it should be the aim of all regulations to diminish the chances of being bitten at all. The orders which were referred to the committee propose doing this either by killing, or muzzling, or restraining all dogs. These measures would, undoubtedly, accomplish the object, but it is believed that it can be accomplished as effectually by measures more consonant with the feelings of humanity. Undoubtedly dangerous dogs exist, and it is against such that restrictive measures should be directed, but the whole race of dogs should not be held responsible for the ill deeds of a few of its members. The wholesale slaughter of dogs in the public streets should not be permitted under any circumstances. The sight of such butchery, with its attendant scenes of bloodshed and sickening cruelty, would be repugnant to the majority of our citizens. Whenever it is necessary that dogs should be killed, the work should be done in as merciful a manner as possible and without publicity. It is believed that to muzzle dogs would tend rather to increase than to diminish the danger. Canine rabies, as has been stated, is a disease of the nervous system. Anything which irritates or annoys the animal will favor development of the disease. In the head of the dog are located his most important nerves, and the pressure of the muzzle upon such a sensitive spot cannot fail to cause constant and irritating pain. The dog perspires only by the mouth, and to close his mouth is to interfere with that impor-

tant function. The muzzle prevents free access to water, which the dog requires in large quantities. Considering the important part which the dog's mouth plays in the economy of the animal, to confine it cannot fail to cause great suffering. If muzzling dogs will not *cause* madness, it will be liable to make them morose and ferocious and increase the danger of their biting when the muzzle is removed. Another objection to the use of the muzzle is that it destroys the usefulness of the dog as a means of protection against thieves and tramps, who would undoubtedly be glad to have these faithful guardians of our suburban homes restrained.

Finally, a dog that requires to be muzzled should be killed, for an intelligent and properly educated dog uses the weapons which nature has given him only in self-defence or for the protection of that which is intrusted to his care.

Restraining dogs, by which is meant confining them or chaining them up, is open to the same objections as muzzling.

While the committee believe that in ordinary times the present regulations, if properly enforced, would be sufficient for the protection of the community, in view of the unwise excitement on the subject of hydrophobia, they would recommend the adoption of two measures, which they believe will have a beneficial effect. They would recommend, first, that a statement of the symptoms of rabies be published one or more times during the year in the newspapers of the city, together with a request that dog owners will notify the police of the appearance of sickness in their dogs, and that they will chain the animal up until the nature of the ailment is discovered. This, it is believed, will have the double effect of preventing a scare by teaching the public to distinguish between rabies and the many harmless maladies to which dogs are subject, and also of eventually extirpating the disease, by destroying the rabid dog before he has an opportunity to propagate it; for it has been demonstrated that rabies is only propagated by inoculation, and one writer on the subject asserts that if all dogs could be quarantined for eight months the disease would disappear. Second—That the Committee on Police be authorized to make arrangements for capturing all dogs found running at large unmuzzled or unaccompanied by their owners or keepers, and to take all dogs so captured to some suitable place of detention, there to be cared for and kept for at least three days, during which time their owners may have an opportunity to redeem them by the payment of a fee. All dogs remaining uncalled for at the expiration of a certain time to be put to death in a painless manner under the direction of some suitable person. If this measure is adopted owners of valuable dogs will be careful not to allow them to run at large unaccompanied. Even the dogs will learn to avoid the risk of being captured. The effect will be to confine the dogs to their owners' premises, where it is presumed they have a legal right to be. It will also have the effect of ridding the city, in a humane manner, of a large number of worthless curs, who are responsible for most of the mischief done by dogs. It is believed that the receipts for the redemption of dogs will nearly, if not quite, pay the expense of capturing and destroying them.

In conclusion, the committee desire to express the opinion that more good will be accomplished by well sustained preventive measures than by occasional violent enactments. If the whole community could understand and would remember the early symptoms of canine rabies, but little danger need be apprehended. This knowledge, together with the effectual enforcement of the present laws, will be more efficacious in protecting the public than any violent measures.

The committee respectfully recommend the passage of the following orders.

CHARLES H. B. BRECK.  
CHOATE BURNHAM.

Ordered, That the City Clerk be directed to publish annually in the newspapers of the city a description of the disease in dogs known as rabies, together with a request that dog owners will notify the police of the appearance of sickness in their dogs, and that they will chain the animals up until the nature of the disease shall be ascertained.

Ordered, That the Committee on Police be authorized to make suitable arrangements for capturing all dogs found running at large unmuzzled or unaccompanied by their owners or keepers, and for killing such dogs in some painless manner after keeping them in a suitable place for a pe-

riod of not less than three days, during which time the owners of said dogs may redeem them upon payment of a fee to be fixed by said committee.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Reports and orders of notice for hearings on Monday next, at ten o'clock P. M., on expediency of constructing sewers, as follows:

In Jamaica street, between South street and White avenue; in White avenue, between Jamaica street and land of Mrs. C. A. Connor; through land of Connor to Centre street; in Centre street, from land of Connor to Orchard street, and in Orchard street.

In Wyman street, between Curtis and Lamartine streets; in Lamartine street, between Wyman and Centre streets, and through land of Gaffield, Boston & Providence Railroad and Willard Q. Phillips.

In Savin Hill avenue, between Dorchester avenue and Sagamore street, and in Sagamore street, between Savin Hill avenue and Romsey court.

Orders severally passed.

Report and order for construction of a sewer in Fairfield street, from the passageway north of Commonwealth avenue to the passageway south of the same. Order read twice and passed.

Ordered, That \$153.82 be abated from the assessment levied upon Henry Fifield for a sewer in Clayton street, on account of land damages; that \$68.86 be abated from the assessment levied upon Peter Higgins for a sewer in Rockland avenue on account of overestimate of land; that \$13.45 be abated from the assessment levied upon Linn Ryan for a sewer in Greenwich street on account of overestimate of land; that \$15.45 be abated from the assessment levied upon Hiram H. Herick's heirs for a sewer in Haynes street.

Read twice and passed.

#### EXAMINATION OF BONDS OF CITY OFFICERS.

Alderman Viles offered an order—That Alderman —, with such as the Common Council may join, be a committee to make the annual examination of the bonds of the several city officers. Passed, and Aldermen Viles and O'Brien were appointed on said committee. Sent down.

#### TAKEN FROM THE TABLE.

On motion of Alderman Clark, the annual report of the Commissioners on the Sinking Funds was taken from the table and sent down.

On motion of Alderman Breck, the same action was taken in reference to annual report of Directors for East Boston Ferries.

#### STONY BROOK IMPROVEMENT.

Alderman O'Brien stated that at their last meeting the Common Council voted that the Special Committee on the Stony Brook Improvement should consist of five members on the part of that body. He moved that an additional member be added on the part of the Board. The motion prevailed, and Alderman Burnham was added to the committee.

#### ASPHALT PAVEMENT.

Alderman Robinson submitted the following from the Committee on Paving:

Order authorizing the Committee on Paving to pave Columbus avenue with granite blocks or asphalt pavement, as they may deem expedient; at an expense not exceeding \$60,000.

Order authorizing the Committee on Paving to pave North Market street with granite blocks or asphalt pavement, as they may deem expedient; at an expense not exceeding \$11,000.

Alderman Robinson moved that the orders take their second reading.

Alderman Clark—It is a pretty important matter, and I hope the order to pave those streets with granite blocks or asphalt, at the discretion of the committee, will not take their second reading at this meeting, but will lie over for one week.

Alderman Viles—The Committee on Sewers have had under consideration the rebuilding of the sewer in North Market street, and I ask that the order in regard to that street be laid over until the Committee on Sewers can consider the subject. If the street is to be repaved it is necessary to put in the sewer first.

Alderman Robinson—The orders were not intended to be conclusive, and the matter is left to the Committee on Paving to investigate which is the more proper pavement for those two streets. So far as North Market street is concerned it will not be paved unless the street has proper sewer-

age. The orders are intended to authorize the committee to see what is best to be done in those two streets.

Alderman Thompson—Which is the more expensive, granite blocks or asphalt?

Alderman Robinson—I have not looked into the matter sufficiently to be able to state.

Alderman Thompson—I move that the two orders be recommitted to the Committee on Paving until they have made up their minds which it is better for the interest of the city to recommend to the Board of Aldermen—whether granite blocks or asphalt, and the difference in cost; and then we can act understandingly upon this subject.

Alderman Robinson—I do not see what particular object can be gained by recommitting the matter. The committee would not have made the report unless they believed it was for the benefit of the city to use either granite blocks or asphalt. If it is found that the asphalt costs a larger amount than is proper to produce as good a pavement as the granite blocks, they would recommend a pavement of that kind. They brought these orders here to get the matter before the Committee on Paving, so that they could hear all sides and judge what is best for the interests of the city. That was the object of offering the order.

Alderman Gibson—I was in the Board when the experiment of paving Columbus avenue with wood was tried, and some four or five parties put down their paving there. The part of the street paved with chestnut is good today, and will be for six years to come; and the last time I passed that part of the street where it is proposed to spend this \$60,000, I was satisfied it could be repaired and coaxed along a year or two longer. We paved a large amount of it in 1873, and it seems to me we ought not to duplicate it again; but if we do, let us put down granite blocks, which there is no experiment about, and which we know is the most desirable pavement that can be put down. As for asphalt, I shall oppose every inch of it. I don't believe in it. I have seen a great deal of it in different places, and it is expensive at any price compared with granite blocks. The street could be paved with spruce blocks for a dollar and a quarter or a dollar and a half a yard. In 1872 it was proposed to pave Beacon street with spruce at \$2.10 a square yard, the blocks being burnettized in Maine; and I have no doubt it can be done now at \$1.50 a yard. Possibly that can be done cheaper than granite blocks, and the interest on the difference would pay for the excess in a short time. If you put down asphalt, it will continue but for a few years. Columbus avenue has been the finest avenue in the city for a considerable length of time, and the pavement there can be made to do service a while longer, and I think there are other portions that deserve a little attention. At any rate, I desire that it may lie over for a week, that I may look into it.

Alderman Robinson—As you all know, we voted to put horse-car tracks on Columbus avenue. I was opposed to it, but the Board thought differently, and an arrangement was made by which both the Highland and Metropolitan companies were given a location there; and that leaves fifteen feet on each side of the tracks to be paved. A certain portion is paved with chestnut blocks, which will do for some time. Those tracks were put down against the wishes of a large portion of the people who live on that street, merely to accommodate those who live in the outlying wards; and one of the strongest arguments used for placing the tracks there was that the street would have to be repaved and put in good condition. I know very little about the asphalt pavement myself, except that my attention was called to a piece of it in front of the Fifth-avenue Hotel in New York, where it is crossed by Broadway, and where 20,000 carriages and vehicles pass it every day. Not a cent has been laid out upon it in repairs in the last five years, and it is not broken in the least. This order is not to put asphalt down there, but to bring these different parties here, that the committee may find out and exercise their judgment which is better, granite blocks or asphalt. If it is left to the committee they will endeavor to act for the best interest of the city. All parties interested will have a hearing, and that will be done which the best judgment of the committee dictates.

Alderman Clark—What I object to is the indefiniteness of the order. It proposes to give the Committee on Paving authority to lay either granite blocks or asphalt, as they may deem expedient. Now, the committee may have examined into the

preparations used for paving streets in Washington or New York, but the members of this Board know nothing about it; and in an expenditure of \$60,000 it seems to me that the Board ought to understand and know what it is. Inasmuch as the Committee on Paving, who have examined into this matter, have made no report to the Board, I think it is proper and right that they should report what other materials should be used besides square granite blocks. I believe that something should be done to Columbus avenue, because the pavement is in a very bad condition; but it is a question in my mind whether it cannot be paved with thoroughly burnettized wood—not just the ends dipped, as was the case when the avenue was paved before, but with the wood thoroughly prepared. It is known that wood thoroughly impregnated with that preparation will stand a hundred years without decay, though of course it will wear away, just as stone wears away, in time, on Washington street. I hope the committee will make an investigation and report to this Board what in their judgment is the best material to pave Columbus avenue with—whether granite blocks, the Trinidad material, or the material which has been used in the city of Boston during the year. I believe the asphalt used here has given great satisfaction. I think there is a piece of asphalt pavement at the junction of Commercial and State streets, opposite the custom house, where the travel is as great as it is on any piece of Trinidad pavement in New York. Here it is traversed by heavy teams, while in New York it is mostly traversed by light travel. I have not examined this pavement at the custom house, but I understood last year that it had showed no signs of wear. A piece was put down in Endicott street, which I suppose the Paving Committee have examined. I understand that there are other kinds of asphalt supposed to be superior to the Trinidad, and I should hope that the committee will investigate all these materials; and if something of that kind can be used as economically as square granite blocks, I shall be happy to vote to have it used upon streets traversed by light teams, as is Columbus avenue. It is absolutely necessary that something should be done to the pavement on Columbus avenue, for it is in a dangerous condition; but before we pass this order authorizing the committee to expend \$60,000 either in stone, wood or asphalt, as they may deem expedient, it seems to me we ought to understand a little more about it. I hope the orders will be recommitted to the Committee on Paving with a request that they report what they know about it and what they have learned about these different paving materials, except granite blocks.

Alderman Gibson—Taking chestnut at its present price, I have no doubt it would be the cheapest pavement we could lay, and that the rest of Columbus avenue could be paved for \$1.75 a yard. The chestnut paving there is all perfect, and is good for seven, eight or ten years more. It is the wood used by railroads for sleepers, and lasts a great number of years. If it were continued out on the avenue it would make an elegant drive and attract travel there that would not be attracted by any other pavement. Tremont street, from Dover street to Chickering's factory, is all laid in cobble stone. It is a great thoroughfare and I believe it needs paving much more than Columbus avenue. The avenue needs some little repair, which can be done for a few years at a little expense, and it will be economy for us to do it. We ought to pave with wood one or two thoroughfares going one way, and another going another way, and the saving in the wear and tear of vehicles will be very great. As cheap as wood is now, you may rest assured, gentlemen, that it will be worth double any asphalt you can have. I have seen a good deal of asphalt in different sections and have very little faith in it. Our teams are allowed to carry ten or fifteen tons, while in New York if they catch a man with a heavy load on a team they make him take it off. You can count sixty-one barrels of flour to a pair of horses any day passing our ferries, while in New York fourteen is a load. Take such a load of flour, 5000 pounds, and put it upon asphalt with the thermometer at 100°, and it will make a great impression. In a short time, under such teaming, it will be used up and gone. It may be used in Washington, where there is no heavy teaming. I never saw a team in New York carry more than what we call half a load here. If you put it down in this city, where a team is allowed to carry three

times the load allowed in any other city, it will very soon wear out.

Alderman Burnham—Both the Aldermen who have just spoken have presented this matter in a light that has let some light into it at least; an expenditure of \$60,000 in a locality like Columbus avenue should not be entered into without an understanding by the Board of the relative value of the different kinds of paving. Columbus avenue was taken as the place to test several kinds of wood pavement, and certain kinds that were put down in 1873 proved a failure and others proved a success; and it seems to me that we ought to have some figures showing the relative value of the different kinds of material. It is true that wood is much cheaper now than in 1873. Spruce lumber which sold then for \$22 and \$25 can now be furnished at \$11 a thousand, which is a considerable item. If it be a fact that spruce blocks can be put down at \$1.75 a square yard, the matter needs to be weighed so that we may see the relation between the cost and durability of that and other materials, especially this new asphalt or Trinidad pavement it is proposed to introduce. It seems proper that we should have from the committee a recommendation to this matter, and figures stating the relative cost at the present time, so that we of the Board may judge whether stone blocks, burnettized spruce or asphalt will be the cheapest and most durable in that locality.

Alderman Slade—We all know well enough what stone paving is. People were once perfectly satisfied with pebbles, because they knew of nothing better. Since they have used granite blocks everybody wants the pebble pavement taken up, because it is not so pleasant to drive over, and the wear and tear is harder on cobbles than on blocks. I am not quite certain that there is any real asphalt pavement in this city; but if there is anything better than granite blocks we want to know it. I am not certain there is. I had the pleasure of visiting a city where one kind of asphalt is being put down; and I examined the whole process and am strongly of the impression that if that paving was introduced into Boston, in ten years there would be as strong a cry for it as there is now for granite in preference to pebbles. If there is anything better than granite we ought to know it and use it, if the cost does not stand in the way too much. The asphalt paving I saw in Washington cannot be broken by any team I ever saw drawn in Boston. I saw a sixteen-horse team there draw an immense stone, weighing probably fifteen tons, over this very pavement, and that is as big a load as you will ever see drawn in Boston. The way that pavement is put down, it is impossible to break it any more than solid granite. It is mineral, and has no vegetable in it, and consequently there is no decay. I am very much in favor of giving that pavement a trial in Boston. The expense is just about the same as granite blocks. I am speaking now of the preparation which I saw. In the first place six or eight inches of concrete are laid on the foundation; then this preparation is put upon the top and there is no more danger of breaking it through than there is of breaking a carpet upon a strong floor. I know that this pavement will give satisfaction to everybody driving over it as long as it lasts; and the only question is, How long will it last? I saw a piece in Washington that had been used for five years, with thousands of carriages passing over it daily, and I don't think the wear is over half an inch in any place, which speaks well for that kind of paving. We don't exactly know what it will cost to lay it down here, but the expense is about the same as granite blocks. The only question for us is whether it wears as well; and if it will it is certainly a great deal better. It is impervious to water, and I believe there is no instance where frost has gone more than five or six inches below the surface, so that there is no danger of frost getting in our water pipes. I feel well enough about it to take the matter into consideration if the Board see fit to give the committee the privilege of using their best judgment in the matter. Of course they will do nothing but what will be satisfactory to every member of the Board. I have not much doubt but that Columbus avenue could be patched up to last another year; but it must be closed up to build the bridge for the entire autumn and must be paved in another year; and it will cost considerable to keep it in repair. It may just as well be done this year, and let some dilapidated stone pavement stand another year. We all know that spruce would not last

more than six, seven or eight years, at the longest. I know from experience that while hemlock would last but six or seven years, chestnut will last about twenty; but of course it will wear out. A great deal of attention has been given to asphalt pavement, and, if we find it is as good if not better than granite, it seems to me that the pleasure of riding over it is so much more—and I don't think it will cost much more than granite—to justify the trial. I don't care whether this is sent back to the committee or not. If it is, the first thing we would do is to report the cost of the different kinds of pavement. The question is whether we will try an experiment upon something which everybody will want just as they now want granite.

Alderman Thompson—I made the motion to recommit because the order came in rather crooked shape. I never knew an order to emanate from that committee as this one has—that this large expenditure shall be made in that locality as they choose. If I am to vote \$60,000 for paving Columbus avenue, I want to know whether it is to be of asphalt or granite; and whether we are going to Washington for asphalt while we can get just as good here or in some neighboring city. The committee propose to decide what kind of asphalt shall be used in Boston. If the order passes at all we should know what kind of asphalt is to be used. I do not believe asphalt should be put in Columbus avenue. It should be done in some street where there are no car tracks, and where it can be made to wear. With the committee undecided as they are, the proper course is to send the orders back to them until they can bring in a report with some recommendation. I shall vote against the orders, for I want the committee to make up their minds.

Alderman Fitzgerald—The order was put in that shape at my suggestion, because the committee did not feel determined which was the better style to put upon Columbus avenue or North Market street. Two members of the committee are undoubtedly agreed, and one almost convinced, that Columbus avenue shall be paved this year. Any one who has passed there and seen the decayed condition of the wood taken up must be convinced that it needs repaving; and if it is paved at all, the best time is in August or September, while the new bridge is being built. The question then arises whether asphalt or granite blocks should be put down. We have had applications from owners of peculiar styles of asphalt, each claiming to have the best. I am unable to say which is best— asphalt or granite. I know that asphalt is easier to ride over than any granite pavement; but whether it will be more durable, with its cost equal to granite, and whether it will prove like the experiments in wood on Columbus avenue and go to pieces in a few years, I am as yet unable to say. I was under the impression that, rather than have a positive order to pave Columbus avenue with any one kind of pavement, the committee should have the privilege of paving it with either granite or asphalt, after a thorough investigation. I see it is the opinion of the Board that the Board itself should decide the question. I have not the slightest objection to that, and the committee have none. They desire to do that which will best promote the convenience of the citizens, and the committee do not object to reporting back to the Board. I never saw but one kind of asphalt tested, though I have seen samples of several kinds in the office of the Superintendent of Streets. The kind I examined certainly impressed me very favorably while riding over it in a carriage. All parties have asked to be heard, and we intend to give them a hearing. Because the order was put in that shape it does not follow that asphalt will be laid in Columbus avenue. I should have to be first convinced of its durability, and whether the kind I have seen is better than others. The cost of the asphalt I have seen is about the same as granite, and I understand there are other kinds which are cheaper. I am convinced that Columbus avenue should be repaved. When wooden pavement goes you cannot repair it; and a notable instance of that was one piece which was repaired and in three or four weeks the blocks could not be brought together.

Alderman Burnham—The Alderman opposite [Alderman Slade] stated that this asphalt had not been affected by frost more than four or five inches. Now, it must be considered that we have much more severe frosts here than in Washington or New York, and that there is no case where it

has been laid north of this locality. This asphalt is procured from the island of Trinidad, and was introduced into this country some twenty years ago, and applied to various uses. I have had a personal experience in testing this article as a stockholder in a manufacturing company. It was at the time Mr. Downer first introduced it in distilling certain kinds of oil from it, and I recollect that it would not stand frost. If it is to be introduced as paving in our climate, the committee should thoroughly investigate the various improvements made in the article in this line alone. There may be other points, but this one suggested itself to me in a very strong light. Therefore, I hope it will go back to them.

Alderman Robinson—My associates on the committee have looked into this matter more than I have, and I know no more about one kind than another. This kind is supposed to be entirely impervious to frost. A certain amount is placed at the bottom, then there is another layer; and that process, I think, is common to all kinds of asphalt. On top of that it is made hard—I believe they call it a cushion—two or three inches thick, and that is where the wear of the paving comes. In case of repair, all that is needed is to take up this matter on the top, so that the expense of repairing is not more than  $2\frac{1}{2}$  per cent. for a certain number of years. In 1871 my attention was called to one kind of asphalt pavement by a member of the City Government of London, lying between St. Paul's Church and the Bank of England; and probably your Honor may have seen it. It is about half a mile in length and is the only asphalt pavement I have seen. I saw it a year afterwards and noticed no perceptible difference. Six months afterwards I saw it and noticed no difference; and then a year and a half afterwards I could see a small mark made by the carriage wheels. There are larger carriages there than those Alderman Gibson speaks of, because the brewery teams and trucks in London are three times as large as those we have here; and they carry an enormous weight over the pavement. I believe some of those pavements will supersede granite; but whether this particular pavement is the proper one I do not know. This asphalt that is placed on top is subjected to a heat of 350 or 400 degrees. Boiling water is 212 degrees, and consequently anything like water in that asphalt goes off into the air. That makes the asphalt just as impervious to frost as possible, and it cannot go below the surface.

Alderman Gibson—I have entire confidence in the committee, that they intend to give us the best they can. But I want to ask gentlemen if this pavement can be repaired after the men come along to repair the sewers, gas and water pipes. The street will be dug up many times in a year, and I should like to know if it can be readily repaired.

Alderman Fitzgerald—I asked one of the gentlemen precisely the same question, and he said that in the first place frost cannot get into the pipes; but in case the frost gets into the pipes, he would show us how it can be repaired. He went on Pennsylvania avenue, and at his request I selected a spot. He called a laborer, and in our presence a piece of asphaltum some eighteen inches square was taken up from a pavement put down by contract. The asphalt was brought to us. The upper layer was hard; under it was what they call the cushion, and beneath it all was this cemented concrete. The whole thing was put back in our presence, and in four or five hours the carts and wagons were passing over it; and the next morning I could not detect any difference between it and the other parts of the pavement. But that is neither here nor there. The proper course is to refer it back to the committee and let them get all the information in regard to the different kinds of pavement.

The orders were recommitted to the Committee on Paving.

#### SUPERINTENDENT OF LAMPS.

Alderman Fitzgerald moved to take from the table the nomination of James K. Fagin to be Superintendent of Lamps, and called for the yeas and nays.

The Board refused to take the nomination from the table—yeas 2, nays 10—Aldermen Fitzgerald and O'Brien voting yea.

#### POLAND & PEABODY'S OMNIBUS LINE.

On motion of Alderman Fitzgerald the Board took from the table the report of leave to with-

draw on petition of Poland & Peabody to run an omnibus line from South Boston to Causeway street.

Alderman Fitzgerald offered the following as a substitute for the report:

Ordered, That leave be granted to Poland & Peabody to run a line of coaches and carry passengers for hire from Dorchester to Causeway street and return, over the following route, viz., starting on Dorchester street, between Eighth and Ninth streets, thence running through Dorchester, Fourth, Dover, Albany, Kingston, Summer, Hawley, Milk, Devonshire and Washington streets to Haymarket square, thence through Haverhill street to Causeway street; thence returning through Causeway and Canal streets to Haymarket square, thence through Washington, Hanover, Court, Tremont, Bromfield, Washington, Beach, Albany, Dover, Fourth and Dorchester streets to the point of starting; provided, said Poland & Peabody carry passengers for a sum not exceeding five cents for each for any distance between said Dorchester and Causeway streets.

Alderman Wilder—I hope the substitute will not prevail. This question has been very fully discussed at the hearing in the early part of the year. I think the Board are prepared to vote at the present time, and I call for the yeas and nays on the substitute.

Alderman Burnham—Mr. Mayor, this matter has been a long time under consideration. I have congratulated myself that by the almost unanimous action of this Board by which these petitioners had leave to withdraw, you had been spared the infliction of a horse-railroad speech, or, what is worse, a railroad omnibus speech. But I find by the present aspect of the question I was disappointed, and I see no other way but for you to endure it. I will first call your attention to the report of a meeting held in South Boston, and among the resolutions adopted I find the following:

"Resolved, That we, the citizens of South Boston, in public meeting assembled, respectfully request our Alderman, Choate Burnham, Esq., to use all honorable means to secure the passage of an order by the Board of Mayor and Aldermen, by which Messrs. Poland & Peabody may secure the license asked for by them."

There have been several articles in the local paper, one of which I will give you:

"Men who have hitherto taken but slight interest in the new coach line are now evincing concern in the matter, and the political death of the man who is instrumental in defeating this project is everywhere boldly predicted, and is sure to follow the calamity he causes."

Now, Mr. Mayor, from these quotations you will notice the kind of pressure attempted to be brought to bear upon me in my representative capacity; and it is under such circumstances that I propose to present to you this matter from my own standpoint in as brief time as may be. I call your attention to the fact that there is a large opposition party, very much larger than those who advocate it—I should say at least ten to one. And by them I am pressed to present to you, and to favor, the other side. Now I do not propose to have any personal bias toward either side; and more than this, admitting that, as a representative of the section of the city most interested in the matter, it is possibly my duty to give to all local interests a hearty support. I also believe I should hold myself as a member of this Board to represent local interests as they exist in their relation to our whole city. Amidst all the representations and misrepresentations that have been made, it was at first somewhat difficult to arrive at the real want and sentiment of the people. There was no difficulty in arriving at the views of the South Boston Horse Railroad Company, or their very numerous class of friends, who arrayed themselves in a marked opposition. On the other hand, it was easy to see through the thin veil that, in the hands of paid advocates and personally interested promoters of the coach line, was likely to mislead us, by hiding what should be seen; and yet however used, it does not hide the fact that the enemies of the horse railroad company, for reasons we need not here discuss, are advocating this line in a spirit of retaliation,—it does not hide the fact that some expect to dispose of real estate, and some to find employment, and some, perhaps, to get notoriety out of the advocacy of this coach line. Now, turning from these extremes, we have on the one side, a horse railroad company with certain granted rights to be used in their possession for the interests of the

people who travel, and the proposed coach line on the other hand, asking for the right to be granted to them to do the same kind of work for the same end. And I have this to say, that aside from the representations of both, and seeking the best interest of each, as well as the best interest of our people, I have become convinced we should not attempt by coach travel to add to our present facilities of horse car travel, for the present means of transit are the right kind and sufficient for today, and are the only ones needed for future extension, and hence I recognize the question now before us to be simply a question of comparison. With a chartered company to do a certain thing, and now doing it, we have an existing condition of things that will be either improved or made worse by the granting of this petition.

Before, then, we permit the innovation which these petitioners ask, in all fairness we are bound to take a just measure of the horse railroad company. What they are; what they are doing; what they will do; and since they are now in possession, and performing a certain work, will they do all that the public have a right to ask of them. After this, comes the consideration of the coach line, and if they will be a benefit to the community, provided they receive the privileges asked. The horse railroad company is a chartered stock company, with an invested capital of \$565,000, all of which has been honestly invested. I cannot see, Mr. Mayor, from what investigation I have made, that the stock has ever been watered a single dollar. They have their buildings, track, and equipment, all paid for by the creation and sale of stock and by borrowed money. The cost of the whole plant is as low as that of any similar corporation, even lower than some, as may be seen by reference to the Railroad Commissioners' Report. They exist to carry the people to and from the city to City Point. They may not be perfect, but as far as I can find, they are doing this work in a manner that should be commended rather than condemned, and in a manner that entitles them to our protection.

In the first place, we see the railroad is running for the whole population—running now from the Northern depots of the city to City Point—over the sections that do not pay, as well as those that do. The petitioners ask to care for a part only—i. e., those people living on the best-paying part of the route. Probably 20,000 of the inhabitants reside east of Dorchester street, and on this territory the coaches do not propose to run at all. They only ask to start in the centre and to run through the most thickly settled part, while the railroad proposes to furnish all the territorial accommodations needed. The railroad runs day and night—runs at all times, for all the people, paying and non-paying cars as well. This they are doing for the travelling public; this they will continue to do. And more, now that this coach line comes to us claiming the public are not provided for on Dorchester street, this central cross street, they are ready to add accommodation as soon as this Board grant them the right to lay the track and run the cars, switching off from Eighth street, through Dorchester street, and on to Broadway track, and reversing the same as need be—thus supplying horse-car travel for the very territory over which the omnibus line proposes to run—from its starting point.

Now, as to the future of the South Boston Horse Railroad Company, we cannot but see that the material interests of the road forbid they should fail to care for the interest of the public. On the faith of their charter they have already expended \$565,000, and that investment commits them to pursue a course that shall cause the largest number of people to ride. Whenever the means of travel are insufficient, they must and will provide more. What other railroads do, they must do. The Middlesex asked us to go to the Southern depots; we granted it. The South Boston road asked to go to the Northern depots, and we have granted it.

Again, in my judgment, the talk about granting this license because the railroad needs the spur of competition to quicken it to a broader care for the interest of the public, is sheer nonsense. So far as the past is concerned, the hearing on this petition showed this horse railway in a more favorable light. The only complaint that had a shadow of weight was the non-providing of sufficient cars for 1½ hours in the morning and the same at evening, but it was proved that for the meeting of this deficiency cars were despatched on an average every three minutes or less. This morning and evening travel is a state of things it

is exceedingly difficult to manage. It is no fault of the railroad that an industrious laboring population of more than 10,000 people need transit from South Boston to the city in the morning, or to return in the evening, in so short a space of time. Because rents are low over there, in these hard times, a great many people of this class have come there to reside. They are good citizens, and we shall be sorry to lose them; but, undoubtedly, when times improve, this feature will change. However, as it has been, in providing means of travel the former government of the railroad did well in despatching a car every three minutes. Possibly they did not do all they could; we cannot tell; but we find on inquiry of the present government that they are planning to crowd upon the line all the accommodations that can be given, to meet this want. As I said, their interest prompts them in this direction, that they may secure the largest income within their reach, and this is sufficient guarantee that the public will be provided for. Therefore, I say they can, and will, do all which the people in justice may ask. The people desire only sufficient travelling facilities. If one line will do it, far better the one than two. And the fact is clearly demonstrated that the railroad can better serve the public without the coach line than it can be served with both. Nor is there any question but the confining this carrying of the people to one corporation and the directing of it to be done by the horse-railroad company now occupying the route, will greatly prevent the crowding of our streets; and if this be so, why should additional means of travel be granted? Broadway with its double track offers all the facilities we need on that street, and yet this line proposes to add to it, running parallel its whole length, side by side the horse cars. I am astonished at this part of the proposition, and I can but ask where is the justice in such a request. Again, I am astonished that the people of South Boston are presumed to be so antiquated as to desire to return to the old four-wheeled omnibus line travel. Is the entry to coaches so much preferable to the easy ingress and egress of the horse cars? Is the rumble over the pavement desired instead of the smooth rail? I for one cannot so see it; nor do I believe the most urgent advocates of the coach line would ride in them if we had them. In looking then, Mr. Mayor, for what the coach line will do for the public, we must seek it beyond the leaving the railroad track at Broadway Bridge, for what we have already considered fully shows that all the wants of the public are, or can be, and will be, met and abundantly provided for, by the horse railroad company to this point, and as fully shows, that to allow the coach line to enter upon it is, thus far, to simply give them a chance to share patronage with a company which, by their great investment of money, if from no other motive, are committed to supply our need. We must seek then the reasons for granting this petition in what the coach line will do after (as I said) leaving the line of railroad.

At this point (the extension of Broadway from Dorchester avenue) the coach line proposes to pass on over the bridge to Albany street; this location of the coach line we are asked to grant because it is an accommodating connection with the South End. Now, is this so? We find the nearest connection with horse cars to the South End is at Harrison avenue; the petitioners ask only to go to Albany street (Harrison avenue and Albany street are some thirty or forty rods distant from each other); over this space the coach passengers must walk, while the railroad passenger is brought to the corner of Harrison avenue and Beach street, and can step out of the South Boston car into that of another line to the South End. The car fare with exchange check is eight cents, while to gain this travel the coach line takes five cents; the passenger walks the distance between the streets, and pays a car fare of six cents more to go to South End—whole cost to South End per coach line eleven cents. But there is one thing more; the car passenger for his eight-cent fare can at the corner of Washington and Boylston streets, and Boylston and Tremont streets, step out of the South Boston car and into cars going to the South End, to the North End and to the West End—this plea then for a coach line thus far seems also to fail. Again, from the point in Albany street to which we have now arrived, it was claimed that it made a line to the northern depots direct. That this claim is disposed of I have only to say that our vote has already, while this matter has been in

the committee's hands, opened the pathway of the South Boston Horse Railroad to the northern depots, therefore we should not encumber our streets with this coach line travelling in the same direction for a purpose provided for and accomplished in the granted line of horse cars to the northern depots. Thus far, then, we fail to find reasons for additional travelling facilities of the kind petitioned for; and, Mr. Mayor, I ask if, then, there be so little need of this line of coaches, if you believe, as you must, they come here asking the rights of another—if to be a successful line they must encroach upon a corporation now established—and having expended \$565,000 already, is abundantly able and determined to do all that is needed in the future; and if in these hard times, because the people are too poor to ride as much as formerly, railroad receipts are greatly diminished, and this parallel line of coaches would still further decrease their receipts. Shall we really serve the public to grant this petition? I see it in this way: There was but one ration, before these depressed times in business, to support one body. It was only sufficient for that purpose—only supporting it after paying a fair profit (only a fair profit) for the interest and risk. Now, the want of employment is such people do not ride, the ration is greatly shrunken, and a proposition comes to us to divide it, and undertake to support two bodies instead of one. Must it not inevitably follow that both recipients must starve? And here the question comes to us, and fairly comes to us, Will not the public be better served by one efficient, well-fed, healthy service than by two starvelings?

Neither is it, Mr. Mayor, an equal division of the ration. It is manifestly unfair to the railroad company to put on a line of coaches in the same street and same direction, to run free of cost to themselves over the street, and put the burden we do on the railroad company in the paving, first cost and repairs which they are required to do. The damaging effect of a coach route on the paving between and each side the tracks, every one knows. If not, ask our Superintendent of Streets to see his record of repairs, and you will be convinced.

I have interviewed Mr. Richards, president of the Metropolitan Railroad Company, in regard to the assertion that the Hathorne line added to the receipts of his company. He says there was never any foundation for such a declaration; that if the omnibus line was taken off his receipts would be increased by just the amount of the omnibus receipts—and of course his equipment would have to be correspondingly increased. Before the Highland road started, the Metropolitan ran only hourly to certain districts. This, of course, threw the travel into private vehicles and the steam cars. When the Highland put on its cars, giving increased accommodations, it allowed the disuse of private carriages and took from the steam cars, and thus promoted horse-car riding, and the increase of horse-car facilities had a tendency to increase building and to enlarge the population. It did so, and there is a population who ride—but in our section it is not so; for while South Boston horse cars have increased the number of trips since 1873, their receipts per trip have regularly diminished. It is not the company who fail to supply good and sufficient transit, it is the people who fail to utilize the conveyance supplied by the railroad in excess. The reasons for it are those I have already named—the lack of employment on the part of the laboring population, and the consequent inability to ride.

I will only add that in the establishing of this line we certainly should make an unwelcome precedent. If we grant this line, how in justice refuse when a line shall be asked for on Shawmut avenue or Tremont street, since the reasons for coaches there to share patronage with the Metropolitan and Highland railroad companies are as pertinent as for this. Had this projected enterprise been a little more modest, had they asked for anything but a parallel line to run over the best part of the South Boston Horse Railroad Company's track, the case would have been different. Had they asked, for the benefit of the people of South Boston, to run down Sixth or Seventh street, and over Dover-street Bridge or over Swett street, there would seem to have been a lack of intention to cripple one of our best institutions; that would have warranted a more favorable consideration of their request; but, asking for what they do, I cannot see how this Board can for a minute consider their prayer. I do not deny, Mr. Mayor, that South Boston, with her 60,000 peo-

ple, needs her line of horse cars through Federal street direct to the northern depots—and she ought to have it. I do not deny she needs another line the length of Atlantic avenue, and she ought to have it; and unless we soon arrive at a plan of a central terminus at Scollay square for every horse railroad that comes into this city, and arrange an equitable system of commutation tickets, you will soon be asked to grant these routes. I can see no other way to disentangle this snarl of conflicting railroad interests, and every listener to the horse-railroad hearings before this Board sees plainly that each new petition of railroad or omnibus line engenders controversies which drift us in this direction. At any rate there is no relief in omnibus lines; they only block our streets, and make matters generally worse—better far accept horse-car locomotion as the institution for our passenger travel, and make the best we can of it.

Now, Mr. Mayor, from my examination of this matter I am prepared to say that if this coach line has \$100,000 or more—for a good coach line will cost it—to invest for the benefit of the South Boston travelling public, better join with the present chartered horse-railroad company, and then come to us asking a way over Dover-street Bridge or Swett street, and thus promote our true interest, and secure a chance for a paying investment somewhere in the future. At least in so doing they would recognize the fact that this is the nineteenth century, when the turnpike and stage coach have given place to the steam rail car, and the old city omnibus to the horse car, as the living institution. I do believe, then, Mr. Mayor, that the act that would divert city-passenger travel from the horse car would be in the wrong direction, that to grant this coach line would be such an act; that the people want no such arrangement for travel; and, therefore, these petitioners should have leave to withdraw.

Alderman Fitzgerald—I already know what the result of the substitute is to be, but I offer it because I believe in competition, which has been the spirit in which the Legislature has dealt with horse and steam cars. Any company can organize under the general laws and run a steam railroad where they please. We have not got so far as that with horse railroads; but it appears to me that omnibus lines are altogether different from horse railroads. I know the present Board is rather prejudiced against omnibus lines. The people of South Boston are differently placed from any other section. Charlestown and West Roxbury and the North End have competition in the shape of horse cars and omnibuses; and horse cars have a monopoly of travel in South Boston alone. The only question with me is whether it will promote the interest of the travelling public. We are not here to take care of horse-railroad stock; our business is to take care of the convenience of the public. While I did all in my power to facilitate the South Boston road getting to the northern depots, I think the omnibus line will be of no material disadvantage to them. The rule I propose will accommodate a great many people at the South End. It is not on the line of the horse cars. I believe in the substitute, though I believe it will not pass this Board.

Alderman Viles—Last year the Committee on Licenses, of which I was a member, had this matter under consideration a long time. They gave all the parties a hearing and carefully considered the matter in all its aspects, merits and demerits, and they were unanimous in giving the petitioners leave to withdraw. I have seen nothing to change my opinion. I know Mr. Poland well and would go out of my way to do him a favor. He is an enterprising young man; but I cannot vote to give him this omnibus line.

The substitute was rejected—yeas 3, nays 8:

Yeas—Aldermen Clark, Fitzgerald, O'Brien—3.

Nays—Aldermen Breck, Burnham, Dunbar, Gibson, Robinson, Slade, Viles, Wilder—8.

Absent—Alderman Thompson.

The question was upon the acceptance of the report, and Alderman Fitzgerald called for the yeas and nays.

Alderman Clark—When this subject first came before the Board I was strongly opposed to granting the prayer of the petitioners; but after learning that what appeared to be a large number of people of South Boston, including members of the Common Council, desired this additional accommodation, and that the young men who propose to put on this line are amply able to carry out their intentions, I changed my views, because

I believe in competition not only between New England and the West, but between all sections of this city. If we permit Hathorne's line of omnibuses to run through our most crowded streets, and another line to run from Cambridge to Summer street, why should we not permit Poland & Peabody to put on omnibuses to accommodate the people of South Boston? Those who took part in those meetings were respectable and responsible citizens, and did not hesitate to express their desires. If I were to act according to my private feelings I should vote against granting this petition, for I have received a letter showing that I ought to vote against it. But believing that the people of South Boston require and want this line, and that there are no more reasons why we should not grant this permit than there are reasons why we should allow Mr. Hathorne to run his coaches, I shall vote against giving Poland & Peabody leave to withdraw, as I have already voted for the substitute.

Alderman Burnham—The argument of the gentleman last up is based upon the conviction that the people of South Boston want this line of omnibuses. I do not know how he learned the fact. Living there, I have used due diligence to get at the real sentiment of the people; and I do not hesitate to assert that thirty or forty or fifty to one have expressed the desire to me that the omnibus line should not be granted. As the matter has been presented to me by the investigation I cannot see that the people require it. On the contrary I believe that South Boston people, by a large majority, do not want an omnibus line from Broadway Bridge. It is a very long route across a main thoroughfare, and they do not want any such convenience for travel. I think, from the vote we have had, that this matter is safe, and that we shall act right.

Alderman Clark—The people in favor of the line came together in a public meeting and expressed their desires; but those opposed to it took no action. We only know from the statement of the Alderman that anybody opposes it. We are to be guided by the facts we learn. When the people of the Highland District wanted to come down to Columbus avenue they held public meetings. We have but one sentiment indicated to us about this matter, and that is the feeling expressed at the public meeting, in which very respectable men took part, among them being the President and members of the Common Council. Those are my reasons for voting to give a license to this firm.

Alderman Burnham—Would the gentleman grant a permit to any omnibus line that should apply to run parallel with the railroads, simply because somebody asks for it?

Alderman Clark—We have already granted a permit to an omnibus line to run parallel and in competition with three horse railroads in Washington street. We have done that in four years. It is no new thing.

Alderman Viles—And within two months we have refused such a license.

Alderman Clark—That was to an opposition line outside of the city.

Alderman Fitzgerald explained the substitute and said the people did not care about the stock of corporations or the omnibus lines. They wanted facilities for travelling. Having lived in South Boston many years he knew the people desired this accommodation.

Alderman O'Brien thought the Board had made a mistake in rejecting the substitute. The expression of feeling in South Boston in favor of the line was very strong. It will accommodate many poor people at the South End who now have no accommodations for travel.

Alderman Gibson alluded to the crowded condition of the streets, and thought South Boston already well accommodated.

Alderman Wilder said one of the petitioners is a son of an old friend of his who was to furnish some of the capital to commence the operation. Being a nice old man, and a former member of this Board, the Alderman felt he could not be a party to Mr. Poland's losing his money in such a wild business operation. If he did not know that they were respectable men who put in this petition he should think it was a put-up job to get a license and pinch something out of the railroad. He believed the estimate of Alderman Burnham not far from right in regard to the sentiments of the people of South Boston.

The report of leave to withdraw was accepted—yeas 9, nays 3—Aldermen Clark, Fitzgerald and O'Brien voting nay.

## PUBLIC SCHOOL MUSICAL EXHIBITIONS.

Alderman Thompson offered an order—That notice be sent to the School Committee that in future no musical exhibition by the school children of this city can be held without the consent of this Board being first obtained therefor, as provided by law. (Chapter 172, acts of 1877.)

Alderman Fitzgerald—It cannot be held now without the consent of this Board. We made an appropriation for that festival and I was opposed to it. It was especially agreed in the appropriation bill that it should be done. I knew from past experience that it would give rise to jealousies and heartburnings, as all those exhibitions of special studies have done, and from which those most interested—the parents and friends of the children—have been excluded, because those connected with the School Board have the giving out of tickets. I am satisfied it does more harm than good to the schools, and that it does harm to the children, and gives an undue impetus to special studies. I was opposed to it in the committee, and the chairman will remember it.

Alderman Thompson—The law I refer to has been passed since we made our appropriation, and consequently if another festival is held without the consent of this Board it will be in violation of the law. The act I refer to was passed on the 28th of April, 1877, and consequently the Alderman was mistaken in saying he knew of it when the appropriation was made.

Alderman Fitzgerald—The law he refers to was that which prevents the exhibition of circuses, theatres, etc., without a permit from the Mayor and Aldermen, and it provides that children may be exhibited in musical or school festivals with the permission of the Board of Aldermen. The spirit of the law is to prevent children from being exhibited in circuses.

Alderman Thompson—The law was passed April 28, 1877, and could not have been carried out subsequent to that. I will read the closing sections:

"Provided, however, that nothing in this act shall be construed to prevent the education of children in vocal and instrumental music, or their employment as musicians in any church, chapel, school or school exhibition, or prevent their taking part in any concert or musical exhibition on the special written permission of the Board of Aldermen of any city or the Board of Selectmen of any town.

"This act shall take effect from its passage."

That law is in force now, and it is not proper for the School Committee to give an exhibition without permission from this Board. I have no doubt that this Board will be ready to grant any request that the School Board ask for, but it seems to me they should be reminded that there is a law which should be observed. I hope the order will meet the approval of this law-abiding Board of Aldermen.

Alderman Fitzgerald—I hope the Board will not pass this order. The School Board know what they are to do and do not require this Board to instruct them. If such a law has been passed, I presume they will take notice of it; and if they have another exhibition of this kind those gentlemen will come here and ask leave. The object of that law was to prevent little children from being exhibited in circuses. The appropriation for this exhibition was discussed in the committee and was granted, and we thereby gave them leave to hold the exhibition.

Alderman Thompson—The appropriation has nothing to do with the act of the Legislature. A member of the School Committee who was a member of the Legislature was here this afternoon and told me he was not aware of the law, and that is the case with other members of the School Committee. If a gentleman who is a member both of the School Committee and the Legislature did not realize there was such a law upon the statute books, I do not think members of the School Committee who are not members of the Legislature would. It is our duty as protectors of the law of the Commonwealth to see that the laws are properly executed and carried out. We know there has been one violation of the law recently, and it is proper, under the circumstances, that the law should be carried out. If they come here and ask this Board to do what they desire, I shall be ready to grant it; but I think they should be obliged to do so.

Alderman Fitzgerald—It seems to me that the chairman of the Committee on Public Instruction has been derelict in his duty in not informing the School Committee before last Saturday that they



were violating the law. Now, when the festival is over he informs them of it; and at the same time informs them that we have winked at a violation of the law. I presume that the Board of next year will know what their rights are. This looks like slapping the School Board in the face simply because they did not give us four tickets to the festival instead of two.

Alderman Thompson—I plead guilty to the charge that I have not been quite as diligent as under other circumstances. My attention was called to it last Friday, and I was requested to take some steps in regard to this matter; but I found that if anything was done it would be very troublesome to a great many of our citizens. I think I may be excused for not having thought of it before when a member of the School Committee, and the Legislature was a party to this violation of the law without knowing it. I had a note sent to me by a member of the other branch, calling my attention to the duty of this Board in this matter, and to the fact that it was an open violation of the law, and expressing the opinion that some notice of it should be taken; and this is the first opportunity I have had to bring it to the attention of the Board. I hope the Board will realize the fact that there has been a violation of the law.

Alderman Fitzgerald—Suppose we send an order to them that no schoolhouse shall be built without a special appropriation from this Board? That is the law. I hope this Board will not pass the order. I hope it for the sake of this Board, and not for the sake of the School Board.

Alderman Thompson—I should, if the higher

power votes that that shall be the law. I am not responsible for the law. If the higher says they shall not build schoolhouses except by permission of this Board, I propose to abide by the law.

Alderman Fitzgerald—School festivals are held every three years, and the probabilities are that some who are now in this Board and the School Committee will not be members then, and I think it would be better to refer the order to the Board of Aldermen three years from today, and instruct them to instruct the School Board in their duties in this matter.

Alderman Clark—I hope this order will not be passed tonight, but laid upon the table to enable us to ascertain whether it is necessary to give permission to hold a school festival. If the School Board desires the order passed, I shall be happy to vote for it; if it is not necessary I shall not vote for it. I move that it be laid upon the table.

Alderman Thompson—If that motion prevails I hope the Alderman will be a committee of one to ascertain whether such an act was passed or not. Here is a copy of the act as it stands upon the statute book. I don't know how he is going to ascertain. Perhaps he had better apply to the City Solicitor.

The order was laid on the table.

#### PERMIT FOR LANTERN.

Alderman Robinson submitted a report from the Committee on Police in favor of granting a permit to R. M. Field to place a lantern in front of the Boston Museum on the usual conditions. Accepted.

Adjourned on motion of Alderman Burnham.



## CITY OF BOSTON.

Proceedings of the Common Council,  
JUNE 7, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## MISCELLANEOUS PAPERS FROM THE BOARD OF ALDERMEN.

Auditor's monthly exhibit, and annual reports of Commissioners on the Sinking Funds and Directors of East Boston Ferries. Severally placed on file.

Petitions were referred in concurrence.

Report of leave to withdraw on petition of A. E. Pratt, to be furnished with Cochituate water free of charge, for the purpose of watering Tremont street, Highlands. Accepted in concurrence.

Notice of appointment of Alderman Burnham on Committee on Improvement of Channel of Stony Brook. Placed on file.

Report and order for a permit to John D. Westler to build on Starr street, Ward 23. Order read twice and passed in concurrence.

Order for a special committee to examine bonds of city officers. Read twice and passed in concurrence, and Messrs. Crocker of Ward 9, Richardson of Ward 11, and Reed of Ward 17 were joined to said committee.

Amendment to order to report on expediency of completing East Ninth street, by inserting "within four weeks" instead of "at the next meeting of the Council." Concurred.

## SALARY OF SUPERINTENDENT OF DOVER-STREET BRIDGE.

The order to fix the salary of Superintendent of Dover-street Bridge at a rate of \$2500 per annum from April 1, in full for services of himself and assistants, came down with the non-concurrence of the other branch in the reference to the Committee on Retrenchment.

The question was put on receding from the former vote of the Council. The President was in doubt and ordered a division, but a quorum did not vote, and pending action discussion ensued.

Mr. Clarke of Ward 22—I have understood since the last meeting, that this Superintendent is obliged to hire three assistants and pay them out of the salary he gets; so that if he pays each man \$500 apiece for three assistants, the Superintendent is allowed only \$1000 for his salary. I also understand that neither the Superintendent nor his assistants have been allowed to draw pay since the first of April on account of their salary not being regulated, and it was for that reason that it went through the Board of Aldermen, that the men may receive the salaries due them.

Mr. Jackson of Ward 16—I am perfectly aware that the salary is not too much. Besides the assistants there are two horses to take care of, and in reality they have quite as much work to do as the Superintendent of Broadway Bridge, which is operated by steam, and, besides which, very many craft pass under it without opening the draw—for instance, all the tow boats—whereas the draw of Dover-street Bridge has to be opened for every vessel or boat that passes through. I think the salary is quite small enough.

Mr. Thompson of Ward 9—The question is not whether the salary is too small or too large—it may well be that the salary is too small. The action of the Council, last Thursday evening, was dictated by the principle that it is right to establish no salary without its being referred to a committee on salaries. The custom is that that shall be the case. I made the motion to refer this order to the Committee on Retrenchment last Thursday, stating as the reason for so doing that we had adopted the Retrenchment Committee as our salary committee. That committee having fixed the salaries for this year, and the City Council having adopted their report, it seemed to me that we were entitled to a report from that committee before fixing this salary. It is true that they fixed one or two superintendents' salaries at a higher rate, and gentlemen connected with the City Council think that the duties of this Superintendent are as great of those of other superintendents. I am not quite prepared to say that if the committee fixed the salary at \$3000 I should vote for it, or that I should not; but I do think it is a safeguard that all these things should be done decently and in order. The action of the Board of Aldermen, in refusing to refer this to the committee, I think, with all due

deference to them, with the brief consideration that they gave it, could not be approved, so far as the saving of time is concerned. If they had referred it to the committee they could have given us a report tonight and the order could have gone to the Board of Aldermen next Monday. It may have been done for the sake of giving us one more snubbing. We have referred several matters to committees, but the Board of Aldermen have non-concurred, and we have quietly followed their leading. I think the Council have gone far enough in that matter. If there is a principle involved, I hope the Council will stand where it is. If we have done right in referring it to the committee, let us send it to them.

Mr. Sampson of Ward 17—I trust the Council will recede. In looking into this matter I am informed that the Bridge Committee have delayed fixing this salary some time until the completion of the bridge to ascertain the amount of labor in removing the draw. After their careful consideration, the knowledge they have is as good as any the Retrenchment Committee could obtain in regard to this salary. These men have had no pay during this financial year—since the 1st of April; and it is hard to keep them out of their salary so long for the sake of standing upon our dignity.

Mr. Spenceley of Ward 19—I entirely concur with the views of the gentleman from Ward 17, and I hope the Council will recede. The remarks of the gentleman from Ward 9 remind me of the story of the Dutchman who went to mill, carrying his grain in a bag on one side and a stone in a bag on the other side. One day his boy went to mill and divided the grain between the two bags. The miller said to him, "Your father, grandfather and great-grandfather carried that grain on one side, and now I want none of your new-fangled notions around here." It seems to me the gentlemen are just like that. Here is a new salary; it has never been fixed before. The gentleman wants it referred to the Retrenchment Committee. Retrench on what? Perhaps it might be well enough to refer it to the Salary Committee; but here is the Bridge Committee, who know just what is to be done, what the duties of other superintendents are, and can compare the salaries together. I don't think we will be much more enlightened if we send it to the Retrenchment Committee, or any other committee. Because we send other salaries to the Salary Committee is no reason why we should send this one to them. If gentlemen understand that this salary is small enough for the duties performed, or large enough either, I say we ought to recede and let the men get the money for what they are doing. What is the use of carrying it backwards and forwards, when we will get the same report we have now?

Mr. Webster of Ward 3—In the report of the Retrenchment Committee, in regard to bridges, I find these words:

"The committee are not prepared to recommend any salary for the Superintendent of Dover-street Bridge, that bridge not having been opened for public travel."

At that time we did not know what the duties would be, and could not make any recommendation. But as we were competent to fix the salaries of the other superintendents, it seems to me we are competent to fix this one also. As the bridge has been opened for a considerable time, if those men are so poor I fail to see why the Committee on Bridges could not have made their report earlier, instead of waiting till now and trying to rush it through before it is referred to the proper committee. It is not whether the salary is high or low, but whether it is courteous and just that the matter should be referred to the committee who fixed the other salaries. We are not to blame by delaying the payment of those poor men by trying to refer it; but those who delayed making the report are to be blamed if any one is. I believe we will be justified in non-concurring.

Mr. Crocker of Ward 9—I hope we shall non-concur. The Council are equally responsible with the Board of Aldermen in fixing salaries. This salary has not been referred to any committee of this branch, or any committee having salaries in charge. The Committee on Bridges is entirely composed of Aldermen, and it is eminently proper that some committee composed in part, at least, of members of this branch should consider what this salary should be. The Retrenchment Committee reported a list of salaries for this year which was substantially adopted. It is to be supposed, and I have no doubt that that committee acted upon certain rules and prin-

ciples in determining upon salaries, and this salary should be determined upon the same rules, and it ought to be made high or low, as these salaries were determined to be high or low. It seems to me that the Retrenchment Committee is the proper one to refer it to, to see whether this salary is fixed upon the same scale as the others.

Mr. Reed of Ward 17—Dover-street Bridge is conducted upon the same principle as Federal-street Bridge. More vessels pass through Federal-street Bridge than through Dover-street Bridge. The salary of the Superintendent of the Federal-street Bridge is \$2700, and he pays for his assistants. The Committee on Bridges carefully considered this matter and made the salary \$2500. I have looked into the matter and satisfied myself that the committee acted wisely, and as the gentleman from Ward 17 [Mr. Sampson] has said it has been considered by this committee, and I hope we shall concur.

Mr. Mowry of Ward 16—It seems to me from the remarks of the gentleman that we may well doubt whether \$2500 will be sufficient. I am in doubt whether the salary is large enough or not. It seems to me we are justified in referring this matter to the committee to see whether the salary is sufficient or not. I hope we shall not recede from our former action.

Mr. Jackson of Ward 16—In reply to the gentleman last up, I would satisfy him that the Superintendent is satisfied with the amount awarded by the committee, and considers it fair compensation compared with the salaries received by the other superintendents of bridges. I think that to give them any less would be doing them injustice. I would be perfectly satisfied to have it increased if I thought it was necessary; but when parties filling positions are satisfied with the amount awarded we ought to be satisfied, and if there is any change to be made I anticipate that some of us would go in for reducing. The amount awarded by the committee being fair, I don't think we ought to delay action any further. If I understand the matter, such business has been transacted heretofore without referring it to the Retrenchment Committee. I don't know whether we ever had such a committee before. I think we can get along at such a late day now without referring it to them, and I trust that any member of that committee will not feel lighted that the Bridge Committee fixed this salary. I know those gentlemen want the money, and it is time they had it, and the matter has been put off long enough. I hope we shall recede from our former action.

The Council voted to recede by a division—34 for, 15 against—and the order was read a second time and passed in concurrence.

#### MYSTIC VALLEY SEWER.

A report came down with a resolve that the work on Mystic Valley Sewer should be done by day labor and by citizens of Boston only, and with an order authorizing and recommending the Boston Water Board to have the work done by day labor, providing that such persons only shall be employed, also a minority report recommending the passage of the original order on the subject.

The question was upon giving the resolve and order a second reading as amended.

Mr. Beeching of Ward 1—I simply want to say a word or two in behalf of the committee who had that matter under consideration. They were unanimously in sympathy with the object of the original order, but the question came whether it was wise and judicious to take the matter entirely out of the hands of the Water Board. This matter was considered very carefully, and the committee thought that the present being an extraordinary time—so many men being out of employment—they might depart from the very wise and judicious rule requiring that on all work, the expense of which should amount to ten thousand dollars or more, proposals should be advertised for, but in this case, under the extraordinary circumstances of the present time, they thought it might be proper to depart from that rule. The Water Board could not do this work in any other way but by contract, unless they were authorized by the City Council. The objection to the original order was that the Water Board would be instructed to have this work done by day's labor. That was regarded as objectionable. It was taking the matter entirely out of the hands of the Water Board; and should an emergency arise that would require them to depart from it or that might make it necessary to depart from that instruction, their hands would be tied, and notwithstanding any emergency that might arise, they

would be obliged to have this work done by day's labor. The members of the Water Board were present with the committee when this matter was considered, and they were in sympathy with the object of this order. The committee thought if the authority was given the Water Board to depart from the usual course they might have their work done by day's labor, and the most judicious course under the circumstances was to authorize the Water Board to do the work in that way. It now comes from the Board of Aldermen with an amendment which I think rather improves the order; and that is that the Water Board be authorized "and recommended"—not instructed—to have this work done by day's labor. It is supposed that the work would cost more—but not a great deal more—to have it done in this way than it might if it were done by contract. Taking this view of the matter the committee so reported, and it was the wisest thing they could do under the circumstances. I hope the report of the majority of the committee will be adopted.

Mr. Fraser of Ward 6—Having signed the minority report and having conscientiously signed it, I propose to tell my reasons for doing so. I have had some conversation with the gentleman who offered the order. I believe he offered it in good faith and for a laudable purpose. He believed that on account of the number of unemployed men in the city of Boston today the city could hire good labor at a smaller price than it ever could before, and another reason was that the city could get a better job done. The order was referred to the Committee on Water, of which I am a member. I did not expect to see any objection to it. The three commissioners were there. One of them in a very emphatic manner declared, and persistently declared, striking his hand upon the table, that unless they had an order from the City Council they would be obliged to do it by contract. Another member of the commission framed his words to show that in the face of a resolve passed by the Council, he, for one, would not feel justified in going against the wishes of the City Government. The other member remained present without expressing any opinion whatever, and he never did express any opinion. Mr. President, those are the facts, and I believed, as I do now, that unless the Water Board are instructed, the Mystic Valley sewer will never be built by day's labor. There has been so much talk about the Mystic Valley sewer that any gentleman here unacquainted with the facts might imagine that it is a monstrous job. It is not larger than a drain on a large farm. About 15,000 feet in length are to be dug to the depth of ten feet from the basin of the Mystic River to the Woburn Branch, and from that a little drain is to be dug up to Woburn, where there will be fifteen inch-pipe laid. They only propose to spend about \$70,000. One of the members of the commission and some members of the committee thought they would be obliged to procure very able superintendents. Why, sir, it is ridiculous to think that superintendents are so scarce in the city of Boston that they cannot be found for a little job like that. For that reason I was obliged to differ from the majority. The committee were not unanimous in any part of it. Two votes were taken; the first one stood 2 and 2; one of the honorable Aldermen refused to vote. They were unwilling, even, to say to this Council that it was their intention to do this unless they were compelled to do so. An amendment was offered which would shut off the fear that the laborers would make a strike and run the price up to \$3 or \$4 a day, and it provided that the work should be done at the lowest price paid by the Water Board. The only danger in the minds of a majority of the committee seemed to be the taking away of some of the dignity of the Water Board. One of the commissioners said he would not do it by day's labor unless he had a positive order. The other says he don't know, but he would not like to go behind the expression of the Council. The other one remained without giving any expression.

Mr. Fraser moved to amend the order by inserting the words "and instructed" after the word "recommended."

Mr. Webster of Ward 3—Believing as I do that the order offered by the majority of the committee is surely to attain precisely the same object, and that it is much more courteous and desirable in every way, I trust that it will be passed. When this matter was first suggested to me by the gentleman from my ward who offered the order, I

immediately called upon the Water Board and asked them concerning it, and I consulted with the entire board. They expressed the idea to me that an arbitrary order from the City Council, compelling them to do so, would not be according to their ideas of courtesy, but at the same time if we passed the resolve saying that this was the feeling of the City Council, there is no reasonable doubt whatever in their minds that the work would be done in that way. I saw two members of the Water Board—a majority—who assured me that it would make no practical difference which order prevailed. The question is, which is the true order to pass as a matter of precedent and courtesy to the Board of Water Commissioners. Believing that the workmen will obtain all the work they want by either order, and that the order of the majority will accomplish the same purpose as the original order, I intend to vote for the one report by the committee.

Mr. Kelley of Ward 3—It is very strange that the Water Board make two different statements. I have more respect for those gentlemen than to believe that. I waited upon the President of the Water Board some two weeks before I offered the order and he offered to favor it. I also waited upon the board in their room, a week before I offered it, and they had no objection to continuing the work by day's labor if they got the order from the City Council to do so. Now, sir, as it comes from the Board of Aldermen I see no value in the order at all. Before I offered this order I consulted with the members of the Water Board and got their views on the question. I intended to offer no offence in the order, as has been intimated. There was no offence there. They felt that it was not an arbitrary order. I have waited upon the gentlemen since, and they made no such statement to me, and I am ready to apologize to the gentlemen if I have offended them. They were perfectly satisfied. One member, however, stated to me that he wanted a positive order. That gentleman was Mr. Cutter. I also went to the Engineer, who was perfectly satisfied with it; and to be sure I was right before offering the order, I went to the City Solicitor, and he told me it was the proper way to offer it. I do not see where the offence is. I don't believe in any order that has not some foundation to it. If we pass a resolve that it is the sense of the Council we leave it just as it is now. I offered an order that the work be done by the day, and that none but citizens of Boston be employed upon it. My reason for doing it is that when I come to City Hall I find it filled with men who are out of employment. In the ward where I live, in Charlestown square, every morning are fifty to a hundred men looking for work. I thought that, as the city of Boston is going to do this work, we might employ many of those men, knowing it can be done as cheaply by day's labor as it can be by contract. I don't say it will be done as cheap directly, it will cost a little more; but indirectly it will come back into the city treasury, as it will enable the laboring men to pay their grocers' bills and rents, and in that way the landlords will be able to pay their taxes. I thought it over some time, and offered the order in good faith. If we merely express the opinion of the Council in this matter, I should like to know what it amounts to. I do not think it amounts to a great deal. I know we expressed our opinion as the sense of the Council that the pay of laborers in the Paving Department should not be reduced some two years ago—that it should not be done; but it had no effect upon the Committee on Paving. I believe this order should be binding, and that the minority report should be adopted by this Council. I don't care which report is accepted; all I want to say is the city of Boston should employ its own citizens. I believe that if there is any profit in it, the city of Boston should have it, and if there is any loss the city of Boston should bear it. That is the best way. The city will get better work done by hiring good men—not politicians—who know what a day's work is, and who will exact a day's work from every man, if they have the power to hire and discharge them. That is what I believe in.

Mr. Wilbur of Ward 20 offered an amendment to the order by inserting after the words "day labor" the words "and that the labor be divided pro rata through the several wards of this city."

Mr. Kelley of Ward 3—I am opposed to the amendment for this reason: It will be impossible to do it and it will be against the interests of the city. How does the gentleman suppose a man is going to get from Ward 24 to Winchester in time

to do a day's work without furnishing him with the means of conveying him there? I hope no such amendment will prevail. I believe in having men do the work without any regard to where the man comes from so long as he is a citizen of Boston. I don't believe in dividing it up among the wards. I should judge from the amendment that the gentleman did not offer it in good faith.

Mr. Wilbur of Ward 20—I did offer the amendment in good faith. I do not know why men can not go from the outlying wards out there as well as they can go there from Charlestown. There has certainly got to be no means for conveying them to and from the place of work. I do not know why men cannot get them from the city proper without having some conveyance. I do not see any hardship in it. On the contrary, it seems to me it will be dividing this work up properly. If it is to be done by the laboring classes, it is perfectly proper that it should be divided up between the different parts of the city.

Mr. Beeching of Ward 1—I hardly understand the purport of the term "pro rata." Does that mean according to the number of inhabitants in a ward, or according to the number of laborers in a ward.

Mr. Wilbur—According to the number of laborers.

Mr. McGaragle of Ward 8—I hope the amendment will not prevail, as it is evidently done for delay. If we make any amendment, it will necessarily have to go back to the Board of Aldermen. There is no material difference in either of these orders. Either will accomplish what we desire to do, and that is that the citizens of Boston should be employed, and the work shall be done by day's labor. No section is to be expressly favored, and no portion of the city should monopolize this work. I think the gentleman's [Mr. Wilbur] ward has been as much favored as any other section of the city.

Mr. Ruffin of Ward 9—It seems to me that this matter is all wrong; that we commenced wrong in the introduction of this matter, and that we shall never get right. The more we talk about it and the oftener we send it back either to the committee or to the other branch, the further we get into the mire, because the inception of it was wrong, and because we attempted to legislate upon a matter which was never intended to be legislated upon. We are a large city—the representatives of a large constituency—and details like these should be left to individuals and to the heads of departments to carry out. I do not see any good to come out of it. I do not see that it is going to be of any practical benefit or that any good can come out of it. I think it is an improbable thing for us to do anything about, and if it were proper I should move to indefinitely postpone the matter. I make that motion.

Mr. Webster of Ward 3—I trust this last motion will not prevail, and in fact have n't the least idea that it will. I believe that we discussed the general merits of this question pretty thoroughly at the last meeting of the Council, and it is unnecessary to do so now. It was the sense of the Council by a large majority that, if we could do something for the large number of workmen, and if we could do this job at only a little more expense by day's labor, and give employment to the citizens of the city, we should do it in that way. Believe that the large majority of the Council think that this is the correct way. I don't believe it is necessary to discuss it tonight. As my colleague who offered the order said he did not care which one of the reports is accepted, and as I believe that the majority will accomplish the purposes in a more courteous way, I hope it will pass. I would remind my colleague that if he wants to get this matter through, that the Board of Aldermen have passed it in a certain shape, and if we concur that will settle it; if we non-concur it will go back, and perhaps they will non-concur and delay the whole matter. If we want this thing carried out, we should simply concur in the report of the majority of the committee, and the matter will be final.

Mr. Beeching of Ward 1—I want to say a word in explanation of what I said before. From the remarks of the chairman of the Water Committee in this branch [Mr. Fraser], there seems to be a little discrepancy between my statement and his. I am satisfied, from what I witnessed while the Water Board were present, that they are in sympathy with this move; and if the recommendation of the majority of the committee passes here, I have no question but it will be done

by day's labor unless some insuperable obstacle should occur to prevent it. I am satisfied that the majority, if not the entire board, are in sympathy with this. The gentleman states that the Commissioner said he would not do it by day's labor unless we passed an order instructing them to do it. I did not so understand him. I understood him to say he preferred to be instructed. But the committee thought that not desirable. One member of the Board did not commit himself, but I thought he was in sympathy with this order. If the recommendation of the majority passes I have no doubt it will be done by day's labor.

Mr. Fraser of Ward 6—I don't know anything by signs or imaginings. All I can tell is what a man says. When he says anything that I understand, I suppose that he means what he says. I have no idea of imputing to the gentleman from this branch who offered the majority report, that he said anything that is not right, because I consider him a gentleman of veracity. But I do state again that I did sign this minority report conscientiously, believing that there was no other way to get those commissioners to do this work by the day and employ the laborers of Boston, except by an order. It is a well-known fact, and the commissioner stated it again this afternoon, that he did desire an order. The other one never opened his mouth; he might have smiled at what was going on, and he might have thought a great deal; but he said nothing. I was astonished when I got into the committee, because I believed from what I heard during the last month that at least the Aldermen were in favor of this matter. After all the speeches they have made during the last month I supposed the Aldermen would jump at anything to give the laboring men work; but I found it very different. They have used all their eloquence to give the laboring men work. Here is a little job of only \$70,000; it is only seven times what the city spends for the Fourth of July, and it is not three times the cost of a junketing "bout" in the old times. But they merely want to authorize the Water Board to do it. The commissioners do not say they are opposed to receiving any order, and they do not consider that an indignity will be attached to it. They are willing to receive an order telling them and instructing them; and unless we do instruct them, there will be many December storms before the laboring men of Boston get employed on the Mystic sewer.

Mr. Jackson of Ward 16—I rise to place myself right upon this subject more than anything else. I do not propose to detain the Council very long. I was present that day and took a special interest in this matter, and I am perfectly willing to accept the order as it comes from the Board of Aldermen; that is, I would do it were it not for one thing, and that is that one of the commissioners stated distinctly and decidedly that he would not do any work in his department by the day which called for an expenditure of more than ten thousand dollars, without being ordered and instructed by the City Council to do so. Were it not for that statement by one of the commissioners, I would be perfectly willing to accept the order as it came from the Board of Aldermen. But I know this to be the fact that they will not do it, without we instruct them by an order, unless we do that it becomes a dead letter. According to the ordinances they are obliged to call for bids on any work to be done, the expenditure for which will be over ten thousand dollars. Now this resolving and saying this is the sense of the City Council, so and so, does not make it binding upon them to do it. It is for us to order and instruct them to do it, and they stand ready to obey. The commissioner stated distinctly in my presence that he would not, and that he is not ready to do it where it calls for an expenditure of over ten thousand dollars. That is the reason why I signed this minority report. If we intend to do anything for the benefit of the laboring man, I hope we shall put this order through as recommended by the minority; otherwise I don't see how it will amount to anything. I leave it to the gentlemen of the committee if they do not remember the statement made by the commissioner, that that was the reason why they would not do it by the day. I understood him to say so distinctly. I hope the order offered by the minority will prevail, if we intend to do anything for the benefit of the workingmen.

Mr. Beeching—I am sorry to take so much of the time of the Council in this matter. I certainly think the gentleman who has just taken his seat is putting it rather strong. I am very posi-

tive the member of the Water Board never stated what the gentleman presumed him to say. He stated that they could not do the work in any way other than by contract unless they were authorized to do it. And that is why the committee voted to authorize them to do it in this way. I am positive he never said he would not do it unless he was instructed.

Mr. McGaragle of Ward 8—Has the gentleman [Mr. Beeching] no doubt thought in his own mind that if we pass the order of the majority the work will be done by day's labor, unless some emergency occurs to prevent it—

Mr. Beeching—I stated before that I had not the least doubt that if we passed the order the work would be done by day's labor, unless some insuperable obstacle was in the way.

Mr. Pratt—I cannot imagine the insuperable obstacle in the way of carrying out this order, as proposed to be amended by the gentleman opposite [Mr. Fraser]. If there should be an insuperable obstacle, I think an order could be put in to relieve the Board. Why should we not instruct the Water Board to do just what we mean? We pass the resolve—just what we mean—and then leave to the Board to do just as it has a mind to. The city of Boston is full of laboring men who are unemployed. This work requires no particular skill, no laborers of rare attainments. Certainly there are plenty of laborers in the city of Boston who are competent to build sewers and who will be pretty liberal in offering to do any work at which they may be employed. I think we ought to adopt the amendment offered by the gentleman opposite. Suppose the work is well worth doing at all, it is worth doing at a fair rate of wages. If we can go out fifty miles from Boston and get men at fifty cents a day, I do not believe we ought to do it, when there are so many men in Boston willing to work for a dollar and a half a day. I believe in paying good men a fair rate of wages, and in this case, and in such a time as this is, we ought to give the preference to the citizens of Boston. I hope, therefore, that the motion to indefinitely postpone will not prevail, and that the amendment offered by my friend opposite will be carried.

Mr. Spenceley of Ward 19—I believe in this report as proposed to be amended by the gentleman at my side [Mr. Fraser]. In company with the gentleman from Ward 3 I met one of the Board of Water Commissioners and said to him, "Suppose we pass the order recommended by the majority, will not the work be done by the day?" Said he, "I don't know; if I wanted it done so I would say so." I feel so tonight. I feel that I want this work done by the citizens of Boston, and I am willing to say so. I do not think the Water Board will take it as an offence or as something we ought not to do. I think they will take it in the sense that the gentleman does. He said that if he wanted a thing done he would say so. I believe in the amendment also. It is our duty to look out for the citizens of Boston. I think the fairer way will be to accept the amendment of the gentleman from Ward 20. We have twenty-five wards and they will get so many laborers apiece. I have some men in my own mind in my own ward, and I think that ward would get its share. I shall vote for the amendment of the gentleman from Ward 20.

Mr. Fraser of Ward 6—I am sorry that the members of the Water Committee so differently interpreted what the commissioners said. I have no guess work about it. I wrote it down when he said it. One of the commissioners said, there and then, said he, "Gentlemen, if you wish us to do this work as we would do our own work, and do it in the interest of the city of Boston, we will do it by contract." Whether that means what he said I don't know.

Mr. Jackson of Ward 16—I hope the amendment of the gentleman from Ward 20 will not prevail. It will look like trifling with the commissioners and the committee. I take it for granted that if the order of the minority be granted the commissioners will do what is right by the advice of the committee, and that the laboring men of the city of Boston will have a right to go there and get employment. Parties from Roxbury and Charlestown cannot go down there and get more than their share of the work, but those who go will get what work there is. The amendment is virtually saying to the commissioners that we cannot trust them, and must bind them to do certain things. If this order passes as passed to be amended the work will be done by the day, and all sections of the city will be represented in the employment of laborers.

Mr. Wilbur of Ward 20—I do not see that my amendment is going to trifle with the feelings of the commission in any way. They wish to be instructed how to build this sewer, and if we instruct them they will build it by the day. I do not see why we should not instruct them to employ men from the different wards of the city. I do not see any trifling with them in that respect. I am perfectly willing to amend the amendment still further, if it is in order, to leave it to the discretion of the commissioners to divide the labor, as they may see fit, among the different wards.

The President—That would be equivalent to withdrawing the amendment.

Mr. Crocker of Ward 9—It seems to me that this thing might be reached more definitely if we insert after the words "citizens of Boston" the words "recommended by members of the City Council." Then we should make sure that we shall have the patronage.

Mr. Pratt—The suggestion of the gentleman who has just spoken strikes a responsive chord. I do not forget, and I suppose there are some others here who do not forget, that not many months ago the Committee on Paving, consisting only of Aldermen, instructed the Superintendent of Streets to give no one employment on the streets on the recommendation of members of the Common Council; and I suppose the gentleman had the idea that if we pass this order in a loose sort of way, by some technical arrangement the Board of Aldermen would get the opportunity of recommending all the employes. I am not in favor of the amendment offered by the gentleman last up, or the amendment offered before [by Mr. Wilbur], and I hope both of them will be withdrawn or defeated, and that we shall pass the order as proposed to be amended by the gentleman opposite [Mr. Fraser], in a sober, earnest, sincere sort of way, without any trifling about it. Now, sir, it is said we are making the city of Boston a charitable institution by passing such orders as these. I say we are not. With ten times, yea, fifty times, as many laborers as there are opportunities for labor, if this work is done by contract it will be done by laborers outside, and it will be the same old, old story of laborers coming with tin pails from Providence and taking away work from the citizens of Boston. As times are now, with so many men with wives and families waiting for something to do, and who would be glad to get a week's employment at the lowest rate that a respectable contractor would be willing to pay, I say it is no more than right that the city should employ its own men, as other cities and towns about us are doing.

Mr. Thompson of Ward 9—I would ask the gentleman [Mr. Pratt] what arrangement those men from Providence could make for car fare. The last time I went to Providence they charged me a dollar and twenty-five cents.

Mr. McGaragle—They might walk up.

Mr. Wilbur's amendment (to divide the labor *pro rata* among the wards) was adopted by a division 23 for, 20 against.

Mr. Fraser's amendment (to insert "and instructed") was adopted, and the question was on giving the amended resolve and order a second reading.

Mr. Thompson of Ward 9—I want to suggest to the gentlemen having charge of the order that, if it is passed in its present shape, it might put the Water Board in a very disagreeable position. While I am not prepared to offer an amendment to correct what appears to be a defect, I would suggest it, and perhaps they can clear it up. If I remember the order aright they are authorized and instructed to do the work by day's labor, provided none but citizens of Boston are employed. The effect of that proviso is that they are not so authorized unless all the employes are citizens of Boston. If they should make a mistake—and a question of citizenship is one that it takes a great deal of law and two or three juries to decide—and employ men who are not citizens of Boston, all their authority to do the work by day's labor would be gone; and any citizens who may be dissatisfied with this work might make the Water Board some trouble. It is only fair that the committee should get the order in such a shape as to save the Water Board that trouble.

The amended order was read a second time. On motion of Mr. Fraser, the yeas and nays were ordered, and the order was passed—yeas 40, nays 9.

Yeas—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Cannon, Clarke, Cox, Danforth, Dee, Doherty, Fernald, D. A. Flynn,

Fraser, Ham, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mowry, Nugent, O'Donnell, Pratt, Reed, Roach, Roberts, Spenceley, Thorndike, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur—40.

Nays—Messrs. Coe, Crocker, J. H. Pierce, O. H. Pierce, Rnffin, Sampson, Thompson, Upham, Wolcott—9.

Absent or not voting—Messrs. Brown, Burke, Cross, Day, Duggan, Fagan, Felt, J. J. Flynn, Hubbard, Howes, Mullane, O'Connor, Pearl, Perham, Pope, J. B. Richardson, M. W. Richardson, Shepard, Sibley, Snardon, Sonther, Stone—22.

Later in the session the subject was again brought up.

Mr. Fraser of Ward 6 moved to reconsider the vote passing the order in regard to the Mystic Valley sewer, hoping it would not prevail.

Mr. Webster of Ward 3—I was about to make the same motion, hoping it would prevail. I should like to strike from it the amendment of the gentleman from Ward 20 in regard to distributing the labor in each ward. Without that amendment the order amounts to something, and it is liable to give work to a few laboring men living in the city of Boston. With the amendment it is a complete burlesque, and I believe the gentleman who offered it must know it. I do not believe it will pass the Board of Aldermen in that shape. It will be found entirely impracticable to carry it out. Suppose they commence work on a particular location, according to this order they must take so many men from each ward; and when they begin somewhere else they have got to take so many more men from the wards; and if there are not men enough, work cannot go on. It will make any amount of red tape and become a complete burlesque. If this Council do not believe in the order, or do not want to do anything for the laboring man, let us stand up and vote upon the merits of the question; but do not let us delay it two or three weeks or defeat it in a back-handed manner.

Mr. Wilbur of Ward 20—I hope the reconsideration will not prevail. In regard to my amendment they may employ twenty-five men from one ward at a time, or take them from all the wards if they chose, and they could be changed and men from other wards put in their places, and the work will be more equally distributed than it would otherwise be. I believe the amendment is what it should be.

The reconsideration was lost. Sent up.

#### UNFINISHED BUSINESS.

Orders to remit taxes on forfeited estates, for 1876, viz., 154 Shawmut avenue; lot 4 West Brookline street; lot 22 Oliver street. Severally passed in concurrence.

Order to pay at the rate of \$500 per annum the assistant in the City Architect's office, heretofore paid at the rate of one dollar per day. Passed in concurrence.

#### FIRES FOR MAY.

The Fire Commissioners submitted the report of fires and alarms for May. Sent down.

#### COMMISSIONER ON SINKING FUNDS.

A communication was received from George P. Denny, resigning the office of Commissioner on the Sinking Funds. Accepted. Sent up.

Mr. Howes of Ward 18 stated that the Council had twice elected Mr. Peabody, and as there was no other candidate, he thought it well for the Council to again express its preference. On his motion a ballot was ordered. Francis H. Peabody received 45 votes, the whole number cast, and was elected. Sent up.

#### THE FIRE OF WEDNESDAY EVENING.

Mr. Wilbur of Ward 20 offered an order—That Messrs. —, with such as the Board of Aldermen may join, be a committee to inquire into the causes of the fire and loss of life at the corner of Shawmut avenue and Pleasant street on the 6th inst., and also what further means, if any, should be taken for the protection of life and property in similar buildings.

Mr. Pope of Ward 14—I hardly see the necessity of that order. There will undoubtedly be an inquest on this fire, which will give us all the information that is necessary; and in regard to inquiring into what steps may be necessary to prevent such accidents in future, the law passed in 1874 provides for it, and makes it the duty of the Inspector of Buildings to look into it. If the Inspector has been negligent in this matter, I think the fact will come out at the inquest. I do not see how a committee of this Government can go into the matter

as it should be investigated. It would be virtually two inquiries into the same matter. The law is very explicit. It says (page 127)—

"It shall be the duty of the Inspector of Buildings to inspect all dwelling houses now erected in the city of Boston, occupied by two or more families on any of the floors above the second floor from the level of the street, and any building now erected and occupied as a hotel, boarding or lodging house."

It goes on to state his duties very explicitly. If he has not attended to them, the facts will be brought out at the inquest; and I do not think a committee of the Council can go any farther than the Inspector can. The act goes on to say—

"It, in his opinion, such building is not provided with proper facilities for the escape of such persons in case of fire, he shall immediately serve a notice in writing upon the owner or owners, agent or other party or parties having an interest in said building, requiring such facilities to be provided without delay."

I do not know, of course, how much duty he may have to attend to, and whether he has sufficient force to do it. But it seems to me that this law having been passed several years ago, if he had a sufficient number of assistants to perform the duty, it ought to have been done. As I said before, the inquest will show where the blame belongs; and I think it can be more properly attended to in that way than by any committee of this Council.

Mr. Wilbur of Ward 20—I know very well that the law is very explicit in regard to means of escape from buildings in case of fire. But here is the fact that this building caught fire and there has been a loss of life. It seems to me it is a neglect of duty on the part of the Inspector of Buildings, or some one, and that a committee ought to inquire into this matter; and if the Inspector is to blame they can say so in their report. I did not know whether there was going to be an inquest or not. It is said there are quite a number of such buildings, and the committee can investigate other cases. I do not see the harm in passing the order, for we can get some information from it.

Mr. McGaragle of Ward 8—I hope the order will pass. In conversation with a member of the Government he told me that one of the Assistant Inspectors went there and supposed there were two buildings. If that is the case, it is high time we had an investigation.

The order was given a second reading and put on its passage.

Mr. Spenceley of Ward 19—I have always been opposed to the appointment of any committee on such subjects; but it seems to me that this demands something more than a passing notice. Here is a building in which two lives were lost, and perhaps more. It will require a great deal of investigation to find how the fire started, and to learn if the Inspector has really been negligent of his duty. In conversation with him today, he said that one of the assistants, Mr. Frye, had been there, and supposed it was two houses, as it had two entrances close together. One entrance led down stairs by the cellar door, and the other led up stairs. There was a good means of escape by the roof, but in this case the whole stairway was on fire. One gentleman told me this morning that the fire started in the stairway, and he got upon the roof and was saved. It seems to me there has been negligence somewhere. If there is any other building where it needs only a match to set it on fire and cause a loss of life, it seems to me it should be thoroughly inquired into in time to prevent accidents like this.

Mr. Clarke of Ward 22—I think myself that something ought to be done. I know we have a very good Inspector, but at the same time he has a very large work to do. A short time since, in looking for an office on the burnt district, I went into a number of those large and magnificent buildings put up in Congress and Federal streets, and noticed that in several of them, in order to get sufficient room to make the building pay, the lofts were divided into offices, and the only entrance to the rooms was by narrow stairs and small entries; but they had elevators and they said there was no trouble about getting up and down stairs, as one could ride in the elevator. Now, if there is fire, there is liability to be trouble with those elevators and narrow entries. A great many of those buildings are occupied in the upper stories for manufacturing purposes, and it would be almost impossible for people in the fifth and sixth stories to get out in case of fire.

I don't think those buildings are safe without some rear stairway in addition to the main entrance, and if those buildings were constructed within three years under the eye of the Inspector, it is my opinion, having been for fifteen years in the real-estate business, that they are unsafe and that something ought to be done.

Mr. Howes of Ward 18—I trust the order will not pass as it now reads, as the gentleman from South Boston [Mr. Pope] has said an inquest will be held upon this case, and probably it will determine the facts a great deal better than any committee of the City Government can. It is pretty well known from the experience of last year that any committee appointed by the City Council is limited in the scope of the investigation it can take. It can compel no one to testify. With a coroner's jury it is different; they can summon any one and take testimony under oath, and the facts they elicit as to the fire itself will be worth more than any this committee could take. After they make up their verdict, if it is necessary for the City Government to take action in regard to its officers, it may be well to take some such step; but before that I think it will be unnecessary and futile. In relation to the investigation of other buildings, I think that is a good idea, though the statutes provide amply for that. I therefore move to amend the order by striking out all in relation to fire and loss of life.

Mr. Howes's amendment was lost.

Mr. Sampson of Ward 17—It seems to me hardly worth while for us to pass this order at present. We had better wait until we get the result of the inquest and then we can act with definite knowledge. I move that the order lie upon the table, and then we can bring it up hereafter.

The order was laid upon the table.

#### DUTIES OF FIRE COMMISSIONERS.

Mr. Spenceley offered the following:

#### An Ordinance

To amend an Ordinance in relation to the Fire Department.

Be it ordained, etc.

Section 1. The fourth section of the ordinances in relation to the Fire Department is hereby amended by inserting the words "providing for the" after the word "of" in the first line.

Mr. Spenceley—I will just call the attention of the Council to the ordinance on page 328, section 4:

"The duty of extinguishing fires and protecting life and property in case of fire shall, within the city of Boston, be intrusted to the said Board of Commissioners."

What I wish to add there is the duty of "providing for the extinguishment of fires," etc. If gentlemen who are familiar with the statutes will look at this ordinance they will see that one is a complete violation of the other. The statutes give the power to the Engineer of the Fire Department of Boston, and they have supreme control at a fire. The commissioners themselves so understand it. In conversation with them the other day they said the engineers had supreme control at a fire. We have the opinion of Mr. Healy upon this subject. He has been asked the question—

"During the progress of a fire, are the Fire Commissioners authorized to exercise authority over the firemen or to assume direction of the work of extinguishing fires, or are the engineers vested with sole authority?"

Mr. Healy says—

"I think the Fire Commissioners have such authority. By statute (Acts of 1850, chap. 262) the City Council is empowered to establish a fire department in such a way as they deem proper, to determine the number of officers and men, and to prescribe the duties of each, etc., etc.; and by city ordinance (Laws and Ordinances, p. 338) the duty of extinguishing fires and protecting life and property, in case of fire, is intrusted to the Board of Commissioners. They are also authorized to appoint, employ and discharge both officers and men."

All I wish is to have this referred to the Committee on Ordinances, and they will look into the matter.

The ordinance was referred to the Committee on Ordinances. Sent up.

#### SALARIES OF CLERKS IN FIRE COMMISSIONERS'

#### OFFICE.

Mr. Webster of Ward 3 offered an order—That the Board of Fire Commissioners be authorized to fix the rates of compensation to be paid to their clerks after the first day of July next for the remainder of the salary year, provided that the amount allowed by the City Council for that purpose shall not be exceeded thereby.



Ordered, That sections 2 and 3 of the order passed March 27, 1877, establishing the clerk and office clerks of the Board of Fire Commissioners be repealed on the first day of July next, when the preceding order takes effect.

Mr. Webster of Ward 3—This order is offered for the purpose of killing two birds with one stone. There is a vacancy in the office of the Fire Commissioners, caused by the appointment of Mr. Longley to be a commissioner. His salary was \$1350. He had been in the office a long time, and naturally and fairly should receive a larger salary than any new clerk coming in to fill the vacancy. The Fire Commissioners wish to have power to fill the vacancy at a salary somewhat reduced from that received by Mr. Longley; but by the present order they are obliged to fill that position at precisely the same salary. This order was also offered for another purpose—to make a correction in the action taken by the Committee on Retrenchment. It has been called to my mind, since our report was adopted and the orders passed, that we had done a real injustice to Mr. Smith, the Clerk of the Fire Commissioners. I have not the honor of his acquaintance, and never spoke to him except to call at the office and ask if the commissioners were in. As a member of the Retrenchment Committee, I am free to say that I think we made a mistake in reducing this salary at all. In this case, the commissioners have a certain amount to pay for clerk hire, which they are obliged to pay to some one. They can pay this new clerk a smaller salary than Mr. Longley received and, with the remainder, make Mr. Smith's salary what it should be without taking any more money from the city treasury. It is simply allowing the commissioners to pay their clerks what they think they are worth, and not compelling them to pay a fixed salary blindly. I am entirely willing to have it referred to the Committee on Fire Department or the Retrenchment Committee if that is necessary. I am certainly of the opinion that there is not one member of the Retrenchment Committee who would not say we made a mistake in Mr. Smith's case. As I said, I was anxious to have the bill pass as a whole, and in case there was any error I would be perfectly willing to make any correction in my power. I have the list of salaries paid to the clerks of other boards. Mr. Smith's is the lowest, and I have the best reasons for believing that his salary should be graded more nearly on an equality with the others than it is. If we can rectify the mistake without taking anything out of the city treasury I hope it will be done. When the Fire Commissioners first came into office they fixed the salary of the clerk on an economical basis. They commenced it at \$1500, with the intention of raising it in a reasonable time. If they had raised it to \$2000 last year, in all probability we should have cut it down to \$1500; but as it was not raised, I think we did an injustice by reducing it. I think the order might as well pass, but I am perfectly willing to have it referred to the regular committee, who I believe will report in favor of its adoption.

Mr. Spenceley of Ward 19—I desire to substantiate what was said by the gentleman from Ward 3. I have been acquainted with the duties of Mr. Smith, and I think he is as hard-working a clerk as there is in City Hall. I thought of the matter at the time the committee reported, but I thought we might as well swallow half of their mistakes and do the right thing hereafter. The other clerks in City Hall have more salary than he. The clerk of the Board of Health has \$2200, the Water Board \$1800, Street Commissioners \$1800, and Mr. Smith, has just as much work to do. I do not think it is fair and right.

Mr. Pratt of Ward 20—I hope the order offered by the gentleman from Ward 3 will pass, and I take great gratification in agreeing with him upon this point. I am glad, sir, that the arguments and points of fact made so long ago by me were not entirely cast away, but had their effect upon even the opinions and obdurate hearts of the Retrenchment Committee. I was a little at a loss to hear the gentleman say it was to kill two birds with one stone, but I see it now. One bird is the injustice he did to the Fire Department and through that to the city; the other bird is the Retrenchment Committee; but there are twelve or thirteen stones that have been thrown at them already. I hope the gentleman will feel encouraged; and if he sees any other department where injustice is done, I hope he will remember the old couplet—

"Whilst the light holds out to burn,  
The vilest sinner may return."

The order was read a second time and put upon its passage.

Mr. Wilbur of Ward 20—I hope this order will be referred to the Retrenchment Committee. It is proper that they should finish up their work, and as they admit that this is one of the things they did not see at the time, and as they do see it now, I hope they will have the privilege of fixing it. I move its reference to the Retrenchment Committee.

Mr. Vose of Ward 24—I hope that order will not be referred to the Retrenchment Committee. We have had two or three orders referred to the committee during the last three or four weeks, and you might as well have referred them to the Bunker Hill Monument. You cannot get a meeting of the Retrenchment Committee; you cannot get it called together. I do not believe in referring orders to a committee when you cannot get the chairman of the committee to call the committee together.

Mr. Mowry of Ward 11—I hope the order will prevail, and not be referred to a committee. I concur most heartily in what is said about Mr. Smith's ability. After the statements made I think we shall be justified in passing the order.

The Council refused to refer the order to the Retrenchment Committee.

The order was passed. Sent up.

Subsequently Mr. Spenceley moved a reconsideration, which was lost.

#### VISIT TO SUDBURY RIVER.

Mr. Vose of Ward 24 offered an order—That the City Messenger be requested to make arrangements for a visit of the City Council to the works now being constructed for the introduction of water from Sudbury, on Friday, June 15; the expense of the same to be charged to the appropriation for Incidental Expenses.

Mr. Clarke of Ward 22—I was talking with one of the commissioners last week, who said that, if the City Council intended to go there, now would be the best time. Two sections have been let out; the shorter one was commenced two weeks ago, and the other will be commenced next week; they would be under way soon, and he thought the best time to go would be this month.

Mr. Vose—The reason I offered the order is that the Water Board and engineers think that if the City Council intend to visit Sudbury River they should do so as soon as practicable. I have no feeling in the matter. I simply offer it as a suggestion received from them.

The order was passed to a second reading, and on motion of Mr. Vose the rule was suspended and the roll was called on the passage of the order.

While the roll was being called, Mr. Pierce of Ward 18 raised the point of order that Mr. Pratt was not in his seat when he voted.

Mr. McGaragle of Ward 8 raised the point that the gentlemen from Wards 9 [Mr. Crocker], 24 [Mr. Pierce] and 7 [Mr. O'Donnell] were not in their seats when they voted.

Mr. Pratt [resuming his seat]—There are so many vacant seats tonight, I supposed I might occupy any of them.

Mr. Pierce of Ward 24 and Mr. Crocker of Ward 9 both resumed their seats and voted no.

Mr. O'Donnell of Ward 7 said he happened to be in the seat next to his, and wished to repeat his vote, no.

Mr. Kelley of Ward 3 changed his vote from nay to yea.

The order was rejected—26 yeas, 19 nays (two-thirds being necessary):

Nays—Messrs. Brintnall, Coe, Crocker, Danforth, Dee, Howes, Kelley of Ward 6, Kidney, Mowry, O'Donnell, J. H. Pierce, O. H. Pierce, Reed, Sampson, Thompson, Upham, Warren, G. B. Webster—19.

#### LABORERS IN THE PAVING DEPARTMENT.

Mr. Sampson of Ward 17 offered an order—That the Committee on Paving be instructed to divide the employment of laborers pro rata among the different wards.

Mr. Sampson—I offer that order in the spirit of the order just passed in reference to the Mystic Valley sewer, because there has been great inequality in the distribution of the labor. I suppose there is hardly a member of this Council who has not been importuned by poor men seeking employment. Many of us cannot spare the time that other members of the Council and the members of the Board of Aldermen do, and those of us who are not here constantly and who are not persistent in our efforts, fail to get employment for men. Therefore the present system is not treating the workmen with the same degree of fairness.

Mr. Pope of Ward 14—I hope this order will prevail. I can state from my own experience that there are many laborers in my ward who have come to me to get work for them. I have been able to obtain employment in the Paving Department for only one man, and I think he was kept there three weeks. Under the old method the Superintendent of Streets had the authority to employ men, but it has been taken by the Committee on Paving, and they control it. I live in a ward which is overrun by workmen seeking employment.

Mr. McGaragle of Ward 8—I would ask the ruling of the Chair upon what power the Council has to instruct the Paving Committee.

The President—The Chair thinks it has no power to instruct them.

Mr. Sampson—What power have we to instruct any committee if we have no power to instruct the Committee on Paving? We have just passed an order instructing the Water Commissioners.

The President—The Chair thinks it is scarcely a parallel case, because the order in relation to the Water Commissioners is to be passed by both branches of the City Council.

Mr. Sampson—That is an order which is to pass both branches. It will be sent up.

The President—The Chair thinks the Council cannot instruct the Committee on Paving.

Mr. Sampson—I cannot see the point. If we can instruct the Water Commissioners, we can instruct the Committee on Paving.

Mr. Thompson of Ward 9—If that order is passed, would it not be the instructions of the City Council? I apprehend that the City Council can instruct them. It will be an order passed by both branches of the City Council.

The President—The Chair does not rule upon the question as a point of order.

Mr. Spenceley—I am glad the gentleman from Ward 17 has offered this order. I think he must have another colored friend to bring up here to City Hall. For the last three weeks I have not passed through one of the streets at the South End but a colored brother has elevated his hat and said, "Give my respects to Mr. Sampson." I am glad the gentleman has got to the point of offering the order.

Mr. Crocker of Ward 9 moved to add that "no laborer shall be employed except upon the recommendation of some member of the City Council."

Mr. Pope of Ward 14—I hope the amendment will not prevail, as it will have the effect of killing the order entirely.

The question was put on Mr. Crocker's amendment. The President was in doubt. Mr. Thompson called for the yeas and nays. Lost. Mr. Crocker's amendment was put, but a quorum did not vote (4 for, 30 against); but on a second trial it was rejected—4 for, 40 against.

The order was passed. Sent up.

Subsequently a motion to reconsider, by Mr. Pope, hoping it would not prevail, was lost.

#### PETITION PRESENTED.

Mr. Barry of Ward 22 presented the petition of H. A. Carberry *et al.*, for increased wardroom accommodations in Ward 22. Referred to Joint Committee on Public Buildings. Sent up.

#### DUTIES OF RETRENCHMENT COMMITTEE.

Mr. Webster of Ward 3 offered an order—That the Committee on Retrenchment be and they are hereby excused from any further services.

Mr. Webster—It does seem hardly necessary to back up that order by any lengthy remarks. We have had a great many matters referred to that committee, on the part of the Council, which as a matter of right and courtesy, if nothing else, should have been so referred; and immediately upon reaching the Board of Aldermen they have refused to concur with it in every instance. Being opposed, as a matter of conscience, to having our names used in that way, I think our duties might close.

Mr. Webster read the section of the committee's report stating that in a short time they would report on other matters besides salaries, and continued—

The matter has stood for three or four months, and if we were going to report at all it should have been done. It being impossible to have anything referred to that committee, and as we are laughed at and burlesqued, I think it would be a relief to the Council to excuse us.

Mr. Pratt of Ward 21—I hope the committee will not be excused until we have the benefit of the reports which they promised to bring in during the earlier part of the year. Should we fail to elicit any more reports from them, I hope the committee will stand as a monument for what it has done.

Mr. Spenceley of Ward 19—I hope this committee will not be excused. There are gentlemen

who have feelings besides the committee. Who will our learned friend [Mr. Thompson of Ward 9] have to move to refer matters to if the committee is excused? Like Othello, his occupation will be gone. Another thing, there are matters like this clerkship in the Fire Department which may need to be attended to, and I like to see the committee take the back track when they can do it honestly. The Water Inspectors of Boston want something done. They get three dollars a day, while those in Charlestown get four. I hope the gentleman from Charlestown will see to that and other matters too.

Mr. Webster of Ward 3—I believe our duties have fairly come to an end. To make this matter one of serious discussion and not of nonsense, we abolished one clerk in the office of the License Commissioners, and we claimed a saving of \$1200. The city of Boston recognized that saving on the part of the committee and gave us credit for it. It was afterwards voted by the City Council to have that same officer employed at the same salary. We also made a saving of some \$5000 in the Police Department, for which we received credit, but it was afterwards proposed to change the system somewhat and to increase the expense \$15,000. I contend that every matter which should properly be referred to that committee has been refused to be referred to them, and I can only say that I should be happy to resign, and have my friend from Ward 21 substituted in my place, as I said in the first place.

Mr. Crocker of Ward 9—I have heard many strange things in regard to this Retrenchment Committee. First they were intending to report upon other matters besides salaries, and it has been stated that it was impossible to have a meeting of the committee because the chairman would not call them together. That is a curious state of affairs and should be investigated. I would offer as a substitute for the order before us the following:

Ordered, That the Committee on Retrenchment be requested to report whether it is, as alleged, impossible for them to hold a meeting.

Mr. Pope—How does the gentleman expect to get them together to make up their report?

Mr. Crocker—That is their business, not mine.

Mr. Thompson of Ward 9—Before the vote is taken I should like to reply to the remarks of the gentleman from Ward 19 in relation to the reference of matters to the Retrenchment Committee. It seems to be the cause of considerable pain to the gentleman that matters should be referred to that committee, because he differed, in good faith, no doubt, from the judgment of other members of the Council with regard to the desirability of doing business in that manner. It may be that the gentleman from Ward 19 has more time upon his hands, and can be about City Hall and look up matters more than others, so as to prepare himself to vote upon them when they come before the Council. I, for one, have other duties to perform, and I am not fully prepared to vote upon all matters which are brought in here. When matters come before us from a committee, we vote upon them depending upon the judgment of the committee. But upon matters offered by individuals it is not for us to rush them through without inquiring into them. Half a dozen gentlemen present may know the facts—for instance, the gentleman from Ward 19 may have time to look up those matters individually, but some of us have not had the time, and we are entitled, by parliamentary privilege and custom, to the judgment of a committee. It has been my misfortune to move the reference of certain matters to the Retrenchment Committee, and it has been the judgment of this body to so refer them; but the Board of Aldermen has differed from us and refused to make the reference. I believe the Committee on Retrenchment did a good work, upon the whole. I differed from them in the form in which they did the work. I thought a very serious evil was going to arise if we took from the heads of departments the control of the appropriations for clerical assistance; and I believe the Council and the committee are coming to understand that it would be better to make the appropriations and leave the distribution of these appropriations to the heads of departments. I was sorry the order allowing the Fire Commissioners to fix the salaries of clerks did not include the heads of other departments. I cannot let the remark of the gentleman from Ward 19—although he made it in jest—pass without some serious reply. I think no such business is transacted by this Council in a parliamentary manner without referring it to a committee.

Adjourned, on motion of Mr. Spenceley.

## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JUNE 11, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE NOMINATIONS.

Weigher of Coal—Newell Butler.  
Police Officers without pay—R. W. Sawtelle, Chestnut Hill Reservoir; J. Boyle O'Reilly, Washington street; George F. Babbitt, Milk street and its vicinity.

Severally confirmed.

## PETITIONS REFERRED.

*To the Joint Committee on Survey and Inspection of Buildings.* Dorchester-street M. E. Church, for leave to erect a wooden building on Dorchester street, Ward 15.

*To the Committee on Common on the part of the Board.* Ira Allen Nay, for leave to remove two trees standing in front of his residence, No. 8 Warren place, Ward 21.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables by Joshua Lawton, old wooden, 3 horses, Wendell street, Ward 15; estate of Josiah Stickney, old wooden, 2 horses, Head place.

*To the Committee on Sewers.* Charles Curless, for sewer in Washington street between School and Boylston streets, Ward 23; S. C. Smith *et al.*, for sewer in Burr street, near Boylston street, Ward 23; Thomas Doane *et al.*, for a sewer in Wesley street, Charlestown.

*To the Joint Committee on Public Lands.* Executors of H. H. Hyde, mortgagee of certain land on Brookline avenue, sold for taxes, for redemption of the same.

*To the Committee on Lamps.* Otis N. Howland *et al.*, that the passageway between Yarmouth and West Canton streets be lighted; Patrick Wesham *et al.*, for placing lamps on Neponset avenue from Hyde Park avenue to Bourne street; Alfred J. Anthony, that lamps be located in Floreuce and Ashland streets, Ward 23.

*To the Committee on County Accounts.* William I. Bowditch *et al.*, for a continuation of the classified indices of estates sold for taxes.

*To the Committee on Paving.* Daniel Gallivan *et al.*, that Fourth street, between B and C streets, be paved with granite blocks; Mariana P. Stone, administratrix, to be paid for grade damages in Oak place, Ward 23; Alfred H. Hughes, that Hyde Park avenue be put in order; Samuel D. Bowker *et al.*, that Sargeant street be put in order; Robert W. Carbray *et al.*, for flagging crosswalk across Third street, opposite St. Augustine's Church; John Moses, that the sidewalk in front of the premises adjoining his estate at the corner of Hampshire and Ruggles streets be raised to the proper grade and paved with brick; L. Foster Morse *et al.*, that Harrison avenue, from Eustis to Dudley street, be watered.

Petitions for a brick sidewalk in front of estates of Daniel Conners, 413 East Eighth street; Ellen McCarty, East Eighth street.

Petitions for edgestones in front of estates of N. B. Chamberlain, on Burr street; Charity P. Parker, 3 Taylor street.

Highland Street Railway Company, for location of tracks on Dartmouth street, from Columbus avenue to Boylston street, and in Boylston street, from Dartmouth street to Park square.

Middlesex Railroad Company, for a turnout track on Malden Bridge.

South Boston Railroad Company, for additional track on Kneeland street, between Cove and Federal streets; and for leave to reverse their curves and track connections on Sixth street, between O and P streets.

Metropolitan Railroad Company, for leave to construct three tracks into their new car-house on Tremont street.

South Boston Gas-light Company *et al.*, that A street, north of First street, be graded and put in order.

## HEARINGS ON ORDERS OF NOTICE.

The following matters were considered on orders of notice for hearings:

*Sewers.* On proposed construction of sewers in Wyman street and Centre street; also in Savin Hill avenue and Sagamore street; also in Jamaica street and White avenue. No objections, and recommended to the Committee on Sewers.

*Removal of Trees.* On proposed removal of trees from the sidewalk on School street, between

Arcadia and Amory streets. No objections, and recommended to Committee on Common on the part of the Board.

*Middlesex Railroad Location in Haymarket square.* On petition of the Middlesex Railroad Company for a turn-out track on the westerly side of the Boston & Maine Railroad station in Haymarket square.

Mr. Powers, president of the company, said this matter was heard last year and recommended, but no report had been made, although no objection was made. The object is to have a car at the Boston & Maine Depot on the arrival of every train, and the petition is made at the very earnest solicitation of the officers of that road.

Benjamin Dean appeared for the South Boston Railroad and said they did not oppose the location, although it might have a bearing on other matters pending. He suggested that the custom of putting in a petition without any plan did not enable interested parties to know what was desired.

Mr. Powers said he had followed the custom which had prevailed for several years.

The petition was recommended to the Committee on Paving.

*Middlesex Railroad Location at Old Colony Depot.* On petition of the Middlesex Railroad Company, for tracks in Cove street between Beach and Kneeland streets; and for turnout tracks at the Boston & Albany and Old Colony Railroad stations.

Mr. Powers explained that it is proposed to run a regular depot line between the Fitchburg and Old Colony depots to meet each train upon its arrival, to do which it is necessary to have a turnout track. In this, Boston is behind every other city in the country. The officers of the Boston & Maine and Old Colony railroads desire it. The proposed location will enable the Middlesex cars to make the shortest run by the most direct route.

Mr. Doherty said the track there would virtually close his store and prevent his teams from unloading. It is a little side street, twenty-five feet wide, and teams have to pass there to avoid the cars. He would not object, if the track is necessary; but this is the most absurd thing ever asked for by any horse railroad in this city, and any committee would be satisfied of it in five minutes.

Mr. Dean, for the South Boston road, opposed the turnout in front of the Old Colony Depot. Because of negotiations extending over a year they obtained the right to place two cars on this location from the Old Colony road, now the Middlesex road asks for the same location. But there is room only for two cars, and the use of it by two corporations is entirely impracticable. This is the first time he had seen the plan and he had had no time to talk with the officers of the Old Colony road. His company had considered this location and found two difficulties, viz., the narrowness of Cove street and the necessity for double tracks in Federal street.

Mr. Powers said he had seen the Old Colony officers three times and they never objected to it in any way. He was not particular where the track is laid, so that the accommodations for cars are given; but such a location was positively necessary for a depot line. It will save six or seven hundred feet to locate it in Cove street. If they get this location, they are willing the South Boston road should use it, as they did not desire anything they would not be willing to allow their neighbors to use.

Mr. Dean produced a plan of this route, asked for by the South Boston road a week before the Middlesex road put in their petition. It being on the land of the Old Colony road, that company must decide between them.

Mr. Doherty said every occupant and owner on Cove street had signed the remonstrance, and objected to suffering because of a quarrel between the two corporations. This little side street is all the place they have to load and unload their teams. It was crowding them too much, and infringing upon the rights of citizens.

Mr. Powers said the plan allowed eleven feet five inches between the curb and track in Cove street, in front of Mr. Doherty's store. He had not seen the plan of the South Boston road. He had been told by Old Colony officers that no company should have an exclusive right to the location on their land.

Mr. Dean said the negotiation was for an exclusive right to the location at the Old Colony depot.

Mr. Powers also explained the proposed location on land of the Boston & Albany Railroad Company at their depot.

Mr. Dean said his company had made a similar application, but the Albany Railroad officers said there were so many cars running that they would not give the location to any one, but would to the South Boston, if to any.

Mr. Powers said the vice president of the Albany road assented to it today, and had assented to it over a year ago.

The petition was recommitted to the Committee on Paving.

*Middlesex Railroad Location in Beverly Street.* On petition of the Middlesex Railroad Company, for additional tracks on Beverly street to connect with their track on City square.

Mr. Powers explained the location which was granted by the Aldermen of Charlestown and Boston just prior to annexation. They had struggled to get along with one track, at great inconvenience. The draw on Charles River Bridge is ponderous and dangerous, averaging six break-downs a year. It was to prevent delay from accident on the bridges.

The matter was recommitted to the Committee on Paving.

*South Boston Railroad Location at Old Colony Station.* On petition of the South Boston Railroad Company for a side track on Kneeland street, near the Old Colony Railroad Station.

Mr. Dean explained that this was the same matter which had been explained in the hearing on the Middlesex petition.

Recommitted to Committee on Paving.

#### MISCELLANEOUS PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Report of number and character of alarms of fire in May. Placed on file.

Resignation of George P. Denny as Commissioner on the Sinking Funds, and the election of Francis H. Peabody in his place. The resignation was accepted in concurrence, and the Board proceeded to an election. Committee—Aldermen Wilder and Dunbar. The committee reported that Francis H. Peabody had received eleven votes, the whole number cast. Mr. Peabody was elected in concurrence. After the vote was declared, Alderman Clark stated that he had stepped out a moment, and wished to have an opportunity to record his vote in favor of Mr. Peabody, and the Mayor reannounced the vote as being unanimous for Mr. Peabody.

An ordinance to amend the ordinance in relation to the Fire Department, by inserting in the fourth section "providing for the" after the word "of" in the first line, came up referred to the Committee on Ordinances. Concurred.

Orders to allow the Board of Fire Commissioners to fix the pay of their clerks after July 1 next. Passed in concurrence.

Order for the Committee on Paving to divide the employment of laborers by that committee *pro rata* among the different wards. Alderman Fitzgerald stated that this order would cause great injustice. In certain wards are very many poor laborers, while in others there are very few; and the matter should be left to the discretion of the Superintendent of the Committee. On his motion the order was indefinitely postponed.

#### DORCHESTER TRUST FUNDS.

The annual report of the treasurer of the Dorchester Trust Funds was submitted, laid on the table, and ordered printed.

The amount of each fund on April 30 was as follows: Gibson School Fund, \$17,575.79; Stoughton School Fund, \$4140; Stoughton Poor Fund, \$885.02.

#### INVITATION ACCEPTED.

An invitation was received from the New York Fire Escape Company to witness an exhibition of the Boston Self-Regulating Fire Escape and Hose, in Court square, June 12, at one o'clock P. M. Accepted.

#### INSPECTION OF PRISONS.

Alderman O'Brien offered an order—That a special committee be appointed to inspect the prisons and houses of detention within the county of Suffolk, and to make the examinations and reports required by the statutes of the Commonwealth. Passed, and Aldermen O'Brien, Dunbar and Viles were appointed said committee.

#### POLICE.

Alderman Robinson submitted the following from the Committee on Police:

Report recommending the confirmation of the following Executive nominations for police officers: Dennis Mahoney, Thomas A. Simpson, John G. Leary, James F. McDonald, Patrick Melledy, Daniel A. Doherty and Michael J. O'Shaughnessy; also recommending the non-confirmation of

the nominations of John A. Fynes and Cornelius Sullivan. The report was accepted, and said nominations were confirmed and non-confirmed as recommended.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Order to pave the westerly side of Warren street, from Buena Vista avenue to Rockland street, with small granite blocks; estimated cost, \$2000. Read twice and passed.

Report and order to grade and macadamize Sargent street from Howard avenue to Hartford street; estimated cost, \$2500. Order read twice and passed.

Report and order for brick sidewalks in front of estate of George P. French, 726 East Eighth street. Order read twice and passed.

Reports in favor of granting permits to William R. Cavanagh to move wooden buildings from Washington street to Fuller street, in Ward 24, and from South street, Ward 23, to Poplar street. Severally accepted.

Report of leave to withdraw on petition of Patrick Magee *et al.*, against assessment of abutters for edgestones on Boylston avenue. Accepted.

Order to pave the sidewalk around Fort Hill square with hydraulic composition; estimated cost, \$630. Read twice and passed.

#### HORSE RAILROAD LOCATIONS.

Alderman Robinson submitted the following from the Committee on Paving:

Report and order for hearing on Monday, July 2, at 4 P. M., on petition of Metropolitan Railroad Company for location of tracks in Dartmouth and for tracks in Marlborough street to West Chester park. Order passed.

Report and order—That permission be and hereby is given to the Highland Street Railway Company to lay down temporary tracks on Chandler street, from Columbus avenue to Berkeley street, and to connect said tracks with the tracks of said Highland Street Railway on Columbus avenue, and with the tracks of the Metropolitan Railroad on Berkeley street. [Included in the order are the usual conditions.] Also, upon condition that said tracks shall be removed and the streets placed in good condition to the satisfaction of the Superintendent of Streets, as soon as the proposed new bridge on Columbus avenue shall have been completed. The Metropolitan Railroad Company is hereby authorized to enter upon and use with its horses and cars the temporary tracks located by this order on Chandler street to the same extent that said tracks are used by the Highland Street Railway Company.

Alderman Fitzgerald offered the following as an amendment to the order:

And provided further, that in case the Metropolitan Railroad Company shall use the said tracks, hereby located, they shall pay one-half the expense of laying and removing said temporary tracks in lieu of all other compensation.

Alderman Fitzgerald said it was but a temporary track, and if it is used by any other company it should bear its proportionate share of the expense of putting the track down and putting the street in good condition afterward.

Alderman Robinson said he supposed the companies would settle that among themselves, but there was no objection to the amendment, and he would accept it.

The amendment being accepted, the order was read a second time and passed.

#### HEALTH.

Alderman Viles submitted the following from the Committee on Health on the part of the board:

Report on application on behalf of Mrs. C. W. Master for the establishment of a hospital for treatment of contagious diseases at 7 Florence street—That at a hearing on the 7th inst., the fact was acknowledged of intention to receive lying-in patients; and this subject not being within the jurisdiction of your committee, the parties have leave to withdraw. Accepted.

Reports that leave be granted Lewis F. Peirce to occupy stable on Oak avenue; M. M. Saunders, Shawmut avenue; James Turner, Clifton street. Severally accepted.

#### TAX REMITTED.

Alderman O'Brien, from the Joint Committee on Public Lands, submitted an order to remit tax for 1876 on lot No. 4 West Pembroke street, said land having been forfeited to the city for breach of conditions of sale. Read twice and passed. Sent down.

## LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Junk Collectors Licensed—Michael Doherty, 10 Gold street; William M. Blanchard, 309 Harrison avenue; Patrick Hayes, 90 Gold street; John Keleher, 54 Alger street; John Freeston, 15 Mt. Vernon avenue; John J. Flynn, 119 South street.

Auctioneers Licensed—Page & Moss, 581 Washington street.

Victuallers Licensed—George W. Fisher, 226 Commercial street; Thomas Hull, 1333 Tremont street; Charles Steinbrick, 1226 Tremont street; Aratus E. Pratt, 1372 Tremont street; George Atwood, 1143 Washington street; Samuel G. Stewart, 33 Hanover street.

Billiard Licenses Granted—W. H. Blake and eighty others (including several bowling licenses), mostly renewals.

Minors' Applications Granted—Eight newsboys.

Wagon Licenses Granted—A. J. McDonough, 74 -76 Commercial street; Cornelius Durgin, 134 Fulton street; Michael Shea, 345 Federal street. Severally accepted.

## COMMONWEALTH AVENUE SQUARES.

Alderman Clark, from the Committee on Common, etc., offered an order—That the Committee on Common and Public Grounds be authorized to expend the sum of \$628.76 for the grading of squares on Commonwealth avenue; said amount to be in addition to those amounts heretofore authorized, and to be charged to the appropriation for Common and Public Grounds. Read twice and passed. Sent down.

## LAND DAMAGES, ETC.

Alderman Clark submitted the following from the Committee on Streets on the part of the Board:

Order to pay Edwin Bowker and Charles and Franklin Torrey \$181.25, for land taken and damages occasioned by the widening of Portland street. Read twice and passed.

Report that no action is required on petition of Trustees of the Permanent Peace Fund and others for re-hearing as to betterment assessments on their estate on Kingston street, said assessments having been settled. Accepted.

## LAND RELEASED.

Alderman Clark offered an order—That his Honor the Mayor be and he hereby is authorized to release to Samuel H. and John C. Hunneman the estates on Eustis street, Renfrew street, and Harrison avenue, upon which an assessment of \$1800 was laid Nov. 5, 1872, in the name of Henry B. Chamberlain, for betterment by the extension of Harrison avenue to Dudley street, and which are now held by the city under a sale for non-payment of said assessment and of the taxes for 1873, by deed recorded with Suffolk Deeds, lih. 1233, fol. 78, upon payment to the City Collector, by the said S. H. & J. C. Hunneman, on or before the 30th day of June, of the sum of \$1042.67 in full for all demands upon the said estates for said betterment and the interest due thereon, and the further sum of \$1344.49 in full settlement of the taxes upon the said estates for 1873, 1874, 1875, and 1876, and the interest thereon. Read twice and passed. Sent down.

## CHELSEA BRIDGE.

Alderman Thompson, from the Committee on Bridges, submitted an order—That the Committee on Bridges be authorized to rebuild Chelsea Bridge; the expense to be charged to the special appropriation provided for said object. Read twice and passed.

## PUBLIC PARKS.

At 4½ P. M. the Board took up the special assignment, viz.: Consideration of report of Special Committee on Public Parks (City Doc. No. 44), with orders to appropriate \$1,000,000, for purchase of land for that purpose; to be raised by a loan for a period not exceeding thirty years, at a rate not exceeding five per cent.

Alderman Slade—When this matter was last before the Board I asked to have it laid upon the table for two weeks, to see if the Board could not come to some agreement. In the meantime I have prepared an order which I wish to offer as a substitute, and which, it seems to me, may possibly meet the views of a majority of this Board:

Ordered, That the sum of \$1,000,000 be and hereby is appropriated for the purchase of lands for public parks, said land to be purchased by the Park Commissioners upon the Back Bay and South Bay only, the plans of purchase and price of the lands to be recommended by the Park Commissioners and approved by the City Council before the completion of the purchase.

Ordered, That the Treasurer be and hereby is authorized to borrow under the direction of the Committee on Finance, the sum of \$1,000,000 for the purchase of lands for park purposes, the certificates of indebtedness to run for the longest term of years allowed by law, not exceeding thirty years, and to bear interest at the rate of five per cent. per annum.

Alderman Slade—Of course I have not got the power or inclination to make anything like a speech upon this subject. The ground has been well gone over by those who favor the parks and by those who are opposed to them. For one I believe that something ought to be done, and I don't know why it may not as well be commenced this year as hereafter. It is well enough known by every person who drives or who lives within the neighborhood of the Back Bay or the South Bay that the spot near where the commissioners have located a park is now, and has been for years, a stinking nuisance. We know well enough that something has got to be done to preserve the property and protect the people who live upon the Back Bay and the South Bay. I have been frequently asked if the Board were not going to abate the nuisance upon the Back Bay. If the people are going to live there we have got to abate that nuisance, for it is intolerable during hot weather. If anybody has examined that land when he will see that it has been a stinking hole for years, and used for the drainage of the up country, and it has lodged and festered there until it has become a place which the Board of Aldermen must, sooner or later, take hold of. I think myself that we can do no better than to take hold of this property and cleanse and purify it. At the same time we will put there something that will be not only pleasant and agreeable and sweet, but will be a pleasure to all the people as a parkway. If a hundred acres, more or less, are taken there from this slough hole in the Back Bay, it will come in direct connection with the Boston Common through Commonwealth avenue, making probably in the vicinity of 200 acres of a very beautiful park and driveway located in the portion of the city where it is now and always will be needed, and which will accommodate the most of the people of the North and West ends and Charlestown. The Charles River embankment would be the best thing, but that is out of the question, as the expense would be so enormous that the people shrink from it at the present time. If we had the power and authority to do so, I do not believe we would be justified in taking hold of so expensive a project. South Boston Point is not a slough hole, and the park is not needed there at the present time. There are plenty of open lands for people for pleasure grounds there. East Boston is similarly situated. Then as for a park out in West Roxbury, there are about 500 acres proposed by the Park Commissioners. With the beautiful surroundings of the city of Boston, north, south, and west, and even east,—it is one continuous park now and will be forever,—let the city build as fast as it will, and a series of splendid parks will always adorn the suburbs. I don't believe myself that it is necessary, or ever will be, to put 500 acres in one park in any one place. Twenty-five or fifty acres for pleasure grounds and playgrounds would accommodate more people than 500 acres in one lot. Those lands out there are now garden lands under cultivation, especially those not in the hands of speculators at the present time, and they can be utilized for several years to good purpose. These lands upon the Back Bay are good for nothing to build upon, and only fit for the purpose to which we propose to put them. In the direction of Brighton the city has a magnificent park there today, in the reservoir and a driveway around it, and it is sufficient to accommodate thousands upon thousands of people advantageously, and will be for many years to come. I cannot see the necessity for purchasing the 160 acres that the commissioners propose out there. Mr. Mayor, I don't doubt that all these lands, or most of them, at least, will be taken up for park purposes, but it need not be done this year. Let that remain for those who follow us. Perhaps the next generation will take hold of it; but I don't think the people today are willing that this City Government should entail upon them so much expense as they would by going the whole figure. I have looked this matter over pretty thoroughly. I have consulted with men who don't know whether they are going

to get another dollar or not, and they think something ought to be done, and the sooner the better. I think this order would give satisfaction to four-fifths of the people. We shall do great good to people living in the vicinity of the Back Bay and South Cove districts. It is being built up solid on the Back Bay and the building is slauting that way, and in all probability will go there. I believe we ought to look out for it. The longer it is put off the more destruction it will do to property and the less the city will receive in the way of taxes. I think myself that money can be well laid out upon the Back Bay, but I don't think it will take a very large amount. I would not advise the Park Commission to go to a very great expense in beautifying this land at the present time, but to sweeten up that district and make it a suitable place for playgrounds for young people, and any purpose that it might be used for in common. I understand that the Harris estate at West Roxbury and the estate adjoining it, covering a hundred acres altogether, have been offered to the city for twenty-five years at no rent at all, provided the city will take care of the taxes for twenty-five years. If it was understood that the city would remit taxes on the adjoining lands lying idle for speculation, I believe the city could get all the parks it wants for the next twenty-five years for nothing. That is my opinion, and if anybody would give it careful study I think he would find that to be a fact. With all these facts staring me in the face I am convinced that the City Council should take hold of this subject and start parks upon the Back Bay and South Bay. I think this order covers the ground very fairly—that whatever land they take and price they make the commissioners should report to this City Council, so that no advantage will be taken by anybody and nobody will be cheated. If this order is passed I think it will give satisfaction to the people, and that is where our responsibility rests. As I said in the beginning, I do not propose to make a speech, but in my humble way to give a few of my ideas.

Alderman Robinson—I regret exceedingly that an order is offered which cuts out the centre of the city. The subject has been discussed and talked over in the Board of Aldermen, so that everybody understands the whole question; but this going to the Back and South bays and discharging the centre of the city is something I cannot understand. I therefore move to insert “and for the West Roxbury Park, so called.”

Alderman Fitzgerald—I suppose there is some understanding among the members of this Board who are in favor of parks as to what is to be done this afternoon, and I presume that an order of some kind has been concocted and prepared to be passed through this Board, as the result of something in the shape of a conference. I take it for granted that something of this kind will be passed. I know there was some informal gathering of the clans here in favor of parks in certain sections, and I can imagine how, by a system of log rolling, as we call it in the Legislature—you go for my park and I will go for yours—a park scheme can go through. I understand that was why the order was prepared originally in the shape of an omnibus bill, to please everybody from Charlestown to Dorchester, South Boston included. But we now have settled down to three parks; the Jamaica Pond park must wait a little while longer, and Charlestown has been left completely out in the cold, as the commissioners say there is no place there for a park; East Boston I do not hear mentioned at all, and South Boston is well enough—it has the Point and a bath-house for men and women, and can get along some time longer. But the Back and South bays must be taken care of. Now, sir, I venture to say that if we pass an order about Back Bay you would hear no more about parks. I hope that every friend of parks, who wants an arboretum around the city of Boston, will not vote for the Back Bay park, because there will be no more demand for a park when it is established, or, rather, when the land is sold, for that will be an end of the park agitation. Now the proposition is that we should have these three parks. Why not introduce an order in addition, or increase the sum proposed to be appropriated? I see by the report of the commissioners, who are very modest in their estimates, that the price of the land for the West Roxbury park alone will be nearly \$1,300,000 for 485 acres, and for the Back Bay park \$927,000. The South Bay park will cost something in the neighborhood

of \$395,000—nearly \$400,000. Thirteen hundred thousand, seven hundred thousand and four hundred thousand make nearly \$2,500,000. If we are to have these parks, why not have an order introduced that the Treasurer be allowed to issue scrip and sell the notes of the city of Boston to the amount of \$2,500,000, payable, as they say, in not more than thirty years? Why not put it as it really must be—not more than ten years? Why put it at thirty years, when we cannot sell bonds for park purposes for more than ten years? There is n't a member of this Board but knows we cannot issue scrip longer than ten years for the improvement of parks; and the only thing for which you can issue scrip for thirty years is water. Sewer bonds can be issued for twenty years, and this kind of scrip must be not longer than ten years. To be sure, they tried, or somebody did, I don't know who to get a bill through the Legislature allowing the city to issue park bonds for thirty years, but failed. Now, why not put in an order that the Treasurer be authorized to issue scrip for three millions of dollars, to buy lands for park purposes, for a period not exceeding ten years, because that is the longest period allowed by law? Why not put in “not exceeding 300 years.” We have just as much right to issue 300-year scrip as we have to issue thirty-year scrip. We can only issue a ten-year loan. I agree with the Alderman that of all the places in the city of Boston, West Roxbury is the only place where a park ought to be located. Gentlemen who favor taking land on the Back and South Bay for park purposes, and no other, certainly cannot have the idea of what parks mean for the amusement and recreation of the public; and they leave out the great only natural, great suburban park we have in Boston, and that is the West Roxbury park. Now, the argument used is that there are fetid odors arising from the Back Bay. Here is the report of the Committee on Sewers, who say that \$75,000 will remove all those odors, until the completion of the intercepting sewer. I should be in favor of that, and I think the \$75,000 will be well spent, if it will destroy the use of the grand argument for spending four or five millions of dollars on the Back Bay. The cause of the nuisance on the Back Bay is not the old matter that is lying there in the sun; but it is the new matter that is continually oozing out for exposure to the sun and air, and after six or seven days it is not poisonous. It is only the new matter that accumulates that is poisonous and obnoxious to the people around it. When the gasy matter has been extracted from it in the course of five or six days, it is not poisonous. It may be offensive to the eye, but it is not deleterious to health. It is the new matter that is deleterious, and \$75,000 will obviate all that and destroy that nuisance which is interfering with the health of the inhabitants in that district. I should be in favor of spending that amount down on the Back Bay in order to obviate that. The gentleman well says that the people cannot afford to bear this great burden at the present time. If they can afford to bear one million dollars, I say the ten who are in favor of parks cannot do better than locate one in West Roxbury, which is a park today. The Austin Farm, which was purchased at great expense, and Forest Hills Cemetery, are close to it, and there you would have a park second to none in the United States. Nature has made a park of that. Talking about the poverty of the taxpayers of the city of Boston, I have a few facts which speak for themselves. I find from the Registry of Deeds that from 1843 to 1868 inclusive the number of tax deeds recorded in those twenty-five years was 3350; from 1869 to 1873, inclusive, the number was 1674; in the years 1874 and 1875 the number was 4169, or an average of 2000 for each of these two years. In 1876 alone the number of tax deeds recorded was 3171, representing the sales of real estate for non-payment of taxes—so that last year there were as many tax deeds recorded, lacking 380, as in the whole twenty-five years from 1843 to 1869. That, sir, speaks volumes in itself for the capacity of the taxpayers of the city of Boston to meet the debts which the city has been incurring during the past few years. Now, this Government came in with a great flourish of trumpets as a Government of retrenchment, that was to cut down everything. We have reduced salaries, from the City Clerk down. We did it because the times demand it and people expected it, and because the taxpayers

were poor. We inaugurated this City Government with a determination that, so far as we could, the taxes of the city of Boston, instead of being raised, would be lowered at the end of this administration; that what was not absolutely necessary to be done should not be done, and only a positive necessity would compel the city government to enter into any scheme that would tend to raise the tax levy next year or any other year. Our taxes have increased enormously—altogether out of proportion to the increase of population. I see in some of the papers, but one city in the Union can boast a heavier tax than the city of Boston in proportion to population; whether it is so or not I don't know; it is paraded in the papers as being so. But I hold that it is poor economy and retrenchment to cut down the salaries of our officials eighty or ninety or a hundred thousand dollars, and enter into a grand scheme for which there is no necessity. If there is no necessity for the West Roxbury Park for years to come, then I say, with ten times more force, that there is no necessity for filling up the Back and South Bay. If a park be needed for the people of Boston; if the whole people of Boston need recreation; if we need some place where the hard-working man should recreate his weary brain, in the language of the Alderman opposite, then I say the West Roxbury park is the place to invite him to go to. If there be any need of inviting the inhabitants of Boston out to that grand suburban park—which has no equal in the United States—I say there is no need of filling up the Back and South Bay for recreating the people. If it be that the health of the inhabitants suffers for the lack of sewerage, then \$75,000 will be all that is needed to protect them until the completion of the great sewer. I hope that neither the order as it is, nor the original order, will pass this Board.

Alderman Robinson—My object in offering the amendment has been pretty nearly described by the Alderman who has just spoken. South Bay is now one sheet of water. If I understand the locality aright, it is where the dirt was taken out and now forms the ground on which the United States Hotel and the Boston & Albany Depot now stand; and I have never heard about its being specially unhealthy about that particular spot. I have had many people in South Boston tell me they did not need a park there; that they got along very well with Independence square and the salt water at the Point. The question in regard to removing the smells from the Back Bay is one of sewerage and not of parks. The questions of sewerage and parks have had to be taken into consideration by every city of any considerable magnitude almost from time immemorial. This West Roxbury Park could have been purchased for about \$1000 an acre. It is a park of itself. Now, I think there is sufficient rock and stone there; and next winter if we could have men go there we could get out stone enough for the roads, and give employment to a hundred men. It seems to me it will not be necessary to enclose that park with a fence; but we can lease the greater part of it to the present owners, and that would probably return some portion of the money necessary to expend in the purchase. I did not propose and do not now intend to make a speech on parks; but when I see a measure to discard the only place that is already a park, and which, with its 485 acres, in connection with the Austin Farm and Forest Hills Cemetery—a better park cannot be found upon the face of the earth—and that was put aside for the sink spot upon the Back Bay—which, as I said, is more in the nature of drainage than parks—then I offered that amendment to the order.

Alderman O'Brien—I shall vote with pleasure for the amendment of the Alderman from Dorchester. I should have voted with pleasure for the order offered by the Alderman opposite [Alderman Slade] because I believe it is time to make a beginning, and it makes very little difference where we begin if we only make a beginning. In all the line of parks, this appears to me the most proper place to make the beginning. The Alderman on my left [Alderman Fitzgerald] of course opposes parks in any shape. When the whole scheme was proposed to this Board he denounced it as a measure beyond the reach of the citizens of Boston. When but a small portion of the scheme is presented to the Board he denounces it as a land speculation of the people on the Back Bay. Well, Mr. Mayor, I have heard that talk before. It always comes up in this hall when the park question is considered. Are the thousands

of petitioners who have asked for this scheme residents of the Back Bay? Are the thousands and thousands of citizens who have met in Faneuil Hall and advocated this measure residents of the Back Bay? Have the Water Power Company and the people of the Back Bay such potent influence on our citizens that they can twist them to advocate anything they please? The whole thing, Mr. Mayor, is a farce. It is merely a denunciation, and there is no reason for it. The Alderman speaks in glowing language of the park located five or six miles from this spot, and I cannot help calling the attention of the Board again to what he said two years ago in relation to this matter:

“Just fancy a poor man upon the South Cove, after his work is done, taking his children forth on a summer evening, marching to Corey's Hill when the thermometer is up to 90°; just imagine these people of South Boston and the North End going forth on a summer's evening to enjoy the benefits of the park which Boston, in its wisdom and philanthropy, has furnished for the laboring classes. It is all well, sir, to put it down upon paper; but you will find that the public parks established upon that grand plan will not be so much benefit to the people whom you propose to benefit, as it will to those who can ride in carriages. If I am rightly informed, the parks of London are scattered through an immense city, and not in the suburbs where you have to ride five or six miles to reach them. Is not that so?”

Well, now, I have no doubt the gentleman opposes the park scheme today precisely on the same principle that he opposed it two years ago; and that is all it amounts to. Certainly the reason for forcing these poor people from the South End and South Boston to go five or six miles to this beautiful park in the suburbs exists as much today as it did two years ago. As for any understanding in relation to this matter, we have had none. There was an informal meeting of gentlemen who were thought to be favorably disposed toward making a commencement; but after a session of about an hour we could not agree upon any particular plan. I think we ought to agree. If I read this Board of Aldermen aright every man in it is in favor of parks. There are only two men in this Board who are opposing the commencement of the work of parks at the present time. There are five men in this Board who are willing to make a beginning upon a small scale. There are five men in this Board who favor the entire plan, and I think, Mr. Mayor, that it would be very unwise for us, who are generally largely in favor of parks, to allow this opportunity to pass without inaugurating the system. If we have ten men here who are in favor of parks, who are willing to vote for a beginning, why should not we commence? I shall therefore cheerfully vote for the amendment offered by the Alderman from Dorchester; if that is defeated, I shall vote for the order offered by the Alderman opposite, and I hope we shall come to a vote today, and do something.

Alderman Fitzgerald—This is the second time my friend on the right has referred to my speech. I am glad that it has such an attraction for him; but I should advise him not to repeat a good thing too often. It might spoil. As I said before, I am opposed to any parks at all.

Alderman O'Brien—Would n't you vote for the West Roxbury park?

Alderman Fitzgerald—I will not. I said decidedly I should not vote for any parks. I said I hoped the whole thing would be defeated, and I think I expressed myself decidedly upon that point, because I believe that this is not the time and this is not the year. If I felt that the city of Boston could not make as good a bargain next year, or the year after, as it can now for any one of these parks, I should not hesitate to vote for it. If I felt that the city of Boston would not be as liable two, three or four years from now to make the same kind of a beginning, I should not hesitate. But, sir, I feel that the citizens of Boston can afford to wait, and that the land can afford to wait, and that we can buy as cheaply three years from now as we can today. If the city of Boston will be as liable—that is if the rose-colored tints which some of the aldermen have given of the commerce of Boston turn out to be true; if we make any perceptible progression after the panic ceases and business revives, so that the laborers have work and everybody is satisfied; if everything goes on as well as they picture it—why, of course, we can afford to begin

this grand system of parks. If our citizens can ferry their way out, as some of the Aldermen say, we can begin. But I feel that real estate will be cheaper next year than it is this year, as it is cheaper this year than it was last year, and as it was cheaper last year than the year before; and that those people will be only too glad to sell their land to us on the Back Bay, and West Roxbury, and everywhere. They will only be too glad to sell it to us. That is why I am opposed to beginning anything this year. I feel that the taxpayers cannot afford to enter upon this grand scheme. If I take the same view that some gentlemen do, and if ten men here are in favor of parks, why not borrow ten millions of dollars at once? Why not take it by piecemeal? Why not take them all and issue a five or ten million loan? According to your calculation, it will be only a small amount of that. I cannot see it. And I do say, and I repeat it here, that all the lobbying that has been behind this question has come from the Back Bay; that the men who were behind the Faneuil Hall meeting were in the interest of the Back Bay, and I know it. I speak what I know. That meeting was got up, managed and put through, and the speakers were got, and the vice presidents and all were got up by men in the interest of this Back Bay park, and by men who own land on the Back Bay. That is not an assertion, but it is what I know to be true. I know that members of this Board are honestly in favor of it. I know that my friend, Alderman O'Brien, is strongly in favor of parks, and has been since he became a member of this Board. The Alderman opposite [Alderman Clark] makes no bones at all, and has always been in favor of parks. I speak of the men outside of this Board, who worked those meetings. I say I know the true inwardness of those meetings. I know who got the speakers, because some conversation was had with myself about being one of the speakers at the Faneuil Hall meeting. I know all about it. It is a mere difference of opinion as to when we should begin this park scheme. I say that when real estate is idle and unproductive because people cannot pay their taxes and are obliged to let it go without being able to pay \$75 taxes, and it is sold by the city of Boston to provide a revenue for carrying on this Government—I say when that occurs, it is time to pause before going into any grand scheme of speculation.

Alderman Wilder—I merely wish to say that I believe it is time to stop advertising in the Board of Aldermen the poverty and decay of the city of Boston. The statistics of our trade, the condition of our citizens, although laboring under the general depression of business, do not warrant our advertising to the world these things as facts from official sources which are not facts. We are not in that distressed and poverty-stricken condition that gentlemen argue here in order to carry their points; and the people know it. I am quite satisfied myself to vote for the amendment of the gentleman, although I was struck two weeks ago with the remarks of the gentleman on my right [Alderman Burnham] as he pointed out the necessity of something being done in these two points, when he said "the must be stamped" upon those two points; it struck me as the most potent argument that had fallen from any man's lips at this Board. I am more satisfied with this last order, for myself, than I was with the order of the Park Committee. This order proposes to appropriate a million of dollars; and how? It instructs the Park Commissioners, who have so long labored in this work, to come back here to the City Council with a proposition. They have selected certain localities. The lines are defined. They will come back here with certain pieces of land, at a certain price, and then it will be our province to act upon it. No man, I believe, can by any possibility say that the citizens of Boston are not fully and entirely guarded in any appropriation that we make by the passage of that order; because not one dollar of the money can be expended, not a single purchase can be consummated, until every piece of land is defined and its price agreed upon satisfactorily to this City Council. Therefore I shall with pleasure vote for the amendment offered, although I am free to say that just so far as I intended to go and believe I should go this year was sustained by my colleague from South Boston in the proposition he made two weeks since.

Alderman Slade—I was going to make some remarks rather in the direction of those which the Alderman has just made; and that is this eternal

sickly talk about the poverty of the city of Boston. If real estate is going down lower next year than it is, and lower the year after than then, and three years after it will be lower than it will be two years from now, then where are all these poor people, that gentlemen speak so flippantly about in this Board, going to? If it is true, every piece of property in the city of Boston will have to be sold for the taxes. But it is not true. I don't believe in this talk about the taxes of the city of Boston being so much greater than anywhere else in the world. I own real estate in New Hampshire that is taxed double what it would be here in Boston. I believe that taxes are as low in Boston as they are anywhere. I believe that the business of the city of Boston has been carried on in such an economical manner that we are really behind the times. What is the occasion of all these people being out of employment? We are not trying to do anything; everybody is lying back upon his oars and saying, I have got no money, and I am not going to try to do anything. The city of Boston is not so poor, and the people are not so poor. Every dollar's worth of property that was here five years ago is here today. It has not been destroyed, and it is of value. As I said before, I am sick of this talk of poverty. When I came to Boston, thirty years ago, I travelled all over the city three months trying to get a man to employ me for my board. I thought it hard; but it has been just as bad since; except just after the war, when everybody had got money. Many people fail nowadays because it is fashionable. People who have not saved anything out of the prosperous times were brought up with a round turn; but it is coming around all right after awhile. I am sick of this talk about poverty. It will destroy any man's business if he keeps telling about his being poor and unable to earn anything; and such a man is going to fail if he lives. I, for one, being a servant of the city of Boston, am not going to stand up here and talk in that direction.

Alderman Fitzgerald—I am sorry the gentleman is sick. If I state facts it is not my fault. I am sorry he is changing his mind about this park question. Mr. Mayor, I do not believe that the City Council of Boston should act in the manner in which an individual does who feels, who knows himself that he is almost bankrupt, and yet drives a coach and four, puts the best side toward, and runs into expense for the sake of obtaining credit and deceiving the public, and trying to deceive himself. I believe that the truth should be told about the city of Boston as well as about anybody else. I am not afraid to stand up here and state facts; and if people are sick it is not my fault; it is the fault of the facts before me. I stated that the number of tax deeds given for estates which the city of Boston sold for taxes last year was equal to the aggregate number of estates sold for twenty-five years, from 1843 to 1868. That is a fact. If any gentleman is sick because he hears it, why, then it is not my fault. When I first spoke on this subject I stated that the debt of the city was \$44,000,000; if that makes people sick it is not my fault. I spoke about the empty houses; and the Alderman opposite referred to them; if that makes people sick, it is not my fault. I came here to speak what I think to be true, and I am not afraid to state it in any place or time. If gentlemen are sick, I am not to blame. If I present facts which cannot be contradicted, gentlemen have a right to put a rose color upon it. I am not to blame if they are sick; but the facts are to blame.

Alderman O'Brien—The population of the city of Boston in 1840 was 120,000. For some years after 1840, the population did not increase so very rapidly. But the gentleman winds up his comparison with 1868. Why did not he give us a complete and full comparison? Why does he leave out from 1868 to 1877?

Alderman Fitzgerald—I have them here.

Alderman O'Brien—Don't any one know it takes more houses to accommodate 350,000 inhabitants than it does 120,000; and that the sales for taxes must of necessity be more today than they were ten or twenty or twenty-five years ago? The larger the number of your houses, the larger will be the number of sales for taxes. I believe that the city of Boston has collected all her taxes today within some \$400,000. I read in one of the New York papers, a week or two ago, that the collector of that city said there were over \$10,000,000 due the city of New York for taxes, and that he was not going to press the citizens of New



York for it, because business was a little depressed and he did not like to hurry them. He said the taxable property of the city of New York was good for ten times the \$10,000,000 for which it was taxed, and he would deal with them liberally. In the city of Boston we act differently. If a man don't pay his taxes within a limited time, we sell his property; and I have sometimes thought it was a wrong principle to act upon. I believe that the city of Boston, instead of asking these tax-title buyers to come up and interfere between the poor man and the city of Boston, to buy his little estate; and charge him ten per cent. and several sums of money for other purposes, that it would be far better if the city of Boston took the risk and made that little estate pay its taxes, just as they do in New York, when the owner feels that he cannot pay them. That is what I believe ought to be done. These tax-title buyers, who come up here and stand between the poor man and the city of Boston, and get their ten per cent., are the sharks that I despise. If we dealt more liberally with our citizens, I think we would be far better off today.

Alderman Fitzgerald—I agree with the Alderman, that if we could find some means to carry on the city of Boston when the citizens refuse to pay their taxes, to allow them five or six years to run, it would be an admirable and an excellent thing. But how can we do it? The interest on parks must be paid; the park debt must be paid, and the interest on other debts—\$44,000,000—must be paid. If John Jones owes taxes, and comes to the Collector and says he would be much obliged if he would let him go for a year or two, and John Smith comes and says he will be much obliged if he will let him go a year or two, where would our laborers get their pay? Where would we go? There is no other way to keep the Government moving but to sell the property outright and take the amount of the taxes. The law is more humane; it gives the owner the right to redeem. It was only the necessities of the case that caused the passage of this act. Now, the Alderman spoke about the tax titles, and asked why I did not give the other years. I gave the number for twenty-five years prior to 1868; and \$120,000 multiplied by 25 would be equal to the taxes which three millions would pay in one year; and because they did not pay, these 3350 tax deeds were given by the city of Boston; while in 1876, when the population of Boston was 340,000, or ten times less than 3,000,000, the tax deeds given by the city were 3171, or nearly equal to that amount. I gave the whole number of tax titles from 1843.

Alderman O'Brien—What was the number in 1840?

Alderman Fitzgerald—I did not go back as far as that. I give the number for twenty-five years; 3350, and the number for last year was 3171. The number for twenty-five years would be equal to the taxes which three millions of people in the city of Boston would pay in one year; \$120,000 a year for twenty-five years would be precisely the same as \$3,000,000 for one year. Last year the deeds for tax titles recorded were 3171. Does not that speak volumes for the ability of the citizens of Boston to meet their taxes with diligence, even with these things pressing them in the face? If there is anything which tends to show the depressed condition of the people it is the manner in which the Alderman denounces those little men who fleece the citizens of Boston by handing into the Collector's office the money which the property owners cannot pay.

Alderman Clark—The taxes of the city of Boston have never been paid with more promptness than during the past year.

Alderman Fitzgerald—You mean that the revenue from taxes has been paid in.

Alderman Clark—I mean taxes have been paid by the people themselves into the city treasury with as much promptness as within the past twenty-five years. A very large amount of property was created by this tremendous real-estate excitement in the suburbs of the city, and which has been sold, and added immensely to the number of sales to satisfy taxes; but eighty per cent. of those sales have been made of land not in the heart of the city, but in the annexed territory. It was bought and built upon for speculative purposes, and in that way an immense number of tax totals has been run up. But the property within the limits of the city of Boston—you will find there has hardly been a sale where property has passed out of the owner's hands on account of the taxes not having been paid. That, I venture to say, has been the case during the last three years.

Alderman Fitzgerald—Does the Alderman state that as an opinion or a simple assertion, or does he know it to be so?

Alderman Clark—I speak it as an opinion backed up by a pretty strong personal knowledge. Now, Mr. Mayor, I do not propose to say but a very few words upon this subject of parks. I have had my say upon the subject; my views in regard to parks are well understood by the members of this Board and the citizens of Boston generally. I am in favor of the scheme of parks recommended by the commissioners, and if I can obtain that, I am willing to commence and take them as far as I can. I believe that the citizens of Boston demand that this Government should commence a system of public parks. We cannot ignore the fact, Mr. Mayor, that eighty per cent. of the large taxpaying citizens of Boston are tremendously in earnest in regard to this measure; that they have petitioned this Government for parks, and that they expect this Government to take an initiative measure this year in regard to the establishment of public parks. The entire medical faculty of Boston have recommended that something be done to improve the sanitary condition of the Back Bay and the South Bay. You may do what you choose to take sewage from there. You may expend your \$75,000, but what do you get? You still have a thousand acres of land that are a nuisance, and the gases arising from that locality render it exceedingly unhealthy in any part of that territory. It is a pest hole, and will continue to remain so until something is done to improve it. This sewer will carry the matter a little farther out in the Charles River; it will do nothing more, nothing less. Now, what is the use of spending \$4,000,000 to build an intercepting sewer? for all that is necessary is to get this matter into Charles River. You can do that; you are doing it today. All the sewage of the city of Boston goes into the Charles River, or is landed on the flats of the Back Bay on Beacon street. It is proposed to carry all this matter out into tide water, where it will go off. By taking this matter off the flats you do not get rid of the nuisance, and if you get rid of the nuisance you have still got five or six hundred acres of flats there which you cannot get rid of until the territory is treated precisely the same as the territory below Charles street and the line between West Chester park, now extended, which has been filled up with good clean earth; and the taking out of this sewage matter which comes down from Roxbury will not remedy the evil. You have got five hundred or a thousand acres which will be a nuisance, and will remain a nuisance so long as they are in a filthy condition. I am in favor of this entire system of parks, and I shall vote for the amendment of Alderman Robinson, or I will vote for the original order; and I will vote for any order that will carry with it eight votes of this Board of Aldermen, because it is necessary to have eight votes in order to make this appropriation. Now, the Alderman asks why not put in the whole amount? No one is fool enough to imagine that this system of parks is going to cost only a million of dollars. We do not want a million of dollars this year, and I do not believe in expending a dollar until we get the right to make a loan for thirty years to cover this expenditure. If we had gone to work earlier in the year we would have got that right this year. That is why we asked for only a million of dollars; it is simply because we don't want it. I doubt whether they will need a million dollars this year. It has got to pass both branches of the City Government, and if it passes we have got to go to the Legislature to get authority to make a loan for thirty years.

It is constantly charged by the opponents of parks that this is entirely a scheme for land speculation. Every man, woman and child, and all the physicians—commencing with Dr. Edward H. Clarke, who has given the subject more study than almost any other man in the United States, and is backed by all of the most eminent physicians of Boston, who say that this improvement is absolutely necessary in order to improve the sanitary condition of the city—are charged with being land speculators, because they come here and recommend that the city of Boston take the initiative toward the improvement of this property. Then, again, it is charged that all the mercantile firms are land speculators, solely interested in selling a few thousand feet of land on the Back Bay. It is charged that the meeting in Faneuil Hall was got up by land speculators.

Alderman Thompson—The meeting on the 6th of June?

Alderman Clark—Not the 6th of June meeting, but the meeting of two years ago. If I remember, that was a pretty respectable body of men (I was not present). It was addressed by such men as Joseph S. Ropes who lives at West Roxbury and possibly may own a dwelling house. It was addressed by Rev. Mr. Bodfish, and, possibly, he is a land speculator; he is a most eloquent speaker. I have heard him one or two times since, and I don't believe he is a land speculator, or will be benefited by laying out a park on the Back Bay or anywhere else. Now, Mr. Mayor, the city has a very large interest in at least commencing the improvement of the sanitary condition of the city of Boston. We have it from the best medical and engineering sources in the country that the sanitary condition of the city cannot be improved as long as we are surrounded with thousands of acres of low marsh territory; and that the best way to improve the sanitary condition of the city is to begin the improvement of these marshy districts. Therefore, I am in favor of taking one hundred acres, more or less, on the Back Bay, as an initiative step in the improvement of that territory, which is a public nuisance, and which has depreciated all the property lying within half a mile of that district faster than the dull times. Not only the Back Bay, but the South End is injured by the stenches that arise from this 500 acres of low marsh land. This constant charge that the entire population of Boston are interested in land speculation, I think, is about played out; and, I hope that before the Alderman makes another speech upon that topic he will study carefully the names of the people who have signed the petitions for public parks. If it were necessary I could call no less than a hundred names of the best taxpayers who have been to me and expressed themselves in favor of making a commencement toward public parks. I must say that a great many are in favor of this inner system on the Back and South bays, inasmuch as the Charles River embankment is out of the question at the present time. They look upon it in a sanitary light and for the improvement of the sanitary condition of the city, and I believe that if the city begins its real estate will improve there, and instead of the pestilential odors, we shall have in the vicinity of Newbury street what we have on Commonwealth avenue and the Public Garden. I am strongly in favor of the order introduced by Alderman Slade, although I had not the slightest idea that he proposed to offer it, until a few minutes before the meeting of the Board this afternoon. It will be noticed that the Back Bay and South Bay are intimately connected. The Back Bay borders upon West Chester park street; Swett street is a continuation of West Chester park street, and the South Bay comes and borders upon Swett street; so that these two large parks will be connected by those magnificent avenues, West Chester Park street extended and Swett street; and it will accommodate those classes of people that the Alderman [Alderman Fitzgerald] was so anxious about a few years ago. As he says, after they get through a day's labor they can go out on the Back Bay, or South Bay, and not be obliged to climb Corey's Hill, or any other hill, to enjoy the breezes of the evening. I am afraid the Alderman has not been across the Common or Public Garden this year. I doubt very much whether there are not members of this Board who have not been upon the Common or Public Garden this year. If he had been out there, especially on Sunday afternoons, he would have seen the class of people who do not want to take their little ones and climb to the top of Corey's Hill, or any other hill; but they come from the North, South and West ends, and enjoy the Public Garden and Common. If he had seen them he would come to the conclusion that the Common and Public Garden have not been established in vain. The rose-colored tints in which I am credited with having portrayed so vividly were statistics taken from the commercial records of the principal commercial paper in the city. I took it from the Commercial Bulletin, which is a reliable sheet. I presume that the Boston Post or Advertiser had the same. During the previous meeting, when I made some remarks upon this subject, I stated some facts showing the increased commercial prosperity of the city. I take it that the increased exports and imports are an index that business is reviving.

Those were actual facts, and I understand that the increase has gone on in an increased ratio. When the Alderman goes back to the primitive days of the city of Boston, forty or fifty years ago, I wish he would give us an account of the amount of business done in the city of Boston then, the amount of sales of some of the dry-goods and grocery houses of forty years ago, and show us what the business of Boston was in those primitive days. I profess to be somewhat progressive, and hope to see the city of Boston increase from year to year as it has increased from year to year. I shall vote for the amendment to the order and keep voting until I see something pass that will look to an establishment of parks. I had prepared a substitute which I proposed to offer myself if everything else failed; but I believe this one is better.

Alderman Fitzgerald—I am surprised, if I am the only opponent of parks here, that the friends of the park measure should think it worth while to answer that argument which I brought forward, and are so concerned about it. In answer to the gentleman opposite about the land speculators, and Mr. Ropes and Mr. Bodfish and other merchants of Boston being called land speculators, I did not mean any such thing. Have you ever seen the Punch and Judy show? The little people who look on think it is Punch and Judy who are talking. They make all kinds of noises and play their parts admirably, and people think it is Punch and Judy. Now, in the park matter, it is not the man who is talking, but the people behind. Those gentlemen who speak bear the same relation that Punch and Judy do to the fellow behind who is pulling all the strings. That is the idea I intended to convey in connection with the park question; and I cannot better illustrate it than in that way. I know there are a great many persons who favor parks; but I said that the meeting was particularly engineered by a certain class of men. I know that the gentlemen who sat upon the platform were honestly in favor of parks; and the men who spoke were. I do not know whether those who gathered there were in favor of parks or not. They want to hear the speakers, Mr. Ropes, Mr. Bodfish and others; if it was upon any other question, if it was upon the Turkish war, they would come just the same, because I believe Faneuil Hall will always be filled if people speak there. The size of the meeting is no indication. I simply rose to vindicate myself against charges of that kind, because I did not intend to say that those gentlemen were simply speculators.

Alderman O'Brien—Merely a word or two. The gentleman stands up here in the interest of the taxpayers, solitary and alone, and opposes parks. But is it because he believes it is for the interest of our taxpayers? I regret to say that he stands up here solitary and alone, while ninety per cent. of the taxpayers of Boston have spoken for parks in Faneuil Hall; ninety per cent. of the taxpayers of Boston have petitioned for parks; and during the four or five weeks that this subject has been before us, has he heard of a single remonstrance from the taxpayers of Boston against the action of this Board in favor of a park scheme? I am sorry that the men whom he represents do not come here with their remonstrances, and did not hold public indignation meetings and support him, standing solitary and alone as he does, advocating only the Narrow Gauge or the Lynn Railroad.

Alderman Fitzgerald—I always remarked, sir, that wherever a cause is not a good one, wherever a cause cannot be based upon its merits, it has been my experience in the Legislature and elsewhere, that piles of petitions, mountains high, came in in favor of it; and that is the case more especially where any speculation is underneath the whole of it; there you will find plenty of petitioners, plenty of force and plenty of enthusiasm, in favor of it. All firmly believe that if the park question could be voted by the citizens of Boston today it would be defeated overwhelmingly, and instead of three thousand votes it would receive less than it did before, when it hardly got half that number. Three thousand out of 50,000 anxious for parks! With all their engineering, with all their working, that those men who came up on that day only 3000 voted for it. In that bright June weather only 3000 friends of parks had the nerve to come up. I firmly believe it would be refused today, and instead of 3000 the vote would be 1000. If, with all their interest and with so much

hard work, they could not accomplish more than 3500 votes last June, twelve months ago, it seems to me that the ninety per cent. of the tax payers of Boston must have been away.

Alderman Slade—Being one of the 3500 or 3700, all I have to say is that they were about 1500 majority, and the 50,000 or 60,000 others who did not come at all gave their consent by silence.

Alderman Clark—That is pretty effectually answered; better than I could have done it myself, although I rose proposing to do it. I would state that the number who voted upon that occasion was the same as when we were in danger of having Chelsea thrust upon our hands; so the people took as much interest, to say the least, in the park question as they did when they were in danger of having Chelsea annexed to the city of Boston. Now, the Alderman said that if we produced such eminent speakers upon any occasion, it does not matter what, they will fill Faneuil Hall to overflowing. Now, Mr. Mayor, I pretend to say that is not so. I have known times when very able Republican speakers got together and did not fill the house. Then, again, I have known eloquent speakers to come to Faneuil Hall without filling it, and I doubt very much if those same gentlemen had been called upon to address a Democratic meeting whether they would have filled it.

Alderman Fitzgerald—It is never empty on such occasions.

Alderman Clark—I recollect when gentlemen not particularly celebrated for eloquence met there to speak on parks, without being advertised to any extent, and the hall was overflowing with taxpayers of the city of Boston. It shows the great interest taken in this question; that the people are in earnest about it, and that they do not mean to let it rest until a system of parks is commenced.

Alderman Fitzgerald—I should like to ask the Alderman if the silence of the 50,000 who did not vote against the annexation of Chelsea gave their consent, and whether he would argue upon the same premises.

Alderman Thompson—I am not in favor of the order as presented to the Board. I am in favor of a park on the Back Bay, provided it can be obtained at a proper price. But, sir, judging from the remarks made here, we would suppose that the entire city of Boston is in favor of this scheme of parks as presented by the commissioners. I maintain that there has been a great change in the minds of the citizens since the vote was taken; and I believe, with the Alderman opposite, that the facts he presented are the cause of the change. I don't believe a majority of the citizens of Boston favor parks, because they cannot pay the interest on their mortgages, and the savings banks have to take the property. The Alderman who spoke a few moments ago [Alderman O'Brien], wondered why there was no opposition to parks. I want to remind him that today a most respectable citizen went to him and remonstrated against parks. The Alderman forgot that when he spoke; and if he desires any more information in that line, it is perfectly easy to obtain it. Now, sir, this question has been presented wrong end foremost from beginning to end. The committee came to the Board of Aldermen with an order appropriating \$1,000,000 for the Park Commissioners to spend wherever they please, and commit the city to this entire scheme. Now, sir, that was absurd from the commencement. I believe that the Board of Aldermen are intelligent gentlemen and understand a proposition of that kind. I believe that the City Council, as the guardians of the city treasury, should have the appropriation of that money, and be held accountable for its expenditure by the citizens. I believe that the gentlemen composing the Park Commission are as satisfactory as any commission can be. I do not think three more acceptable gentlemen can be found in the city of Boston who are more worthy of confidence than those gentlemen are. But I do not propose to place this million of dollars in the hands of those gentlemen that propose to put it into the hands of the Park Commissioners. Does any one here know who will constitute this commission six or eight months from this time? It is the Park Commission which is to spend this money. I would not have a single dollar spent for parks until I knew the quantity of land to be purchased and the price to be paid for it; and I rose for the purpose of offering an amendment to the order by inserting in the last line "by a two-thirds vote

of the City Council"—that no money shall be spent except by vote of two-thirds of each branch of the City Council.

Alderman O'Brien—When I alluded to remonstrants I spoke of public remonstrants. I know I was introduced to a well-known Boston citizen today by the Alderman from Charlestown. He introduced me to him because he desired to throw cold water on my park enthusiasm. He was a gentleman who has grown up here in Boston, has retired from business, and is one of the most illustrious examples of the wealth and prosperity of Boston. Every year of his life he has been richer and better off than he was the year before, and he comes up here a millionaire in his old age and joins that army of croakers that are so numerous today, looking ahead and thinking that nothing but ruin and disaster to the prosperity and business of Boston; that is the fact, Mr. Mayor, a leading distinguished millionaire, who has been wealthier every day of his life since he has lived in Boston, comes up here and says that if we establish parks it will ruin our city. I remember that gentleman when he was in business years ago; and when the crops in the West and the crops in the South looked so well as they do today, calculated upon doing fifty per cent. more business that year than he did the year before. He knew that when they had good crops West and good crops South, and good crops all over the country, his business would be prosperous; and that was the way he conducted business when he was in business years ago. Well, now we have had a signal example of the turn in business matters here in this city within a week. An advertisement in the Boston papers calls together business men from every section of the country—from the West and the South and the Southwest and the States of the Pacific. And what did they come here for? Why, they came here to attend a public auction sale of boots and shoes, not any of your ten or fifteen thousand dollar sales, but a sale amounting to two million and a half of dollars. And what was the result? Why, if they had offered \$5,000,000 worth at that sale every bale and every package of it would have been purchased, and the prices paid for those goods were perfectly satisfactory, more than satisfactory to the men who owned the property. Well now, what is the use of standing up here and joining, as I said, that great army of croakers that have been so numerous here for some year or two past? I believe with the Alderman opposite that it is time this croaking should stop.

At the request of Alderman Wilder, the Mayor read the amendment offered by Alderman Thompson.

Alderman Wilder—I was quite confident that the Alderman had failed to read the original order, or had quite misunderstood its character. If I understand what that order means, no purchase can be completed, no money paid, until after the gentleman has by his vote approved of the price and the purchase. He said he would not vote for this order because he wanted to cover that ground. It does cover it. And then the gentleman has seen fit to offer an amendment, which I hope will not pass. In the first place it is well known that no money can be appropriated except by a two-thirds vote; and when men do something to forward an object or purpose, after having well considered and done it once, they expect that that something is concluded and completed. Now, I can quite conceive, Mr. Mayor, that it would be beyond the power or possibility of any commission or anybody else to purchase any particular parcel of land, that the final defeat of its purchase might not be accomplished; at least it would be jeopardized by this unusual manner of doing things, coming back to a two-thirds vote again on a particular thing after the usual two-thirds vote had been passed for the appropriation. It is very easy to see the purpose of the order. The gentleman is opposed honestly and conscientiously—perhaps it is all right—but he is opposed to doing anything in this direction this year. There is another gentleman in this Board who is entirely opposed to doing anything this year, or perhaps ever; he stands right up and tells us so in language that we cannot misunderstand. He does not stand up here and say he is in favor of parks, and then construct so flimsy a bridge to retreat over. He means just what he says, and I respect him as such a man. I have the highest respect for the intelligence, and bow with deference to the legis-

lative experience, of the gentleman from the Charlestown District, but he knows perfectly well what his amendment means. It means defeat by indirection; and he underrates the experience and intelligence, I believe, of any gentleman at this board if he does not know that they understood it just as well as he does. I hope the amendment offered by the gentleman from Charlestown will not be adopted.

Alderman Thompson—I appear here this afternoon free and untrammelled, and speak that which I believe is in the interest of the city of Boston. I have no pecuniary interest in lands anywhere to bias my judgment. I have only to do that which I believe to be for the interest of the entire city. I am not interested pecuniarily, save what I am assessed for taxes, not holding land in any direction—and that, I am sorry to say, all members of this Board in favor of parks cannot say. Now, sir, in regard to my position on the park question, I stated I was in favor of a park at the Back Bay, provided the city could come into possession of the property or of the land there at a price, and that is the only park I would favor. I would favor that park for this reason: In consequence of the unhealthy condition of the territory, first; then because it is more accessible to the population, second; and, thirdly, because to the city of Boston the property would appreciate faster than any other section. That is my position, and I hope gentlemen will not misunderstand my position. I am right there and I will not vote one dollar from the city treasury until I know the quantity of land they propose to take and the price they propose to pay. Now, if this order is adopted, an appropriation is made, I only ask in this park business the same custom, the same rule, the same order that is required in all other appropriations that pass the City Council. For everything a two-thirds vote is required. Now they propose to make this blind step, to appropriate a million dollars which the Park Commissioners are going to plant somewhere, we do not know where; but they are going to do it; they are going to do it in West Roxbury, in South Bay and in Back Bay. What do I know about that? How do you know what price they are going to pay for it? I have had a little experience, sir, in behalf of the city, within a short time, in endeavoring to obtain property for the city, and in trying to buy land. I find that when the city of Boston goes into the market to find land for schoolhouses, they are expected to pay thirty-three and one-third per cent. more than the Assessors' valuation. The city is under these circumstances and in some instances expected to pay seventy-five per cent. more, but I find that a little delay is very healthy in such cases; and it occurred to me, when this question came up, if we had a reservation here by a two-thirds vote it might place the city in a more healthy condition. I think that this amendment of mine would be of great value to the city for parties who have land for sale realizing that they have got to come to the City Council and get a two-thirds vote, and believing that there are independent members enough of the City Council to vote for nothing but what is offered at a fair price, that the city will get a fair price, or land at a fair price offered to them, sooner than if the appropriation is made by a majority vote from the City Council. Now we know that the majority of this Board are in favor of parks, and I do not know but a majority are in favor of the entire scheme. Consequently the gentleman is opposed to any vote as it is required in any other corporation. When I am asked to appropriate so much money or to vote for an appropriation, I know what the appropriation is for and what the price is to be; for a schoolhouse so much; and for land so much. That is simply why I wish the same rule adopted here; we are to know what we are going to pay before we vote for it.

Alderman Clark—I wish merely to suggest this fact; that the Alderman will understand that this order cannot pass without a two-thirds vote. No appropriation can be made except by a two-thirds vote of the City Council, so there is no occasion for this amendment, and I hope the Alderman will withdraw it. It is a fact well known, of course, by every member of the Board that no appropriation of money can be made except by a two-thirds vote of the City Council; and it is well understood by every member of this Board except himself—and he would understand it if he was disposed to—that not a dollar of this appropriation

of a million dollars, when once appropriated, can be expended by the Park Commissioners except by the consent of the City Council and the approval of his Honor the Mayor. This appropriation once made, the Park Commissioners then go to work and see what they can get a territory on the Back Bay for, and they report it to the City Council, and it is for the Board of Aldermen then to say whether they will buy it at ten cents a foot or fifteen cents a foot, or at no price at all, whether on the Back Bay or in West Roxbury or elsewhere. The appropriation is made in precisely the same manner that every other appropriation is made. The appropriation that was made for this schoolhouse lot that he has been at work at all this spring; out in Brighton, was made three months ago, the money was all ready to be expended when he had bought the lot and the lot had been accepted by the majority of the City Council, and not by a two-thirds vote.

Alderman Thompson—The money was appropriated two years ago.

Alderman Clark—He says two years ago, but it does not make any difference if it is forty years, if the appropriation has been kept good. They cannot spend a dollar of it until the lot has been agreed upon by the Committee on Public Instruction, a price has been agreed upon, and it has been reported back to the City Council and passed on by them by a majority vote.

Alderman Fitzgerald—Does the Alderman mean to say, if we pass this appropriation bill, and the Park Commissioners come here and ask that we confirm a certain sale of land, that it requires a two-thirds vote?

Alderman Clark—No, sir, that is what I object to; that it requires a two-thirds vote. I say that all that it should require is a majority vote, and all that any man would ask for if he is disposed to favor parks in the least degree. So this all amounts to nothing, putting in that last amendment that the appropriation of a million dollars should be made in the usual way, which requires a two-thirds vote, and then that you have got, in order to make the first purchase, in order to expend \$100,000 out of that appropriation, to come back here and go all through the getting the two thirds vote again. I say it should be expended just as the money appropriated for the Paving Department is expended. We appropriate a million dollars, and sometimes a million and a half dollars, every year for the Paving Department. An order comes in to expend \$10,000 or \$40,000 of that appropriation, and it is passed by the Board of Aldermen by a majority vote; that even does not go back to the Common Council for concurrence. The Common Council have had their hand in making the appropriation, but they have not a word to say in regard to the expenditure of this million of dollars; they cannot say a word about it; we can dump the whole of it into South Boston or East Boston, or on the top of Bunker Hill Monument, if we please, and the Common Council cannot say a word about it; and all it requires is a majority vote of this Board of Aldermen. Now, I say it is unfair for any man who professes to be in the slightest degree in favor of public parks to object to this order as offered by Alderman Slade; because it proposes that the Park Commissioners, before they can spend a single penny, shall come back here and report their plans and the plans have got to be approved, the price agreed upon, the price approved by a concurrent vote of both branches of the City Council. So much for that. It shows that there is no occasion for any such amendment, nor for any man here to say, I want to know precisely what they are going to do before I vote upon it. Your million dollars, after it is appropriated, cannot be touched until after you have voted to take a piece of land here or somewhere else; your million dollars is all safe, and if at the end of twelve months it is not used, you have got no interest to pay on it and you have got no loan to pay. Now, this eminent citizen who came down here and recommended the Alderman from the Twenty-first Ward to do nothing in regard to parks, went out of business forty years ago, to my certain knowledge. He never has been in business since Doane street was the principal dry-goods jobbing street in the city of Boston. He retired then on a competency of \$50,000 or \$75,000, possibly \$100,000, and he has grown rich undoubtedly. He has had a good deal added to his wealth by the increased value of real estate on the Back Bay and elsewhere. But if the business men of Bos-

ton were of that particular type I should want to move my business down to Newburyport, or up to Concord, N. H., or down to Fall River; I certainly would not stay in Boston a great while. He is a most worthy man, but he retired from business at the age of fifty, and thought he was too old to continue. I do not believe he ever paid a dollar for any railroad in the interest of the city of Boston. He sent his money to the West, and ignored the fact that Boston was the place that should grow. He is, perhaps, one of those gentlemen who write articles for the Daily Advertiser, and signs them "H. T. P.," or something of that kind. I have had quite a number of gentlemen come to me who are opposed to public parks. It is not to be supposed it is unanimous. There are some enterprising, smart, go-ahead business men who doubt the expediency of public parks at the present time. I should have quoted different representative men from those the gentleman from the Bunker Hill District has quoted. I merely rose to state that which I supposed was perfectly plain to the members of the Board—that this appropriation of \$1,000,000 requires a two-thirds vote of both branches of the City Government; and that not a dollar of that appropriation is to be expended until we know just exactly where it is going to be spent, just how much per foot or per acre is to be paid for the land, and after we have voted by a majority vote here to take that particular piece of land, and that a certain amount shall be paid for it. So there is not the slightest occasion for the two-thirds vote, as proposed by the Alderman in his amendment.

Alderman Burnham—The Alderman from the Charlestown District, so far as he stated his own personal relations to park matters, and so far as he stated certain opinions he had on the subject, has also stated certain convictions I have in relation to parks; and but for the sanitary idea which attaches to this order, I would vote against every order and every amendment, for this is not the year to do it; and if the order is pressed in its present form I must so vote today.

I do not, however, fail to see the beauty the Park Commissioners had planned to stamp upon the topography of Boston. Their planning is not undervalued or unappreciated; but because of the changed circumstances while the planning has been going on—because the vast cost coming with the present existing burdens would be a load too heavy to be borne—because we owe on a basis of inflation and business prosperity, and must pay on a basis of shrinkage and business prostration, and because we must run the gauntlet and meet our "prime necessities" at a cost of millions through this business prostration, be it longer or shorter, I cannot go for it. Now, I believe that in passing the orders before us we commit ourselves to the spending not of a million dollars only, but of millions. In passing the orders we begin the work, and I, for one, am not ready. I shall vote nay on these orders or amendments; and in voting nay, I shall be told that I am one of the croakers, and that I desire to kill the park scheme. But I desire no such thing. I would not dispose of the matter in so summary a way, for I seek to know just what Boston needs for all time, and having found that out, I would seek to have those wants supplied; but if the want was a great towering necessity, casting its shadow forward through the coming years, I would seek to inaugurate a system for supply that should reach forward over the years. If I understand it, the park scheme will live—it is not to be voted out of sight by one City Government. Although we do not enter upon it now, this generation will honor the Park Commissioners, because from their thought and planning will yet come forth the germ of the true park system of Boston. Enough has been said to show that for years we need to be in no haste about the construction of park pleasure grounds. Enough has been said to show that if the nuisance of Back Bay had not existed, or if it did not now exist, or if it could be removed even now, the people would be willing to take years to plan for public parks. I believe the nuisances in the South and Back bays are the centres from which come the pressure to launch out into this vast expenditure, and truly they are for cause. We have been told by members of this Board that they were elected to this City Government to favor parks, and they should do so to the end. Now, I would ask the question, were they not, rather, sent here to devise some means to sweeten, purify, make healthy the Back

Bay location, where millions on millions have been invested in houses which the intolerable stench of a great cesspool (if allowed to be continued) will make uninhabitable? Is not that what the constituents of the members of this Board whose dwellings are in that location desire of them?

Now, I want to say right here, we can do it and not be in a hurry about the park scheme. I can bring reliable engineering authority to show that it can be done. I can show that in the intercepting of the sewage now flowing into Stony Brook, and in the inspection of all house drains sufficiently thorough to detect all imperfect drainage, in the caring of the deposits already made, and in the deepening of the Charles River outlet, we can control this evil for at least ten years to come, perhaps longer—at any rate control it until we can build our great intercepting sewer, and without haste lay out and grade our park lands. It is estimated it can be done for the comparatively small sum of \$125,000. We can wait then one year, or five years, and not abandon schemes for making healthy and beautifying our city. We can wait because we shall not lose a dollar by waiting. We can wait because economy bids us do so. We ought to wait, that more investigation of the future sanitary condition of our city should be made—as related to existing evils, hereditary evils—and be dealt with as their importance demands. What do the Park Commissioners say (City Doc. 42, 1875, p. 1)? "In selecting and recommending lands for public parks for the present and future needs of the city, the commissioners have been guided by the following consideration: Fourth—Sanitary advantages or the selection of such lands as would probably become unhealthy if neglected or built upon." Now, Mr. Mayor, in our very midst are lands and creeks and flats, not that would probably become unhealthy, but that are today as unhealthy as hundreds of broad acres of decomposing, festering filth-deposit of a great city under the heat of a summer sun can make them, urban centres of annoyance, disease and death.

Will we take off our thought from them to put it upon suburban acres of greensward and forest that for parks will fall into our hands any time within ten years as cheap or cheaper than today, keeping our interest account in view?

In City Document 105, 1874, the commissioners say, "These outer parks need not be improved until the growth of the city makes it necessary." City Document 42, 1875, p. 4, the commissioners have felt that the Back and South Bay parks were, in fact, matters of *prime necessity* rather than choice, in a sanitary sense, and that no suburban parks, however beautiful and extensive, would at all compensate, either now or in future years, for the want of open spaces in these low and dangerous localities, bordering as they do upon the most densely inhabited parts of the city. Now, can any man doubt our first duty if we move at all in the direction of parks. Referring to our sanitary condition, the commissioners, in the report of 1874, say, "Nothing is so costly as sickness and disease. Nothing so cheap as health. Whatever promotes the former is the worst kind of extravagance; whatever fosters the latter is the truest economy."

I say, then, Mr. Mayor, let us grapple with our self-evident prime necessities. First, let this matter go back to our Park Commissioners again; call their attention to page 23 of their 1875 report; let them read that—

"South Bay Park is situated nearly in the centre of population, exclusive of East Boston."

That—

"Its location will redeem the adjacent unoccupied region from its present unenviable reputation, by offering the attraction of a common and public garden to a neighborhood sorely in need of such refreshing elements. As a purely local necessity, this park takes precedence of any other recommended."

Let them read in reference to the Back Bay park:

"Great and increasing anxiety, as you are aware, is felt by the authorities, the medical profession, the citizens at large, in regard to the present and future condition of the Back Bay flats, as affecting the general healthfulness of the densely populated parts of the city lying to the eastward."

Let them read that the report of the first commission—

"Especially directs attention to this locality as likely to affect, for good or ill, the sanitary condition, not only of the immediate neighborhood, but of a large part of the city."

And again—

“While sanitary considerations have been the primary motive in making this location, such as may be called artistic have not been lost sight of.”

And again—

“Unpromising as all this region is, it is certainly not so bad as was the space now occupied by the Public Garden a few years ago, and it can be transformed from its present dangerous and unsightly condition into a healthful and attractive form at a reasonable cost.

Let us have from the commissioners a new plan of the territory bounded by West Chester park, Boston & Providence Railroad, Ruggles street extended to Brookline avenue, by Brookline avenue to the Boston & Albany Railroad, and by the Boston & Albany Railroad. Make it one-half land and one-half water, it need be—raise the one by depressing the other—making available, in a large measure, the creeks and water spaces now existing, by forming them into artificial lakes and ponds. Let us have a plan of the territory bounded by Boston and Swett street and East Chester park extended, drawn so as to carry its line along the upland instead of across the marsh. Let us have a plan showing how East and West Chester park becomes a parkway across the city.

Let us make definite lines; calculate the number of acres of land; know the number of acres of water; know the sanitary estimate of such a breathing space in the centre of our city. Let us know the cost. Let us know whether such a system completed will not be beautiful enough for Boston, and save us \$1,000,000 of outlay.

Instead of rushing into this scheme by a beginning now in so much uncertainty, let us take time and commit ourselves only to a scheme that is mapped out, and measured, and estimated, and known to be the right thing. There are some who believe that South Bay park should be 150 acres; the bounds I have indicated give it; then there are 300 acres of water adjoining if we go down to Dover-street Bridge; 450 acres of breathing space in the centre of the city is no small object to be sought and gained. Then, too, the boundary indicated for the Back Bay park is on a broader scale than we have contemplated. We should know if it is possible there to have such an extended breathing space. We have not the estimate of the cost, and therefore I contend we do not know it today, and I contend that only more investigation will bring it out—and I feel we should not act until we have it. I, for one, am not prepared to act, and, if we must vote today, must vote against the order, although I array myself among the enemies of the park scheme.

Alderman Slade—It seems to me that the argument of the gentleman is entirely covered now. He can be an adviser of the Park Commissioners; I can be, so can every one else. If the gentleman can show the Park Commissioners that it is necessary to take any one hundred acres on his South Bay, if he can make them believe it, they will come here and report it. Nothing will be done until they come here and report just what they propose to do with the plan of the land and how much it is going to cost. That is why the order is left in that way. It is simply furnishing the money and giving them something to work upon, we can all advise them on all points we think of; and of course they will be glad to get that advice. Now, in the matter of sewerage, of course it is all very fine to talk about putting a sewer through this territory; but you come down and live at the West End, where I live, or clear down at the North End, at low tide, and you will try to see if the sewerage cannot go some other way. At the same time I am not going to fight against this because we cannot have Charles River park. It is the best thing, almost the only thing, that will relieve the North End at the present time; but we know we cannot have it, and I am not going to stand up here and growl because I do not get just what I want. It may be that this whole system, so far as it goes, hinges indirectly upon sewerage. It might, perhaps, very well, all of it go together. But when it comes down to a fine thing, the people who live on the Charles River at the North and West End have something to complain of as well as anybody else. I think this place is the place to begin. I hope, if we go back to the commissioners in that way, they will then ascertain what is the feeling and what is the want of the City Council, and so far as it is in their power that they will comply with it. I believe that my order will give nearly universal satisfaction to the people. I have consult-

ed with a great many people who I know are opposed to it, but without a single exception I do not know of a man who opposed this. I do not know but somebody is going to make a dollar out of it. I hope they will. One thing is certain: Three or five years ago you could not have bought Back Bay lands for less than twenty-five or thirty cents per foot, and today there is no doubt you can buy it for ten cents, and I don't believe we are ever going to get it much less. I think we ought to commence, and I think the people are expecting us to do something in this direction.

Alderman Gibson—It seems to me that this project, so far as the Back Bay and South Bay are concerned, is a part of the sewerage matter, and it strikes me that we are too far in advance. It is proposed to do this on account of the sanitary condition of these districts, and I am not prepared to say myself that I should not do it for that reason after the Committee on Improved Sewerage shall report. It is useless to attempt to go out and buy up those lands with only a million dollars. The advocates of parks claim that it is a sanitary measure, and I contend that we should not do anything in regard to it without any knowledge of what the Committee on Improved Sewerage have in their minds. If we should go on and select a location for a park it might not be a proper place to carry out the recommendations of that committee. I would not say that I shall object to taking a hundred acres or more of that Back Bay hole and make a continuation of the driveway to the reservoir from Commonwealth avenue. That would be a park scheme that I would favor, but in these times I am opposed to it. After the committee shall report where they propose to put this great sewer, then, it seems to me, will be the time to go to work to buy land for parks, and not till then. Therefore I propose to vote against the order.

Alderman Thompson—One word in answer to my friend on the left. It was certainly the past week that I regretted extremely that there had not been a similar provision in the matter of purchasing ground for a smallpox hospital, that it should come back to the City Council before the matter was to be concluded, which came so near being consummated—I will not say, sir, within an ace—by which \$22,000 is to be paid for what \$4000 would accomplish; to be located in the beautiful section of West Roxbury, simply because a commission was intrusted with this power. If that had been consummated, I for one, would have regretted it, as nearly all our citizens would. But when I was told of that fact I saw the necessity more and more of having some such clause as I propose in this order. Now in regard to this man of straw that my friend on the left built up here, referring to this respectable gentleman—

Alderman Clark—I beg the gentleman's pardon. I did not refer to the gentleman as a man of straw. I said he was a most worthy and estimable citizen.

Alderman Thompson—Well, he was an old gentleman who had retired from business twenty-five years ago. He was one of the most active merchants twenty-five years ago, and then he retired from the dry goods trade. I should not have thought of the fact, but he did not come up here to see me; he came up to see the members of the Board of Aldermen, and tell them that if they voted for this park scheme he had paid his taxes, or would, this year, for the last time in the city of Boston. That is what he came to tell them. But the Alderman alluded to him as not being interested in railroads. To show how little the Alderman knows in regard to some of his fellow citizens, I will tell the Alderman that this same gentleman has been a director in every railroad running out of the city of Boston within twenty years, including the Boston & Albany, of which he was a State director. He has been a director in the Worcester Railroad, the Eastern, the Boston & Maine, the Boston & Lowell and the Fitchburg, this same gentleman who is an “old foggy” today. I ask the Alderman if that is not an indication that he is a live man in the city of Boston, when we know how many of us have tried to get into the direction of railroads and have not succeeded. It is a remarkable fact that this same gentleman has been a director in all these roads running out of Boston, and a very active man. The only thing I know against him is that he once consented to be a Democratic candidate for Mayor of the city of Boston. That is the only one I know in regard to this man. Perhaps the Alderman may have had that in his mind, or perhaps he was not aware of that fact. I can tell him a great

many more things about this gentleman. In regard to the amount of business which this man did, he did retire twenty-five years ago, but I really believe and I know that it probably exceeded that of some half-dozen mercantile firms in the city who have their places of business. He retired when he was fifty years old. I retired before I was fifty, but I do not propose to sit still because I am not in a business firm. The Alderman knows I do something once in a while. This gentleman expressed the sentiment of a great many of our citizens at this time. I tell you the sentiment in favor of the entire park scheme is changed. I know there is a feeling in favor of the Back Bay Park, to a certain extent, with regard to a sanitary point of view, but to a limited extent. The citizens today want that great caution should be taken by the City Council in creating debt on the part of the city. We have not yet, sir, come out of this financial difficulty or this embarrassment. The gentleman tells here about croaking and all that sort of thing. Why, sir, when we go to the bankruptcy offices at the United States Court, are we not reminded of the real facts that exist, that everything is depressed, and that it is as much as a person can do to keep out of the bankruptcy court? And yet we are told we are croaking, when all these facts exist—we cannot help it. We have got to look at things as they really are. We cannot assume that they are something different. We meet them every day. Until times have changed, it is not prudent for the city to launch out and spend its eight or ten millions on public parks. I am in favor of securing one or two hundred acres of land on the Back Bay, if it can be had at a satisfactory rate; but I would not have the city commit herself there. Why have gentlemen forgot the verdict rendered against the city a few days ago? Now I am there reminded again of the position the city is placed in in regard to all these matters. I had the honor of being the chairman of the sub-committee to consider this very subject of Northampton street property that was thrown upon the city, and the price the city was compelled to pay for it. We appointed experts, selected three disinterested men who decided what we should pay for that land so surrendered in 1875. Those gentlemen were above the Assessors to quite a small extent, and they returned seventy-odd thousand dollars, and with interest \$82,000. The parties took that same claim to court, and they came out instead of with \$82,000—and I do not think there is a member of this Board who would give \$40,000 for the property—the city was compelled to pay \$144,000 if the verdict is sustained. That is the way the city of Boston is treated. Now, I do not propose, myself, to have the city commit itself to any scheme. If gentlemen have land to sell, let them present it, and if the price is fair and the land is located right, then I would vote for it; but I went without.

Alderman O'Brien—In relation to this Northampton-street district, it would be well to remind the Board that this district the city took possession of by act of Legislature, and if the owners of the Northampton-street district were not satisfied with the betterment after the filling by the city of Boston, then the city of Boston was compelled by law to take the territory, or at least, the owners had the privilege of surrendering. Well, now what does the city of Boston do? When we were called upon to fix the value of that territory the question was asked, "Shall we fix the taxable valuation of Boston on that property at the time it was taken or shall we appoint three experts to fix the value on it. The city of Boston, or, at least, the committee who had charge of it, thought it was best to appoint three experts in order to get all the information that was possible on that subject. Those three experts went on and valued that property two or three years after the assessed valuation. That is, they were fixing the valuation of property that the city had fixed the valuation of two years previous, and their valuation was some \$75,000, I think, less than the assessed valuation of the city of Boston at that time.

Alderman Thompson—The gentleman is wrong, and if he will allow me I will set him right. They fixed the value of this particular property for 1875, when the land was surrendered to the city.

Alderman O'Brien—Well, that is precisely what I say. I go today and fix the valuation on property in 1875. Well, now, how can my judgment be clear in fixing the valuation on property two years ago? Well, the city of Boston, by an order passed

through the City Council offered the price decided on by these experts, and the owners would not take it and it went into court. What was the effect on the jury? I think it was a sorry day for the city of Boston when that order passed the City Council. Here the city of Boston had been taxing that property for years, compelling these men to pay taxes. As long as they were receiving taxes it was all right; as long as they were forcing citizens to pay taxes their valuation was all right; but as soon as they had to take possession of the land then their valuation was all wrong, and they went to work and reduced it \$50,000 or \$75,000. Well, now, is not that a lame argument to go before any jury in the city of Boston with? As long as the city of Boston was forcing taxes from the people the valuation of their property was right, and when they had to take possession of the property they were not bound by their own valuation. I say it was a sorry day for Boston when that order passed this Board. If I had given it more consideration should never have been a party to it.

Alderman Fitzgerald called for the yeas and nays and Alderman Robinson's amendment was lost by a tie vote:

Yeas—Aldermeu Breck, Clark, Dunbar, O'Brien, Robinson, Wilder—6.

Nays—Aldermen Burnham, Fitzgerald, Gibson, Slade, Thompson, Viles—6.

Alderman Slade's amendment was lost by a tie.

Yeas—Aldermeu Breck, Clark, Dunbar, O'Brien, Slade, Wilder—6.

Nays—Aldermen Burnham, Fitzgerald, Gibson, Robinson, Thompson, Viles—6.

The question then came on the original order submitted by a majority of the committee, and Alderman Clark offered the following as a substitute:

Ordered, That the Treasurer be and he hereby is authorized to borrow, under the direction of the Committee on Finance, the sum of \$600,000, for the purpose of purchasing land for a park and streets connected therewith; said money, or so much as may be required, to be expended by the Park Commissioners in the purchase of not less than one hundred or more than one hundred and fifty acres of land or flats, situate within the area bounded by Parker street, Huntington avenue extended in the direction of Tremont and Francis streets; Longwood avenue, Brookline avenue and the Boston & Albany Railroad with approaches from Beacon street west of Chester park; Boylston street extended from Chester park, westerly, and Huntington avenue extended; said park to be of such shape as not to require other adjoining lands to make it symmetrical and to be bounded on all sides by public avenues to be taken from the land purchased, the price to be paid for said lot not to exceed ten cents per superficial foot, the city agreeing to assume and pay all betterments that may be assessed upon other land owned by the sellers at the time the purchase is consummated benefited by establishing the park or laying out the streets connected therewith.

Alderman Clarke—My object is to give those who are in favor of voting for a Back Bay park and nothing else an opportunity to do so at a fixed price—the price not to exceed ten cents per superficial foot, the amount not to exceed one hundred and fifty acres. I move that the order be laid on the table till the next meeting.

Alderman Fitzgerald—We have discussed this matter for three or four successive meetings, and not a single member of this Board can be better enlightened on this subject than he is tonight. It is simply prolonging this question. There is not a member of this Board who has not made up his mind how he is going to vote and what he is going to do, and the Board will be no more enlightened after twenty-five weeks from now than this evening. I think the sooner we dispose of this matter the better it will be.

Alderman Clark—This is a new proposition entirely. Gentlemen have expressed themselves in favor of doing something on the Back Bay, and I offer this order to give them an opportunity during the present week to make up their minds whether or not they are willing to vote an appropriation for the improvement of that territory. It is a different question; and although we have had several weeks' discussion upon the general subject, I think it is proper that we should take another week to consider this proposition, and I think no injury will come to the city thereby.

Alderman Gibson—I should like to know more

about this sewer. It seems to puzzle me. If this district comes within the province of that sewer I don't know but I would favor it. All the arguments have been to connect this sewer and park together, and for that reason I should like to have the order referred to the Committee on Improved Sewerage and have it work in connection with that.

Alderman Fitzgerald—If it be in order, then, I would move that it be referred to the Committee on Improved Sewerage.

Alderman Clark—I must say, Mr. Mayor, it will be a very impertinent order.

Alderman Fitzgerald—I did not mean to say that. I think it is no more impertinent than for the gentleman to say so, or than it is for him to make the motion. I want to tell him that nothing is impertinent that is parliamentary in this body.

The Mayor ruled that the motion to table took precedence.

The order was laid on the table.

#### MYSTIC VALLEY SEWER.

The resolve and order that the work on Mystic Valley sewer should be done by day labor and by citizens of Boston only, and authorizing and recommending the Boston Water Board to have the work done by day labor, providing that such persons only shall be employed, came up with amendments to authorize and "instruct" said Water Board, etc.; also "that the labor be divided *pro rata* among the different wards of the city."

The question was on concurrence in the amendments.

Alderman O'Brien—This order contemplates a very large expenditure of money now. When our taxpayers feel it so burdensome to pay taxes when our real estate is so generally below cost, I would ask the Alderman from Charlestown if this large expenditure of money merely to improve the Mystic Water Works—this large sewer that will take two or three hundred thousand dollars to build—if now is the time when we ought to commence; and if it had better be postponed until a more favorable opportunity.

Alderman Thompson—I am very glad the Alderman made these inquiries, especially if he believes in them. I am very certain he would not make them if he had acquainted himself with the Mystic Water Works. It matters little or nothing to the city of Boston whether this sewer is built or not. The citizens of Boston will have very little money to pay towards its cost. A section of the city pays a portion of it, but the cities of Somerville, Chelsea and the town of Everett pay the most of the money, although the city of Boston has charge of the works; so the gentleman's question does not apply with any force to the citizens of Boston. The cities of Somerville, Chelsea and the town of Everett have contracts with the city of Boston for the supply of Mystic water for a number of years; they pay full rates and have a certain amount returned to them, which is supposed to go towards paying the interest of the debts they incur in laying their water pipes. When the entire debt created by the building of the Mystic Water Works has been paid, then these people are to have their water rates the same as the citizens of Charlestown. This adds so much to the cost of the Mystic Water Works. It does not come out of the city of Boston, and it does not require a great deal of calculation to see that the expenditure of this amount, which is very proper to purify the waters of the Mystic sources, when the property could probably be sold today at a handsome profit, and it will, no doubt, be sold some time or other to Cambridge or Somerville. The water works not only pay interest on the debt, but they turn in a large amount to the city treasury towards the liquidation of the Sinking Fund. I do not see how the Alderman could make any question of that kind.

Alderman O'Brien—I knew I should draw something hopeful from the Alderman from Charlestown. I never knew him to speak of hard times when money was to be expended within the limits of Charlestown; but when the Back Bay, polluted with filth, the stink from which pervades the South End and the West End, when that section is to be benefited, then the Alderman feels that the times are too depressed to spend one dollar for any purposes there. I knew he would take a hopeful view when any money was to be expended within the limits of Charlestown.

Alderman Thompson—This is not to be expended within the limits of Charlestown. It is to be

spent within the limits of Woburn and Winchester.

Alderman O'Brien—It is for the benefit of Charlestown.

Alderman Wilder—I hope the Board will concur in one of the amendments, but not in the second one, for the reason given by the Alderman [Alderman Fitzgerald]. I can see how a division of the labor *pro rata* among the wards will work injustice. I am told that they desire to be instructed to employ the men by days' labor, and shall favor it. I ask for a division of the question.

Alderman Clark—Before the vote is taken, I wish to make an explanation, as I think there was a misunderstanding by some members of the committee as to what was said by the Commissioners in regard to being instructed. I did not understand them to say that unless they were ordered to do it by days' labor they should do this work by contract. One of the commissioners, Mr. Cutter, said—in fact, all of them so stated—that unless they were authorized to do this work by days' labor, they would be obliged to do it by contract, according to the ordinance, it being an expenditure of over \$10,000. Mr. Cutler also stated that if he was going to do this work himself in the most economical manner, for the least amount of money, he should do it by contract; but it was a question in his mind whether or not, under the present circumstances, it would not be best to do it by days' labor; but he should prefer to be ordered to do it, and then the responsibility of paying \$100,000 for what might have been done for \$75,000 would rest upon the City Council and not upon the Water Board. That was the only reason why he personally should prefer a direct order—simply to be relieved of the responsibility of having a piece of work cost \$100,000, which might have been done for \$70,000 or \$75,000. Mr. Sawyer, President of the board, stated the same as Mr. Cutter; that, of course, unless they were authorized to do it by day labor, they would be obliged to do it by contract. It is a very simple matter to be understood by any one who will read the ordinance or the statutes under which the board was created. Mr. Sawyer stated that if they were ordered to do it by day labor, of course they would be obliged to do so under any circumstances whatever. There might something arise to prevent their doing it by day labor if ordered so to do; but if they were authorized to do it by day labor there could be no possible doubt but what they should do it just as cheerfully as though they were ordered to. If the Board see no objections to a piece of work done by days' labor costing two or three hundred thousand dollars, which, if done by contract, would cost much less, they must take the responsibility. It seemed to me at the last meeting to be more proper to recommend that it be done by days' labor. I merely rose to explain this matter; as by reading the remarks in the other branch I got the impression that the idea was conveyed there that one of the Commissioners said that unless he had a direct order to do this by day's labor, he would certainly do it by contract. Having that understanding, I make this statement; and I should like the other member of the committee, who was present, to state whether or not his understanding was the same as mine. I hope we shall not concur in the amendment distributing the labor *pro rata* among the wards, for the reason already given, and that we shall adhere to the vote we passed authorizing and recommending that it be done by day's labor.

Alderman Thompson—What the Alderman stated is precisely as I remember it. In committee I was in favor of the labor being done by citizens of Boston; since then the people of Somerville claimed to have some of their people employed, but they did not persist in it. I should like to have it done by day's labor; but at the same time I don't propose to order the Water Board to do it by day's labor. I desire to have it left in their hands, so as to prevent combinations which may be made against them. If the City Council pass an order recommending that it be done by day's labor, and it is left discretionary, they would not be troubled with any of these combinations; and we can safely trust it to them. I should certainly object to the other amendment.

Alderman Clark—One reason why Mr. Cutter said if he was going to do it himself he would do it by contract, was the fact that the contract for a section of the Sudbury River conduit was awarded for \$48,000, and the bids ranged from that sum to \$102,000, showing that the work can



be done much cheaper by contract than by day's labor.

Alderman O'Brien—I am not disposed to leave this matter to the discretion of the Water Board. If we leave it to their discretion they will do this work by contract, because they would not want the trouble that may arise from employing men by day's labor. If they are not instructed they will not take this responsibility, and I shall vote to instruct them. If they are the right men in the right place they will be able to do this work by day's labor as cheaply as they will by contract. Therefore, I hope this Board will vote to instruct them and take the responsibility.

Alderman Thompson—It makes no difference whether it is done by day's labor or not, so long as it is done by citizens of Boston. The commissioners are not afraid to take any responsibility. They do not wish to shirk any responsibility, and the Alderman misrepresents them when he talks in that style. They stated to the committee that they simply wish that the City Council should recommend that this work should be done by day's labor, and they would endeavor to carry it out. At the time of our meeting Mr. Davis, the City Engineer, was out of the city, and we were desirous of seeing him, as we might learn if there was any objection to this course. It was suggested that a certain combination might be made if they were confined to one course; whereas, if they were not, they could endeavor to carry it out without the people attempting to make these combinations if there was an opening to avoid them.

Alderman O'Brien—What combination does the gentleman refer to?

Alderman Thompson—Combination in the price of material, in the price of labor, in anything; and some other combinations were suggested by the Engineer that might be made.

Alderman O'Brien—The order does not contemplate the manufacture of brick and other material. They can contract for all the material they use.

Alderman Thompson—It was the opinion of the committee that they should have discretionary power, and that the City Council should state that they preferred to have the work done by day's labor, and in that case the board would endeavor to do it.

Alderman Clark—The Alderman from Ward 21 says if they are the right men in the right place they can do it as cheaply by day's labor as they can by contract. Now, he ought to know that they would not be justified in employing labor at a dollar a day, as a contractor will do. I want to know if he is willing to pass a vote instructing them to employ men at a dollar a day. Unless they can employ men at a dollar a day they cannot do it as cheaply by day's labor as by contract. I do not propose to instruct our board to employ men at a dollar or a dollar and fifteen cents a day; and I wish it to be distinctly understood that I am in favor of paying laborers a fair compensation for their services.

Alderman Thompson—That is my position.

Alderman Slade—I got up to state that that was my position, too. If this is let out by contract it is known that the contractors will hire men at a dollar a day. If they employ laborers I believe they should be paid the same as they are paid in the Paving Department—\$1.75 a day. I don't believe in crowding everything into the ground and making everything lower and lower. The city gets work done lower than anybody else, and \$1.75 a day is low enough pay for any man to get, and board himself and family.

Alderman Fitzgerald—If the sentiment of the City Council be that the work should be done by day's labor, I think they ought to assume that responsibility. I can see how the commissioners would be open to criticism on either side. In the first place, if you pass that order and they give it out by day's labor, people will find fault that they did not do it by contract, because they could do it cheaper, and they could shirk the responsibility by saying that the City Council did not order them to do it. Therefore, I say it is proper that the City Council should assume the responsibility and order them to do it by day's labor. For that reason I shall vote to instruct.

Alderman Clark—I would not cast such a reflection upon any board within these walls as I think it would be, after passing the order we did at the last meeting, giving our views and authorizing and recommending that it be done by day's labor.

I will not vote to order them to do a certain thing after we have once passed a resolution authorizing and recommending them.

Alderman Wilder—I do not consider that passing this order will be the slightest reflection on them. We shall only recede from our former vote and give them instructions because they desire it. If I were in their place, I would desire the same thing, for the reason stated by the Aldermen. I should be willing for the Government which gave the order to take the responsibility. I do not think there is any fear of any possible combinations among the laborers to prevent their doing it.

Alderman Thompson—The Board must have forgotten that this is not exclusively a Boston matter. Everett, Chelsea and Somerville have something to say, because they pay a part of the cost. I knew there was some reason against it.

Alderman O'Brien—Will the Alderman explain? I understood that they refused to pay, because the sewer would not answer their purpose.

Alderman Thompson—The gentleman don't understand it again. He is speaking about the use of this sewer by the towns of Woburn and Winchester; I say it is Somerville, Chelsea and Everett have to pay for it. I knew there was some reason why we should give the commissioners latitude in this matter. Suppose those people should say it was not properly built; they may refuse to pay their share of the cost. The commissioners can look into the contracts with those places, and if there are no objections, of course they will do it by day's labor. In view of the claims of these outside parties, it is not safe to pass an absolute order like this. If there are no legal objections, they will do it by day's labor.

Alderman Wilder—I confess to the logic of the Alderman and shall change my views. I see very good reasons for not instructing him.

Alderman Slade—Would n't they go a little farther, and ask for the privilege of employing their own laborers?

Alderman Burnham—The Alderman has given us some good reasons, and we should act understandingly. That we may take time to consider it, I move that the order lie upon the table.

Alderman O'Brien—I should like to know a little more about those contracts. The Legislature empowered us to build; and what contracts prevent us from doing it? The people of Somerville and Chelsea ought to be thankful for having the water purified.

Alderman Burnham—Because we have legislative right to build that sewer, we have no right to pay an exorbitant price for doing it. Suppose we pay \$2.75 per day for labor; are Somerville and Chelsea to pay for that exorbitant price, when labor can be obtained for \$1 per day, if the work is let out by contract? Therefore I renew my motion to lay upon the table.

Alderman Thompson—These delays are depreciating the value of the property. The Legislature has authorized the city of Boston to build this sewer. The contracts with Somerville, Chelsea and Everett provide that in case of an increase of the works, or additional engines, or anything of that kind to carry on the works, they shall pay their share of the expense. One or two years ago a new main was carried from Malden Bridge to Chelsea, and the cost of that went into the cost of the Mystic works. If I could have my way I would do several things to perfect the Mystic works, and a great deal can be done to make it a valuable source of supply for Boston. All these expenses must be borne to a certain extent by those parties who contracted for water with the old city of Charlestown, and they have certain rights in the matter. If we give the commissioners discretionary power they can take this without contract to the City Solicitor, and if there is no objection they will perform the work by day's labor. If there are objections, if there is anything that is coming up hereafter to trouble the city of Boston in regard to this settlement, the work must be done by contract. If the order is laid upon the table it will cause unnecessary delay.

Alderman O'Brien—I do not see that the contracts the gentleman speaks of have any force upon this question. The Mystic Water Works are in our possession; parties take the water and agree to pay a certain part of the expense of keeping it up to the given standard. When we build this sewer we do it by our best knowledge, by day's labor, knowing it will be better built in that way. That will be the best judgment expressed by the City Council, and they can-

not go behind it. No contract will prevent us from doing what we think is right and proper.

Alderman Thompson—The gentleman should see the contracts before giving his opinion.

Alderman O'Brien—By instructing the commissioners we merely take the responsibility which the Alderman from the Back Bay says they are not inclined to take. I believe there is nothing in that contract that will interfere with us in any way.

Alderman Burnham—With the explanation of the gentleman from Charlestown, who, I believe, ought to understand the Mystic Water Works, I will withdraw the motion to lay on the table.

Alderman Clark called for the yeas and nays, and the Board voted to non-concur in the amendment instructing the commissioners—yeas 4, nays 7:

Yeas—Aldermen Fitzgerald, O'Brien, Viles, Wilder—4.

Nays—Aldermen Breck, Burnham, Clark, Dunbar, Robinson, Slade, Thompson—7.

Absent—Alderman Gibson.

The Board non-concurred in the amendment to distribute the labor *pro rata* among the different wards, on motion of Alderman Fitzgerald.

Sent down.

#### SEALERS OF WEIGHTS AND MEASURES.

Alderman Slade presented the petition of E. S. Johnson *et al.*, and Fairbanks, Brown & Co., *et al.*, that Daniel C. Hunt be appointed a deputy sealer of weights and measures.

Alderman Slade—At the last meeting the Board were unfortunate in not electing a single person who understands the sealing of those scales. Our Superintendent is a new man in the work, and of course does n't understand it very thoroughly. These scale manufacturers feel the importance of having somebody there to seal scales, and therefore I move that the Sealer be empowered to employ Daniel C. Hunt until otherwise ordered, upon the same salary that he has been receiving.

The Mayor requested Alderman Slade to reduce the motion to writing.

Subsequently Alderman Slade offered an order—That until otherwise ordered, the Sealer of Weights and Measures be authorized to employ Daniel C. Hunt as an assistant in his department, the compensation to be at the rate at present established.

Alderman Fitzgerald—I ask that that order lie over.

Alderman Slade—I hope the order will not lie over, when I say the office is full of business and there is really no one to do it.

Alderman Viles—I think that order had better lie over. The Committee on Markets met to nominate candidates for Deputy Sealers of Weights and Measures. We first nominated Mr. Hunt, who had been in the office many years. The Sealer asked us to nominate Mr. Hunt, saying he knew nothing about it. We also nominated George W. Close, who had been an assistant in the office. But so many candidates had been promised positions in that office that we were obliged to nominate two others with no experience. I did my best to elect Mr. Hunt and Mr. Close; but the Board thought differently. Hence we have four men in the office who don't know anything about the duties of the position; and I don't know that we should employ a man to teach them.

Alderman Clark—It seems to me it is a humiliating position for the City Council to be placed in, if we have in that office a Sealer of Weights and Measures, a clerk and four assistants, none of whom know how to balance a scale or seal a measure. It is a pretty humiliating sight for this Board of Aldermen to contemplate. The proper way for us to do is to require the principal or the assistants to resign the office in order that we may appoint some one competent to perform the duties. This order virtually contemplates another Sealer of Weights and Measures.

Alderman Viles—It is an instructor.

Alderman Clark—Until this year it was done by one principal and two assistants; and now we have one principal and four assistants, and in order to perform the duties we have to appoint a man to teach them their duties. I think we had better pass an order requesting them all to resign.

Alderman Slade—It is really as humiliating to me as to anybody else. I don't think I should favor this appointment, if this petition had not come in from the merchants and manufacturers by whom I have been waited upon several times this week. I know and we all know that out of

all those elected, there has n't been one who knows how to seal scales properly. That being the fact, and Mr. Hunt having been in the office as an assistant for twenty years, I thought we could not do better, for the time being, than to employ him as an assistant. We can do it under the ordinance. Perhaps some one of those gentlemen may resign; I cannot say whether they will or not, but, for the time being, when there is so much business in the office, I think it is due to ourselves and the city to correct this mistake by putting that man in temporarily.

Alderman Fitzgerald—The position of affairs being, that whereas there are now five in the office where there were only two last year, and we propose to give a thousand dollars to the incumbents of this position, you are obliged to have an additional sealer to teach the sealer himself and everybody else. Now it is just as ridiculous as if we elected a City Clerk in the place of our present excellent City Clerk and then voted that he should be kept there and paid to teach the other man his duties. For one, as a member of this Board, I will not consent to any such thing as that. If the Sealer of Weights and Measures, after a month or two, does not know enough about the office, he had better resign and let some one else get into the place.

Alderman Wilder—The Sealer of Weights and Measures is competent to do his business, and is doing it to the satisfaction of the people who are employing him. But he alone cannot do the whole work. He asked the committee to nominate Mr. Hunt, together with one other gentleman whom he especially named; but for some reason—I don't know what—Mr. Hunt was not elected, although I believe every member of the Board knew the importance of the confirmation of Mr. Hunt. This forenoon he had the office full of scales, and today he has sealed several coal scales. He has one man who has partially learned the business, and one of the four elected is rendering some assistance. The Board, in their wisdom, elected two or three men who are utterly useless in that office until they can have some knowledge of the business. It requires a mechanic, and they are not mechanics, and they are not suitable for it. In my judgment, one or two of those gentlemen will, within a few days, tender their resignation, when they come to find that they made a mistake in the positions they applied for. I hope this order will pass, for many reasons. The Sealer of Weights and Measures is a personal friend of mine, and I am personally, to a certain extent, responsible for his appointment to the office; and I am willing to assume that responsibility. He will do his duty to the satisfaction of this Board or any who choose to investigate, or he is the kind of man who will resign without being invited. But his hands are tied. He is placed in an extraordinary position, and which this Board would never have placed him in if they had understood the matter well enough. But it is well understood that we did elect one or two men who are notoriously physically incapacitated from performing the duties of the office. I beg the Board of Aldermen to pass this order to employ a man who can perform a nicer job than the present sealer.

Alderman Fitzgerald—The order is that until otherwise ordered, Mr. Hunt be employed a man to be Sealer of Weights and Measures, and for which we are to pay. At the least we ought to let this order lie over until we can investigate the subject. Another reason is that one or two of those gentlemen are going to hand in their resignations within a few hours, and—

Alderman Wilder—We don't know that.

Alderman Fitzgerald—If Mr. Hunt has been there up to the present time, I should be favorable to paying him.

Alderman Thompson—It seems to me that if the gentlemen who have been elected sealers do not understand the business, they had better resign and let some one else be elected in their places. If they require assistance they should employ Mr. Hunt to assist them, and not the city of Boston. Under the circumstances I do not think we should employ a teacher for them.

Alderman Viles—Can any one give us information whether Mr. Hunt is in the office now, doing the work?

Alderman Wilder—He is not there, and has not been there since Friday.

Alderman Viles—I have been told he was there: The order went over.

Adjourned, on motion of Alderman O'Brien, and stood adjourned till Tuesday, June 19, at 4 o'clock P. M.



## CITY OF BOSTON.

## Proceedings of the Common Council,

JUNE 14, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## MISCELLANEOUS PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

Order to remit tax for 1876 on lot of land forfeited and numbered 4 West Pembroke street. Ordered to a second reading.

Order to release to Samuel H. and John C. Hunneman estates on Eustis and Renfrew streets and Harrison avenue, as therein set forth. Ordered to a second reading.

Order to expend \$628.76 additional for grading of squares on Commonwealth avenue. Ordered to a second reading.

## MYSTIC VALLEY SEWER.

The resolve and order (amended by the other branch) authorizing and recommending the Boston Water Board to construct the Mystic Valley Sewer by day labor came down with the non-concurrence of the Board of Aldermen in the amendment instructing said Board to do said work by day's labor, and to divide the labor *pro rata* among the several wards of the city.

The question was—Shall the Council recede from its former vote?

Mr. Fraser of Ward 6—I was in hopes that the Board of Aldermen would have concurred with the Council. There has been a good deal of talk about that Mystic Valley sewer, and in looking over the proceedings of the Board of Aldermen, the other evening, I find it was put through under an implied mistake. Certainly, some of the honorable Aldermen, who spoke upon the subject, have either strained the truth very far, or made entirely false statements. I waited on the Water Commissioners, some time during the week, to find out whether I could, if possible, have made a mistake in interpreting their meaning at the meeting of the Water Committee; and I would ask permission of the Council to have the following communication read:

The President read the following:

BOSTON WATER BOARD OFFICE, June 14, 1877.

John W. Fraser, Esq: Dear Sir—Your note of the 13th inst. has been received, asking for answers to three questions therein contained—

First—Is there any contract in existence that the construction of the Mystic Valley sewer by day's labor would affect?

The only contracts we know of are those made by the city of Charlestown with the cities of Somerville and Chelsea and the town of Everett, for a water supply; we hand you a copy of one of these contracts (and they are all alike), from which you can judge whether or not they would be affected by the construction of the Mystic Valley sewer.

Second—Do the Water Commissioners object to an order from the City Council to have the sewer built by the day?

This board do not object to an order from the City Council to have the sewer built by the day.

Third—Is there any false statement made by me of your views before the Water Committee?

None that we know of.

Per order of the Board,

W. E. SWAN, Clerk.

Mr. Fraser—There appeared to be a good deal of doubt in the minds of the members of the committee as to what the commissioners said at that meeting, and I thought I would ask those questions; and I think that answer to my note is positive proof. I stated here, that unless this order was passed directing them, they never would build this sewer by the day. The Council will notice that I have made no false statement of anything they said or did before that committee. I do not believe anything could be more conclusive than that. My principal object in bringing in the minority report was to employ the great mass of laboring men; and I believe that the gentleman from Charlestown, who offered the order [Mr. Kelley of Ward 3] had the same object in view. I was positive then, as I am now, that they would not do it unless we ordered them. When the order was going through, the other evening, Alderman Thompson stated (page 425 of

the proceedings of the Board of Aldermen) in talking about this contract, and he gave the Board of Aldermen to understand, that there was some contract in existence which would seriously interfere with it. I find that it is a contract made by Charlestown with Somerville, eight years before the Mystic Valley sewer was ever thought of. I have shown it to all the legal gentlemen here tonight and they do not see anything whatever in conflict with doing it by day's labor. I do not like to impute any wrong motives to the Aldermen; but I am unwilling to trust the laboring men in the possession of some Aldermen, I don't care how high-toned they may be; for I find that some of the Aldermen, last fall, having charge of departments in City Hall, undertook to "bull-doze" laboring men and keep them away from their voting places. That envelope is indorsed and written by one of the heads of departments to his employes. For that and several other reasons, I want this Council to express, by their vote, that they want this work done by day's labor. Alderman Thompson says in one place that combinations might arise, which would affect the building of this sewer; he says the City Engineer was out of town and could not be seen by the committee; but in answer to a direct question by Alderman O'Brien he states that the City Engineer did suggest some combinations. I was also astonished that the Board of Aldermen appeared to have so little interest in the Mystic Valley sewer; some appeared not to know that such a thing was going on at all. I am assured by some of them that if we non-concur they will not adhere to their former vote, but consent to order the Water Board to build the sewer by the day. I hope we shall adhere.

Mr. Beeching of Ward 1—Being a member of the Water Committee, I was apprised of all that transpired at the meeting when this matter was discussed and the report made up. I have nothing to say in regard to this controversy with the Aldermen. I speak in behalf of those who use this water. It is used in the locality where I live. It was proposed to build this sewer to purify the water; an order for it was put through here over a year ago, and it was expected that the sewer would have been built last year, but through some oversight it was not located right, and they had to go to the Legislature for an act enabling them to build it where they now propose. In regard to building it by day's labor, I am satisfied, from what transpired in the committee, that the commissioners—they being there—are in sympathy with this order; and I have no question but, if we recede from our former action and concur with the Board, that this sewer will be built by day's labor, unless there is some obstacle that cannot be surmounted. No obstacle appears; none is likely to arise, unless, as it was suggested, there might be a combination among the laboring men to get higher wages than the city ought to pay. That was the combination spoken of; they thought it might be done, perhaps; that if it was to be done by the laboring men of the city of Boston alone, they might combine so that the price of labor might be very much increased; and for fear of anything of that kind, it was thought best by the committee that the whole matter should not be taken out of the hands of the commissioners, but that they should have some discretion in the matter. The president of the Water Board thought it the better way to give the commissioners some discretion, so that if they found an obstacle in the way of finishing it by day's labor they could do it by contract. They could not do it by day's labor unless so authorized by the City Council. The ordinance requires every piece of work amounting to over \$10,000 to be done by contract. That was why the committee reported an order authorizing them to do it by day's labor. It went to the Board of Aldermen and they added that they be authorized "and recommended" to do it by day's labor, which made it stronger than the committee reported. I have no question that, if we concur with the Board of Aldermen, this work will be done by day's labor, if it can be so done. I hope we shall not recede from our former action, but concur with the Board of Aldermen.

Mr. Fraser of Ward 6—The whole trouble appears to be to find what the opinion of the Water Commissioners is—whether or not they will really do this work by day's labor, if we concur with the Board of Aldermen. Every gentleman here can refer to the proceedings of the last meeting of the

Council, where I publicly stated that they would not, and did not intend to do it by day's labor, unless ordered. In answer to the question put to them, if I made any false statement of their views, they said, None whatever. What more positive proof does this Council want than that over their own signature, "Per order of the Board, William E. Swan, Clerk." I stated publicly that they did not intend to do it, and I expressed their views, as I heard them, as near as I could; and they stated that I expressed them correctly. It shows that they do not intend to do it, if we concur. It is intended to have them go to work right away, that the people from Charlestown and East Boston may have pure water. Every gentleman here knows that that is a direct, positive answer—that they do not intend to do it without an order.

Mr. Webster of Ward 3—There seems to be some misunderstanding between the gentleman from Ward 6 and the Water Board. As the ordinance now stands, they cannot do this work by day's labor, and unless we authorize them to do it by day's labor they cannot do it in any other way than by contract. That is where the mistake arises. I have no doubt they told the gentleman that, unless we pass an order of this kind, they should do it by contract. But, as I have said before, having spoken with them all, it will make no difference which order passes; in fact, the gentleman from East Boston has expressed my views so clearly I will not say any more. But I have taken the pains to get the opinion of the Water Commissioners in black and white, and that there may be no question what those opinions are, I will read a short letter:

BOSTON, June 14, 1877.

Hon. T. T. Sawyer: Dear Sir—From several conversations which I have had with the members of the "Water Board," I infer that if the City Council should pass the order in relation to the "Mystic Valley Sewer," as reported by a majority of the Committee on Water, your Board would cause the work to be performed by *day labor*, unless there should arise some legal, or other, obstacle which you cannot now foresee. In other words, it is the desire and unanimous intention of your board to carry out the wishes of the City Council in the matter. Is my inference correct?

Yours in haste,

GEORGE B. WEBSTER.

And their answer is—

OFFICE BOSTON WATER BOARD, }  
June 14, 1877. }

George B. Webster, Esq.: Dear Sir—I am authorized by the board to say that your inference is correct.

TIMOTHY T. SAWYER,

Chairman.

Mr. Webster—If there could be anything plainer or anything more needed to satisfy the Council what the board intend to do in the matter, and that they will do it as we want it done, if they possibly can, I should like to know what it could be.

The President—The Chair deems it his duty at this time to state that section 6 of the ordinance in relation to water requires that any work to be done by the Water Board, involving the sum of \$10,000 or more, shall be done by contract. Our joint rules also state that no order which is not in the form of an ordinance shall suspend, amend or repeal an ordinance. The Chair thinks this cannot be done without amending the ordinance.

Mr. Sibley of Ward 5—The City Solicitor has given an opinion, within the last six weeks, that an order does repeal or amend an ordinance. Now in regard to this order. I had an humble part to do in getting the appropriation for this sewer, believing that it was right and just and proper, and best for the interest of the city of Boston to build the Mystic sewer. I believe the order first put in here was about right. If an order is good for anything, why pick the bones all out of it and handle it so delicately, for the sake of somebody else? The City Council made the Boston Water Board; and with all due respect to them, now why should there be so much consultation and expressing of opinions backward and forward? We have the right to instruct them just what we want to have them do; and I propose, for one, to assume that right and act upon it. I hope the Council will not recede. I would not give the snap of my finger for that order from the Board of Aldermen, because the bone is taken right out of it. If you pass an order instructing them, according to City Solicitor Healy that ordinance is repealed. We had him before the committee on that point, and he stated

that to be his opinion, and it has been acted upon accordingly. Now, why not pass this order, if we want it done by the day? If the Council do not want it done by the day, don't pass the order. It went to the other branch, and somebody objected to the instruction, because somebody's feelings might be hurt, and somebody's authority might be taken away. I believe in passing the order as it was originally offered; and if the Board of Aldermen do not see fit to concur they assume the responsibility.

Mr. Clarke of Ward 22—At the last meeting of the Council it was stated by a member of the committee that one of the commissioners desired the City Council to order them to do the work by the day. Since that time I have had an interview with another member of the Water Board, who, it is said, made no statement at the meeting of the committee; and he told me that he was not at all sensitive about the matter; he preferred that the City Council should direct the Water Board to do it by day's labor; he thought they had a right to do so, and that they should do it; and he preferred that course rather than that the City Council should only give them authority to do it. That is what two members of the board think, and the other member is in favor of having it done by the day. I think all three members of that board would prefer that the City Council should instruct them.

Mr. Webster of Ward 3—My colleague from Charlestown states the matter peculiarly. He says, let us adhere to the order as originally passed. Now, the order as offered here did not pass at all. It was referred to the Water Committee; a resolve and order was reported by the majority of the committee, and the Board of Aldermen adopted the report of the committee to whom we referred it. I believe that either order will accomplish the purpose. If we are really sincere in desiring the work done by the day, we can attain that object through an order authorizing them, just as we can by one directing them. With those two amendments saddled on it the Board of Aldermen will never concur with us. We cannot find fault with them; they took it just as it was reported to them, and accepted that report. Now, do we want to keep backing and filling for a month or two, and letting it be delayed, when we have the strongest testimony that they will do it as we want them to do it? I contend that if we concur with the other branch it will end the matter. If we want it done by day's labor, we can effect that object by concurring with the Board of Aldermen. If we want to mix the matter up and let the contractors get it, let us adhere to the amendments. At any rate, I want a square vote, so that folks may know what we mean. Those who vote to non-concur will delay the measure, and in all probability defeat it. The question of changing the word "recommended" to "instructed" is a very small one, when either will practically amount to the same thing. If we are really sincere, and want the laboring men to get this work, I fail to see why we should not concur with the Board of Aldermen.

Mr. Fraser—I was in hopes I should not be obliged to refer to it, but in conversation with a gentleman connected with the Water Department this forenoon, I found that one of those bugbears of the Aldermen came from the cities of Somerville and Chelsea; that they thought they were entitled to their pro rata share of the labor, and the Aldermen were in favor of giving it to them. I know it is just as easy for a man to be hungry in Chelsea and Somerville as it is in Boston; but in this matter I believe that charity should begin at home. I think it looks a little suspicious where so many ideas come from the Water Board. I am aware that they are trying in every way to avoid a direct answer, saying they will not do it. I failed to get that much out of them. But I stated here that they would not do it; and they say I stated it correctly. I am satisfied that if it goes down stairs again the Board of Aldermen will concur with the Council. But Alderman Thompson led them astray. He said—

"It was the opinion of the committee that they should have discretionary power, and that the City Council should state that they preferred to have the work done by day's labor, and in that case the board would endeavor to do it."

I should like to know how any gentleman in this hall can say that that was the opinion of the committee. When that question came up, the vote stood two to two; one of the Aldermen refused to vote. This appears to be a game where everybody

tries to get out of it the easiest way he can. They profess to want to help the laboring people and give them work; but the only chance to give them this work is by a direct order from the City Council. One of the commissioners said, If you pass a resolve, we will take legal advice upon it, whether we should do it by contract or not. I am told that ten citizens can put an injunction upon them if they attempt to do it by contract after we pass a direct order to have it done by day's labor.

Mr. Howes of Ward 18—I should imagine that the question of a direct order is a very small one. The gentleman who last sat down said that the laboring men of Boston should have the work to do. I understand that the people of Chelsea and Somerville have got to pay their proportionate share of this work; they might feel that they are justly entitled to a share of the work if it is to be given out to laboring men. I understand that the assessment is not to be put upon them directly; but the city is in receipt of a large sum of money from them annually, which expires after the conduit has been paid for. But if this expense can be charged to the construction of the conduit, they have got to pay their proportion.

Mr. Spenceley of Ward 19—I think this matter is assuming about as tangible shape as the Sinking Funds. The gentleman from Ward 6 makes a statement and has read a written communication from the Water Commissioners, stating what he said in the Council last week was substantially correct. He stated very positively that they would not do it unless ordered to do so. The gentleman from Ward 3 brings a communication from the same board, that in all probability they would do it if we pass the resolve. I should like to know how any gentleman here can vote intelligently upon those two reports. I think somewhat as the gentleman from Ward 3 said, that we have been backing and filling for a good while; but I think the Council has been doing all the backing and the Board of Aldermen all the filling. Now, it seems to me that what we want is simply to say that we want this work done by the Water Board by the day, and that we so desire; and I think they will then feel that they are instructed so to do. We don't know that it will be done by a resolve. Another point is that by delaying this matter we are keeping the citizens of Somerville and Chelsea and East Boston from pure water—if this sewer will give them pure water; but still they want to give it a trial. I think that delays are dangerous, and I feel like non-concurring with the Aldermen and sticking to our original order.

Mr. Beeching of Ward 1—I do not know whether there is any conflict between the communications read by the gentlemen from Wards 6 and 3; that is for the Council to judge. The question of the gentleman from Ward 6 to the committee was, "Did I make any false statement to the committee?" That is as I understood the reading of it.

Mr. Fraser—"In the Council. Was there any false statement made by me in the Council of their views before the Water Committee?" And after having the proceedings of the Council before them and referring to them carefully, they said, "none that we know of."

Mr. Beeching—I fail to see the contradiction. As I remarked before, I think too much time has been wasted upon this matter. I think there is no doubt, from the communication made to the gentleman from Ward 3, that they will do it by day's labor if we authorize them to do it. Being largely interested for the community which I represent here, I am anxious that this thing be done at once, and that it shall not be going back and forth upon a little quibble. Let us have the sewer just as soon as possible. The gentleman intimates that it may not make the water perfectly pure. It will improve it, and the nearer we get to pure water the better we shall like it. I am as anxious as is the gentleman from Ward 6 that the laboring men should have a chance to do the work.

Mr. Pratt of Ward 21—Two things seem to be clear. One is that the Aldermen and the majority of the Water Committee are satisfied that the Water Board, if they are allowed and recommended to do so, will have the work on the Mystic sewer done by day's labor. The other point is that we are attempting to pass an order which conflicts with an ordinance, as the President some time ago called our attention to it. Now, I have a simple suggestion to make in respect to this, and that is that, instead of insisting upon our former action in regard to this order, and also instead of concurring with the Aldermen, we drop the amendments which we passed last week, and

amend the order by striking out the word "ordered" and inserting the words, "Be it ordained by the Board of Aldermen and Common Council," &c., so as to make it an ordinance. If we pass the order as it is now, either with or without the amendments passed here a week ago, it is an order conflicting with an ordinance; and I think we should certainly have enough respect for the rules under which we transact business here to observe them when we have them immediately called to our attention. For that reason I think we should not try to pass an order in violation of the rules. On the other hand, if we pass the order as it comes from the Board of Aldermen, it is simply an order giving leave, or recommending, and not an order of instruction; or, in other words, merely empowers the Water Board to do otherwise than they are compelled to do by the ordinance. The consequence will be that, after the passage of such an order, they will find themselves compelled to do it by contract. I hope gentlemen will allow the order to be amended so as to make it an ordinance, and I should then be willing to consent that the word "recommended" be used in place of "instructed," and to leave the rest of the wording as it was passed by the Board of Aldermen.

Mr. Mowry of Ward 11—In this connection may I ask what is the status of the amendment to our rule by which an order is not to qualify an ordinance?

The President—The Chair does not remember any such alteration of the rules.

Mr. Mowry—I had the impression that an amendment was introduced by which no ordinance could be changed by an order, and that it might have been referred to the Judiciary Committee. I did not know what the status of the amendment was.

On motion of Mr. Fraser, the yeas and nays were ordered.

The Council refused to recede from the amendments—yeas 21, nays 37:

Yeas—Messrs. Barnard, Beeching, Blanchard, Burke, Crocker, Day, Dee, Felt, Hibbard, Morrill, Mowry, Perham, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, Ruffin, Sampson, Shepard, Thordike, G. B. Webster—21.

Nays—Messrs. Barry, Blodgett, Brintnall, Brown, Clarke, Coe, Cox, Danforth, Duggan, Fagan, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClusky, McDonald, McGaragle, Nugent, O'Connor, O'Donnell, Pearl, Reed, M. W. Richardson, Roach, Sibley, Souther, Spenceley, Stone, Vose, Warren, E. R. Webster, Wilbur, Wolcott—37.

Absent or not voting—Messrs. Cannon, Cross, Doherty, Fernald, Hiscock, Howes, Loughlin, Mullane, Pope, Roberts, Smardon, Thompson, Upham—13.  
Sent up.

#### DUTIES OF RETRENCHMENT COMMITTEE.

The order to excuse the Retrenchment Committee from further services, with pending substitute of Mr. Crocker of Ward 9, that said committee report whether it is true, as alleged, that it is impossible for them to hold a meeting, was considered under unfinished business.

Mr. Crocker—With the consent of the Council, I will withdraw that substitute and offer another:

Ordered, That the Joint Special Committee on Retrenchment of Municipal Expenditures be requested to report upon the subjects referred to them which have not been included in any report already made.

Mr. Webster of Ward 3 moved the indefinite postponement of the subject.

The President ruled that the amendment took precedence.

The substitute was adopted.

Mr. Webster of Ward 3 renewed the motion to indefinitely postpone. Lost.

The question was upon the passage of the order as amended.

Mr. Spenceley of Ward 19—I rise to a question of privilege. The reporter made some mistakes in my remarks at the last meeting, which I wish him to correct. In regard to my saying that "There are gentlemen who have feelings besides the committee," and "who will our learned friends have to refer to?" I said "learned friends"; and I did not reflect upon Mr. Thompson more than upon other gentlemen. Another mistake was in regard to the salaries of the Water Inspectors, which are \$3 in Charlestown, and in Boston \$2.75. He reported them as \$3 in Boston

and \$4 in Charlestown. I should like to have those mistakes corrected.

The order as amended was passed. Sent up.

PERSONAL EXPLANATIONS.

Mr. Webster of Ward 3—I rise to a personal explanation. The gentleman from Ward 19 has made his explanation, and I may make mine. As this matter of the salaries of the Mystic Water Inspectors has been alluded to a good many times, I perhaps may say a word or two in regard to it. For some reason or other the Retrenchment Committee neglected to reduce the pay of the Mystic Inspectors. It was either a clerical error or else a mistake on the part of the committee—which, I don't know. I will be responsible for the mistake to the extent of one-eighth, being one-eighth of the committee. The fact of my being from Charlestown has nothing to do with it; and I leave it to the committee records to show it. When the matter was first called to my attention I was surprised that it was so. The chairman of the committee told me afterwards that he intended to introduce an order correcting the mistake, and I told him I would support it; and I did not feel called upon to say any more. It having been alluded to nine or ten times already, I hope this explanation will be sufficient. If any member of the Council or of the committee recollects any action in the committee whereby he got the idea that I intended to make any discrimination in salaries, I would like to have him make the statement.

Mr. Vose of Ward 24—I would like to say, sir, following the practice of a learned profession, that I see the quarter of my friend from Ward 3 and go him a half better.

Mr. Spenceley—It is said that an open confession is good for the soul; and I think the gentleman has got on the right track. But I would like to know when it has been alluded to nine or ten times. It was only brought up once before. I think this committee ought to be kept in force.

Mr. Pratt of Ward 21—While the gentleman from Ward 3 is confessing, I would like to know why, when the matter was called to his attention, on the night of the passage of this order in the Council, he could not then make any explanation, except to say that he could not explain, or had not brains enough to explain, the whole bill? On the very night the bill was passed in this branch I called attention to that fact and offered an amendment—I think I did, or some other gentleman offered one—that the pay of the Inspectors in Charlestown and Boston be the same. I think the amendment was offered, and the gentleman refused to have the report amended in that particular, and persistently pushed it through.

Mr. Webster of Ward 3—I rise to another personal explanation. It was deemed by the committee best to accept no amendment at all. I had signed and agreed to the report and to support the document as a whole. I admit that there were some errors in the report. In regard to the gentleman's allusion to brains, I can only say that when we are both ready to be put under the sod, I shall be glad to have a *post mortem* examination, and have our brains measured.

Mr. Pratt—If it be allowed, I should like to ask one more question in relation to the personal explanation of the gentleman; and that is why—in the face of the statement which he has just made, as to his pledges in regard to the report, when I charged from my place here, on the evening referred to, that the gentlemen of the Retrenchment Committee had pledged themselves, one to another, that they would carry this report through as a whole, right or wrong, just or unjust,—he denied that there was any such thing in the committee?

Mr. Webster of Ward 3—I would rise to one more explanation. Not recollecting the fact that he charges, I cannot at this time deny it.

Later in the session Mr. Pratt said—I desire to say, in qualification of the remarks made a few moments ago, in regard to the gentleman from Ward 3, that in looking over the report of the proceedings when the salary bill was under discussion, I find that the question to which I referred [in regard to the agreement] was asked directly of another member of the committee, and was asked by me, as I stated. I do not find it reported that it was asked directly of the gentleman from Ward 3, although my recollection is so. As this record does not show it, I withdraw it.

VISIT TO SUDBURY RIVER WATER WORKS.

Mr. Vose of Ward 24 moved to reconsider the vote of the last meeting by which was rejected

the order for a visit to the Sudbury Water Works.

The reconsideration prevailed, by a division—32 for, 15 against.

Mr. Vose moved to amend the order, by making the time Tuesday, July 10, instead of Friday, June 15.

Mr. Blodgett of Ward 8—That is a long way off, I move the order lie upon the table.

Lost, by a division—17 for, 30 against.

Mr. Hibbard of Ward 17 thought a good deal of information could be gained by visiting the works, as he had done on the visit to the proposed park sites, and they would thereby be enabled to vote more intelligently, if the subject came to the Council.

Mr. Fraser of Ward 6 explained the route of the visit last year, and thought the Council could get a very good idea of the works by going up there, which they could not get unless they visited them.

Mr. Vose's amendment was adopted.

Mr. Wilbur of Ward 20 thought such an expenditure at this time would be rather a foolish one, although he did not wish to deprive the new members of the opportunity to see the works, which are so far advanced that little can be seen. It is unlike the visit of two years ago, when the Council was considering the large expenditure to complete the works.

Mr. Spenceley asked why it was necessary for Mr. Wilbur to go down to Deer Island—where he understood the gentleman had been today—and why he could not have communicated with the Directors for Public Institutions? Members ought to know something more of subjects that come before the City Council.

Mr. Howes of Ward 18 said the money had been voted and the works partly built, and so far as the City Council is concerned they might as well visit all the engine and school houses built within the last twenty years. If the Council want to have a nice little time and feed, say so.

Mr. Spenceley said that perhaps Mr. Howes might want to have a good time seeing the water works, but other gentlemen might not care so much for the good time as for information. He did not. They should see what is going on. They ought to know more about the schoolhouses. If they all knew about the Adams Schoolhouse it would not stay there long. If they visited the Fire Department he thought they would have voted more cheerfully to give the firemen a vacation when it came up. Matters are referred to committees because members know nothing about the subjects; and if they heard and saw more of these things they would know more.

The order was passed—yeas 39, nays 17:

Yeas—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Burke, Clarke, Cox, Day, Dee, Duggan, Fagan, D. A. Flynn, J. J. Flynn, Fraser, Hibbard, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClusky, McDonald, McGaragle, Morrill, Nugent, O'Connor, O'Donnell, Perham, Pope, Pratt, Roach, Ruffin, Shepard, Spenceley, Thorndike, Vose, E. R. Webster—39.

Nays—Messrs. Coe, Crocker, Danforth, Felt, Ham, Howes, Mowry, J. H. Pierce, O. H. Pierce, J. B. Richardson, M. W. Richardson, Sampson, Stone, Warren, G. B. Webster, Wilbur, Wolcott—17.

Absent or not voting—Messrs. Cannon, Cross, Doherty, Fernald, Hiscock, Loughlin, Mullane, Pearl, Reed, Roberts, Sibley, Smardon, Souther, Thompson, Upham—15.

Sent up.

Subsequently Mr. Clarke of Ward 22 offered an order—That the City Messenger be requested to invite the members of the Water Board, the City Engineer and assistants, and the reporters of the proceedings of the City Council, to attend the visit of the Council to Sudbury River on Tuesday, July 10, 1877. Read twice and passed. Sent up.

SCHOOLHOUSES.

A request was received from the School Committee for immediate arrangements so that teachers and pupils may enjoy the benefits derived from the centralization of the Allston School. Referred to Joint Committee on Public Instruction. Sent up.

PETITIONS PRESENTED.

By Mr. Howes of Ward 18—Petitions of George P. Baldwin, for leave to surrender to city a certain tax title to estate on Columbus avenue, and that the money paid therefor be refunded; and Isabella C. Jordan, to be compensated for personal injuries caused by a sled on Boston Common. Severally referred to the Joint Committee on Claims. Sent up.

## CLAIMS.

Mr. Sampson of Ward 17 submitted a report from the Joint Committee on Claims, with an order—That there be allowed and paid to Robert Higgins, for compensation for personal injuries received by him, caused by a defect in Eutaw street, near the corner of Marion street, the sum of \$800, upon his giving to the city a release and discharge satisfactory to the City Solicitor from all costs, damages and expenses incurred in consequence of said injuries.

Ordered to a second reading.

## ARMY AND NAVY MONUMENT.

Mr. Flynn of Ward 13 submitted the following:

The Joint Special Committee on Army and Navy Monument, who were requested to consider and report in what way the Army and Navy Monument shall be dedicated on the 17th day of September next, having carefully considered the subject, beg leave to submit the following report:

As the occasion will be one in which all military organizations, both active and veteran, have a peculiar interest, the committee are of the opinion that these organizations should be given a prominent place in the ceremonies of the day. They therefore recommend that arrangements be made for a military parade and procession, in which the Grand Army of the Republic, the Massachusetts Commandery of the Loyal Legion, veteran soldiers and sailors and all civic organizations be invited to join, and which will be escorted by the First and Second brigades, M. V. M.

Your committee have conferred with the representatives of the several organizations, all of whom expressed themselves in favor of such a parade and procession, and it is believed that a very fine display will be made. The railroad companies will transport uniformed bodies at reduced rates, which will afford an opportunity for all organizations in the State to visit the city and join the procession at a very moderate expense. The committee also recommend that arrangements be made for suitable dedicatory services at the monument, including an oration, etc. They also recommend that the President of the United States, the State authorities and the officers of the army and navy stationed in this city, be invited to participate in the observance of the day.

An approximate estimate has been prepared of the expense which the city will be called upon to bear, amounting in the total to \$22,500, and the committee respectfully recommend the passage of an order appropriating that amount.

FRANCIS THOMPSON.  
CHARLES W. WILDER.  
LOWELL B. HISCOCK.  
JAMES J. FLYNN.  
JAMES H. NUGENT.

Committee.

Ordered, That the Committee on Army and Navy Monument be authorized to make suitable arrangements for dedicating the Army and Navy Monument on Boston Common, on the 17th of September next, at an expense not exceeding \$22,500; to be charged to the appropriation for Incidentals.

The question was on giving the order a second reading.

Mr. Danforth of Ward 10 moved that it be laid on the table.

Mr. Flynn of Ward 13—I hope the order will not be laid upon the table. It will lie over one week anyway. It should not be laid on the table anyway, because if these arrangements are to be made it should be done immediately, and the Council should pass the appropriation as soon as possible. If we are to have the celebration, the sooner we know it the better for the committee to make the arrangements. It is not treating the

committee with proper courtesy to lay it on the table. I did not intend to press the order this evening, knowing it would lie over one week.

The motion to lay on the table was lost.

The order was passed to a second reading.

## BUILDINGS TO BE INSPECTED.

Mr. Pierce of Ward 18 offered an order—That the Inspector of Buildings be requested to examine the building called Hotel Fred, situated at No. 72 Sawyer street, and said to be owned by C. J. Spenceley, which is claimed to be insufficiently supplied with means of egress, and report if said building is safe.

The order was passed to a second reading.

Mr. Spenceley of Ward 19—I do not know what animosity the gentleman who offered the order has against me. I hope the order will prevail, and that the building will be inspected. It was built within the last year, and if it is not built in the way in which it ought to be built, it is the duty of the Inspector to know it. He has been there very often and seen the building. I think any gentleman can see the point of the gentleman from Ward 18. I am surprised at it myself; and surely I am ashamed for him. But still if he wants to have the building inspected, I hope it will be done.

Mr. Pierce of Ward 18—I was requested to offer the order. I have no feeling in the matter in any shape or fashion.

Mr. Clarke of Ward 22 moved to strike out the words, "said to be owned by C. J. Spenceley." Carried.

Mr. McGaragle of Ward 8—I move that the order lie on the table. If anything needs to be inspected in this building, all the gentleman has to do is to call the attention of the Inspector to it. I do not see the necessity of passing the order. It is like showing too much feeling, and I don't think it fair to drag anybody into the Council. If there are any grievances to be rectified let it be done in a proper way.

The order was laid upon the table.

Subsequently Mr. McDonald of Ward 12 offered an order—That the Inspector of Buildings be, and he hereby is, requested to have the building No. 267 Federal street, corner of East, wherein gunpowder is offered for sale, inspected at once; and if, in his judgment, said gunpowder is dangerous to be sold on those premises, that further sale of the same be prohibited.

Mr. McDonald—The lesson which we have just received from the Shawmut-avenue fire should not be forgotten; and it surely never will be by the friends and relatives of those who lost their lives at that sad catastrophe. In order to prevent a repetition of the same, I offer this order tonight that these premises might be inspected wherein is this gunpowder. I know they are occupied by quite a number of families, and I think it should be looked after. It is a tenement house, with thirty or forty families in it; and I firmly believe it is no place for gunpowder to be sold. I therefore trust that this order will be passed, and that the premises will be examined immediately.

Mr. McGaragle of Ward 8—I hope the same disposition will be made of this order that was made of the other one. If gunpowder is stored there, it is done by license from the Fire Commissioners. If there is anything wrong about that house, I hope the gentleman will go to the Inspector and make a complaint.

On motion of Mr. McGaragle, the order was laid on the table.

## UNSAFE BUILDINGS.

Mr. Barnard of Ward 24 offered an order—That the building owned by the city situated on Mill street, Ward 24, known as the Tide Mill, be removed, as it is in an unsafe and dangerous condition. Referred to Joint Committee on Streets, on motion of Mr. Barnard. Sent up.

Adjourned, on motion of Mr. Wilbur of Ward 20.







## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JUNE 19, 1877.

Regular meeting, pursuant to adjournment, at four o'clock P. M., his Honor the Mayor in the chair.

## JURORS DRAWN.

Twenty two grand jurors were drawn for the Superior Criminal Court.

## EXECUTIVE APPOINTMENTS.

Weigher of Coal—William K. Marsh. Confirmed.

Police Officers Without Pay—Charles Hoffman, James McCartney, Joshua Brothers, J. I. Bryant, Reuben B. Wendell. Severally confirmed.

Police Officer—Hugh McEleney. Referred to Committee on Police.

Promotions in the Police Department—Officers William Fotler and Thomas Ryan, to be Sergeants of Police; Sergeant Timothy A. Hurley, to be a Lieutenant of Police. Severally confirmed.

## PETITIONS REFERRED.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables, by Colburn estate, old wooden, four horses, Chelsea street, Ward 21; John Shepard, new brick, five horses, rear 280 Beacon street; N. H. Emons, Jr., brick, two horses, Commonwealth avenue; Wilson Walker, new wooden, one horse, Maple street; House of the Angel Guardian, new brick, one horse, Ruggles street; Life Baldwin, new wooden, two horses, Sparhawk street.

*To the Committee on Sewers.* D. Wetherlee *et al.*, for a sewer in a portion of Cedar avenue; Daniel Goodnow *et al.*, for extension of the India-street sewer to the corner of Atlantic avenue.

*To the Committee on Streets on the part of the Board.* First Baptist Society of Brighton, for abatement of betterments assessed for improvement of Cambridge street.

*To the Committee on Lamps.* J. Homer Edgerly, for additional lamps on Trenton street, Charlestown; John Miller and Richard Roach, for lamps in passageway rear 86 Salem street; David M. Smyth, that his invention for lighting and extinguishing street lamps by electricity be examined and tested by the city.

*To the Joint Committee on Claims.* Emma C. Fuller, for damages for personal injuries by reason of a fall in Lexington street, East Boston; Andreas Blume, for repayment of purchase money at a tax sale.

*To the Committee on Police.* Walter L. Clark, for a hearing in relation to charges against him as a sergeant of police.

*To the Committee on Paving.* N. B. Chamberlain *et al.*, that Burr street be graded; Harlan P. Gage *et al.*, that Albion street, Ward 20, be graded, and that edgestones be set in said street; Henry W. Bragg *et al.*, that edgestones be set and sidewalks repaired and roadway of Mt. Vernon street, Charlestown, be put in order; B. E. Perry *et al.*, that Jess and Porter streets, Ward 23, be graded, and that edgestones and sidewalks be laid in said streets, also that said street be numbered; A. McLean *et al.*, that Pitts street be paved with granite blocks; Henry B. Hill *et al.*, that Webster street be macadamized or paved with asphalt; David H. Blaney *et al.*, that Meridian street, between Lexington and Eutaw street, be paved with granite blocks; Lyman J. Clark *et al.*, that Brookline avenue and Longwood avenue be watered by the city; Henry D. Pope *et al.*, that Newhall street and Pierce avenue be put in order and graded; Charles H. Hersey *et al.*, that Dorchester street, Ward 15, be put in good order; Daniel D. Gilbert *et al.*, that Boston street be put in order for public travel; P. E. Riddle *et al.*, for city of Boston to contribute to the payment of watering Norfolk avenue.

Petitions for edgestones in front of estates of Mary L. Hildreth, at corner of Adams and Mill streets; J. B. Braman, on Beacon street; for edgestones and brick sidewalk in front of estate of Daniel H. Greer, 224 Emery street; for brick sidewalk in front of estate of Thomas Morrisey, 229 Havre street.

## HEARINGS ON ORDERS OF NOTICE.

*Boston Land Company vs. Boston, Winthrop & Point Shirley Railroad Company.* On petition of the Boston Land Company, for assessment of damages for the construction of the Boston, Winthrop & Point Shirley Railroad over their estate, which was considered on an order of notice for a hearing, no one appeared to object.

Alderman Clark, from the Committee on Streets on the part of the Board, submitted an order adjudging said damages at five dollars, and requiring said railroad company to give a bond of \$5000 for the payment of such further damages as may be awarded to the petitioners from said railroad company. Order read twice and passed.

*South Boston Railroad Company.* On petition of the South Boston Railroad Company, for leave to lay down tracks in Canal street and in Market street, which was considered on an order of notice for a hearing, Mr. Crosby, president of the railroad company, appeared and said the object of the location was to enable the cars, in passing from the northern depots towards South Boston, to go along the southwesterly side of the Boston & Maine Depot, to accommodate passengers there, instead of their having to cross Haymarket square to Merrimac street, as they do now when they wish to take a South Boston car. Canal street is fifty-six feet in width, and there is ample room for the hacks to back up to the depot on one side of the street and for teams to back up to the stores on the other. There are no stores opening on Market street and the cars will not interfere with traffic. The plan presented at the last meeting by the Middlesex Railroad Company interferes with this one; but the South Boston Company are willing to have it straightened. The president of the Metropolitan road had intended to carry out this project, and the South Boston Company will not object to the Metropolitan cars using the location.

Mr. Powers, president of the Middlesex road, presented a plan of the location at that point, asked for last week, which was asked for last year. He suggested that the connection he proposed would be a straight one, instead of a curve as proposed by the South Boston Railroad Company, who do not object to it.

E. W. James desired a condition put in the order that the track be built in one year, and that the company pay its proportion of repaving Market street.

P. A. Collins appeared for the firms doing business on Market and Canal streets, to remonstrate against the location, and submitted a remonstrance signed by J. S. Paine, A. Hoyt & Sons, William F. Wade & Sons, and others. The objection was that the track is not needed, and it will be a great inconvenience and injury to the firms doing business there, as there are many heavy teams which pass there. If they have the tracks they must get rid of the hotel coaches or else stop doing business there. Canal and Market streets are overcrowded already.

Mr. Crosby said they were there with the assent of the officers of the Boston & Maine road, and Mr. Furber would have appeared but for the death of his wife.

The subject was recommitted to the Committee on Paving.

## MISCELLANEOUS PAPERS FROM THE COMMON COUNCIL.

Petitions, etc., were referred in concurrence.

Order for Committee, on Retrenchment to report upon any unfinished matters in their charge. Passed in concurrence.

An order for the removal of the "tide-mill" on Mill street came up referred to the Joint Committee on Streets. Concurred.

## ALLSTON SCHOOL.

A request of committee for the centralization of the Allston School came up referred to Joint Committee on Public Instruction, as follows:

Whereas, In School Committee June 8, 1875, and Feb. 29, 1876, two several orders were adopted requesting the City Council to furnish additional accommodations for the Harvard, now Allston School; and

Whereas, An appropriation was made by the City Government in the early part of the year 1876, to purchase a lot of land upon which to erect a building for the accommodation of said school; and

Whereas, The City Council, although invited with the authority and supplied with the means to purchase a lot of land for the purpose mentioned, have down to the present time omitted to do so; and

Whereas, In consequence of the want of a suitable building to meet the wants of a rapidly increasing district, the expenses of the city have been increased by the employment of two additional teachers, \$1600, the hire of two separate buildings, \$800, and fuel and janitor service, \$514, amounting in gross to the sum of \$2914; and

Whereas, By colonizing the school in four separate buildings, much of the efficiency of the prin-

incipal of the school is lost, and the time of the pupils sacrificed, therefore, be it

Ordered, That the City Council be requested to make some immediate arrangement whereby the benefits that would result by a centralization of the Allston Grammar School may be enjoyed by the teachers and pupils belonging to said school.

[Signed] F. LYMAN WINSHIP.

H. P. BOWDITCH.

WM. T. ADAMS.

Committee on Eighth Division.

Alderman Thompson—That communication is intended as a reflection upon the action of the Committee on Public Instruction. In the fourth whereas they state that the City Council have authority to purchase land for the schoolhouse, and the committee thought they had until Saturday afternoon. I desire, personally, to state the facts concerning this matter which has been intrusted to the Committee on Public Instruction and by them referred to a sub-committee. It came before the committee last summer after the appropriation had been made and was referred to a sub-committee of which I had the honor of being chairman, and Councilman Pearl, who is also in the Common Council this year, was associated with me. In the month of August we advertised for proposals from those who desired to sell land to the city for a school site, and we had several proposals. Unfortunately, the district is peculiarly situated. The Boston & Albany Railroad runs through the centre of the district, so that there are but three more pupils on one side of the track than on the other, and the parties living on each side of the road want it on their respective sides. The committee were limited to a very few lots. In answer to their advertisement they found that parties were asking from seventy to eighty per cent. more than the Assessors' valuation, and consequently they did not deem it wise to recommend the purchase of those lots by the city. The season wore away, the winter came, and the matter went over to this City Council. Early in the year the subject came before the committee and was again referred to a sub-committee, who have endeavored to procure a lot for this building. I do not know how many visits the sub-committee have made with a view of securing lots. At their request the members of the School Board for that district designated some five lots that they would be satisfied with; the committee took the City Architect there and he condemned three of the lots as unsuitable. The parties required the same price, seventy to eighty per cent. above the valuation of last year, and probably a larger per cent. this year. The committee, in connection with the members of the School Board, found no difficulty in obtaining a desirable lot on the other side of the street. Meantime, while the sub-committee were devoting themselves to this matter, the members of the School Board were writing to each of the members of the Committee on Public Instruction, and reflecting upon the conduct of the committee. It was no longer than Saturday last, without knowing that that communication had been sent to the City Council, that four members were out upon this very business, among them the President of the Common Council; and those who were present heartily approved of every step that the sub-committee had taken. I am happy to say we begin to see our way out of this difficulty. Parties realize that they cannot expect the committee to recommend the city to purchase land at those exorbitant rates, and they have come down in their prices. Just before closing a trade the committee were informed that before it could be done the matter must go back to the School Committee to be approved by a majority of that board. That is very singular action on the part of the School Board, when they have appointed a committee to designate what lots they will be satisfied with, and when the committee of the City Council get ready for the purchase of those lots, then to be informed that it must go back to them for their approval. Now they [the City Council] have no authority to buy the lot, and I desire that that communication be sent back to the source whence it came, that the School Board may give the City Council that authority which they say we have; and then I hope to be able to settle it. It is a very difficult thing for the city to purchase a site for a schoolhouse lot, because we must take such lots as are designated by the School Committee. Up to the present time the Committee on Public Instruction supposed that they had the authority; but they have not. Neither I nor the Committee

on Public Instruction desire to take one step further in this matter until we are clothed with authority. My predecessors on the committee had the same difficulty in selecting a site for a schoolhouse in South Boston, and it was some four years before they were able to make a purchase. It is in consequence of there being restricted to sites approved by the School Committee. The Committee on Public Instruction fully approve the action of the School Board, and there has been no one matter in which I have taken more pains and endeavored more earnestly to perform my duty than in this. If the Board approve my course in this matter I hope they will let the communication go back to the School Committee to make good their statement in the fourth whereas. When this communication was presented to the Common Council the preamble was not read; if it had been understood, I am of the opinion that it would not have been allowed to come to us in this form.

Alderman Fitzgerald—I hope we shall keep up no wrangle with the School Committee in this matter. I presume it is a device by which the School Board want to get the City Council to give accommodations for that district. What Alderman Thompson said is correct. The committee refused to pay an exorbitant price for the land, because they believed it would be cheating the city. What he says of the approval of the School Board is true, because the amendment to the city charter establishing the new School Board makes it obligatory upon that board to approve the site for the location of a schoolhouse. It is the sixth section of the act creating the new School Board.

"Whenever, in the judgment of the School Committee, a new building or any addition to or alteration of a building is needed for school purposes, of an estimated cost of over one thousand dollars, they shall make a statement in writing to the City Council of the necessity of the proposed building, addition or alteration; and no contract for the purchase or lease of land, or for the erection, purchase or lease of any building, or for any addition to or alteration of any building for school purposes, shall be authorized by the City Council until such statement has been made, nor until the locality and plans for the same have been approved by the School Committee or by a sub-committee thereof, duly authorized to approve the same."

The sub-committee on schoolhouses can approve it. The Alderman's friend from Charlestown—Mr. Capen, I believe—is chairman of that committee, and I think there would not be any great difficulty, especially when they have selected four or five lots which we can buy. While I thoroughly agree with the Alderman in his views, I hope he will find some other means of gaining his object than sending it back. I move that it be laid on the table if the Alderman does not object.

Alderman Thompson—I do not know as I object to the communication being laid upon the table; but I desire the School Board to make the assertion in the fourth whereas true and correct. I desire them not to come here and state that we have authority, when we have not. On Saturday afternoon we had pretty much come to the conclusion of the trade, and were very much astonished by the members of the School Board informing us, "Gentlemen, you must not go too far, because you have got to go back to the School Board for their approval." As a member of that committee I do not propose to take another step until I have the authority. We have had enough boys' play about this. It requires a great deal of time, and there are embarrassments enough outside of the School Board without embarrassing those who have this in charge. It is one of the most difficult things the committee have been occupied with. We do not propose to go out and say so and so. We want the authority to act when parties are ready to meet us. We do not want to go back and submit our views before we get their approval. When they have designated a lot for us to buy, we want to go on and buy it. I want the School Board to approve one of two lots, and then the committee can go on and buy one.

The communication was laid on the table.

Alderman Thompson moved that the School Board be requested to approve one of the lots selected by their sub-committee, that the committee may go on and complete the arrangements now under way for the purchase.

The motion prevailed and was sent down in the form of the following order:

Ordered, That the Board of School Committee be requested to indicate to the City Council which of the sites in the Allston School District, selected by their sub-committee for a new schoolhouse, will be satisfactory to said School Committee; and that the City Council be informed at an early day of the result of their choice.

MYSTIC VALLEY SEWER.

The resolve and order relating to labor on Mystic Valley sewer came up with the adherence on part of the Common Council to their amendments, by which the Boston Water Board are "instructed" to make use of "day-labor" and to divide the same *pro rata* among the several wards of this city.

Alderman Thompson—When this matter was returned to the Council I notice that my action was criticised somewhat by an esteemed personal friend, a member of the Water Committee, who was present at our interview with the Water Board. He stated (page 427 of the minutes)—

"When the order was going through, the other evening, Alderman Thompson stated (page 425 of the Proceedings of the Board of Aldermen), in talking about this contract, and he gave the Board of Aldermen to understand, that there was some contract in existence which would seriously interfere with it. I find that it is a contract made by Charlestown with Somerville, eight years before the Mystic Valley sewer was ever thought of. I have shown it to all the legal gentlemen here tonight, and they do not see anything whatever in conflict with doing it by day's labor."

I will read a little farther; but meantime I have a communication which I will read to the Board. Having had considerable experience as a member of the Mystic Water Board for several years, and a member of the Committee on Water, it occurred to me, a week ago last Monday, in the latter part of the evening, when this question was under consideration, that there might be complications with parties who use the Mystic water and are interested in the works. I have in my hand the Somerville Journal, published on Saturday, June 16, and in the records of the Board of Aldermen of Somerville I find that—

"The regular meeting of the Board of Aldermen was held on Monday evening, all the members being present, and Mayor Belknap presiding. \* \* \* Hon. C. E. Rymes sent a communication to the Board, calling their attention to the fact that the city of Boston had voted to construct a sewer in Mystic Valley, and to employ none but Boston laborers. It was voted to send to the City Council of Boston the following resolve."

That was at the very time I was speaking of this matter. I knew nothing of it, although I called attention to the subject. The resolve is as follows:

"CITY OF SOMERVILLE,  
IN BOARD OF ALDERMEN,  
June 11, 1877.

"Whereas, It appears by a report of the proceedings of the Board of Aldermen of the city of Boston, at a meeting held on the 5th instant, it was ordered, 'That in the construction of the proposed sewer in the Mystic Valley, the Boston Water Board be authorized and recommended to have the work done by day labor, provided that none but citizens of Boston shall be employed,' thereby varying from the prudent and careful manner in which said city usually causes the construction of its public works by proposal and contract;—the purpose of said proposed sewer to be the preservation from impurities of Mystic Lake, from which this city is supplied with water; and, whereas, by the terms of an existing contract between the town of Somerville and the city of Charlestown (since annexed to Boston), whereby the city of Somerville will be entitled to a modification of the water rates to be charged, or percentage of return thereon, upon the liquidation of the water debt of said city of Boston, incurred by the construction and completion of the Mystic Water Works, all additions to said debt will necessarily postpone the time at which the water rates to be received will be sufficient for the payment of said debt, the inhabitants of this city, by payment of water rates to said city of Boston, becoming largely thereby the payers of said debt, it is

"Resolved that the city of Somerville respectfully request the city of Boston to use such means in the construction of said sewers as will cause the work to be done in the most economical manner compatible with a proper construction of said sewer; and that all provisions looking to an ex-

clusion of residents in Somerville from laboring on the works, be abrogated; and the Committee on Water, in connection with the Water Board of this city, are authorized and instructed to confer with the proper authorities of the city of Boston in relation to the subject matter of this resolve."

The preamble and resolve were passed last Monday about the time we were considering the subject here. [Reading]:

"The regular meeting of the Common Council was held on Wednesday evening. \* \* \* Papers from the upper branch were concurred in."

I presume that in due course we will have that communication here. That answers the objection I raised, and which the legal members of the Council could not see had any bearing. The Councilman goes on to say—

"I do not like to impute any wrong motives to the Alderman; but I am unwilling to trust the laboring men in the possession of some Aldermen."

Now, all the members of this Board of Aldermen have voted that the work of constructing this sewer should be performed by the laboring men of Boston, and I do not see where that applies with any force. [Reading]:

"I don't care how high-toned they may be; for I find that some of the Aldermen, last fall, having charge of departments in City Hall, undertook to 'bulldoze' laboring men and keep them away from their voting places."

Well, that undoubtedly refers to one Alderman who was a member last year, but who was not returned this year. I am quite sure it does not mean me. [Reading]:

"For that and several other reasons, I want this Council to express, by their vote, that they want this work done by day's labor. Alderman Thompson says in one place that combinations might arise, which would affect the building of this sewer; he says the City Engineer was out of town and could not be seen by the committee; but in answer to a direct question by Alderman O'Brien he states that the City Engineer did suggest some combinations."

Now, Mr. Mayor, without explanation, what the Councilman says is strictly true, and without explanation it places me in a very inconsistent position. At the meeting of the committee, when this matter came before them, I desired the City Engineer to be present, but was informed that he was out of town. As we discussed the subject I inquired what does the City Engineer say about this? and that was the answer given me—he said so and so. From those proceeds it would be made to appear that I stated that he was not there and afterwards said he was there. But that is the way it came about. Later on the same gentleman says—

"I am satisfied that if it goes down stairs again the Board of Aldermen will concur with the Council. But Alderman Thompson led them astray."

Now, I don't know whether it is a compliment to me. If it is a compliment to me, it certainly is not a compliment to the other members of this Board if they were led astray by me. I simply stated, the other evening, what I really thought, and the action of the Somerville City Council seems to substantiate the position I took. [Reading]:

"He said [referring to Alderman Thompson], 'It was the opinion of the committee that they should have discretionary power, and that the City Council should state that they preferred to have the work done by day's labor, and in that case the board would endeavor to do it.' I should like to know how any gentleman in this hall can say that was the opinion of the committee. When that question came up, the vote stood 2 to 2; one of the Aldermen refused to vote."

I don't know. I should not say I refused to vote. I might not have answered, yea or nay at the time, but I have expressed my opinions and given my reasons; and I think it was thoroughly understood by the members of the committee that we stood 3 to 2. I did not know that by not saying yes or no it was to be implied that I was undecided. It was my opinion that some discretionary power should be given the Water Board. Now, I maintain that there is quite a point in this position. We can act as we have already done—pass a vote that the work shall be done by the laboring men of Boston; but when we come to order the Water Board to do it by day's labor, I think that is very different from giving them discretion to do it by day's labor if they choose. They can do it by day's labor if we take the position that we

did the other night; but when we come to order them to do it by day's labor, they have no discretion at all, and we must take the responsibility for the whole of the change. The Councilman goes on to say—

"This appears to be a game where everybody tries to get out of it the easiest way he can. They profess to want to help the laboring people and give them work; but the only chance to give them this work is by a direct order from the City Council."

Well, I don't know that I want to get out of anything. I am willing to state my position and what I believe is for the interest of the city and for the laboring men. We have expressed our opinion about the laboring men, and propose to give them work. But it is not for our interest to interfere with other parties who have some rights. Now, I desire to say, in my position as a former member of the Mystic Water Board, that we have had these parties with us several times, when they have petitioned to have their water rates reduced, or, rather, a large percentage allowed to them; and we have told them it was but a question of time when the debt would be paid and then they would have their rates very much reduced. We have given them to understand that they were mutually interested in keeping the rates at just what the citizens of Boston were paying; because when the debt was paid off they would participate in the reduced cost of water. That is the position the Mystic Water Board have taken when the subject came before them on several occasions; and even at the present time those places have petitions before the Water Board for the reduction of their rates, and that will be the position this Board will probably take, for I see there is no other. When the contracts are once changed and when the gate is once opened there is no knowing where it will go to. My opinion is that the Water Board cannot reduce them until the debt is paid. Now, I hardly know how to get out of this difficulty unless a committee of conference be appointed. I am quite sure the members of this Board do not want the laborers taken *pro rata* from the different wards. That will make a great deal of trouble; and I don't think the Council desire it. In regard to this communication from the city of Somerville, I think, as a matter of courtesy, we should consider this matter carefully; and perhaps it would be wise, in view of the embarrassment, to have a committee of conference. If any member objects to it I hope he will make some proposition.

Alderman O'Brien—After we have heard the resolutions of the aldermen of Somerville I don't know that there is any alternative but for this Board to step down and ask them for instructions how we shall do our work. As I look upon it, the aldermen of Somerville have no more to do with this business than the man in the moon has. We have a right to construct our sewers in our own way, and the aldermen of Somerville have no right to interfere whatever. If the Board desire to build this sewer by day's labor, the only alternative for them is to instruct the Water Board to do it. If they do not instruct the Water Board to build it by day's labor they cannot do it except by contract, unless they set aside an ordinance, and that they would not do on the recommendation of the Board of Aldermen. Have the Aldermen read the ordinance creating the Water Board? That explains this matter precisely, and it would be well to consider it. Section 3 of the ordinance creating the Boston Water Board provides that said board

"Shall have and exercise all the powers vested in, and shall perform all the duties prescribed to the Cochituate Water Board and the Mystic Water Board by statutes and ordinances now in force, subject, however, to the authority of the City Council, from time to time, by ordinances, orders and resolutions to *instruct* said board, and to change and limit its powers."

The very ordinance creating the Water Board says that if we want them to do a thing, we must instruct them by ordinance, by an order or a resolution; and if you want this work done by day's labor you will have to instruct them, or else it will not be done. I do not believe in doing the city work by day's labor, as a general thing. I believe in doing it by contract. But when I know that the town of Brookline is building a large sewer by the day, and that they will not employ any one in connection with that work except a citizen of Brookline; when I know that laboring men can

scarcely cross the Brookline line, looking for employment, because they consider it dangerous to do so; when I know that the city of Newton is carrying on great improvements and will employ none but citizens of Newton; when I know that Cambridge and even Somerville employ none but their own citizens, I say we ought to protect our laborers and give *them* work, and no others. It is our work. I do not believe in it as a principle; there is a little too much Know-nothingism about it. Still, I look upon it, at present, as a protection, and I believe we ought to protect our laborers and give them this work, when all the surrounding towns and cities are doing the same act towards theirs. I repeat again, that we should take the responsibility in this matter. We have no right to recommend the Water Board to set aside an ordinance. They cannot do it on our recommendation. We must instruct them according to the letter of the ordinance that created them; and if you want this work done by day's labor you will have to instruct them, and I hope the order will pass as it came to us from the Council. I will except the *pro rata* amendment, because I think it will be a difficult thing to manage. I wish to instruct the Water Board, but I would consent to the *pro rata* amendment rather than have the work delayed longer.

On motion of Alderman Wilder the question was divided.

The Board concurred in the amendment instructing the Water Board to perform the work by day's labor, and on motion of Alderman Fitzgerald non-concurred in the amendment to distribute the labor *pro rata* among the wards. Sent down.

#### CLAIMS.

Alderman O'Brien submitted the following from the Joint Committee on Claims:

Reports of leave to withdraw on petitions of Patrick H. Roden to be compensated for personal injuries caused by defect in the plank walk in Blackstone square; Ellen Geary, to be compensated for personal injuries caused by defect in Prince street. Severally accepted. Sent down.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Licenses for Intelligence Offices Refused—C. M. Degetan, 22 Eliot street; Gilbert Chadwick, 20½ Bedford street.

Minors' Applications Granted—Seven newsboys.

Innholder's License Renewed—Mrs. Asenath Cook, 5 Exeter place.

Pawnbrokers Licensed—William Jackson, 30 Merrimac street; N. C. Decker, 149 Fourth street.

Auctioneers Licensed—Edwin Morse, 22 Bowdoin street; L. S. G. Robinson, Charlestown; S. W. Trowbridge, 42 Congress street.

Victuallers' Licenses Renewed—A. Anderson, 200 Atlantic avenue; Elisha D. Rich, 51 South Market street; Charles A. Hackett, 519 Tremont street.

Intelligence Offices Licensed—Alexander Ellis, 9 Strong place; Julia R. Wood, 415 Washington street.

Junk Collectors Licensed—Thomas Blake, 132 Fourth street; Michael Barron, 21 Colony street; James O'Brien, 40 Middle street; James J. Kelley, 11 Pearl place; James Cullen, 180 Ninth street.

License to Buy Second-Hand Articles Granted—Henry Fall, 305 Federal street.

Wagon License Granted—John E. Crowe, 47 Beverly street.

Hack License Granted—Edward McMaster, corner Dartmouth street, near Commonwealth avenue.

Pool Table Licensed—J. K. Merrows, 50 Shawmut avenue.

Bowling Alley Licensed—Germand Seigliano, 142 North street.

Billiard License Granted—John Hoff, 87 Cross street.

Severally accepted.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports and orders for brick sidewalks in front of estates of Daniel Connors, 413 East Eighth street; Ellen McCarty, corner of East Eighth and G streets; and for edgestones in front of estate of Charity P. Parker, 3 Taylor street.

Reports and orders of notice for hearings on Monday, July 9, at 4 P. M., on petitions of Metropolitan Railroad Company for leave to construct three tracks into their new car house on Tremont street; Highland Street Railroad Company for 10

cation of tracks on Dartmouth and Boylston streets; South Boston Railroad Company for leave to reverse their curves and track connections on Sixth streets, between O and P street; Middlesex Railroad Company for turn-out track on Malden Bridge. Orders severally passed.

Report that petition of Robert W. Carbray *et al.* for flagging cross-walk across Third street, opposite St. Augustine Church be granted. Accepted.

Reports and orders for edgestones, paved gutters and sidewalks on Guild street, between Washington street and Lambert avenue; to sprinkle Harrison avenue, from Northampton street to Eustis street, with salt water, at not exceeding \$100 per month; to do such grading as may be necessary to make a convenient connection between Swett street and the old street bearing the same name and leading to Pine Island; to rebuild the abutment belonging to the city on the easterly end of the Longwood-avenue Bridge, and in conjunction with the authorities of the town of Brookline to rebuild the superstructure of said bridge, the cost to the city not to exceed \$6000; to remove the trees which obstruct the sidewalks on School street, between Amory and Washington streets, and to place said sidewalks in safe condition for public travel; to revoke the license heretofore granted to Orsamus Nute to sprinkle East Chester park and Albany street, between Springfield street and East Chester park. Orders severally read twice and passed.

Schedule of cost of setting edgestones on Isabella street, with order for assessment and collection of the same. Order read twice and passed.

Report and order—That in addition to the rights heretofore granted to the Middlesex Railroad Company to lay down tracks in several of the streets of the city of Boston, said company shall have the right to lay down an additional track in Beverly street, commencing at a point near the intersection of the single and double tracks laid down on said street, about 200 feet westerly of Causeway street, thence upon and over said Beverly street to Warren Bridge; thence upon and over said Warren Bridge and Warren avenue to City square, Charlestown, there to connect with the tracks now laid down in said square.

Appended to the order are the usual conditions, and it is also provided, that the position of the single track now laid down in said Beverly street and Warren Bridge and Warren avenue shall be so changed that the line of the double tracks shall correspond as nearly as possible to the centre line of said street and avenue.

The order was read twice and passed.

#### POLICE NOMINATIONS CONFIRMED.

Alderman Robinson submitted a report from the Committee on Police recommending the confirmation of the following Executive appointments of police officers made on June 5: Thomas W. Underwood, Max Kassman, Moses P. Burtin, Clarence A. Swan, Thomas F. McDonough, Denis Donovan. Report accepted, and said appointments confirmed.

#### EAST NINTH STREET.

Alderman Clark submitted a report from the Joint Committee on Streets, with an order—That the Street Commissioners be requested to lay out Ninth street, South Boston, provided that the unfilled land necessary to be taken can be obtained without cost to the city, and that the filled land will be conveyed at a price sufficient to furnish such filling at the present time; and also provided that there shall be no charge to the city for displacement of tide water occasioned by the building of said street, and that the city shall be under no obligation to build retaining walls for the same. Order read once.

#### PERMITS FOR STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted on the usual conditions to occupy stables by estate of Josiah Stickney, Head place; Johanna Lawton, Wendell street, Ward 15; Nancy S. Grose, Dorchester avenue. Severally accepted.

#### FIELD DRIVERS AND POUND KEEPERS.

Alderman Breck offered an order—That James A. Cogswell and Samuel Deering be and they are hereby appointed Field Drivers and Pound Keepers in the Brighton District. Read twice and passed.

#### PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Report and order to cancel bond of \$2401, No.

2368, given by Stephen H. Tarbell, Feb. 10, 1870, for land on East Fourth street, upon the surrender of the same; and to issue a new agreement to John Carew with all conditions of the previous one, excepting the reference to the time for building upon said land, and for a bond of \$308.28, payable in eight annual instalments at six per cent., from July 2, 1877. Order read twice and passed. Sent down.

Report and order to cancel bond No. 2428 given for land on Albany street and East Newton street, amounting to \$4819, upon his surrendering the agreements received from the city; and to issue two new agreements in the name of Martin Hayes, with all the conditions in the previous ones, except the one relating to the time for building on said land, upon his giving two bonds of \$3207.40 and \$1920.82 respectively, payable in four years at six per cent. from July 2, 1877. Order read twice and passed. Sent down.

Report and order—That the two lots of land upon Albany and East Dedham streets, which the city has agreed to convey to Richard Leeds or his assignees, be conveyed to G. A. P. Darling upon the payment by him of all sums due on account thereof, and upon the terms and conditions set forth in said city's agreement to said Leeds, dated June 1, 1871, except that no time be fixed within which a building shall be erected on said lots. Order read twice and passed. Sent down.

#### SEALERS OF WEIGHTS AND MEASURES.

The order for the Sealer of Weights and Measures to employ Daniel C. Hunt as an assistant in that department at the usual salary, \$800, was considered under unfinished business.

The question was upon the passage of the order. Alderman Slade—I do not know, certainly, as that order need be passed after all. I offered it the other day when it seemed to me that it was necessary for the sealers to have this additional help. They have got along very well this week, they say, and are under the impression that they will get along without help. I do not care to press the order at all, and move that it lie upon the table.

Alderman Fitzgerald—Would it not be better to indefinitely postpone the order than to have it lie upon the table and cumber the order of proceedings?

Alderman Slade said he did not object to the indefinite postponement, and on motion of Alderman Fitzgerald the order was indefinitely postponed.

Later in the session Alderman Dunbar submitted a report from the Joint Committee on Salaries, to whom was referred the order providing that the Deputy Sealers of Weights and Measures shall be paid by fees, and who were also requested to report an order establishing the salaries to be paid such officers, that having considered the subject, respectfully recommend the passage of an order—That the salary of each Deputy Sealer of Weights and Measures be established at the rate of \$1000 per annum, beginning with the date of appointment and qualification, and continuing until otherwise ordered.

Councilman James H. Danforth, a member of the Committee on Salaries, respectfully dissents from the foregoing report and recommends the passage of the order referred to the committee, in a new draft, as follows: That the Deputy Sealers of Weights and Measures shall receive for compensation the fees as set forth in section 14 of chapter 51 of the General Statutes, and when the amount of fees which each Deputy Sealer shall receive exceeds the sum of \$1000 per annum, the residue shall be paid into the city treasury.

On motion of Alderman Dunbar, the order was read a second time and put upon its passage.

Alderman Clark—I believe the Retrenchment Committee made a report recommending that this salary be \$800, which the assistant sealers have been receiving up to the present time. Now here is a launch into extravagance before the year is ended—raising the salaries from \$800 to \$1000. Mr. Hunt has been receiving \$800 since the 1st of April, and he is a competent man; and here it is proposed to give four incompetent men \$1000—men who acknowledge themselves unable to balance a scale or seal a measure. It seems to me that the minority report will better accomplish the end sought for than to fix a salary, because in order to get some pay they have got to do some work, and go around town and see that every scale is properly balanced and every measure properly sealed. I believe that the labor would be performed more promptly and satisfactorily if they received pay in fees than it would if they

are paid by a fixed salary; at all events, I should hope we would not commence increasing salaries in this direction, for I do not think it would be judicious under the circumstances.

Alderman Wilder—I would ask the Alderman if there is any law by which a sealer of weights and measures can collect fees.

Alderman Clark—I have no doubt there is such a law. I am not prepared to answer the question, because I have had no occasion to look it up and get informed upon that point. I presume the Alderman from the Twenty-first Ward is posted in such matters and can answer that question.

Alderman Wilder—I believe I am warranted in saying, not upon the authority of the City Solicitor personally given to me, but from the City Solicitor through the Sealer of Weights and Measures, that there is no such law for the collection of any fees for that service except in certain cases for sealing coal scales, something that cannot be transported to the office. There is a very small fee allowed to be collected for the usual amount charged for transporting weights and the necessary implements to and from the location of the scales for the performance of the work. This may be wrong information; it came to me second-hand, not from the City Solicitor.

Alderman Slade—The law, as it was changed by the Legislature this year, seemed so dark that the committee could not understand it; and the City Solicitor was brought before the committee to give his views upon it, and he admitted himself that in some instances it was liable to a different construction, and suits might possibly arise out of it, when both parties might think they are right. The committee were of opinion that the duties should be paid for by salaries instead of by fees. I have no doubt that fees can be collected where we pay no salaries; but if we pay a salary, then the fees cannot be collected. Now, for myself, I do not believe that it is best to pay the salaries by fees. The majority of the committee were of that opinion. I believe if it is necessary that scales should be sealed once a year to protect the public that the public should pay for it. When I know, as a dealer—and I am using scales every day—that my scales are correct—and if I don't know it I want to know it, and every honest man will—I do not know why I should be called upon every year to pay more or less dollars to protect the public. I think this is one of those cases where the public should pay the salaries. It is for the public protection, if there is any protection at all. The Board of Aldermen will generally recollect, I think, that when the fee system was in force several years ago, it caused a great deal of ill feeling among dealers and merchants having new scales, to have a sealer step in every year and seal his scales and charge him fees when he knew his scales were correct; and there was so much dissatisfaction among dealers in that respect that the city changed the system and paid the sealers by salary. I trust the city will continue in that way; for I think the point is that if it is proper that the public should be protected, the public should pay for that protection. I am satisfied that my scales are correct, and so is every man who is honest. If a man is dishonest, you may seal his scales every day and he will be dishonest still. So far as the salaries are concerned, the two assistants to Mr. Reed got \$800 a year; but they had no authority to seal scales, as the seal had to be put on everything to make it legal. Now the deputies have the same authority to seal a scale with the sealer himself. I trust they will be paid by salaries.

Alderman Clark—In answer to the question whether there was any law for them to charge fees, I will read section 14 of chapter 51.

"In those cities or towns where a salary is paid to the Sealer of Weights and Measures no fees shall be charged for such services. In other cities and towns the said sealers shall receive the compensation set forth in section 14 of chapter 51 of the General Statutes."

Now, Mr. Mayor, section 14 of chapter 51 says—  
"Each sealer of weights and measures, including the deputy of the treasurer and county treasurers, shall receive a fee of three cents for every weight, measure, scale, beam, or balance, by him sealed, except platform balances. For sealing each platform balance weighing 5000 pounds and upwards, the sealer shall receive one dollar, and for each platform balance weighing less, fifty cents. Every dealer shall also have a seasonable compensation for all repairs, alterations, and ad-

justments, which it is necessary for him to make."

That is the answer I make to the question. The statutes of the State provide for fees to be charged. It seems to me the scales and weights would be more likely to be sealed if they have to collect fees for their services than if they are left at a salary of \$800 a year. We have a right to pay them a salary, or they have a right to collect fees.

Alderman Fitzgerald—I hope the Aldermen will think this matter over before they vote to pass this order. It is true, as the Alderman has said, while the Retrenchment Committee reported this salary at \$800, it was so small they thought it would not be just to cut it down, and they did not raise it; and the Chairman of the Board of Aldermen very justly says he hopes this Board will not increase a salary which the committee did not increase. He was under the impression that they cut it down, which they did not. They cut down the salary of the sealer, but not that of the deputy. I only hope and wish that the Alderman on the other side will go with the Retrenchment Committee in all their measures and be as zealous in upholding their cause as he is on this occasion. I think with him that fees would be better than a salary; it would be less expensive to the city. I advocated it in the Retrenchment Committee and when this question first came before the Board; and I am of the same opinion now. The weights and measures can be sealed and adjusted and the fees collected, and if the parties refuse to have their weights and measures adjusted there is a penalty of ten dollars affixed by the statute. Any persons who refuse to have their weights and measures sealed have to pay double fees when the sealer has to go to their houses or stores; and together with the penalty there is a certain amount to go into the hands of the complainant. I shall vote for the minority report, and if that fails I shall move that the salary be fixed at \$3 for each working day.

Alderman Slade—It may possibly look like a saving to the city, but to the people of the city it is no saving. The men doing business have got to take four or five dollars apiece out of their pockets, while if paid by the city it would not be a cent apiece for each man. I do not like the idea; I do not think it is right. If the scales are to be sealed to protect the public, the public should pay for it. It is an extra burden and I do not think the dealers should be compelled to hear it.

Alderman Fitzgerald moved to substitute the minority report for that of the majority.

Alderman Clark called for the yeas and nays, and the minority report was substituted for that of the majority—yeas 7, nays 4:

Yeas—Aldermen Burnham, Clark, Fitzgerald, O'Brien, Robinson, Thompson, Viles—7.

Nays—Aldermen Breck, Dunbar, Slade, Wilder—4  
Absent—Alderman Gibson.

Alderman Wilder called for the yeas, and the minority order was passed—yeas 7, nays 4—the same as before. Sent down.

#### ASPHALT PAVEMENT.

Alderman Robinson submitted the following from the Committee on Paving:

Ordered, That the Committee on Paving be authorized to pave Columbus avenue from the Boston & Albany Railroad Bridge to West Chester park with asphalt pavement; the expense thereof, not exceeding \$3.50 per yard, to be charged to the appropriation for Paving.

Alderman Thompson—That order seems to be written in a different manner from orders usually. I should like to know the amount that it is expected to expend under that order.

Alderman Robinson—It was not intended that the order should take its second reading tonight, but to lie upon the table until further notice. The committee are not yet decided about the asphalt; but they believe that asphalt will be better for that street than granite blocks.

Alderman Thompson—The chairman did not answer my question. It is to be done at \$3.50 a square yard; how many square yards are there?

Alderman Robinson—I have an idea that there are about 18,000 square yards, and it will cost between \$50,000 and \$60,000.

The order went over.

#### SUPERINTENDENT OF PERMITS FOR OCCUPATION OF PARTS OF STREETS.

Alderman Breck offered an order—That the Mayor be authorized to appoint, subject to the confirmation of the Board of Aldermen, a competent person to have charge of permits for the occupation of the sidewalks for building purposes; under the supervision of the Chief of Police; the



compensation of the person so appointed, not to exceed the sum of four dollars per day, payable monthly from the date of his appointment, and to be charged to the appropriation for Police.

Alderman Breck moved the reference of the order to the Committee on Police.

Alderman Clark—Does that order contemplate adding one more member to the Police Department?

Alderman Breck—It does not. It makes the duties so that we are not obliged to take another man from the police force. This officer is very necessary in putting up new buildings, and he has to go wherever the Chief sees fit to send him, and this saves him one man on the police force. We need every man we have there.

Alderman Clark—But I understand that the man who has had charge of that department was a police officer, and I think the office should be filled by a policeman. It does, as I claim, add one man to the police force of the city of Boston, at a cost of \$1000 a year, and makes an increase of sixteen men instead of fifteen. If one man was taken from the department to perform that duty why not take another man from the department in his place? Let us put the thing as it is. It is adding one man to the Police Department.

Alderman Robinson—It is to be referred to the Police Committee; but it has not been acted upon.

Alderman Clark—But I want that question decided before it is referred, with all due respect to the committee. It adds one more man to the police force. The man who has had charge of the building permits has resigned or been discharged, and this is to fill his place. I should presume it was necessary for a man to be clothed with police power to fill that place.

The order was referred to the Committee on Police.

VACATION SCHOOLS.

On motion of Alderman Fitzgerald the Board took from the table the order to appropriate \$2000 for Vacation Schools, amended (by this Board) so as to provide that said sum be taken from school expenses instead of the Reserved Fund.

On motion of Alderman Thompson the Board voted to adhere to the amendment. Sent down.

MUZZLING DOGS.

On motion of Alderman Breck, the Board took from the table the report on subject of muzzling dogs and killing such as are numuzzled (City Doc. No. 58).

On motion of Alderman Fitzgerald, the question was divided on the passage of the following orders:

Ordered, That the City Clerk be directed to publish annually in the newspapers of the city, a description of the disease in dogs known as rabies, together with a request that dog owners will notify the police of the appearance of any sickness in their dogs, and that they will chain the animals up until the nature of the disease shall be ascertained.

Ordered, That the Committee on Police be authorized to make suitable arrangements for capturing all dogs found running at large unmuzzled, unless accompanied by their owners or keepers, and for killing such dogs in some painless manner after keeping them in a suitable place for a period of not less than three days, during which time the owners of said dogs may redeem them upon payment of a suitable fee.

The first order was passed, and the second was passed by a division—8 for.

VENTILATION OF COUNCIL CHAMBER.

On motion of Alderman Fitzgerald, the Board took from the table the report of minority of Committee on Public Buildings in favor of an improved system of ventilation of the Common Council Chamber, at an expense of \$3000 (substituted for the majority report "inexpedient" to legislate), which came up referred to Committee on Finance; the question being on Alderman Fitzgerald's motion to non-concur in said reference, and to substitute the majority report for the minority report.

The motion to substitute was lost.

Alderman Fitzgerald moved to recommit the whole subject to the Committee on Public Buildings, who had seen the sentiment of the City Council as expressed in their votes, and the committee wished to recommend some plan. They may devise some way of ventilating the Council chamber without spending \$3000. The difficulty was in sniting the wishes of every one in a large hall like the Council chamber.

Alderman O'Brien urged the necessity of speedy action, as the work must be done during the vacation season. The reference means delay. Members of the Council have looked into it, and the ventilation of the chamber ought to be improved. Alderman Fitzgerald denied that the motion

meant delay, and in order to meet the objection moved that the committee report in a fortnight from yesterday.

Alderman Thompson opposed the reference, as the matter had been considered since early in the year, and various plans had been under discussion. He had letters from the Sergeants-at-Arms of Massachusetts and Vermont, speaking of the satisfactory working of the Tudor system of ventilation, which the minority report proposed to adopt.

Alderman Fitzgerald wanted the matter reported upon by the committee, and not by one individual.

The subject was recommitted to the Committee on Public Buildings.

PUBLIC PARKS.

Alderman Fitzgerald presented two petitions, as follows:

BOSTON, June 15, 1877.

To His Honor the Mayor and the Board of Aldermen—The undersigned, taxpayers of the city of Boston, in view of the large expenditures which must necessarily be made to insure the health of the city by an improved system of sewerage, respectfully petition that all action on the question of parks be for the present postponed.

E. & A. H. Batcheller & Co., Jenkins Lane & Sons, Clement, Colburn & Co., Loring & Reynolds, J. B. Kimball & Co., Fogg, Houghton & Coolidge, F. L. Fay, Martin, Skinner & Fay, Fred'k Jones & Co., J. F. Dane, Grinnell & Co., Strong, Burt & Moore, H. L. Daggett & Co., Isaac Cary & Co., C. & M. Cox & Co., Chase, Merritt & Blanchard, J. McKay Doyle & Co., Thomas E. Proctor, Henry Poor & Son, N. W. Rice & Co., Henry Bond & Co., F. Shaw & Bros., James Tucker & Co., E. W. Littlefield & Co., Allen, Field & Lawrence, Homer Bros., Jackson & Whittier, S. E. Westcott, Haven & Wright, A. M. Bigelow & Co., E. L. Arnold, H. S. Cushing, Davis, Whitcomb & Co., John C. Daggett, J. W. Field & Co., Charles Butler, Albert Stone, H. Newhall & Co.

The other petition was signed by Upham, Tucker & Co., George Klepham & Co., Mackintosh, Green & Co., Wheelwright, Anderson & Co., E. R. Mudge, Sawyer & Co., C. H. Joy, Lewis Bros. & Co., J. L. Bremer, Bro. & Co., William Amory, Jr., C. F. Hovey & Co., Churchill & Co., Whittemore, Cabot & Co., Lewis, Coleman & Co., March Bros. & Pierce, Perry, Cook & Tower, Lewis, Brown & Co., Miner, Beal & Hackett, Farley, Harvey & Co., Edward B. Wiibur, Taylor, Thomas & Co., Hawley, Folsom & Martin, Jackson, Mandell & Daniell, Isaac Fenno & Co., Chamberlin, Currier & Co., M. R. Wendell.

Alderman Fitzgerald—On that list are some twelve or fourteen of the names read here the other day which were selected from the thousands and thousands who signed the paper for parks, and they were named as conspicuous among those in favor of parks. Among those who were on that list are gentlemen who are in opposition to parks at the present time. I simply call the attention of the Board to it in order to show the direction of public sentiment—not because they are opposed to parks, but because they consider the time inopportune on account of the great expenses to be incurred by the city of Boston. I presume that a still greater number of signatures could have been obtained to the petition from among property holders who have previously signed a petition for parks. In connection with this question I would state now that I have noticed during the week a systematic attack upon some two or three Aldermen of this Board, because they have chosen to differ from the views put forward by certain daily papers in this city. We have been called demagogues and I don't know what, simply and solely because we have not taken the views in relation to public parks which they entertain. Scarcely a day passes but there is not some little squib about it in the papers. But I don't care. If it proves anything to my mind, from what I saw in a paper this morning, it proves that that paper is in favor of sewerage. It said that a certain Alderman of this Board spoke about the filth exhaled from a certain place on the Back Bay, and that after four or five days it ceased to be dangerous to health after exposure to the sun, and it was the new matter which oozes from the sewers; and it called attention to the fact that the prince of Wales, after spending one night near a bath tub, was attacked with fever, and said that probably this Alderman would think it a piece of extravagance to make the necessary repairs upon the bath tub. I think, Mr. Mayor, although they did not know it, they were unwittingly in favor of what I advocated—and that is sewers. The repairs should have been made on the sewer and not

ou the bath tub. I think precisely as the gentleman does who wrote that article. Several other articles have been written about members of this Board. The other members can take care of themselves, just as I can. We have been called demagogical and unprincipled because of our views. I stated the other day that certain tax deeds had been recorded.

The paper said I played a trick upon the Board in placing figures giving the tax deeds for twenty-five years, when I should have given them for every year. The list I gave here was given to me not with any view of its use in relation to parks; none whatever. It was prepared by the Assistant Register of Deeds, for the purpose of showing the necessity of indexing them, and was given to a gentleman who spends most of his time in that office. It was prepared to show the necessity for the county of Suffolk spending some money to index the tax titles. I gave it here as they gave it to me. The Alderman says that the deeds are mostly of estates outside of the city proper. I have here in a report of the Committee on the Treasury a long list of real estate, covering I don't know how many estates from 1872 up to the past year, which the city has bought. The two years have elapsed, and the committee recommend that they be placed in the hands of the city. They have gone out of the hands of the owners. To be sure if an estate is sold the owner can recover the amount from the treasury for a certain time. I also referred to the ninety-two estates sold for taxes in the gentleman's own ward in 1876, more than in Wards 2, 3, 4 and 5 altogether. In the city proper a very large number of estates were sold. I simply gave them as tending to show that I had no intention of misrepresenting the facts, and I gave the facts as they were given to me. I very well knew that every member of this Board knew that the population of the city was less twenty-five or thirty years ago than it is today. I made an arithmetical calculation to show that in thirty years 100,000 people will pay as much taxes as 3,000,000 will in one year, and to show the increase in the tax deeds recorded. My position on public parks now is precisely what it was two years ago. I can see how a man may vote to obtain authority to lay out parks, and consistently vote against parks now; but I voted against getting the authority then. I believe with the estimable gentlemen who have signed the remonstrance that there are other questions pressing upon us and other large expenditures requiring our attention more than parks.

Alderman O'Brien—In relation to the gentleman's remark about the newspaper press I would say that the newspapers generally take a very prominent course in relation to all great improvements; either one side or the other. If he complains of any remarks of the newspapers about the opponents of parks, what should the men say who stand up here and advocate them? They have been called land speculators and rings, and it has been said that they are trying to swindle the city and force it to take property. I do not think anything could be said more harsh than has been said about the men who stand up here and advocate parks. They are said to belong to the ring, and to be land speculators, and everything of that kind. Now, I don't think anything that has been said in relation to the opponents of parks is half so bad as what has been said by the newspaper press in regard to those advocating them. I do not know any class of people who are worse today than the men who own land in the line of parks laid out by the commissioners. I met a man today who is a large owner in the line of the Parker Hill Park. He says his place is crowded every holiday and every Sunday, and he has no protection whatever. When the Committee on Parks went out there they found a base-ball club playing ball there, and even on that week-day they found some fifty or sixty people, and the owner could not keep them off. He went down to the police station and got a detachment of police to protect him, but they could not keep the intruders from this Parker Hill Park that has been selected by the commissioners. There is a wealthy gentleman out in Roxbury who used to go down to the seashore every Sunday, but he tells me he has to come up from the seashore on Sunday to protect his property. Ten thousand people find their way out to Roxbury or in that neighborhood; even over the line of railroad on Washington street, that I live upon; and the men who own property in that neighborhood are puzzled how to protect it.

Well, now, I don't think it is fair for the news-

paper press to call all those men land speculators, and say that they want to force land upon the city at a high price. That is precisely what they have said. Another thing—it would be impossible for these men who own land in the line of parks to sell their property even in more prosperous times. No member of this Board would select a house lot in the line of any of the parks laid out by the commissioners. He would not lay a foundation or build a house that might possibly be taken from him in a year or two. You have placed a ban upon their property and they cannot do anything with it. Those are the men whom the newspapers call land sharks, and who are trying to force their land upon the city. I should not have said a word about it if the Alderman had not risen and complained about the attacks upon members who oppose parks.

Alderman Fitzgerald—I do not complain.

Alderman O'Brien—We are both in the same boat, and they have said harsher things of the Aldermen who stand up here and advocate parks than they do of those who oppose them.

Alderman Fitzgerald—I want it understood that I do not complain. The liberty of the press, or rather the license, is such that they can deal with public men, and say what they please. I do not complain at all. I simply rose to answer a misstatement of facts in regard to me and my position. If a paper which is notorious for its fairness, and has great weight on that account, chooses to attack persons for speaking their honest opinions in a public and legislative assembly, I say it is so much the worse for the paper and not for the individual. The individual can bear it, if the paper can. I do not complain, because I can take care of myself. I am in favor of sewerage and whatever is absolutely necessary, but I do not consider parks a necessary article, and therefore I am opposed to them this year.

Alderman Clark—I did not propose to say a word about parks tonight. We settled that matter a week ago; but there is an order on the table which I propose to call up at the proper time. So far as the Alderman has been attacked, that is a matter which concerns him. I have no doubt the public press have criticised me and others pretty severely. It is a right they assume, and I suppose they have a right to criticise any man who occupies a public position. The remonstrants who have come here agree that the sanitary condition of the city is paramount to everything else; I agree with them, and in that view offered the order I did a week ago. If any gentleman thinks the sanitary condition of the Back Bay does not need improvement, let him go down there some afternoon and see people obliged to shut their windows to keep out the stench. I want to correct a statement made in the Transcript one week ago, which was incorrect, though not intentionally, I presume. It was stated in the Transcript that it will cost six million dollars to fill up the park on the Back Bay. I suppose they made a mistake of one or two ciphers, and with the permission of the Board I will read some figures I have here. The 100 acres at ten cents a foot, without the filling, will cost \$435,000. The filling of 180,000 cubic squares at three dollars per square will be \$540,000, making the total cost of the land and filling to grade seventeen, \$975,000, instead of \$6,000,000. Those figures are based upon the supposition that it will be filled up solid to grade seventeen; but fifty per cent of the land will probably be wanted for a water basin. The estimate was made in City Hall upon calculations by the City Surveyor and City Engineer. Half the filling would cost \$270,000, making the total cost \$705,000, if the water basin is desired.

I make that statement simply because it is stated in the public journals that those hundred acres would cost six millions of dollars. If it is filled up to grade 17 the entire hundred acres will cost only \$975,000 for solid land for a hundred acres. The Public Garden was only filled up to grade 13. Then another cat in the meal was the clause in which it was proposed to relieve abutters from betterment assessment. Now, it struck me that, if you take away a man's land from him for one-half what the city is taxing it for, it is nothing but right to relieve him of betterments.

But I am willing to forego that clause, and consent that the city assess betterments. There is no ring about this. It is to remedy a very great evil which can be remedied in no other way, and at the proper time I propose to show it. There is not a full Board tonight, but at the proper time I propose to call up the subject.

Adjourned, on motion of Alderman Clark.

## CITY OF BOSTON.

## Proceedings of the Common Council,

JUNE 21, 1877...

Regular meeting at seven o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions referred in concurrence.

Reports of leave to withdraw on petitions for compensation for personal injuries, by Ellen Geary, from defect in sidewalk on Prince street; by Patrick H. Roden, from defect in plank walk in Blackstone street. Severally accepted in concurrence.

Order for appointment of James A. Cogswell and Samuel Deering as Field Drivers and Pound Keepers for Brighton District. Read twice and passed in concurrence.

Report and order to cancel a bond of Stephen H. Tarbell of \$2401, for land on East Fourth street, and to issue a new agreement to John Carew, as therein set forth. Order read twice and passed in concurrence.

Report and order to cancel the bond of \$4819, for certain land on Albany and East Newton streets, and to issue two new agreements to Martin Hayes, as therein set forth. Order read twice and passed.

Report and order to convey to G. A. P. Darling two lots of land on Albany and East Sharon streets, on the terms, etc., therein set forth. Order read twice and passed in concurrence.

Order requesting the School Committee to indicate which of the two sites selected by their subcommittee for a new schoolhouse in the Allston District will be satisfactory. Read twice and passed in concurrence.

The reports and order on the subject of ventilation of the Common Council chamber came down for concurrence in the recommitment of the whole subject to the Joint Committee on Public Buildings.

Mr. Wilbur of Ward 20 said this matter had been under consideration almost five months and the committee had investigated almost all the systems of ventilation, and after the vote of the Common Council adopting the minority report, he thought, perhaps, the recommitment would gain a unanimous, if not a majority, vote of the committee. Although the year is half gone, if the chamber is ventilated, those who come here after the present members will receive some benefit from it.

The Council concurred in the recommitment.

The order to establish vacation schools at an expense of \$2000 came down with the adherence of the other branch to the vote of May 28 that the amount be charged to school expenses, School Committee. On motion of Mr. Coe of Ward 23, the Council voted to adhere to its former vote for the transfer of said amount from the Reserved Fund. Sent up.

## UNFINISHED BUSINESS.

Order to remit tax for 1876 on lot of land forfeited and numbered 4 West Pembroke street. Passed in concurrence.

Order to release to Samuel H. and John C. Hunneman, estates on Eustis and Renfrew streets and Harrison avenue, as therein set forth. Passed in concurrence.

Order to expend \$628.76 additional for grading of squares on Commonwealth avenue. Passed in concurrence.

Order to pay Robert Higgins \$800, as compensation for personal injuries caused by a defect in Eutaw street, on his giving a release and discharge satisfactory to the City Solicitor. Passed. Sent up.

## VISIT TO SUDBURY RIVER.

Mr. Fraser of Ward 6 moved to reconsider the vote whereby was passed the order for a visit, on the 10th of July next, to the works for the introduction of water from Sudbury River, hoping the motion would not prevail.

Mr. Wilbur of Ward 20 hoped the reconsideration would prevail. The work is nearly completed and there is scarcely anything to be seen. It is not as if the Council were to be called upon to appropriate money for the work, and needed information upon which to act intelligently. If they are going to satisfy curiosity and spend a pleasant day, let it be so understood, and let it be put in the right light. Plans for the system of improved

sewerage will soon be ready, and then it will be necessary for the Council to obtain information, and that would afford an opportunity for a pleasant trip down the harbor to the proposed site of the outlet, and thereby be enabled to vote more intelligently, while they would enjoy the pleasure of a trip down the harbor.

Mr. Fraser always liked to see things put right. A great majority of the Council want to know how the money is being spent on the new water works; but few of them know where the works are. Since the order had been passed he had had some conversation with the Water Board, who told him there was a great deal to be seen.

Mr. Wilbur called for the yeas and nays. Lost. The motion to reconsider was lost. Sent up.

## ARMY AND NAVY MONUMENT.

The order authorizing arrangements to be made for dedicating the Army and Navy Monument, on the Common, on the 17th of September next, at an expense not exceeding \$22,500, was considered under unfinished business, and on the call of yeas and nays on the passage of the order it was defeated—yeas 35, nays 22; a two-thirds vote being necessary.

Yeas—Messrs. Barry, Beeching, Blanchard, Brown, Burke, Cox, Day, Dee, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Loughlin, McDonald, McGaragle, Nugent, O'Connor, Pearl, Perham, J. H. Pierce, Ruffin, Sibley, Spenceley, Stone, Vose, Warren, E. R. Webster, G. B. Webster—35.

Nays—Messrs. Blodgett, Brintnall, Cannon, Coe, Crocker, Danforth, Felt, Hibbard, Howes, Kidney, McClusky, Morrill, O'Donnell, Pratt, J. B. Richardson, M. W. Richardson, Roach, Roberts, Sampson, Upham, Wilbur, Wolcott—22.

Absent or not voting—Messrs. Barnard, Clarke, Cross, Doherty, Mowry, Mullane, O. H. Pierce, Pope, Reed, Shepard, Smardon, Souther, Thompson, Thorndike—14.

Mr. Flynn of Ward 13—I rise at this time to make an explanation to the Council, if there is no objection. I desire to state that the Committee on the Soldiers' Monument have endeavored to get this matter before the Council at the earliest possible moment; and, from the vote which has just passed, it is very evident that the Council do not intend that the Soldiers' Monument should be dedicated on the 17th of September. I do not, myself, intend to move a reconsideration, nor do I believe any other member of the committee will do so. I merely rise at this time to state that the matter now is before the public, who will know that it is the opinion and wish of the Common Council that this monument should not be dedicated on the 17th of September.

Mr. Richardson of Ward 10—I voted "no" on this question, not because I was not desirous that the monument should be dedicated with proper and appropriate ceremonies; but I do not think it advisable and expedient, under the circumstances, to have so large a sum appropriated. I hope—and if no one else does it, I will introduce an order later in the evening—that the committee will be authorized to spend a reasonable sum for this purpose. I think that the majority of this Council desire that this monument shall be dedicated appropriately, properly, and respectably; but I think a great many citizens and members of the Common Council agree with me that it is too large a sum. That is the reason why I voted "no." Perhaps that is all that is necessary to state at this time, but it should not go out, as the gentleman from Ward 13 stated, that the Common Council do not intend to have this monument appropriately dedicated or the occasion properly celebrated. I think the Council do mean to have it done, but I do not think it wise to appropriate so large a sum.

Mr. Flynn of Ward 13—I believe it should go out that the members of this Council have voted not to appropriate this amount of money for the dedication of this monument; and it would have been more manly in any man who voted against this to have called upon the committee to make some explanation of the cost and the details of this expenditure, rather than to vote against it. No one rose in his seat and questioned the amount asked for by the committee. If any one had, the members of the committee would have been ready and willing to give every explanation in their power as to how this money is to be expended. But it appears that men are prejudiced against it. I have heard them myself; members have talked about the dedication of this monument, and I was

asked a question by a Republican member of this Council what the politics of a certain member was, whether a Democrat or a Copperhead, because he did make an objection last Thursday night. I said he was a Republican and was elected here as a Republican, and that I did not believe any Democrat would oppose the expenditure of this amount. The gentleman has risen in his place here after voting against it, but still no reasons were given before the votes were taken, and the committee was never asked to give any explanation of the cost of dedicating this monument. I say that before this vote was passed, if any man was not ready to vote upon the question it was his duty, if he believed that the monument should be dedicated at all, to have arisen in his place and asked for some information from some member of the committee; but they failed to do that, and went on and voted against the order, and I say it is no more than just to the people of Boston that it should go out that the Common Council of Boston has refused to appropriate the amount of money which the committee asked for for the dedication of that monument. I say so, and I do not care who voted for or against it. But the yeas and nays are there, and let the public and people thus judge who is right and who is wrong in this matter.

Later in the session, after the disposition of the order for a visit to the Sudbury River Water Works, Mr. Beeching of Ward 1 moved the suspension of the rule in order that he might move a reconsideration of the vote whereby was rejected the order in regard to the Army and Navy Monument.

Mr. Danforth of Ward 10 called for the yeas and nays. Lost.

Mr. Wilbur of Ward 20—I hope this reconsideration will prevail. I was in hopes that some one would rise and ask for an explanation before the vote was taken.

Mr. Beeching raised the point of order that the matter before the Council was on the suspension of the rule.

The President ruled the point well taken.

The rule was suspended.

Mr. Beeching—I make this motion in order that we may get some explanation from the committee having this matter in charge. I think I voted understandingly. I do not think the appropriation is any too large for the purpose. If we are going to dedicate that monument to the memory of the men who fell in the war we ought not to look for a moment at the small sum of \$22,000. If I had thought that the sum was too large I should have voted against it, and I would ask the committee to give us some explanation in regard to the programme from the committee in order that we may judge whether it is sufficient.

Mr. Wilbur raised the point that Mr. Beeching was talking on the main question, when the reconsideration was under consideration.

The President—The motion to reconsider opens the debate upon the main question.

Mr. Coe of Ward 23 raised the point that Mr. Beeching had not yet made the motion.

Mr. Beeching made the motion to reconsider.

Mr. Flynn of Ward 13—As a member of the committee, I should never have made that motion, nor do I believe that either of my colleagues on the committee would have done so, but would have allowed it to have gone to the public as being rejected by the members of this Council; and they would have done so, as I said before, for the reason that when the matter was before the Council no member who voted against it objected to the passage of the order or asked for any explanation. Now, sir, after several weeks' consultation with the head of the Grand Army of the Republic, General Sargent, and with Mr. Everett, who represents the Masons; Mr. Cushing, who represents the Odd Fellows; and with the representatives of all the different organizations in Boston, the committee were enabled to judge what would be the expenses of the parade on that day. After careful consideration they figured the expenses to be about \$22,500. In the first place it will be seen that two brigades will be in camp at Framingham about that time. The committee thought the least they could do for them would be to pay their fare to and from the city of Boston, and also provide bands and a collation for them—give them say fifty cents a man for the collation, in order that men coming from the western part of the State and having no hotel to go to, might be provided with a collation before they went to their different homes. The Second Brigade is composed mostly of citizens living in the

western part of the State, and they will be obliged to remain here that night, so the committee thought the least they could do would be to pay for their band and give them their transportation and a collation. The committee thought that they ought to do for the First Brigade exactly what the State allowed for them when they turn out next Tuesday to receive the President. The men volunteer; the State pays for their transportation and for the officers' horses and the artillery horses, and also allows them so much for rations that day. The committee thought that the city ought to do just about what the State allowed for those men. That would amount to about \$6500. Now, sir, everybody knows that the members of the Grand Army are poor and cannot afford to pay for a band; they cannot afford to be at any great expense for turning out on that day. The committee made arrangements with the different railroad superintendents for one-third fare for the Grand Army, which is much better than they could do for other organizations. The committee thought the city ought to pay the fare of the members of the Grand Army. It is said there will be about 8000 men in line that day, and the committee thought that a band for each thousand men—or eight bands—and to furnish them coffee and rations along the line, could be done at an expense of about \$6500. The Masons propose to pay for their own bands and carriages; but the committee thought they ought to pay for the bands for some of the encampments of Odd Fellows, which would amount to \$450. The committee figured that the expense of bands for temperance, charitable, and some other organizations would be about \$750. Then for the expenses of the chief marshal and his aids, the getting up of flags and stands, etc., the committee allowed about \$1500. It was also the intention of the committee, as they report in the order, that the President, cabinet, and such other dignitaries as the committee thought proper, should be invited, and the expenses in entertaining them and the expenses of the City Council would amount to \$5000. The contingent expenses of this committee, the putting up of stands, etc., would amount to \$2000, making an aggregate of \$22,500.

Mr. Wilbur—Is it intended to invite members of the Grand Army of the Republic from all over the State?

Mr. Flynn of Ward 13—It is.

Mr. Wilbur—While I voted no on this question I did so not for the reason that I did not want the monument dedicated in a proper manner. But it seemed to me that \$22,500 was a great deal of money to spend for the dedication of this monument. It seemed to me that this monument is not a State affair, but is a local affair for the city of Boston, and that the dedication should be done here in a creditable manner, but at a great deal less expense than \$22,500. I have had some conversation with the chairman of the committee which has this matter in charge, and he stated to me that to dedicate the monument and carry out the programme that is now contemplated by the committee, could not possibly be done short of \$22,500. While I believe that the committee will act judiciously and economically, it seemed to me that it was a great deal of money to spend in this direction. I cannot see why those invitations should be extended to the Grand Army from all over the State to assist in dedicating this monument. There have been monuments erected in different parts of the State, and in towns and cities which have not called for or contemplated so large an expenditure. I hope that this programme, if it is carried out at all, will be carried out with credit if it takes \$30,000.

Mr. Sibley of Ward 5—Twenty-two thousand five hundred dollars is quite a sum of money. At first thought it seemed to me to be a good deal for the purpose, and it seems more when we don't know about what is going to be done with it. But I voted for this sum, and was willing to pin my faith on the sleeve of the committee, believing that they did know something about the subject. I am somewhat surprised at the vote. The gentleman who just sat down was willing to vote for \$30,000 if necessary. Some think we should have a creditable amount, and it is a matter of individual opinion with each member what is creditable. I was on the committee when they got up the monument in Charlestown. It was a small place and a small affair, but I brought in an order for \$4000 there in our little town.

Mr. Blodgett of Ward 8—A one-horse town.

Mr. Sibley—Well, it was a pretty fast horse, and

he kept up pretty good courage, too. We carried it. That was in 1872. The Grand Army came, and it was a pretty large party. I never heard that Charlestown was any poorer for it, and we had a pretty good time for a "one-horse town." We gave a collation; it was cheap, because it had to be, and they were satisfied. Now that I see this monument is to be erected, if I were wealthy enough, I would give \$22,500 myself to have it dedicated. We have waited a good many years, but it has n't been completed. The same man, Martin Milmore, did the work in Charlestown, and has done pretty much all the work on Commonwealth avenue. I don't believe Boston will be any poorer for making this appropriation. I believe it has been fully explained, and I hope the order will pass. Of course it seems to be a large sum. I would not vote for it unless there was a reason for it, and I would not vote against it unless there was some reason to make me oppose it.

Mr. Beeching of Ward 1—I think the sum is none too large. One gentleman has said that monuments have been dedicated at much less cost, which is very true; but this one will be regarded throughout the State differently from any other. It is erected by the city of Boston in memory of the men who fought and fell in the war. Boston is the capital of the State, and the eyes of people in all parts of the State are directed hither; they expect something more in the dedication of a monument here than they would in a country town or a small city. It is very fitting that we should have the military join in the procession. The military will be in camp at Framingham, and all the city will have to do is to bear their expenses from Framingham here.

Mr. Flynn of Ward 13—One brigade only.

Mr. Beeching—The city could not do less than pay the expenses of those men who join in the procession on that day. After hearing the explanation of the chairman of the committee, every gentleman must be satisfied that the programme proposed cannot be carried out for a less sum. Now, if you think this sum is too large, and that something smaller would answer, we can call upon them to report a smaller sum. But those opposed to this sum have not proposed any other; they do not propose to amend the order by cutting down the appropriation. After looking at the matter in all its phases, and hearing the explanation of the committee, it appears to me that every gentleman in the Council must be satisfied that the sum is not too large to carry out the programme.

Mr. Pierce of Ward 24—I think that many of us will feel better prepared—I certainly shall—to vote upon this matter if we can have time to look over the figures presented by the chairman, and examine the subject more carefully in many respects. While I voted for the order, and shall do so again if it comes up, I now move that it be especially assigned to the next meeting at eight o'clock.

Mr. Flynn of Ward 13—I hope that motion will not prevail, because, if the programme is to be carried out at all, and if any money is to be expended, it should be appropriated immediately, in order that the committee may do something in relation to selecting an orator for that day. He may take two months to prepare himself, and there is only a little over two months in which to do this whole business. This matter has been before the Council for some time, and I hope it will not be laid over, as there will be nothing gained. The committee have been into this matter thoroughly and had the heads of the different organizations before them. They figured the expense down to the least possible amount. The only thing for the Council to say is that they do not want it done, and the committee would be perfectly satisfied.

Mr. Ruffin of Ward 9—It is no easy matter to get up the programme for any celebration, and I can see that one of this kind is of considerable trouble. The committee have given it great consideration. I know nothing of their action, except what I have seen in newspapers; but I have seen from time to time that the citizens are more interested in this matter than usual, and this in a measure takes it out of the business which usually comes before the Council and makes it a matter of more importance. I conceive it to be a matter of considerable importance. If we are going to dedicate that monument from which we expect such great things, I think it should be dedicated with appropriate and imposing ceremonies. You cannot possibly get along with that dedication next September without having

the Masons present. That venerable body must be there, and if they come let them come in force. Let the dignitaries of the best and oldest societies be there. Then comes the Loyal League or the Grand Army of the Republic. What kind of a celebration would it be if you did not have them there? Those are the people to be there. Let us have every veteran of the army and every cripple, everybody who took part in the war. Let us stop our wrangles and have our soldiers present. Then, in addition to that we want our present military organizations. Going over the items as laid down by the member of the committee, I ask which of them you could leave out? It comes at a season of the year when they can all come up here and will be near at hand. I conceive that when you start this thing, when you get prominent people interested, such as the Masons and the Grand Army, and when the heads of other organizations have signified their willingness to cooperate—for they all know it is going to be a great affair, and they want to be counted—I can see how all the charitable and temperance organizations will want to be out and take part in the procession. I say, let them come. It is going to be a benefit to the city of Boston. Everybody who comes from the western part of the State, every man who brings his children or his wife or friend, makes business for the railroads, circulates money among the tradesmen, and generally infuses business among the people of the city. Looking at the matter from that aspect, I can conceive how it is going to be a very good thing for the city. When once you have started, I cannot see how you are going to take one item from this statement of the committee. It has had mature consideration. I would not say cut off the temperance organizations and military. I say let us have that programme as a whole and make the celebration as a whole. If the President of the United States should be here we ought to have an occasion worthy of our guest. He will bring with him several distinguished guests, and let them see what the city of Boston can do in the way of a street celebration. This matter has not taken us by surprise. When the celebration of the Fourth of July was considered, we cut down that appropriation because it was argued that we were going to have a big celebration on the 17th of September, and we made preparations for it accordingly. If you commence making preparations now, let it be understood that you are going to have a large celebration; everybody will be interested in it, and they will believe it is going to be a great affair and one that we will be proud of.

Mr. Pratt of Ward 20—I certainly see the propriety of disposing of the matter before us in a very prompt time, and I shall also be very glad to vote in favor of reconsideration. I voted against the appropriation, and therefore, perhaps, am a subject of the feeling which was shown by the member of the committee against those who did so vote against it. But I wish to set myself right upon this matter, although perhaps the Council will think I did vote that way because I do not desire to see the monument dedicated in a proper, becoming and liberal manner. I sincerely hope that when the reconsideration prevails the committee will give us items, and that we will have the figures and details proposed. I did expect that the fit of economy which was so strong upon this branch of the Government during the first part of the year would soon be over, and I expected that those who favored retrenchment early in the year would soon show themselves willing to expend as much money as our predecessors have done. This seems to be the opportunity of showing it. Now, with all our professions this year, I think we ought to see what would be the lowest sum for which we can dedicate this monument. When the corner stone was laid, with a good deal of ceremony and circumstance—as we all remember, a few years ago—the President of the United States was present and some of his cabinet, and the Masons and other societies took part in the procession and the day was made an occasion of a very imposing ceremony.

Mr. Flynn of Ward 13—Did I understand the gentleman to say that the President of the United States was here at the laying of the corner stone of this monument?

Mr. Pratt—If my recollection serves me, he was.

Mr. Flynn—If my memory serves me he was not at the laying of the corner stone of this monu-

ment, but that he was present at the laying of the corner stone of the new Post Office.

Mr. Pratt—At any rate those organizations were present which are invited to the dedication. As the laying of the corner stone of a structure is considered an event of comparable importance with the dedication of a structure, I think the best we can do is to compare the cost of laying the corner stone with that proposed for the dedication. On turning to the details as given in the Auditor's annual report for 1871-2, I find that the total expense to the city for laying the corner-stone was \$5078.50. Now—

Mr. Flynn of Ward 13—Will the gentleman please read the items of expense, what it cost and how it was incurred?

Mr. Pratt—The item is entitled "Soldiers' and Sailors' Monument. Expenses attending the laying of the corner stone of a monument on Boston Common, Sept. 18, 1871, to be erected by the city of Boston to perpetuate the memories of her sons who gave their lives to their country in the late Rebellion:

Bands of music for escort, First Brigade, M. V. M. and G. A. R.....	\$2,012.00
Advertising.....	688.20
First Battalion of Artillery—horses and salute, and horses for the cavalry band.....	670.00
Carriage hire.....	474.00
Platforms, music stands, printing and small items.....	309.10
Marshal's expenses—horses, hats, badges and gloves.....	247.75
Decorations.....	100.00
Silver plate and engraving.....	85.00
Expenses of committee—Refreshments.....	\$466.45
Carriage hire.....	26.00
Total.....	\$5,078.50

Now, Mr. President, I have no further remarks to offer upon that statement. I simply wish to make a comparison between these figures and those of the committee, and ask for further explanation from them. I understand the explanation very well so far as made. It strikes me that in the small items they have made a very faithful explanation, whereas the large items have been glided over very rapidly or not touched upon at all.

Mr. Wilbur of Ward 20—Have the committee under consideration any other plan than this? and can they suggest any plan by which it can be done for a smaller sum?

Mr. Flynn of Ward 13—I do not know what the committee would advise or suggest. They reported their plans to the Council, and what they propose is to have them ratified by the Council. The Grand Army have been invited. It is true the expense of laying the corner stone was about \$5000; but no collation was furnished and the transportation of the Grand Army and the militia was not paid. I understood the gentleman to read that at the laying of the corner stone the amount spent by the Grand Army and the militia was 2000 and a few odd dollars. As I said before, the committee propose to do exactly what the State is doing for the troops who receive the President—pay their transportation, give them a collation and pay for their bands. These are three items which they propose to expend for the militia alone. The committee have made arrangements with the railroads to bring them in at one-third fare. Then the committee thought they ought to provide bands for the other organizations, if they give their time on that day and pay their own transportation.

Mr. Crocker of Ward 9—Although I do not agree to the idea currently advanced here that a member of the Council should not vote against a measure unless he gets up and makes a speech against it, I shall give a little explanation of my vote, and why, as at present advised, I shall vote against it again. I think it is too large a sum to spend for such a purpose. We started out as an economical City Government; we endeavored to retrench; we cut down salaries—or the City Government did—no doubt causing great embarrassment to many gentlemen, and saving only three or four times as much as is proposed to be spent in this celebration. Now, it seems to me that if the city is poor and wants to economize, one of the first points and not the last to economize in is in this matter of a grand celebration and procession. If we want to save money, we may well dispense with this luxury of a great procession and celebration—dispense with its greatness; not dispense with it altogether, but simplify it and make it no greater than the one we had before, which for

ought I know was perfectly proper and satisfactory at that time. For one, I did not see why five or ten thousand dollars might not provide a sufficient celebration for these economical times, and in that view I voted against spending so much money. I would not vote against five or ten thousand dollars, but it seems to me we ought not to vote for so large an expenditure for luxuries this year.

Mr. Pierce of Ward 24—I made the motion to assign because I thought we might get some additional light, and I did not believe a delay of one week would make any material difference in the selection of an orator. I should be very sorry to see this matter defeated, and I think that by a little delay we will be more likely to carry through a liberal appropriation than if it is forced through tonight. I hope that some of those who voted in the negative will be ready to vote for some sum, and perhaps some may be able to propose a plan to carry out the celebration for a less sum, and if so, some of us may vote for a less sum. I hope we shall postpone it one week before finally passing upon the matter.

Mr. Spenceley of Ward 19—I do not understand that they are obliged to spend this \$22,500 if they can get along without spending so much. I think we can trust this committee with that sum to spend for this celebration if they need it, and if they can get along for less I believe they will save it. By the way, I wish some of the gentlemen who propose it would tell us which of these organizations we should cut off. I know it is very easy for gentlemen to get up and say you can cut off thus and so; but it is hard to decide which shall be cut off. I believe the sum is not too large to spend for the dedication of this monument, when we spent \$5000 in laying the corner stone. We all know it is much easier and costs less to get married than to keep house. Laying the corner stone was like getting married, and now we are going to keeping house in the matter. We are going to set up a monument for what the soldiers did, and I hope it will be done in good shape and style, and I don't believe it can be done for less money. I believe in retrenchment. I think the committee have retrenched. I had an idea they would ask for \$25,000. The position of some gentlemen here reminds me of the man who went to the grocery store. The grocer charged him two cents more on a pound, and after beating him down two cents the man thought he got it cheap, while the grocer only sold to him at the regular price he charged others. If the committee had brought in an order for \$25,000, some one would have tried to cut it down to \$22,000; and if \$22,000, they would have tried to make it \$17,000. The committee have investigated the matter and know what it will cost. Another point: I don't believe it is a local monument, and for Boston alone. I don't believe there is a heart beats in Massachusetts but will feel a pride in the soldiers' monument on Boston Common; and the people of the State want to have a part in its dedication. Their hearts will throb and their eyes grow bright when they look at it, because it is one of those things that commemorate the acts of the soldiers of the whole State and not Boston alone. I hope it will not be assigned, but that the order will be passed tonight.

Mr. Pratt—I want to ask the gentleman from Ward 19 what he thinks of the item of \$5000 for refreshments?

The motion to assign was lost.

Mr. Richardson of Ward 10—I hope the reconsideration will prevail. Whatever is to be done ought to be put under way, and we should know what is to be done, and there is not too great time for preparation. If it is brought before the Council again by reconsideration I shall offer an order that that amount be reduced to \$10,000, and I hope an order with exactly the same phraseology, appropriating that amount, will be passed.

The reconsideration prevailed, and Mr. Richardson offered the following as a substitute for the original order:

Ordered, That the Committee on Army and Navy Monument be authorized to make suitable arrangements for dedicating the army and navy monument on Boston Common on the 17th day of September next, at an expense not exceeding \$10,000; to be charged to the appropriation for Incidentals.

Mr. Richardson of Ward 10—I am rather sorry to see the spirit manifested by the concluding remarks of the gentleman, intimating that if he cannot have his own way he will not do anything.

I am wholly in sympathy with the spirit and idea which prompts an appropriation for this monument and its dedication. I trust, and all of us trust, that it will be a beautiful and just tribute, not only to the heroic dead, but a monument teaching a lesson and an example, and encouraging and exciting the patriotism of the people. But it is a mere question of amount. It is a question of judgment in this matter, and it is useless for the committee to say that the opinion of others ought not to be considered. I for one had no impression or suspicion that the committee had laid out the dedication ceremonies upon so large a scale. I had no idea that they intended to invite the President of the United States and the cabinet here. This is a monument for the city of Boston. The cities around Boston and in various parts of the State have had their celebrations, in which they took a just pride. It seems to me it is undertaking to make a great display which other and poorer municipalities could not undertake, and it is trying to eclipse them. Other cities—Charlestown, Worcester, Springfield—have had their monuments dedicated. I had no idea it was intended to invite the Grand Army from the western part of the State. I supposed it was a local affair. Just think, the entire cost of the monument, from the granite foundation laid six years ago, including the bronze statue, will be only \$75,000; and here the committee propose to expend, in a three or four hours' ceremony, nearly one-third as much as the entire cost of the monument on the Common, in an occasion that will take but two or three hours and then fade away from the sight and recollection of the people. I am stingy in nothing that is to be placed upon Boston Common, for a longer or shorter period, that will remind generations present and to come of the heroism of the soldiers, and I am not parsimonious in anything that will excite coming generations in devotion and heroism for their country; but I am opposed to spending \$5000 in gunpowder and beer. I think that \$10,000 is enough. It will be proper and appropriate to dedicate this monument, and so far as I have had any conversation with citizens I think it would meet their views.

Mr. Flynn of Ward 13—What instructions would you give to the committee, and how would you have this \$10,000 expended? Would you invite one organization like the Grand Army, or different organizations?

Mr. Richardsou of Ward 10—My intention is to confine it to the people in the city of Boston. I would not invite the President of the United States here on that occasion. It is a local affair. There are a great many people in our own city and State who do not believe in erecting a monument to perpetuate internecine strife. I am not one of those, but the feeling exists. The objection might be raised that the President is the President of the South as well as of the North; that he would come to assist in erecting a monument to perpetuate the recollection of the war upon the South. I cannot say what organization I would advise to be invited, but at the same time I think the monument can be properly erected by confining it to the limits of Boston and to invitations to those organizations which happen to be in Boston and its vicinity. I have no feeling in the matter. It is not a feeling of principle, but of individual judgment. It is just as the different members of the Council look at it. It seems to me that \$10,000 is enough. If the majority differ, I am content.

Mr. Sibley of Ward 5—With my limited information I do not agree with the gentleman who has just sat down. There may be such a feeling; but on the Seventeenth of June, 1875, we had a good many men here from the South. My associate in the Council from Ward 25 that year—now Ward 5—was at that time colonel of the Fifth Regiment. They met the Fifth Regiment from Maryland, who came over to Charlestown in a body, and the first thing they did was to decorate that soldiers' monument with flowers. I was among them for two days, except some four hours and a half a day, and heard them talk. I was about all the while with these men from the South. It has also been my pleasure to know many shoe merchants from almost every large town in the country, and whatever may be their views in regard to men; I have never heard one man speak against a monument, and I have shown more than a score that monument in Charlestown—it is so near Bunker Hill—and they all spoke of it with praise. I do not know how men feel about these little bickerings; but I know how Boston and Massachusetts felt, and I know how the Grand Army

felt in 1872. The Commander of the Grand Army is a resident of Boston, who desires to have them come. I hope they will come. If there is a body in the world who wants to come, let them come. We will say nothing about the Masons. I am glad that they propose to pay their own bills. I do not believe it can be done much short of \$22,500. It sounds very large until we see what is going to be done. If we don't wait the Grand Army, cut off that; and if we don't wait the Odd Fellows or Masons, very well; only give us some plan. The committee have worked upon this. It is six years since the corner stone was laid. It has been long maturing. The members of the Grand Army will soon pass away. I hope every cent that is necessary will be appropriated, and, if necessary, that every cent of this will be used. I believe that Boston will be no poorer. Talk about retrenchment; pass that over to us and make comparisons! Gentlemen, I have no fears. I did what I believed my duty then, and I do what I believe to be right now. I don't question any man's motives at all. If we use but \$10,000 it is only a matter of opinion. I hope the order for \$22,500 will prevail.

Mr. Beeching—The arguments of the gentleman who offered the substitute are not so weighty as I should expect to hear from him. One reason he assigns for a small appropriation is that it should be a local affair. Well, I think it ought to be a State affair. This is the capital of the State, and more will be expected of Boston than of a country town or small city. I do not think a large monument will cause the jealousy on the part of the towns that the gentleman intimates. After listening to the gentleman, it does not seem that his arguments are sufficient to cause the appropriation to be cut down to so small an amount. People expect more from Boston in this line than from a town. People of other places will want to come here and help celebrate the dedication of this monument, and to induce them to come here we must have something worthy of the occasion. I do not see how we can lop off anything from the programme and make such a celebration as the city of Boston ought to have upon the occasion. I hope the substitute will not prevail.

Mr. Howes of Ward 18—I am inclined to believe that the impressions of the gentleman from Ward 9 against having an immense celebration here on the 17th of September are more general than some gentlemen of the Council give the people credit for. I think a large number of people in this city are disposed not to see too great a celebration made to perpetuate the memories of the late war. Certainly, sir, I am one of the number, and that is the reason I voted against the appropriation. I believe in the sentiment of Mr. Sumner in relation to the battle flags at the State House; while it may be right and proper to erect monuments to the memories of the soldiers who fell during the war, I think it would be in better taste if we did it in a quiet and becoming way, showing sorrow rather than exultation. If we cultivate this feeling here, there is no reason why the South should not do the same thing. The people of Columbia might have a celebration and invite all the soldiers of the State; other Southern States might do the same thing, and instead of the memory of the late war dying out, and the country forgetting that there was a war, we shall have these constant celebrations to remind us of what we wish to forget. For that reason I voted against it, and hope it will be confined to Boston itself.

Mr. Pierce of Ward 24—I trust the substitute will not prevail. It is cutting the appropriation down too much. Even if only the Grand Army were invited and their expenses paid, as proposed by the committee, I hardly see how it can be done for that sum, if they turn out as the commander has intimated—with about 8000 men. If we pay their transportation even at one-third the regular rates, and also furnish them a collation costing fifty cents apiece, it seems to me it would about use up our \$10,000, and we should have nothing left for other expenses. It does seem to me that all the soldiers in the State should be invited to participate in this celebration—or rather this ceremony, for I do not like to call it a celebration. As has been already stated, this being the capital of the State, I think it is right and proper that, in dedicating our monument, we should recognize all the veterans of the State; and, if any invitation is given, I hope it will not be limited to the organization known as the Grand Army of Boston, but it will be to all men in the State who fought in that

struggle. I do not think the feeling of animosity will be increased by this ceremony; neither do I think it is going to be a jubilation, as has been intimated. I certainly hope it will not be. At least, I do not think the feeling of animosity comes from the soldiers, for among the first to extend the right hand of fellowship to the Southern soldiers were the soldiers from the North, and I think that feeling is maintained to a great degree at the present time. It will probably be the last occasion on which we will have an opportunity to do anything in a public manner to show any great respect for the memories of the soldiers, and I think it is proper that this ceremony should be conducted in an imposing manner, and that all methods that can be adopted to make it impressive should be properly provided, and the expense, so far as is necessary, paid by the city. I believe that if we show our appreciation of the efforts of those men to whose memory this monument is erected, it will have a good effect upon many generations to come. I do not believe that the money spent in the celebration of the Fourth of July, even though many thousands of dollars have been spent in squibs and fire-crackers, has, on the whole, been badly spent. When the time of trial came at the opening of the war, I believe that if it had not been for the little cultivation of patriotism in Fourth of July celebrations, we should not have found men to go into the army and maintain the right as we believed it. I believe it was mainly through that. We cannot tell how soon the occasion may demand a similar sacrifice. I believe it is well to show to younger generations that such efforts are appreciated, and that we should do it in a becoming manner. I think myself that this appropriation may, perhaps, be cut down. I am rather inclined to believe with the gentleman behind me, who offered the substitute, that it might not be any advantage to invite the President of the United States. The omission of the item of the entertainment of the President and other invited guests would cut off about \$5000; but I do think \$10,000 too small.

Mr. Brintnall of Ward 5—I should like to renew the motion that this matter be assigned to half-past eight at the next meeting, for the reason that I do not feel like voting upon it again tonight, and I think there are others of the same view.

The motion to assign was lost, and the substitute was rejected.

Mr. Danforth of Ward 10 moved to make the amount \$15,000. Declared lost. Mr. Danforth called for the yeas and nays, which were not ordered. The declaration was verified by a division—15 for, 40 against.

Mr. Howes of Ward 18 moved to amend by adding "that no organizations outside of the limits of Boston be invited." Lost.

Mr. Pratt moved to amend by adding, "And similar organizations from Vermont and Rhode Island shall be invited." The President ruled the amendment out of order.

Mr. Hibbard of Ward 17 moved to amend by providing that "All organizations outside of the city of Boston shall pay their own expenses." Lost.

Mr. Pierce of Ward 24 moved to make the amount \$20,000. Lost.

The order was passed—yeas 43, nays 17.

Yeas—Messrs. Barnard, Barry, Beeching, Blanchard, Brown, Burke, Cannon, Cox, Day, Dee, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McDonald, McGaragle, Nugent, O'Connor, O'Donnell, Pearl, Perham, J. H. Pierce, M. W. Richardson, Roach, Ruffin, Sibley, Souther, Spenceley, Stone, Thorndike, Vose, Warren, E. R. Webster, G. B. Webster—43.

Nays—Messrs. Blodgett, Brintnall, Coe, Crocker, Danforth, Felt, Hibbard, Howes, McClusky, Morrill, O. H. Pierce, Pratt, J. B. Richardson, Roberts, Sampson, Upham, Wilbur—17.

Absent or not voting—Messrs. Clarke, Cross, Doherty, Mowry, Mullane, R. Pope, Reed, Shepard, Smardon, Thompson, Wolcott—11.

Sent up.

#### PETITIONS PRESENTED.

Mr. Ham of Ward 14 presented the petition of Charles Gordon and eighteen others, for permission to place a soda fountain on the Common. Referred to the Joint Committee on Common. Sent up.

Mr. McGaragle of Ward 8 presented the petition of the Eastern Railroad Company, for leave to

erect a wooden building in the rear of Cambridge street in the rear of the railroad track. Referred to the Joint Committee on Survey and Inspection of Buildings. Sent up.

#### ELECTIONS.

Mr. Stone of Ward 3 submitted a report renominating Charles H. Dennie for City Treasurer.

The report was accepted, and, on motion of Mr. Stone, the rule was suspended and a ballot ordered.

Committee—Messrs. Stone of Ward 3, Vose of Ward 24, Wilbur of Ward 20.

Charles H. Dennie received 50 votes, the whole number cast, and was elected. Sent up.

Mr. Webster of Ward 3 submitted a report recommending Thomas Sherwin for City Collector. The report was accepted, and on motion of Mr. Webster the rules were suspended and ballot ordered. Committee—Messrs. Webster of Ward 3, McClusky of Ward 13, Thorndike of Ward 2:

Whole number of votes.....	55
Necessary for a choice.....	38
Thomas Sherwin.....	54
E. W. James.....	1

Mr. Sherwin was elected. Sent up.

#### MANAGEMENT OF EAST BOSTON FERRIES.

Mr. Roberts of Ward 4 submitted the following: The Joint Special Committee appointed to investigate the statements which have appeared in the public prints relative to the management of the East Boston ferries, having attended to that duty, beg leave to submit the following report: The committee gave a public hearing to all persons interested in the subject. At this hearing Mr. T. C. Whittemore, formerly clerk of the Board of Directors of East Boston Ferries, appeared and presented certain charges embodying in substance the charges which have appeared from time to time in the papers, and a copy of which is hereto annexed. Mr. Whittemore avowed his ability to prove the charges, and at his request a number of witnesses were invited to appear before the committee. Three public hearings were given, at which statements under oath were made by gentlemen connected with the present and past management of the ferries, and a large quantity of documentary evidence was introduced. Every opportunity was afforded for a full and fair investigation of the matter. Your committee are of the opinion that none of the charges were substantiated. They therefore respectfully report that no further action is necessary on the part of the City Council.

[Signed]

JOHN E. FITZGERALD.  
HUGH O'BRIEN.  
GEO. DUNBAR.  
ROBT. M. THOMPSON.  
OSCAR B. MOWRY.  
PETER S. ROBERTS.  
WM. K. BLODGET.  
JAS. H. UPHAM.

The report was accepted. Sent up.

#### PERMIT FOR WOODEN BUILDING.

Mr. Kelley of Ward 3 submitted a report from the Joint Standing Committee on the Survey and Inspection of Buildings recommending the passage of an order permitting the authorities of the Dorchester-street Methodist Society to enlarge their church building on Dorchester street in accordance with the application on file.

Order read twice and passed. Sent up.

#### ACCOUNTS OF TREASURER AND COLLECTOR.

Mr. Stone of Ward 3 submitted the following: The Joint Standing Committee on the Treasury Department, to whom were referred the accounts of the City and County Treasurer and the City Collector, for the year ending April 30, 1877, beg leave to report that they have made an examination of the accounts, and find that they correspond with the receipts and vouchers on file. The cash in the hands of the City Treasurer and bank deposits were examined June 6, and found to be correct. The Treasurer's trial balance to June 6 was examined and found to be correctly taken off and accompanied by the proper vouchers. The cash outstanding upon pay rolls in the hands of the cashier have been examined and found correct. The trial balance and assets of the Dorchester Trust Fund have been examined and found correct. The City Collector's report of collections on account of the city of Boston and county of Suffolk has been examined; the items have been placed to the credit of the several accounts to which



they belong and the total amount of collections agrees with the amount received by the Treasurer. The Collector's trial balance to April 30, 1877, was examined and found correct; the amount of collections from May 1 to June 6, 1877, agrees with the amount received by the Treasurer during that time. The amount of all bills said to be outstanding upon the trial balance was compared with the books, and the total accounts and found to be correct. The bonds for public improvements and public lands have been examined and compared with the Collector's trial balance and found to correspond.

Respectfully submitted.

NEHEMIAH GIBSON, Chairman.

PHINEAS J. STONE, Chairman on the part of the Council.

The report was accepted. Sent up.

#### OPEN-AIR CONCERTS.

Mr. Vosc of Ward 24 offered an order—That a committee to consist of three members of the Council, with such as the Board of Aldermen may join, be a committee to make arrangements for furnishing music on the Common and other parts of the city during the summer months; the expense attending the same not to exceed the sum of \$3000; to be charged to the appropriation for Incidental Expenses. Ordered to a second reading.

#### WIDENING OF COMMERCIAL STREET.

Mr. Fraser of Ward 6 offered an order—That the Joint Standing Committee on Streets be requested to report on Thursday evening next what action, if any, has been taken in relation to the widening of Commercial street. Read twice and passed. Sent up.

#### INSPECTION OF BUILDINGS.

Mr. Webster of Ward 3 offered an order—That the Committee on the Survey and Inspection of Buildings be requested to consider whether or not the amount appropriated for that department is sufficient to permit of the work being properly performed.

Mr. Webster—In several of the daily papers, especially in the Herald, we find statements to the effect that the Inspector of Buildings has not a force sufficient to carry out the law satisfactorily. It is also stated there and in other papers, that the City Council has reduced the number of employes; and the Herald also states that the Committee on Retrenchment cut down the number of assistants from eight to six. I offer the order for the purpose of having the matter investigated and correcting these errors. With the law so explicit, if it is really a fact that the Inspector has not the force to execute it, and cannot give it the attention it deserves, it would of course be wrong to hold him to a strict accountability for violations of the law. The impression in regard to the reduction of the force is wrong. The amount asked for this year was \$18,935, and the committee approved \$18,600, showing a saving of \$335 in the routine expenses of the department, and the committee say this is subject to such reductions as the City Council may hereafter determine, which left the matter of salaries open. The reduction of salaries in this department by the Retrenchment Committee was \$2150, leaving a balance of \$16,450. Then the Committee on the Auditor's Estimates, for some reason which I do not understand and cannot comprehend, further reduced this amount by \$2450, which is just about within \$50 of what is the salary of two assistant inspectors. The revised edition of the Ordinances says that eight assistant inspectors shall be appointed. There have been only seven this year—not the full number. The Retrenchment Committee made no provision for reducing the number of inspectors in any way, but merely cut the salaries down, with the intention, so far as we were concerned, of having the seven remain; but, of course, the appropriation being cut down so much, it was impossible to have all these men confirmed. The fact is just as plain as that two and two make four, that this department is acting with a deficiency of one man's salary. Outside of salaries the expense is \$2100 for stationery, keeping horses and things of that kind; and the appropriation was reduced from \$22,000 last year, so the committee could not have made any great saving. If we do nothing now and the matter is allowed to remain just as it is, we shall be called upon to make good the deficiency to the extent of one man's salary. Any one who looks over the figures cannot fail to see this. I suppose his Honor the Mayor refused to confirm the other inspector till the matter was

settled. On account of that, the Inspector has been deprived of one inspector for seven months, which is equal to the labor of seven inspectors for one month; and having his force reduced by one, he has been very seriously hampered during the year. From all I can learn he has not the necessary force in his office, and if we let it go on just as it is there is sure to be a deficiency. If we need ten men there to carry out the law we should have them. It is poor economy to limit the number of men who should be there to carry out the law faithfully and satisfactorily. This order is merely for the committee to investigate the matter, and I believe, they cannot fail to substantially agree with my statement.

Mr. McGaragle of Ward 18—I have certainly learned something tonight, and I am sorry that the City Council has not had the benefit of the gentleman's brain on all the committees. If he had been on this committee such a state of things would not exist, and the City Council would be enlightened. But unfortunately the gentleman is talking upon a subject which he knows nothing about, which is often the case. I have been a member of that committee since I have been in this Government, and I say it here, that there are more men in that office than are required today. He says they cut down two men. They did not touch a man in his office. The gentleman has received the same lesson that we got at two meetings, and somebody has got him to introduce this order. The gentleman may know something about retrenchment, but the inspection of buildings is foreign to his mind.

Mr. Webster of Ward 3—Does the gentleman mean to stand here as a member of the committee and assert that the Inspector of Buildings has more help than he needs?

Mr. McGaragle—That is my position precisely. You have hit the nail on the head the first time.

Mr. Webster—Is that the opinion of the committee unanimously?

Mr. McGaragle—I am not speaking for the committee, but for myself. They can speak for themselves.

Mr. Webster—I cannot see what harm it will do to refer the matter to a committee. I have a little common sense, and it does not follow that I should think as he does. I should like to hear from some other member of the committee, and see if he agrees with the gentleman.

Mr. Kelley of Ward 3—I happen to have been a member of that committee for two years, and I must say that my colleague has given me more information than I have ever had before. If the Inspector of Buildings needs more help, he should come to the committee. I cannot agree with my colleague upon the committee in all his statements. I have my ideas and he has his. I know that this year the Inspector of Buildings has got the same number of assistants that he had last year, except one. He had him all winter, and I believe that last year he cut a clerk off, and if he has taken an inspector and put him in place of a clerk, I say he has done wrong. If he has done it I am not aware of it. I asked him some questions in regard to that matter today and he answered me satisfactorily. I believe myself that it transpired today that he thought there ought to be more help. I believe the Council is not to blame for the reduction of the help because the committee gave him what money he asked for, and when it came up here they cut down the appropriation to the amount of the salary of one inspector, whose time having expired the Mayor did not reappoint him, and there it stands today. It does very well for the Herald to make reports and for Mr. Shaw to make statements. If Mr. Shaw has any grievances, they should be made known to the committee, and not to outsiders. I don't know whether the gentleman from Ward 3 got his information from Mr. Shaw, but it reads very much like the instructions we got today.

Mr. McGaragle—I should like to correct one statement. Mr. Shaw has appointed one inspector, and his appointment is in the hands of the Mayor today. If the Mayor has not seen fit to confirm him, the committee are not to blame.

Mr. Webster of Ward 3—I cannot find fault with the Mayor for refusing to confirm the appointment when there was not sufficient money appropriated to pay for him. He has got to see where the money is coming from. I have also been informed by another member of the Committee on Inspection of Buildings that the gentleman who assumes to represent them does not

represent them; and although I am not upon the committee, I think I represent their ideas more nearly than my friend does. I am not standing here to talk for Mr. Shaw or anybody else. My attention was called to the subject by the articles in the newspapers, and I exercise the right which any member has to come here and make a motion in good faith. If the gentleman does not like it he can criticize it; but why he ridicules my course in a matter of this kind, which appertains to the safety of the city, and which comes directly to the question whether the law shall be carried out or be a dead letter, I do not know. It is always customary to ask for information of a committee, and I think it is due to the Council that it should be given.

Mr. Kelley of Ward 3—As one member of the committee I am ready to give any information to this Council at any time and any place, and I have no doubt every member of the committee will do the same.

Mr. Howes of Ward 18—I should judge it would be necessary to refer this matter to the committee on that department or some other. The finding of the coroner's jury certainly implicates the City Council or the Department for the Survey and Inspection of Buildings. Either the City Council has been negligent in making the appropriation or the committee have been negligent in not informing the Council. I hope the order will be passed.

Mr. Wilbur—I wish to call attention to the ordinance in regard to the appointment of these officers on page 91:

"The subordinate officers of the said department shall consist of a clerk, and such number of assistant inspectors as the City Council may from time to time determine, all of whom shall be appointed by the Inspector, with the approval of the Mayor."

If there is a deficiency in that office, and if the Inspector is complaining that he has not help enough, and notice is taken of it in the papers, this does not seem to me to be the proper way to act upon the matter. It will be time enough for this Council to take action when the Inspector calls for more help and makes his wants known in his official capacity. The order introduced to-night has grown out of the fire which occurred recently in Shawmut avenue, and there was another order introduced to investigate that subject, and which now lies upon the table. I move that this order lie upon the table.

Mr. Webster of Ward 3—As a member of the Committee on Retrenchment I would state that we got a statement from the Inspector. We had him before us and asked him a great many questions, and he testified very strongly that he did need more help and was hampered all the time for want of more help. That committee was appointed to determine what salaries could be reduced, what help discharged, and what departments consolidated, and that was the committee to whom he should make his wants known. So they decided not to cut down the number of inspectors. I have no doubt the Inspector has done his entire duty in the matter. We saw fit to cut down the salaries, and I don't see what more he could do. Most of the committee thought that if we did not give him enough help

we could not hold him accountable for violations of the law.

Mr. Sampson of Ward 17—I hope the order will pass. If there is anything wrong in the matter I hope we shall get the information.

The motion to table was lost, and the order was read a second time.

Mr. McGaragle—I wish to call attention to city document 28. The amount asked for salaries and running expenses for this department was \$18,600, which includes salaries for Chief Inspector, seven assistants and a clerk and assistant clerk. Nothing was diminished in any way from what the Inspector asked for. There has never been any complaint made and I have not been absent from a single meeting from the day it organized. He was asked today about certain articles in the papers, and denied that he gave any knowledge for them. When cross-questioned he said he thought he ought to have an extra clerk, because an inspector sometimes had to be taken off his regular duties to wait upon customers. Previous to the organization of this Government there has never been a day that the chief of that department did not have any help that he required; but today when we pressed him pretty closely he admitted that he ought to have another clerk.

Mr. Sampson read from the appropriation bill the amount of reduction to \$14,000 and Mr. McGaragle said they did not reduce the number of inspectors.

The order was passed. Sent up.

#### HOTEL FRED.

On motion of Mr. McGaragle of Ward 8, the order for the Inspector of Buildings to report on the condition of the Hotel Fred, owned by C. J. Spenceley, was taken from the table.

Mr. McGaragle—At the last meeting I thought the order was not offered in the spirit that it should be. I made some inquiries and found that the gentleman or any other party could have gone to the Inspector and got a full report of that and all other buildings. From the report made by the Deputy Inspector it appears that it is as well built and easy of access and egress as any building in Boston of the same nature.

Mr. McGaragle then read the report of Deputy Inspector Thomas P. Swett, on said building, made April 9, 1877, showing that the facilities for escape without danger, in case of fire, are good; the stoves properly protected, that it is safe to enter in case of fire, and that the staircases are two feet ten inches in width.

Mr. Kelley of Ward 3 said he waited on Mr. Shaw, who said the building was all right in every way.

On motion of Mr. McGaragle the order was indefinitely postponed.

#### SALARIES OF WATER INSPECTORS.

Mr. Fraser of Ward 6 offered an order—That the Joint Special Committee on the Retrenchment of Municipal Expenses be requested to consider and report upon the expediency of equalizing the pay of the Water Inspectors employed in the city proper and in the Charlestown District. Read twice and passed. Sent up.

Adjourned on motion of Mr. Jackson of Ward 16.



# CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

JUNE 25, 1877.

Regular meeting at 7½ o'clock P. M., his Honor the Mayor presiding.

### JURORS DRAWN.

Thirty-six traverse jurors were drawn for the July term of the Superior Criminal Court.

### EXECUTIVE NOMINATIONS.

Public Weigher—James N. Spear. Confirmed.  
Constable—George E. Orrok. Confirmed.  
Police Officers Without Pay—A. G. Spencer, John Roach, Alexander Folger, John J. Coffey, John S. Wilson, James N. Tolman, William S. Stoddard, Edward Rolfe, William Goodhue, Charles H. Place, Howard N. Atherton. Severally confirmed.

### PETITIONS REFERRED.

*To the Committee on Paving.* John M. Way *et al.*, that Maywood street, Ward 21, be graded and put in order; Rebecca C. Phillips, to be paid grade damages on Fort avenue; A. W. French *et al.*, that Shawmut avenue, between Waltham and Dover streets, be paved with granite blocks; John Roessle *et al.*, that Pyncheon street be sprinkled; John W. Martin *et al.*, that Minot street be paved with small granite blocks; James F. McCluskey *et al.*, that Fourth street, between C and D streets, be paved with granite blocks; Thomas McDonnell *et al.*, for plank walks on East Sixth street, between G and H streets; E. Farnsworth *et al.*, against the proposed grading of Burr street, Ward 23; petitions for brick sidewalks in front of estates of Henry Souther, 435-441 Third street; Mercantile Wharf Corporation, Atlantic avenue and Mercantile street; Edward Tead, for concrete walk in Chestnut street, Ward 23; petitions for edgestones in front of estate of Thomas Parker on Catawba street.

*To the Joint Committee on Common.* N. E. Huggins *et al.*, that open-air meetings be held on Boston Common.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables by S. A. Myrick, new wooden, twelve cows and two horses, Breed Island; William C. Babcock, new wooden, two horses, Clark street, Ward 24; William B. Quigley, old wooden, Cobden street; S. F. Pollard, old wooden, one horse, West Third street; George A. Wilson, old wooden, thirty-six horses, Palmer street; Mrs. S. W. Jones, for leave to keep a hospital for invalids at 80 Dover street.

*To the Joint Committee on Claims.* Michael Douvan, for restoration to him of title of estate sold by the city for unpaid taxes.

*To the Committee on Sewers.* James Bacon *et al.*, that the Adams-street sewer be extended to Robinson street; Joseph Blassel *et al.*, for a sewer in Avon place, and that said place be also graded and lighted; A. C. Richmond, for sewer in Tuckerman street.

*To the Joint Committee on Survey and Inspection of Buildings.* Highland Street Railroad Company, for leave to enlarge a wooden building on 613 Shawmut avenue.

### HEARING ON PETITION FOR STEAM ENGINE.

A hearing was had on the petition of Welch & Chipman for leave to erect and use a stationary steam engine at 56 Dorchester avenue. No objections. Referred to Committee on Steam Engines.

### NINTH STREET.

The report and order requesting the Board of Street Commissioners to lay out Ninth street, provided the *unfilled land* within its limits can be obtained without cost to the city, and the *filled land* will be conveyed to the city at the cost of filling at this date, and that the city shall not pay for displacement of tide water, or construction of retaining walls, were considered under unfinished business, the question being on the passage of the order.

Alderman Burnham—Mr. Mayor, there should be no opposition to this measure, and I do not speak upon it because I fear there will be; but the improvement being in the section of the city where I reside should perhaps be explained somewhat by me. The matter is not a new one. It comes from the files of the Street Commissioners.

The petitions for it were signed by such men as Samuel Leeds, A. Stetson, Benjamin James, W. P. Hunt, R. J. Monks, T. Gogin, Benjamin Dean, Henry Souther, Daniel Bradford, the City Point Protective Association and many others, large taxpayers, representative men, who from early manhood to mature age have been personally identified with that part of our city in all its growth and wants. The public hearing on this petition proved that the material interests of our city would be greatly promoted by this avenue, and that the improvement was demanded for the development of Dorchester Bay for commercial and business purposes, the convenience of the people, as well as more direct communication. The Street Commissioners were understood to admit the case clearly made out. They favored the improvement then, as they do now, but it was pushed on to the future by business prostration infusing such a spirit of economy as to set it aside for the time being. It came before our Committee on Streets early this year, and their order now directs that under certain conditions it be done—conditions, by the way, which possibly impose barriers which cannot be overcome. This improvement, if carried out in the spirit of the order, will be an expenditure of only about \$25,000, but an expenditure almost wholly for labor, in these times of laborers' need. The gravel from the hills will cost nothing; the hill territory will be improved by the cutting down, and its value correspondingly increased. These are reasons alone sufficient for the order to pass; but, Mr. Mayor, if I can show you that this is an improvement (at so small a cost) which in itself not only meets wants felt today, but meets foreshadowed and greater wants in the future—if we shall have to build this street in the near future—if we, by accelerating business now, are still caring for the future—then the improvement recommended by this order should not be put off again as it has been in the past, and it is not true economy to do it. Five years ago, unoccupied wharves for business requiring large space on the water front could not be found in the south part of our city. Now, all of us believe that Boston must advance. Her future wants there will not differ materially from the past, only in that they will be greater; and here we find sufficient basis for action that shall care for the future as well as for the present.

In the original laying out of the place the maps show that this was intended to be a continuous street; its ends were graded long ago, leaving this spot at the indentation of the shore, where the land connection was broken off, unfinished. This improvement contemplates a straight, level, continuous avenue along the whole shore, to which travel must come, and on which business will locate, because the barriers which have been interposed by the steepness of the hill ever since Washington's forces climbed this territory to fortify Dorchester Heights, will, in its completion, no longer exist. Every member of this Board knows that Telegraph Hill is over one hundred feet above the water—that the hill slopes abruptly down to the water on either side. On the south (the place of this improvement) it is too steep to allow access to the water, and it must remain so, a complete barrier to the occupation of the bay for business until remedied, by the construction of this street along the beach. Early in the history of the place the streets on the north side were graded—the result was, the opening that whole shore to business and increase of taxation as ten to one, in comparison with the south shore. The opening of this shore will do just what has been done on the other side. Again, the system of streets is adhered to by this improvement. The projection and completion of Swett street was an improvement that today commends itself to all. The Alderman of this Board [Alderman Clark] who was so largely instrumental in its construction made for himself a record of which he well may be proud. He saw in it an artery from the life-flow of business across this city that is seen and appreciated now by all—and to be appreciated more and more in all future time.

It cannot be otherwise, it is a heart artery, it goes straight through; it is the natural course between the territory east and west of Fort Point Channel. Now, this improvement is in the line of construction a natural connection of the territory east of Fort Point Channel with this central artery. To admit the benefit of the greater is to acknowledge the necessity of the lesser, as a part of the same system. It supplies a need that however unacknowledged today will continue to exist.

No commercial city but requires large, open waterfront, that can be afforded at reasonable rent. In 1871-72, as I have said, there was great need of such wharf property at the southern part of this city; all there was of such property was occupied. The business that properly belongs to such territory to be done advantageously should be outside bridges and as central as may be. Now, here is one of the localities (there may be others, but I know of none) with the advantage of being within two miles of State street and  $1\frac{1}{4}$  miles of the head of South Bay, to arrive at which you go through nine bridges, while here commerce is outside of all bridges. This matter of bridge openings in a densely populated city deserves careful attention. In the maintenance of bridges there is an exceedingly expensive outlay—the more frequent the opening the greater the wear. To the large community east of Fort Point Channel, daily passing to and from the city proper, and to the large travel to and from the city proper to the Dorchester District, the opening of Fort Point Channel bridges is a great annoyance by the detention, which we all understand. The magnitude of this detention and annoyance will be seen when I call your attention to the last reports of the Superintendent of Bridges. We there find that with Dover-street Bridge closed one-half the year for repairs, five bridges over Fort Point Channel were opened for vessels last year 37,916 times. Each of us knows the amount of detention in one opening; now multiply that by 37,916, and we are astonished at the result. The loss of time is measured by years. I had the honor to make to the last Board of Aldermen a representation founded on facts, showing that a single wharf located in Dorchester Bay saved in one year (in comparison with another wharf doing the same amount of business in the same time, and located above Dover-street Bridge,) the opening of these five Fort Point Channel bridges 1600 times; i. e., one bridge 1600 times.

Now, with this improvement the whole shore is open to wharves that will proportionably lessen the detention, annoyance, and expense of bridges. Without the improvement this whole territory will lie worthless and unimproved. Again, the convenience of the people demands it; 20,000 people live east of Telegraph Hill. Now, I ask, why should this large population longer be compelled to travel over this rise of the hill, and be made to team over it provisions, groceries, hay, grain, coal, wood, etc., or the heavier articles of building material, such as lumber, stone, brick, lime, etc., which they must do, or go round to the north side to find a level conveyance for the travel and transportation which may be had here within a stone's throw of this hill by this improvement, and for the paltry sum of some \$25,000?

Mr. Mayor, if the like number of people in the Charlestown District, for instance, were compelled to travel over the side of Bunker Hill, when relief was so easy to be had, would not our worthy representative from that district, in spite of his retrenchment proclivities, complain of the economy that should put them off and refuse so reasonable a request. I think we should hear from him, and understand their requests, and grant them.

I do not believe we should say of improvements like this, they are for the future, and therefore give them the go-by; they are for today as well; they are for business as well now as then. Our planning for public parks is almost wholly for the future; but there is a broad distinction between planning for pleasure or planning for business. Parks for pleasure grounds,—well enough at a proper time,—but wharves for business grounds too. What the use of your parks if we let business die out? What would Boston have been today but for the sagacious planning for business of those who have gone before us? Why, Mr. Mayor, allow me here the digression to say that the sagacious business eye of somebody ought to have seen, long before this, what nature has done for Boston on this south side of her harbor. Here, free of cost, she offers what we are seeking to obtain on the other side by an outlay of a score of million dollars. This sheltered shore might be made a place for commerce that when accomplished would be the pride of our city and the glory of our State. I have only spoken of the locality with the most limited improvement, sufficient, simply, to make a landing place for lumber, bricks, stone, coal, wood, etc., etc. But, Mr. Mayor, the cost of the Charles River embankment in our public-park scheme would pay for the dredging of a channel a thousand feet wide the whole length of Dorches-

ter Bay—deep enough for the largest ships,—and would create 5,000,000 feet of wharf territory, and would bring every railroad line from the West on to the territory, and would build there elevators by the score. Why not some magnificent scheme for business as well as pleasure? When we are wiser we shall have it. But, Mr. Mayor, coming back to our subject, if we cannot see the great things, let us see some of the smaller ones that attach to our business interests—the very small ones, like this, and let it be the policy of this City Government to do them as they come up year by year. I feel I hardly need to have detained the Board by these remarks, for I believe they are ready to give this order, especially under its unusual, rigid restrictions, a unanimous support.

Alderman O'Brien—After looking into this matter, I have made up my mind to vote for it; and although there is not a necessity for it at the present time, I think I can see in the future where it will be necessary. But it is very refreshing, Mr. Mayor, to hear the Alderman from South Boston talk about the future prosperity of Boston, when he is talking only of improvements there. If we would take the gentleman's remarks for the past three or four weeks, I don't believe we would find one solitary instance where he has said that Boston must advance. Today he says that Boston must advance. I agree with him, and am glad to hear him talk in that way.

Alderman Clark—I agree with the Alderman who has just taken his seat, that it is refreshing to hear the Alderman from South Boston speak of the future growth of the business interests of Boston, especially around that particular spot upon which a large coal wharf is located. I believe that business is bound to grow. But he forgets that there is more than enough wharf room around Fort Point Channel to accommodate the fleet of the whole world. It is not necessary to dredge a channel from Burnham's coal wharf to Fort Point Channel, because the city and State are today making arrangements to accommodate the shipping interests there. I admit that parks are for the future, to some extent, and there is no occasion for lugging that subject into this discussion in connection with the passage of this order. The committee had this matter before them some time, and think that if it can be done upon the terms proposed it will be a good thing for the city, although public necessity does not demand it. But it is a good thing to carry out, and the committee were unanimously in favor of it upon those conditions. I am sorry that parks have been lugged into this discussion, for the order would have been passed without any discussion.

The order was passed. Sent down.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions, etc., were referred in concurrence.

Order for Joint Committee on Streets to report on Thursday next what action has been taken on the widening of Commercial street. Passed in concurrence.

Report of Committee on Treasury Department on subject of accounts of Treasurer and Collector. Accepted in concurrence.

Order for Committee on Survey, etc., of Buildings to report if the amount appropriated for that department is sufficient for a proper performance of its duties. Passed in concurrence.

Order for Committee on Retrenchment to report upon the expediency of equalizing the compensation of the Water Inspectors in Boston and Charlestown. Passed in concurrence.

Report and order to pay Robert Higgins \$800 for personal injuries caused by a fall in Eutaw street. Order passed in concurrence.

Report of Committee on East Boston Ferry Investigation to the effect that none of the charges against the directors of said ferries have been sustained. Accepted.

Report and order authorizing arrangements to be made for dedicating the army and navy monument, on the Common, on the 17th of September next, at an expense not exceeding \$22,500. Order passed in concurrence—yeas 12, nays 0.

#### LOCATION ACCEPTED.

A communication was received from the Middlesex Railroad accepting the fifteenth location, granted by this Board on June 19, 1877.

#### CEAR GROVE CEMETERY.

The ninth annual report of the Commissioners of Cedar Grove Cemetery, for the year ending May 30, was received and laid on the table, and

ordered printed. Lots sold, 54; single graves sold, 183; whole number of bodies received, 315. Various improvements have been made. Receipts, \$18,327.41; expenditures, \$18,100.66; balance on hand, \$226.75.

#### JAIL EXPENSES.

A requisition was received from the Sheriff of Suffolk County for \$3025.36 for expenses at the jail for June. Ordered paid.

#### OVERSEERS OF THE POOR.

The annual report of the Overseers of the Poor for the year ending May 30, 1877 (City Doc. 59), was received. Sent down.

The receipts were \$162,705.85, and the expenditures were \$125,319.48 from city funds, and \$25,938.32 from trust funds; received from other cities and towns \$32,928.01.

The number of poor families living out of the city having a Boston settlement who have been aided is 286, at an expense of \$13,472.49. The number of orders drawn for fuel was 8305, amounting to \$15,301.35. The number of orders drawn for groceries, 20,984, amounting to \$42,577.52. The cash given for pensions and grants, exclusive of trust funds, was \$20,296.44. Number of these payments, 4093.

#### SALE OF FIREWORKS.

Alderman Clark presented a petition from the underwriters of Boston requesting the enforcement of the ordinance restricting the retail of fireworks on the Fourth of July, believing it would conduce to safety more than a general prohibition. Read and referred to Committee on Police.

#### PERMITS FOR OCCUPYING STREETS FOR BUILDING PURPOSES.

Alderman Robinson submitted the following:

The Committee on Police, to whom was referred the order providing for the appointment of a person to have charge of the permits for occupying streets for building purposes, having considered the subject, beg leave to report that the Board of Aldermen has not the power to create the office contemplated by the order, or to appropriate money for its support, and therefore the order ought not to pass. The committee are of the opinion that it would be a great convenience to all persons interested in building operations to have an officer attached to the Department for the Survey and Inspection of Buildings and authorized to perform the duties in relation to occupying streets for building purposes heretofore performed by the Police Department. They would therefore recommend the passage of the following:

Ordered, That the Committee on Ordinances be requested to report an ordinance providing for the appointment of a suitable person to be attached to the Department for the Survey and Inspection of Buildings, who shall have charge of permits for occupying streets for building purposes, instead of detailing a police officer for the purpose.

Passed. Sent down.

#### POLICE NOMINATIONS.

Alderman Robinson submitted a report from the Committee on Police recommending the confirmation of the Executive appointments of James Driscoll, and the non-confirmation of Frank G. Durham, as police officers. Report accepted, and said nominations confirmed and rejected as recommended.

#### THE PRESIDENT'S RECEPTION.

Alderman Robinson offered an order—That the Chief of Police be directed to close, against the passage of street cars and other vehicles, the streets through which the presidential procession will pass on the 26th and 27th instant, during the progress of said procession. Read twice and passed.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports and orders for brick sidewalks in front of estate of Thomas Morrissey, 227 Havre street; for edgestones and brick sidewalks in front of estate of David H. Geer, 24 Ellery street; and for edgestones in front of estate of J. D. Braman, on Beacon street, near West Chester park. Orders read twice and passed.

Reports and orders for the watering of streets in connection with the abutters, as follows: Chestnut-Hill Avenue, Cambridge street, Market street, Washington street and Western avenue, expense not to exceed \$375; Harrison avenue, between

Enstis and Dudley streets, expense not to exceed \$100; Norfolk avenue, between Hampden and Magazine streets, expense not to exceed \$100. Orders severally read twice and passed.

Report and order to grade and macadamize a portion of River street, Dorchester, as widened by the Board of Street Commissioners, expense not to exceed \$15,000. Order read twice and passed.

#### SUFFOLK-STREET DISTRICT.

Alderman O'Brien, from the Joint Committee on Public Lands, offered an

Order, That the Treasurer be, and he hereby is, authorized to refund to Joseph F. Dearborn the sum of \$186.20, it being the amount of dividend paid to the city of Boston by the Mechanics Mutual Fire Insurance Company, on certain policies of insurance held by said city on estates numbering 67 Emerald street and 72 and 73 Middlesex street, which estates have been conveyed to said Dearborn, who paid the assessments on said policies which were levied by said insurance company in 1873, and is therefore entitled to the said dividend; said sum to be charged to the appropriation for Suffolk-street District. Read twice and passed. Sent down.

#### ARMORIES.

Alderman O'Brien, from the Committee on Armories, offered an order—That the allowance of rent heretofore paid for the armory of Company D, Fifth Regiment of Infantry, M. V. M., at the corner of Bow and Harvard streets, Charlestown, be discontinued from and after July 1, 1877; and that the armory of said company be established in the old Winthrop School building at the corner of Lexington and Bunker Hill streets, beginning July 1, 1877, and continuing until otherwise ordered. Read twice and passed.

#### PERMITS FOR STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board, recommending the granting of permits to occupy stables by John Shepard, rear 280 Beacon street; Life Baldwin, Sparhawk street; House of Angel Guardian, Ruggles street; Wilson Walker, Maple street; Barker B. Kent, Gates street; severally accepted.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Report of leave to withdraw on petition of D. Willard Emery, for abatement of an assessment for a sewer in Masou street. Accepted.

Reports and orders of notice for hearings on Monday next on proposed construction of sewers in Wesley street, Charlestown; Burr street, West Roxbury, at northerly end; Washington street, between School and Boylston streets, West Roxbury. Orders read twice and passed.

Reports and orders for the construction of sewers in North Market street; in Wyman street between Curtis and Lamartine streets; in Lamartine street between Wyman and Centre streets, and through land of Gaffield, Boston & Providence Railroad Company and Willard Q. Phillips; in Moon street between North square and Moon-street court; in Savin Hill avenue between Dorchester avenue and Sagamore street; and in Sagamore street between Savin Hill avenue and Ramsey court. Orders read twice and passed.

Ordered, That there be paid to Charles B. Gardner, assignee, the sum of \$2000 in full settlement of the suit of Albert Blaisdell against the town of Brighton and of all suits in which said town or the city of Boston have been summoned as trustees of said Blaisdell, upon receipt of an acquittance and discharge satisfactory to the City Solicitor from said Blaisdell and all other parties interested in said suits arising from the construction of a sewer in North Harvard street in Brighton; the amount to be charged to the appropriation for Sewers.

Alderman Viles—Perhaps a word of explanation should be given. This is a suit brought against the town of Brighton before annexation; consequently Boston inherited it. It has been tried three times; first there was a verdict against the city of \$4000 and it was set aside on some exceptions; and twice since the jury have failed to agree. Hon. William Wirt Warren had the matter in charge for the town, and has been before the committee recommending a settlement by paying \$2000. It is a complicated affair. The sewer was informally laid by the town of Brighton; the first party abandoned the contract, and it was let to another. It has been in litigation three or four years, and Mr. Warren recommends

a settlement. I do not ask for the second reading. The order went over.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Minors' Applications Granted—Three bootblacks, four newsboys.

Auctioneers' Licenses Granted—D. G. Luce & Co., 286 Washington street; Jacob A. Rich, 245 Tremont street; W. H. Merriam, 172 Washington street.

Innholder Licensed—Melville E. Shorey, 11 Cross street.

Dealers in Second-hand Articles Licensed—Lloyd H. Brooks, 89 Shawmut avenue; John Keenan, 129 Ninth street; John Connolly, 70 Barton street; John McCanley, 48 Berlin street; Daniel O'Flaherty, 94 Portland street.

Victualler Licensed—Robert F. Thompson, 1197 Tremont street.

Carriage Licenses Granted—O. F. Belcher, Winthrop Junction, East Boston; Frank J. Ellis, Franklin street, corner Devonshire street.

Intelligence Offices Licensed—Mrs. Z. H. Chadwick, 130 Brookline street; Mary M. Stevens, 71 Warren avenue.

Severally accepted.

#### BERWICK PARK.

Alderman Clark submitted the following from the Joint Committee on Common:

Report of leave to withdraw on the petition of E. Lawrence *et al.*, that the city assume the care of the enclosure in Berwick park. Accepted. Sent down.

#### BOSTON CATHOLIC CEMETERY.

Alderman Viles submitted a report from the Committee on Health on the part of the Board on petition of Boston Catholic Cemetery Association, that a hearing was given on the 20th, and the committee recommend the passage of an order, That the Boston Catholic Cemetery Association be, and they hereby are, authorized to use for cemetery purposes (or burial of the dead) a certain tract of land situated in West Roxbury, and bounded as follows: Northerly by Weld street, and easterly and westerly by Arnold street, said land having been recently purchased by the association for cemetery purposes. Order read twice and passed.

#### STREET DAMAGES.

Alderman Clark, from the Committee on Health on the part of the Board, submitted an order to pay Sarah R. Curtis and Dan S. Smalley, trustee, \$850 for land taken and damages occasioned by the extension of Wyman street. Read twice and passed.

#### ASPHALT PAVEMENT.

The order to repave Columbus avenue from the railroad bridge to Northampton street with asphalt, at a cost not exceeding \$3.50 per square yard, was considered under unfinished business. The question was on the passage of the order.

Alderman Thompson presented the following, which was read:

The undersigned, in behalf respectively of the Bailey Pavement Company, the Adamant Pavement Company and the Abbott Pavement, beg leave very respectfully to ask you to grant them equal facilities with any other parties representing concrete pavement, whose applications are now before your honorable Board, with a view of placing the same in any of the streets of Boston. There are *four* different kinds, varying in essential particulars, now under consideration by the Board, *three* of which we respectfully represent. We are willing and desirous to place specimens of our pavement in any of the streets of the city, in equal quantities with each of the companies whose samples have been exhibited to the Committee on Paving, to remain for such length of time as the Board may determine. As citizens of Boston, we would suggest that no considerable amount of money should be appropriated from the treasury for experiments until it shall have been determined conclusively by the proper authorities that pavements to be adopted are the best, or at least equally as good, as can be obtained in the market to use. And we are entirely confident that in this particular we speak the voice of the whole people.

JONAS H. FRENCH,

Representing Bailey Stone & Asphalt Pavement.

The Adamant Pavement Company,

By GEORGE A. SHAW, General Agent.

Abbott Asphalt Paving Company,

By PAYSON & Co., Agents.

Boston, June 25, 1877.

Alderman Robinson—Every one of the gentlemen whose names you have read, Mr. Mayor, had as full and explicit a hearing as any other parties who came before the committee, and I don't understand why they should send that here unless they wish to block the wheels.

With regard to asphalt pavement, the committee have not felt it necessary to enter into any lengthened or extended report, such as few would read, or particularly understand. The committee have given the whole subject an extended and attentive consideration; they have had several hearings, and of a most interesting character. All the different specimens of asphalt and other pavements possessed in the minds of the different members of the committee a great deal of merit; and those merits were ably presented at the hearings by the several advocates. As an expert, Major General Gillmore, United States Army, a gentleman who is, as he assured the committee, not at all interested pecuniarily in any kind of pavement, came before the committee and gave his views; was ready and appeared desirous of answering any questions asked him by any parties that were present. He examined all the specimens offered, condemned none, but gave the preference to the Grahamite pavement as being in principle, experiment and proof a success, as demonstrated in New York and Washington, and in pavements on the same general principle in European cities. There was also presented to the committee specimens of wood pavement, the great feature of which was, as stated, that, being impregnated with a large quantity of creosote to the square foot, the durability of the wood was rendered at least five times greater, and which was proved by railroad sleepers that had been laid in Europe some twenty-five or thirty years, while the durability of the ordinary sleeper in this country was only about five to seven years. The committee were not in a position to test all this, but the gentleman who presented it did so in a very able and proper manner, which had its full weight with the committee, as in fact the other pavements were fully considered, the committee being actuated by a desire to obtain every information before deciding as to the merits of any one of them over the others. And the members of the committee have come to the conclusion, from the information they have been able to obtain from all sources, that, if asphalt is put down, the preference should be given to the Grahamite, for the present at least, as being from actual trials and tests no longer an experiment.

A piece of this kind of pavement has been down in New York on a street that, for the kind of vehicles that pass over it, would be the same that ordinarily pass over Columbus avenue. It has been laid some four years, and never has had any repairs upon it to this time. It continues intact and unbroken, and, as far as can be seen, bids fair to remain so for several years to come. Yet this was put down over the common pavement. It is not now proposed by any of the advocates of asphalt to put it down on old pavements, though it is contended that even in that case it would be a decided improvement over stone. Parties have been constantly finding out and making improvements in its composition, and putting down, which compensates for the extra expense of taking up the stone, and commencing with a firm and solid base upon which to put the asphalt, and the expense of which does not altogether exceed, in a general sense, the cost of putting down the granite blocks; and when to this an obligation would be entered into that it would be kept in repair for a period of fifteen years, at about  $2\frac{1}{2}$  per cent. on the cost, it seems to the committee that the city would be running no risk in making the change from granite blocks to asphalt, as the expense would be no greater, and its repairs year by year very much less. Most of us, gentlemen, in our youth or early life learned to skate, and no doubt all of us, in our eagerness to enjoy the sport in early winter, have gone on the ice when it has been pretty thin, if not unsafe—say three-quarters to one inch of good block ice. We have all of us, no doubt, observed, when exhilarated with the sport, that it bent under us as we passed, frightened a little at first, but soon losing our fears as we noticed that it returned to its place again after we had gone over; and our only fears then were that our folks at home would find out where we had been, and a whaling was in store for us for our temerity. But what I wish to observe is, that this showed the elasticity in water, and a clinging together of the ice that strengthened the precise line over which

our skate-irons passed, and enabled it to return to its position again, and only be indented so far as the mark made by the skate. This, Mr. Mayor, seems to me to be the principle that a cushion layer gives to the asphalt pavement—a slight giving way and a return to its place as the weight resting upon it is removed. This is my own idea only—I may be right or I may be wrong—but I cannot but think it forms a very important and useful element in its nature. It is only just, however, to all the parties who offered specimens of their pavements, that each and all claimed this principle of elasticity, though obtained differently than by a cushion.

It was urged in the benefits to be derived from the use of asphalt pavement, that it was comparatively noiseless, only the click of the horses' feet—no jar to the carriage so the noise of wheels could be heard, nothing to prevent conversation or reading of newspapers on the way down town in the morning—that the strength of horses would be saved, or that horses would be able to draw a much larger load; that it was much more easily kept clean; that there was no dust; that it was always dry; that it was more conducive to health in consequence of there being no little spaces in which any unhealthy or impure matter could be deposited; that there was no tremulous jar to trouble a man's head in riding over, as in stone or granite pavements, and it appeared to me and I think that it did also to the other members of the committee, that these alleged benefits seemed very reasonable and just, and they were entitled to the consideration of the Board. It was the one thing upon which all the advocates of asphalt were agreed—and which was not disputed by any one present at the hearing. Much was said about the asphalt of different parts of the world—Trinidad, Neufchatel, Val de Travers—these two last are both in the Canton of Neufchatel in Switzerland—much about their respective merits, but as far as I was able or have been able to form an opinion, I think they are all of them pretty much of the same general character; some may be stronger than others or have less of foreign substances in them in the crude state, but refining would remove all that and assimilate them all.

I have already expressed my views in regard to the piece of Neufchatel pavement on Ludgate Hill, London, and related my own experience of its wear during a period of some three years—viz., that at the end of six months no marks could be noticed on its surface, at the end of a year it seemed just the same, at the end of two years I noticed the marks of carriages, and which at the end of three years were quite observable and marked. But when probably it is remembered that this very street is one where more carriages pass over in any time of day than any other street in the habitable globe, its durability to me seemed to be simply wonderful.

During the hearing, many pieces of pavement in Paris were brought to my recollection by Mr. Andrews, who appeared before the committee for the purpose of showing the benefits of kerosoted wood, and a gentleman who when I was last in Paris was a distinguished American banker—that were of the same nature as this London pavement I speak of—and this gentleman, though urging his own pavement, had the courtesey and manliness not to say one word against asphalt, but said his whole experience while in Paris, and he had given some attention to the matter, was altogether in its favor. Now, Mr. Mayor and gentlemen of the Board, in making a change in the system or kind of pavement—as I have already remarked, the committee have been desirous first rightly to decide whether a change from granite blocks to asphalt was desirable—and if so, what kind was the best. As far as I have been able to find out, and in this my own views are confirmed by the other members of the committee, that though all are good, yet the Grahamite is the best for the street where it is proposed to put it down; that the cost is no greater than granite blocks; that we shall get more service out of it than we should from the granite blocks; that the residents on Columbus avenue would be much better satisfied with it than with granite blocks; that those living in the outlying wards that keep horses would be more pleased to drive over it; and that it would give more and greater satisfaction to our citizens generally, and being of a sufficient length on the avenue so that all passers over it would be obliged to observe it, and very soon to give an opinion upon it and decide in their minds whether it would be desirable in the future to establish that

species of pavement rather than cobble stones or granite blocks, or pavement of wood. There is another feature about asphalt that I have not spoken of; that is, when it in the course of time might become uneven by any means, being put down in layers—on the supposition that the base is solid—the top layer, which is the asphalt, can be stripped off without interfering with the under layers, be melted, and be spread over afresh; thus the renewing of the pavement would be comparatively light compared with the first putting down. This is an important feature in justifying the new departure, and was so considered by the committee. In regard to the repairing of the gas and water pipes, it has been represented that the whole layers taken together are so strong that it is only necessary to take up the pavement in certain parts; the other portion would form a cover to a tunnel; any carriages could pass over it without detriment, and all that would be necessary would be holes to get the dirt up through, and ventilation for the men repairing the damage.

I have, perhaps, gentlemen, not entered into the details of this matter as fully as might be done, but I think I have said enough so that all can have a general understanding of the subject, and perhaps more than I know myself. We had Major General Gillmore before the committee, and his evidence was taken down. I do not think any subject was ever given a more impartial hearing than was given on these several pavements. Having had such an impartial hearing, I am surprised that those gentlemen signed that application making such a statement as that.

Alderman Thompson—This Board is asked to appropriate sixty or seventy thousand dollars for a new kind of pavement, and it is natural that they should desire to know its merits over and above what we have had, and which is well known to be satisfactory to a great extent. The chairman of the committee informs us that it will cost no more than granite; and yet he proposes to spend \$3.50 per square yard for this new pavement. I wish to inform the Alderman that he can procure all the granite pavement he desires for any and all the streets of the city for \$2.50 per square yard. There is a difference of one dollar per square yard, and it is quite an item. Then he does not give any reason why he proposes to give \$3.50 per square yard, when the same quality of asphalt is now being laid in Washington for \$3. I don't understand that, and I hope the Alderman will explain it. This same asphalt has been tried in the city of New York on Fifth avenue, and we were told some days ago there would be no objection to using it, because in breaking up the streets for sewer and gas pipes, the same article could be made over and the street be as perfect as before. If that is the case, I want him to tell me why it is that on this same Fifth-avenue pavement, which was cut open last season for water pipes, they should repave just that space with granite rather than replace this same asphalt and make the street perfect. I suppose he would say because it was not convenient—because it was not a large enough job. But if that is the case, and we have got to send to Washington every time we want to repair a street, I think we had better consider whether or not there is some article just as good nearer home. It is not my desire to oppose the introduction of asphalt, if it is superior to granite blocks; but if it costs a dollar more I want to know why it should cost that much more and what kind of asphalt is going to be introduced. It seems to me it would be wise for the city to take some street and try each article—give each manufacturer of asphalt pavement a fair trial. I understand there is a very large profit on this work; and if that is the case, we should open it to competition. There is no reason for selecting a manufacturer who charges the highest price, when there is another article just as good. So far as my experience goes I am perfectly satisfied with granite blocks, which cost a dollar a square yard less. I do not think there is any necessity for paving this special street at this time, and I wish to suggest that the committee consider whether it would not be wise to try some more of the kind of blocks which have worn so well there. For my own part I am not prepared to vote for so large an outlay without knowing more in regard to the article.

Alderman Robinson—I have an impression that the expense of granite blocks is quite as much as asphalt, and I have sent to inquire. I have no recollection that granite blocks have been put in that piece before the Fifth-avenue Hotel; but at



any rate, that is not a fair sample of what it would be on Columbus avenue, if put down in a proper manner. In making this departure, the committee were actuated by a desire to take the very best they could get, and every person agrees that the Grahamite was the best kind of asphalt pavement made. I have just learned that granite blocks cost about \$3.25, a difference of twenty-five cents per square yard.

Alderman Thompson—If the Alderman will give way I would state that the largest paver in the city of Boston, who was before the Bridge Committee, said he would pave every street in the city with granite blocks at \$2.50 per square yard. That was Mr. John Turner.

Alderman Robinson—The expense of asphalt depends somewhat upon the thickness of the layers. You can put it down for \$2.25 or \$2.50 or \$3.50; and when it is put down in a proper manner the price is based upon the thickness of the layers. I do not know what the Alderman alludes to about putting down granite blocks on Fifth avenue, unless it was done for an experiment. I passed over it three weeks ago and it was intact; and notwithstanding it was put down on this stone, it bids fair to wear five or ten years longer, and then all they will have to do will be to melt it over and put it down again.

Alderman Fitzgerald—I supposed there was no division of opinion as to the necessity of repaving Columbus avenue. The Superintendent of Streets and the committee consider that an absolute necessity. It has been patched and repatched, and is in bad condition now; it is absolutely necessary repave it, more especially as the horse-car tracks are laid there. The only question is what should it be paved with? I presume that any member of this Board will agree with me that granite blocks are not the material with which to pave Columbus avenue; that it must be paved with a material more noiseless, and more easily travelled over by light buggies and other vehicles of that kind, and that granite blocks are out of the question, so far as Columbus avenue is concerned. When you consider that the Grahamite Company will take up all the pavement and relay it with a concrete foundation, all at their own expense, the cost of asphalt is precisely the same which we pay today for paving with granite blocks. I take it for granted that this Board will not pave Columbus avenue with such a substance as that. I presume that the most noiseless and easiest pavement for horses and vehicles travelling there would be an excellent macadamized road, such as is around Chestnut Hill Reservoir; but the inconveniences arising from macadamized roads in thickly-settled districts more than counterbalance the convenience to horse cars and travellers, and that pavement is also out of the question. Then there remain the wooden blocks and this asphalt. We had one experience in paving Columbus avenue with wooden blocks. It was divided among different companies, giving each a proportionate share, and we see their condition today. One kind is rotten, another half rotten, and the other in a little better condition than that. After viewing the different kinds of asphalt pavements, listening to the claims of each, and hearing the testimony of, I presume, the best expert in the United States—General Gillmore of the United States Army, who had, as he said, no interest in any pavement, and was summoned here as an expert, and his honor was above anything which he was paid for coming here—the committee had the testimony of such a man as he and of Mr. Andrews, who has spent a good deal of time in Paris and knows a good deal about asphalt pavement; and we heard the representatives of other companies—the committee came to the conclusion that asphalt was the pavement with which we ought to pave Columbus avenue. After coming to that conclusion, then it occurred to us, which is the best pavement to lay upon that avenue, judging from what we had heard and from the experience of other places. From what we learned, we decided that the Grahamite asphalt pavement was the best of the three. We had the testimony of General Gillmore, and it may not be amiss to read it. When the members of the Congress of the United States got tired of the Ring in Washington and the coal tar which they called pavement, they passed an act appointing a special commission to select and lay down the best pavement for Pennsylvania avenue, and the commissioners were named in the act, so that those who controlled the Ring in Washington could not control those who were to investi-

gate the different kinds of pavement and select the best, and Generals Gillmore and Wright, of the United States Corps of Engineers, and Mr. Clark, the architect of the Capitol, were the three gentlemen selected. General Gillmore is considered the best expert in the United States upon pavements. They were selected because they were above reproach; and being army officers, their honor was more to them than anything else. They made an examination into the different kinds of pavement, and here is the verbatim report of Gillmore's testimony. He says—

The Alderman read from General Gillmore's testimony to the effect that inspectors were appointed by the commission to see that the contract in regard to the thickness of the layers was complied with; that the inspectors nor the commission never condemned any pavement, and that nearly all the defective asphalt put down by the contractors was taken up by themselves, for they could be seen by anybody; that he knew nothing of the pavements represented by Colonel French and Mr. Shaw; that as commissioner at the Centennial he had professionally examined the Abbott pavement and all the other coal-tar pavements; that they discarded the stone pavement as unsuitable for Pennsylvania avenue, because of its unsuitableness, and the coal-tar pavement because of its short life, leaving the choice between the natural bituminous limestone pavement of General Averill, and the imitation of it, the Neufchatel, and that they divided the work between the two, giving one-third to the latter and two-thirds to the former; of the two the Grahamite did the better work; that if he had to select a pavement again, he would take the Grahamite in preference to all others; that he preferred an hydraulic concrete foundation, as the coal tar may ooze up in hot weather and interfere with the asphaltum, while the other does not, as it has been tried and no oil has been found in it; that there was nothing in the climate of Boston to affect the pavement; that they had some fears of the hot weather, but they had been dissipated; that there is nothing in asphaltum that can hold frost. He then read General Gillmore's statement of the comparative merits of stone and asphalt as follows:

A.—That may be ranged under a great many heads—the merits and demerits of a pavement. I suppose that in the first cost they do not differ much. The asphalt pavement—that is this class of pavement—laid upon six or seven inches of hydraulic concrete would be less costly in New York—nearly a dollar a yard—than stone pavement on a similar foundation. I suppose if you lay stone in the form of sand or gravel, and lay it well, the difference in cost would not be very great, although it might be in favor of stone, a quarter of a dollar a yard or more. I am speaking now of New York prices, so that in the first cost there is not much difference.

Well, in the durability of the two pavements, unless you get an excellent quality of stone, I think that pavement [pointing to the Grahamite specimen] more durable, but if you get some of the very hard rock—

Q.—You say this pavement—which pavement?

A.—I say this class of pavement. I think it is more durable than asphalt pavement—the hard rock—whether laid on concrete or otherwise. Where you have a block of stone pavement, the blocks selected so carefully with regard to thickness and length, and that can be turned over; I suppose you might get a longer life from stone pavement than you can out of this, although as a stone pavement wears it gradually changes into the character of a cobble-stone pavement, wearing off at the corners, and the deposit of mud and filth is quite as great in an old stone pavement as in a cobble-stone pavement.

The cost of maintenance is another element. I do not know what it costs to maintain stone pavements. Of course it depends upon the quality of stone. I suppose the life of a stone pavement is ten or twelve years. The repairs and replacing of worn-out stones and one thing and another might be equivalent to laying a new pavement; and perhaps it would last a little longer if of very tough stone. I think this pavement has a longer life than that.

Alderman Clark—Do you mean the Grahamite pavement or Bailey pavement?

A.—I mean the asphalt pavement. There is only one in this room. I don't know anything about this or that. I know what that is. It is a coal-tar pavement.

Q.—Do you know anything about the wear of the granite blocks used in the city here?

A.—No, sir, not in Boston here. I know they wear very well in New York where they are laid properly. The pavement on Broadway has been down several years, and it is the only pavement laid on a concrete foundation in New York—the one on Broadway below Fourteenth street.

Alderman Fitzgerald—It has cost an immense amount.

A.—It is very costly; it cost seven or eight dollars per yard.

General Averill—Eight and a half.

General Gillmore—Of course you can get a longer life out of a pavement where you keep the top surface even.

The Chairman—The repairs of this pavement—would you simply take off the top?

A.—To repair this pavement?

Q.—Yes, sir.

A.—Take off the top coat so far as the area requires repairs. You do not have to throw it away, but beat it over and put it back.

Q.—So it is something like railroad iron—use it over again?

A.—Yes, sir.

Q.—So you don't touch the cushion?

A.—But in case you want to patch a pavement you take up the cushion and put it down again.

Q.—So if you repair a street you don't touch the concrete foundation?

A.—Yes, sir; that will last forever if you keep it away from the frost.

Q.—How would you repair it when you have to take up a whole length, in the case of gas and water pipes?

A.—In Washington we made our foundation sufficient to tunnel under it. It is wide enough for a man to go under it.

Q.—In the meantime can you drive over it?

A.—Yes, sir; without any difficulty.

Q.—And it is sufficiently strong to bear it?

A.—Yes, sir; all light traffic can go over it—light traffic.

Q.—It don't interfere with the pavement?

A.—Not at all. There is another point of comparison that may be mentioned, about the healthfulness of this pavement. It has a hygienic value. You have not given much consideration to that aspect of the question in this country. We are satisfied to get a pavement down that is durable and cheap, even if it is rather rough. The old cobble-stone pavement lasted a great many years after it ought to have been discarded, and people see now that it can scarcely be called a pavement. In Europe the healthfulness of a pavement, its hygienic value, is regarded as a very important one; the noiselessness of it; its capacity of keeping all foul liquids from the soil below, and keeping all noxious gases from rising from the soil.

These qualities of this pavement recommend it abroad, so that lengthy medical papers have been written in favor of it. They there refer to this quality of the bituminous limestone pavement. This class of asphalt limestone is less so than bituminous. That accomplishes considerable on the surface which this does not. The pavement is noiseless, so far as any pavement can be. The most noise you hear about the vehicle is the click of the horses' feet upon it; the wheels make very little noise.

In regard to comparing the merits of the pavement of this class of concrete with a pavement of that class, it is less difficult to draw a distinction between them. I suppose if you had as good foundation for that pavement as you would desire to put under this, this would cost a few cents more per yard—probably a quarter of a dollar—because the material is more expensive. I assume that both have equally good foundation. But while that pavement would require to be re-surfaced every three or four years, this one would not require a cent to be spent upon it in that time; and at the end of twelve or sixteen years that pavement would have cost twice what this cost up to that time.

The life of those pavements—the coal-tar concrete of the various kinds—in Washington has been about three and a half years; some have been re-surfaced inside of three years; some have not been re-surfaced in six years; but the life of the wearing coat on top has been about three and a half years. Up to that time not a cent has been put upon the top of the asphalt pavement; and while you have got to spend a dollar a year a yard upon the coal-tar pavement, a dollar a year upon the asphalt pavement will keep it as good as new.

We assume that the foundation is intact all the time.

Alderman Fitzgerald—General, are there any specimens like that presented to you laid down in Washington?

A.—No sir, I don't think there are. I think—

Q.—Have you ever known any pavement called the Bailey pavement?

A.—No sir, I never have.

Alderman Fitzgerald—And so he goes on; and his testimony is decidedly in favor of the asphalt pavement on a level street where houses arc, and where there is a great deal of travel; and his testimony was decidedly in favor of the Grahamite over all. The pavement in New York is not an asphalt pavement; it is coal tar. The Bailey pavement, represented by Colonel French, has not existence at all, save and except in the specimen which was presented to the committee. If members of the Board will take the trouble to examine these pavements and strike them with a sharp hammer, he will at once see the difference between them. While the Grahamite pavement will impact and yield like a piece of leather, when struck on the edge—showing that it is tough and elastic—you will find that the other pavements, if struck on the edge, are brittle and will break away. The hardest pavement for heavy travel would, I presume, be the one represented by Mr. Shaw. In a place where there is a great deal of travel it might be put down with great advantage. But the Grahamite has advantages over all the others, besides its elasticity. It is laid in six inches of concrete made of sand and cement and stone mixed together into a substance almost as hard as rock. On that is put a soft cushion of the same material, but as separate from it as are the leaves of this pamphlet; and over that is placed the upper layer of this hard substance, and in a few hours it can be ridden over like granite blocks. That it is noiseless I know from experience in driving over it. That it is no experiment, as the Bailey pavement is, is shown, as General Gillmore said, by the specimen laid in New York; and that it is lasting is also shown by General Gillmore's testimony and by the fact that it has been used four years in New York without repairs. The reason that granite blocks were put down there is because their works were taken from there to Washington. The city of New York does not pave streets as we do, and the streets are in shocking condition. If the streets of Boston were in the condition of some of the thoroughfares of New York, the papers of Boston would call upon the District Attorney General to indict the city for the condition of the streets. If the company get a contract here, they will have works to supply the cities and towns of New England with that material. I have examined the material, and am satisfied that those parties—who are nearly all gentlemen—do not come for the purpose of cheating people, but have put their money into this for the purpose of giving a good pavement; and I am thoroughly satisfied that, of all the pavements presented to us, the Grahamite is the best to lay upon Columbus avenue, and is best for the people there. Therefore I shall vote for this order, and if it passes, I shall go for the Grahamite pavement.

Alderman Slade—About two months since, the Committee on Paving had their attention called to this matter of asphalt pavement. It was stated that a pavement was being laid in Washington that was probably the best that ever had been laid in this country. I was as sceptical, probably, as any man in this Board in regard to asphalt pavement. I had thoroughly made up my mind that granite rock was the best pavement for a street, and that probably nothing else would receive much trial in this city. A part of the Committee on Paving, with the Mayor, visited Washington for the purpose of examining the different kinds of paving that have been laid there, knowing that it was a place where experiments in paving had been made for many years. I, for one—and I know that my associates did—went there for the purpose of satisfying myself what was the best asphalt pavement, and if any were worth a trial. We rode over the different kinds of pavement, and I guess they have twenty or thirty miles of it in Washington. We examined them thoroughly, so far as we could by witnessing the laying of them on the streets and riding over them. We examined the works of the Grahamite Company thoroughly, their management and their machinery for the manufacture of asphalt, and the

laying of it down. In riding along the streets in Washington you can tell the difference between this and any other pavement, as quick as you can tell the difference between coarse carpet and fine velvet. On our return home we stopped at New York and examined the different specimens that this company had laid there. They put up their works there and experimented somewhat in different streets. They acknowledge that in one or two streets they made a failure of it; but they did it in order to perfect their asphalt pavement. The piece on Fifth avenue was the last one laid in New York. It was all done without pay, for they were experimenting, and had the privilege of laying it down free, and they put up their works for the purpose. After getting this contract in Washington they removed the works there, at a cost of somewhere about ten to twenty thousand dollars. I know about this sewer being cut through this pavement in Fifth avenue. Their works, having been carried to Washington, of course they have not got them in New York, not having received anything for their work, and have never been asked to repair it, and of course when it was necessary to cut it for a sewer it was relaid by the city with granite blocks. The repairs might have been made by this company if the city had asked them to do it. It is not absolutely necessary for them to have these works for a small job of repairing; but they were not notified, and they are not to blame, as the city of New York has not paid them a dollar. For two months I have given the closest attention I could, and the best judgment I possessed, to this matter of asphalt pavement, because my great desire and wish is, that if anything that is noiseless can be used to supersede granite block or stone, and that will stand as long, I am in favor of it. This asphalt pavement is as noiseless as a carpet when a person is walking over it, and that goes a great way in my desire to have something of that kind placed upon our streets. Of all the other specimens we have had, not one of the proprietors would allow that his was not dusty; they admitted that it was dusty, whereas no dust can come from the Grahamite because there is nothing in the mixture to grind up, which I think is a great consideration. It being entirely impervious to water, none can go through it and none come up. It is perfectly sweet to the smell, and must remain so as long as it is in a perfect condition. If any member of this department will go into the Paving Department room and examine the different specimens there, I believe that without any instruction he could not make a mistake in picking out the specimen of the best piece of work there. Now, as to the expense. The Alderman has suggested that some person has told him he will lay granite blocks for \$2.50 a yard. I have no doubt that might be done; but he certainly would have to pay one-third less price than the city is paying, for labor and every particle of the work. Granite blocks cost 4½ cents apiece, and any one can see how many it will take; and the city has to repair the ground and do the whole work except the laying of the blocks, which are put down by contract. The other work has been cut down to about twelve cents a yard this year, but it is a very small item in the expense of paving. I am sure that this kind of paving will cost no more than granite, let that be what it is. If we can by any means figure that granite paving will cost no more than \$3 a yard, I will guarantee that this asphalt will not cost more than \$3. That I will guarantee to this Board if it is done. I do not know but enough has been said in regard to this matter. The committee have spent a good deal of time, within the last two months, to overcome the prejudice against any kind of fancy pavement. For one, I am satisfied to rest my judgment on the Grahamite pavement, place it upon the streets and stand by it in the future. The city will not be cheated a cent, and the work will be done at the lowest possible expense for a good piece of work. I would not put down a pavement that cost only fifty cents a yard, because everybody would know it is worth nothing. I would put down the best thing there is at the lowest possible price.

Alderman Thompson—I am not opposed to asphalt if it is the best article; but I desire more light and information upon the subject. I have not visited Washington recently, and if I had I should be better informed than I am now. The gentlemen who visited Washington tell us that General Gillmore and other parties have pronounced the Grahamite pavement superior to anything else; but

for the life of me I cannot tell why it is that at this moment they are laying the Bailey pavement there, which has been awarded a contract within three weeks, and that if any more paving is to be done there they would give it the preference over the Grahamite. Is Boston to pay fifty cents more because, General Gillmore says so, when his own city is taking something else? The gentleman is mistaken about dust coming from all the other pavements. That is where they use coal tar or pitch. Other people use asphalt just as well as the Grahamite. The gentleman speaks of these people coming here with no intent to rob any one. We understand they come here to make the best possible trade and the most money they can. In regard to hiring labor at less than the city is paying, in order to supply granite blocks at \$2.50, does the Alderman believe the Grahamite Company will pay more for labor than they are obliged to? They will make as much money as they can, and it needs no ghost from the grave to tell us that. The other companies have the same advantage in regard to noiselessness that the Grahamite has; and we all understand that no odors can escape. In regard to striking them with a hammer, I have done so and cannot see any difference.

Alderman Slade—It was stated that Mr. Bailey had been twenty years in the business; but the only pavement he claimed is a small piece laid for trial in Arlington. There is not a piece of Bailey pavement laid anywhere in the United States. If they have a contract, it is probably as a trial; but I don't know that that is the case.

Alderman Thompson—If they have perfection, what more do they want? If the Grahamite, why want the Bailey? If General Gillmore was an expert, it is supposed he should have given information concerning every sample presented to him; yet there were one or two samples of which he knew nothing. I believe all these men make good articles. I suppose if they lay pavement here they will take their works away as they did from New York, and we shall have to send to Washington every time that we want repairs done. If we are to spend \$60,000 for a new pavement, we should have more information. In Western cities, I am told, they would prefer granite blocks, and that they think asphalt is not to be compared with them. I understand that the Abbott pavement is a good one, has been many years in service, and that they will lay nothing else in Brookline; and it can be obtained at a much less price. Let us have the best article at the lowest price.

Alderman Fitzgerald—General Gillmore was not familiar with the other asphalt pavements because they have no practical existence in any public streets to any extent sufficient to be noticed; and if they had been presented to him, as a commissioner he would have rejected them. I fancy that the bid of Mr. Bailey is put in here by persons more in the interest of granite than asphalt, and that the whole of it is to kill asphalt as against granite. Mr. Shaw's pavement has never been tried by a large contract. It looks stony and hard, but has never been recommended by use. The committee selected the pavement recommended by the most practical expert in the country. Perhaps the reason the Grahamite company has not got the contract recently may be explained by the statement in the papers that the Ring have again gained the supremacy in Washington, as the contracts were given to certain parties whose pavements were repudiated by the commission. I do not care which pavement is put down, and it makes no difference to me if the order is rejected. As a member of the committee I have my opinion, and I believe that granite should not be laid on Columbus avenue.

Alderman Gibson—When Columbus avenue was paved with wood in 1869 or 1870 it cost \$120,000. Different parties laid down different kinds, and they never had any idea of repairing it. That experiment has cost the taxpayers \$25,000 a year, and it is a question whether it ought to be tried again. The committee ought to show the Board how that stands. Now they propose another experiment. I have entire confidence in the committee; but General Gillmore has been so long in Washington that I should fear he had become tinctured with the atmosphere that prevails there. I would ask the gentleman about the Chestnut pavement on Columbus avenue.

Alderman Robinson—I think it was stated at the hearing that it rotted quicker than anything else.

Alderman Gibson—I was born in a chestnut country and never saw any rot in twenty years' ser-

vice. If the gentleman don't know that of his own knowledge, I say it is good and sound. You can pave that street with chestnut at \$1.80 a yard, and it will last fifteen to twenty years; while the asphalt experiment will cost

Alderman Robrison—The parties are willing to come under bonds to keep the pavement in repair for ten cents a yard for fifteen years. The committee do not desire any experiments, and the Grahamite is not an experiment. These others are experiments, except the Abbott, which is of coal tar.

Alderman O'Brien—The city has experimented with pavements since I can remember, and within a few years every sensible man has settled down to granite blocks as the perfection of pavement, until asphalt has been brought to our notice. Granite is taken from our own quarries, brought here by our own men, and gives employment to our own citizens, and I believe it is the best pavement introduced. It is also shipped to other cities, and it is quite a feature of our trade. But I don't desire to be old foggy, and stand in the way of improvement. The committee have given this attention, think asphalt is the best, and I am willing to try this experiment, although I believe we will go back to small granite blocks of our own manufacture.

Alderman Robinson—Three months ago I was as strong an advocate of granite as the Alderman; but I think the asphalt will give quite as much labor to our citizens, being manufactured here and kept in repair for fifteen years, requiring the employment of many persons.

Alderman Fitzgerald—The labor does not represent one-half the amount expended on granite blocks in the Street Department. If that be an argument, it is as strongly in favor of asphalt. Granite comes anywhere from Cape Ann to Maine, and the laborers of Boston have nothing to do with it. The asphalt has to be prepared here, and fifteen men will get employment on it to one on granite; I agree that granite is best for the principal streets.

Alderman Thompson—I am informed that the Abbott pavement has been in operation ten years, without repairs, and that no other has been laid in Brooklyn for seven years. On the contrary I am informed that the Grahamite has been repaired on several streets in New York. The Abbott company is managed by practical men; whereas, perhaps General Averill and General Gillmore, or who ever manage the other company, to say the least, are not practical, except, perhaps, in obtaining contracts. I understand that Mr. Shaw's pavement has been in existence five or six years and given satisfaction. Before we vote \$3.50 a square I hope we shall know which is best.

Alderman Fitzgerald read from the testimony to show that a practical man, a graduate of Brussels, who had experimented in pavements in Paris before coming here, is at the head of the Grahamite works. He also read from a report of Commissioner Van Nort of New York, to show that the Grahamite pavement had not been repaired, and was perfectly satisfactory. He then said, General Gillmore lives in New York, and has nothing to do with it; he testifies as a professional expert. General Averill is the business manager of the company, perhaps knowing as little of the practical works as the treasurers of our mills do of weaving cotton cloth.

Alderman Thompson—Who summoned General Gillmore here?

Alderman Fitzgerald—He was summoned by them as an expert. He has a high character and is known throughout the United States.

Alderman Thompson—If he was summoned by the Grahamite company he would not testify against them, of course, and was going to say everything possible in their favor.

Alderman Robinson—General Gillmore stated that he came as an expert; and he was willing to answer any questions any person chose to put to him; and he did. [The Alderman read a portion of General Gillmore's testimony in regard to the Grahamite pavement.] Every objection brought up here was answered at the hearing.

Alderman Fitzgerald—The best recommendation a pavement could have is the fact that a man like General Gillmore would come here and endorse its superior excellence.

Alderman Robinson read a brief letter from General George B. McClellan, indorsing the Grahamite pavement, and said General McClellan did not write such letters unless he believed in a thing.

Alderman Thompson—It was no more than ten days ago the chairman of the committee said he knew nothing of asphalt; and here in ten days he proposes to instruct this Board all about it. [Alderman Thompson read an extract from Alderman Robinson's remarks when the subject was first introduced.]

Alderman Clark—I should like to know the comparative cost of a macadamized roadway, granite blocks, and asphalt.

Alderman Fitzgerald—We don't know it; we took it for granted that if we attempted to macadamize the avenue all the residents would raise a hue and cry against it.

Alderman Gibson moved to lay the matter on the table one week.

Alderman Clark—If anything is to be done it should begin at once. I am opposed to paving Columbus avenue with granite blocks. We should also pave Huntington avenue and Beacon street with a different material. There may be small places paved with wood, and for travelled streets like this avenue I prefer some noiseless pavement. I know the committee have given the subject much attention, and they must take the responsibility. I shall vote for this order, and let them lay such asphalt as they believe best. I disagree with the Alderman from East Boston that Columbus avenue does not need repairing. It is a great thoroughfare; has many fine buildings upon it, and is an important street as regards residences. This is a large job to give one corporation; but I understand they cannot afford to put up works here for a small one. I was much interested in General Gillmore's testimony, which was given in a disinterested manner. He gave an honest opinion that the Grahamite was the most economical pavement, and believed it would work as well in Boston as in Washington. I shall defer to the judgment of the committee.

The motion to table was lost.

Alderman Robinson related his observation of an asphalt pavement in London, as given at a previous meeting, and again referred to the necessity for paving Columbus avenue.

Alderman Gibson said he had voted for spruce blocks, the best wood pavement; but he rather questioned the propriety of trying another such experiment. He hoped more time would be given for information.

Alderman Clark said that specimens of the Abbott pavement are laid in Commercial and Brimmer streets, subject to heavy travel, and it has worn well.

Alderman Gibson favored asphalt, if it is durable.

Alderman Thompson moved as a substitute that the committee lay 1000 feet, giving an equal share to the four kinds of pavement.

The substitute was rejected—yeas 5, nays 7:

Yeas—Aldermen Burnham, Dunbar, Gibson, Thompson, Viles—5.

Nays—Aldermen Breck, Clark, Fitzgerald, O'Brien, Robinson, Slade, Wilder—7.

Alderman Thompson moved to amend by making the price \$3 per square yard.

The amendment was lost—yeas 6, nays 6:

Yeas—Aldermen Burnham, Dunbar, Gibson, Thompson, Viles, Wilder—6.

Nays—Aldermen Breck, Clark, Fitzgerald, O'Brien, Robinson, Slade—6.

The order was rejected by a division—6 for, 6 against.

Alderman Wilder moved a reconsideration, and proposed to renew the amendment for \$3, as he thought \$3.50 too much.

The reconsideration prevailed—9 for, 0 against.

Alderman Fitzgerald moved to make the price \$3.25, saying \$3 would be practically a prohibition.

Alderman Wilder accepted the amendment, and was willing to trust to the integrity of the committee.

Alderman Gibson thought burnettized spruce blocks the best to put down in this avenue.

Alderman Thompson opposed the amendment, and hoped the committee would report to the Board the cost of the different kinds.

Alderman Slade said they must get authority before beginning to negotiate, and they would get it for the least they can. He would guarantee that asphalt would cost no more than granite.

The amendment (\$3.25) was adopted—yeas 9, nays 3—Aldermen Burnham, Gibson, Thompson, voting nay.

The order as amended was passed, and a motion to reconsider by Alderman Fitzgerald was lost.

#### PROPOSED VISIT TO SUDBURY RIVER.

An order came up for arrangements for a visit to the Sudbury River Water Works on July 10.

It was discussed by Aldermen Fitzgerald and Thompson, who thought no information was to be gained, and Aldermen O'Brien, Slade, and Clark, who thought an opportunity for information would be afforded, and laid on the table.

An order to invite the Water Board, City Engineer, reporters, etc., to attend said visit also came up and was also laid on the table.

#### SEALERS OF WEIGHTS AND MEASURES.

Alderman Wilder moved to reconsider the vote adopting the order of minority of Salary Committee, which fixes the pay of deputy sealers of weights and measures by fees instead of salary.

Alderman Wilder—The general proposition to support that office by fees I believe is wrong. People using scales, and knowing they are right, never pay fees cheerfully. The fees are difficult to collect. The law requires people to seal their scales once a year, and it is not right to compel them to pay for it.

Alderman Thompson—Quite a number of years the sealers came to my place of business and demanded that my scales be sealed according to law, and I paid for them. I think it is just and proper. I see no reason for subjecting citizens to the expense of sealing private scales.

Alderman Viles—I hope we shall reconsider. I don't believe in sending half a dozen men to prey on the community, and sealing scales three or four times a year. I voted for the order under a misapprehension, thinking it was the majority report.

Alderman Clark—I find in the report of the sealer for 1877 that from January 1 to April 30 the total number of scales sealed was 1600, when there are probably five thousand in the city. Those who use weights and measures should be compelled to have them sealed. [The Alderman read from the report to show that this office should be made self-sustaining and that the fee system should prevail.] That is the opinion of the sealer, and that is the reason I voted for fees instead of a salary.

Alderman Slade—The sealer last year complained that one man could not do it; but he has never told me he favored fees in preference to a salary. If we pay them by fees not exceeding \$1000, possibly they may stop when they get \$1000; whereas if we pay a salary they will do their work faithfully. The scales are really for the public, and the public should pay for sealing them.

Alderman Clark—I cannot see any more reason for the public paying for the sealing than for the scale itself.

Alderman Fitzgerald—One thing seems lost sight of. The scales are as apt to make a mistake against the dealer as against the customer, and it is as much for the owner's benefit to have them sealed. The advantage and disadvantage is as great on one side as the other.

Alderman Gibson—That office has been an easy one for a number of years. It used to be a political institution, with a couple of men sitting there. If the salary is a fixed sum, the men would not travel around the city sealing scales.

Alderman Thompson—I see no reason for increasing the sealers unless some one is to look after the scales, which they will not do on a salary.

The Board voted to reconsider—yeas 7, nays 5:

Yeas—Aldermen Breck, Dunbar, Burnham, O'Brien, Slade, Viles, Wilder—7.

Nays—Aldermen Clark, Fitzgerald, Gibson, Robinson, Thompson—5.

The question then recurred on the passage of the order of the minority (making the pay by fees), and it was rejected—yeas 6, nays 6:

Yeas—Aldermen Burnham, Clark, Fitzgerald, Gibson, Robinson, Thompson—6.

Nays—Aldermen Breck, Dunbar, O'Brien, Slade, Viles, Wilder—6.

#### POLICE NOMINATIONS.

Alderman Robinson moved to reconsider the votes whereby Timothy A. Hurley was confirmed as a lieutenant of police, and William Fotler and Thomas Ryan were confirmed as sergeants of police.

Alderman Robinson explained that the reason for the motion was that the rule of the Board required all such nominations to be referred to the Police Committee. Nothing was known against the appointees, but it was desirable to have the appointments go through the regular course.

Alderman O'Brien said they had been confirmed

already, and as the men were superior he would be sorry to see any impediment to their promotion.

Alderman Robinson disclaimed any intention of throwing an impediment in the way.

Alderman O'Brien said the committee did not call attention to the matter when it was going through the Board, and the confirmation was final.

Aldermen Breck and Burnham said the committee knew of no reason why they would not be reported back favorably. They merely wanted to conform to the rule.

Alderman Wilder could see no use in referring, when the committee say the men are all right.

Alderman Gibson did not believe a policeman or constable should be confirmed without an investigation by the committee.

Alderman Clark agreed with Alderman Gibson, though he had no doubt these men were the best in the department to promote. Investigations lately had led to the non-confirmation of some appointments.

The motion to reconsider prevailed 8 for, and the nominations were referred to the Police Committee.

#### IMPROVED SEWERAGE.

Alderman Fitzgerald offered an order—That the Committee on Improved Sewerage be requested to report to the City Council on or before two weeks from this day.

Alderman Burnham explained that the committee had met to consider the plans and were working on them; but if compelled to report, they could make only a partial one.

Alderman Fitzgerald, having accomplished his object, withdrew the order.

#### MYSTIC VALLEY SEWER.

Alderman Clark moved to reconsider the votes whereby this Board concurred with the Common Council in "instructing" the Water Board to construct the Mystic Valley Sewer by "day labor," also in refusing to adopt the amendment to "divide such labor *pro rata* among the several wards of this city."

Alderman Clark—One reason I make the motion is because of the discourtesy to the city of Somerville after they have appointed a committee to confer with the city of Boston. Another reason is, the discourtesy to the Water Board, composed of three competent men who are disposed to do precisely as the City Council wish. We have passed a resolution authorizing and recommending that it be done by day's labor instead of by contract, and it seems to me that is all we should do. It was stated at the last meeting of the Council that unless we passed an order instructing them, it could not be done by day's labor. In order to satisfy myself I obtained Mr. Healy's opinion, which is that that order fully covers the ground and gives them every authority they need. The commissioners will do it if there is no legal objection, and at present there is none.

Alderman O'Brien—I am surprised at the impediments thrown in the way of this order. I have every respect for the Aldermen from Somerville, but when they step outside of their limits and meddle with business they have no right to meddle with, it is time to tell them to mind their own business. The time for them to interfere was when the City Council appropriated \$200,000 to build that sewer to purify the water. But now, when it is to cost only \$75,000, these Aldermen pass resolutions and meddle with things that do not belong to them. The order emanated from our own Common Council, and shall we snub our own Councilmen and bow down to these Aldermen of Somerville? It is wrong to the laboring men to delay this work by amendments and reconsiderations. I consulted the City Solicitor, and according to his ruling his opinion is not as the Alderman says. He said, If you want to speak to a board, the way is to speak according to the language of the ordinance. [The Alderman read the section of the ordinance wherein the City Council retains the power to instruct said board by ordinance or order.] We merely passed a resolution authorizing them to do what they cannot do on our recommendation. The Water Board cannot think it discourteous when we instruct them according to the ordinance.

Alderman Clark—The action of Somerville Aldermen shows they have an interest in this matter, and they would not do their duty if they did not take notice of work for which they have to

pay a part, that is going to cost \$150,000, when it can be done for \$100,000. Mr. Healy says—

“Upon the passage of that order it is my opinion that the Water Board would be authorized to construct the sewer in accordance with the terms of the order.”

This order was reported by a majority of the committee, and the member of the Common Council who first introduced the subject told me it was perfectly satisfactory.

Alderman O'Brien—The Common Council said by a large vote that they want this work done by day's labor. It is not a resolution, it is an order.

Alderman Thompson—The people of Somerville have an interest in this matter, for their water rates are to be reduced when the debt is paid. If the board is ordered to do it by day's labor, they must do it, whether there are legal objections or not.

Alderman Fitzgerald thought they had been

arguing about the difference between tweedledum and tweedle-dee.

The reconsideration prevailed—yeas 7, nays 5:

Yeas—Aldermen Breck, Burnham, Clark, Dunbar, Gibson, Robinson, Thompson—7.

Nays—Aldermen Fitzgerald, O'Brien, Slade, Viles, Wilder—5.

On motion of Alderman Fitzgerald, the Board concurred in the amendment instructing the board to do the work by day's labor—yeas 5, nays 7—the same relatively as the board.

On motion of Alderman Fitzgerald the Board non-concurred in the amendment to divide the labor *pro rata* among the wards.

On motion of Alderman Thompson it was voted to ask for a committee of conference, and Aldermen Breck and Burnham were appointed said committee.

Adjourned on motion of Alderman Thompson.



## CITY OF BOSTON.

## Proceedings of the Common Council,

JUNE 28, 1877.

Regular meeting at 7½ P. M., Benjamin Pope, President, in the chair.

## ENTERTAINMENT OF DISTINGUISHED VISITORS.

Mr. Pope of Ward 14—I move a suspension of the rule. At the meeting of the Common Council on the 24th of May I offered an order authorizing his Honor the Mayor to extend such courtesies to distinguished visitors to this city during the present year as may be appropriate and courteous. I wish to offer an order to rescind that order, and if the rule is suspended I shall give my reasons therefor.

Mr. Flynn of Ward 13—I hope the rule will not be suspended, but that we shall go on with our business, and at the proper time, if any gentleman has any grievance to state here, he can do so. I think it is not a proper time to attempt anything of the kind. There is not a full Council, and I think the gentleman should wait until the members come in.

The Council refused to suspend the rule, by a division—23 for, 10 against.

The Council proceeded with the regular business, and when the call for motions, orders and resolutions was made the subject was again brought up.

Mr. Pope of Ward 14 offered an order—That the order passed by the City Council May 28, 1877, and approved by the Mayor May 30, 1877, "authorizing the Mayor to extend, in behalf of the City Council, such civilities to distinguished strangers who may visit the city during the present year, as may be courteous and proper," be and the same is hereby rescinded.

The question was on giving the order a second reading.

Mr. Pope of Ward 14—When I offered this order on the 24th of May last, I did so at the request of his Honor the Mayor, who informed me that his Excellency the Governor had sent a message to him informing him that the President would come here sometime this month, and asking what provisions he could make to entertain him. The Mayor also informed me that he wished me to say nothing about this visit when I offered the order. As the members know, when I offered the order it occasioned considerable criticism, and requests were made to me for an explanation, which the Council will readily see I could not give. No other member enjoyed more than I did the discussion which took place, as I knew the members who opposed it would soon find out that they were opposing the entertainment of the President. I was very much surprised myself, shortly afterwards, to hear of a visit from a deputation of merchants to the Mayor requesting him to entertain certain men who came here to attend the sale of rubber goods, and that the Mayor had invited them to attend an excursion down the harbor, which was not contemplated in the order. The remarks made by gentlemen that the order would lead to a great deal of junketing, I then thought very much out of place; but I must confess that I have changed my mind since then. As I said before, I don't think the order contemplated this excursion. The gentlemen who visited the city then did not come under the head of distinguished visitors, and it would have been much more in place, if the gentlemen who made the request of the Mayor, had put their hands in their own pockets and paid the bills, instead of asking the city of Boston to do it. The plea that it would redound to the credit of the city would not be carried out any better by the city doing it than if the merchants had done it themselves; and it was their business to do it. As I do not know how many more such entertainments may take place during the year, I have made this motion to rescind, and I hope it will pass.

Mr. Flynn of Ward 13—It is very evident that the gentleman from his own conversation and remarks here offers the order because he has not been allowed to junket.

Mr. Pope of Ward 14—What conversation or remarks?

Mr. Flynn—I mean what I say. It is very evident that the gentleman feels sore because he was not invited to the banquet last night.

Mr. Pope—If the gentleman will allow me the floor—I had it in contemplation last Thursday night, but had a telegram from a neighboring State and was obliged to be absent. It had nothing to do with the banquet.

Mr. Flynn—I am not here as the champion of the Mayor or anybody else; but I do know that the opinion of the people of Boston is that the Mayor did the best thing he could under the circumstances. He entertained the President, and invited some of the best citizens of Boston to the banquet. I had no desire to be there myself, and I have no fault to find with the Mayor; and I will not censure him by voting to rescind the order. I call for the yeas and nays.

The yeas and nays were ordered by a division—36 for.

Mr. Jackson of Ward 16—I would like to know what the motive is for offering the order to rescind.

Mr. Pope of Ward 14—If it is in order, I would explain my motive again, although I think I did so before. I do not know that it is necessary to go into any full explanation. I have stated the facts in the case. I think the remarks made by many gentlemen at the meeting of the Council when the order was offered were correct—although I did not think so at the time—and that a large sum has been spent in entertaining people whom the city of Boston ought not to have been called upon to entertain, and that the same thing may be done again and again. For that reason I am willing to stop it here. I have already been criticised about the city for offering the order, and I propose to set myself right tonight.

Mr. Jackson of Ward 16—This matter has been before us some time and we have had it discussed pretty extensively. Now, that appropriation was made, giving the Mayor authority to do what he pleased with this amount of money, and I, for one, am willing to let him go ahead and take the responsibility.

Mr. Spenceley of Ward 19—What amount of money?

Mr. Jackson—The amount appropriated.

Mr. Spenceley—No amount was appropriated.

Mr. Jackson—Authority was given him to entertain distinguished visitors. I am willing to let him go ahead, and if he does wrong he is the responsible party. I hope the motion to rescind will not prevail.

Mr. Spenceley—I hope the motion will prevail. I see by the Auditor's report that we appropriated \$80,000 for incidental expenses, and that it is intended for celebrating the Fourth of July, entertaining distinguished visitors, paying judgments against the city, and other expenditures not provided for. In the way we are going along, I do not believe we will have money enough to get us through the year. I think we want something during the year for the Fourth of July, and there are considerable legal expenses and judgments against the city. If the Mayor is going to spend money as he has for the last few months I don't think we shall have enough to carry us through the year. I hope the order will pass.

Mr. Flynn of Ward 13—How much money has the Mayor spent for the last three months?

Mr. Spenceley—Two hundred plates at \$25 a plate will be \$5000 sure, and \$900 added to that would be nearly \$6000; and that is since May. The same ratio during the rest of the year will carry it up to \$25,000 or 30,000. You cannot judge of the future except by the past, you know.

The order was refused a second reading—yeas 25, nays 34:

Yeas—Messrs. Blodgett, Clarke, Coe, Crocker, Danforth, Felt, Hibbard, Hiscock, Howes, McClusky, Mowry, O'Connor, Perham, J. H. Pierce, O. H. Pierce, Pope, J. B. Richardson, M. W. Richardson, Roberts, Spenceley, Stone, Thorndike, Upham, G. B. Webster, Wolcott—25.

Nays—Messrs. Barnard, Barry, Beeching, Blanchard, Brintnall, Brown, Burke, Cannon, Cox, Dee, Doherty, Duggan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McDonald, McGaragle, Morrill, Nugent, O'Donnell, Reed, Roach, Ruffin, Shepard, Sibley, Vose, Warren, E. R. Webster—34.

Absent or not voting—Messrs. Cross, Day, Fagan, Ham, Mullane, Pearl, Pratt, Sampson, Smardon, Souther, Thompson, Wilbur—12.

## MISCELLANEOUS PAPERS FROM THE BOARD OF ALDERMEN.

Report of Overseers of the Poor. Placed on file. Petitions were referred in concurrence.



Report of leave to withdraw on petition of E. Lawrence, Jr., *et al.*, that the city assume the care of the enclosure in Berwick park. Accepted in concurrence.

Order to refund \$186.20 to Joseph F. Dearborn, the dividend on policies of insurance of city on estates on Emerald and Middlesex streets, and paid by said Dearborn. Ordered to a second reading.

Report and order to report an ordinance for appointment of a person to have charge of permits for occupying streets for building purposes, instead of detailing a police officer. Order passed to a second reading. Later in the session the rule was suspended, on motion of Mr. Richardson of Ward 10 (who merely desired to get the matter before the committee), and the order passed in concurrence.

Report and order requesting Street Commissioners to lay out Ninth street, South Boston, on the conditions therein set forth. Order passed to a second reading.

MYSTIC VALLEY SEWER.

The order concerning employment of labor in construction of Mystic Valley Sewer came down with non-concurrence of the other branch in amendment to divide the labor *pro rata* among the wards, and an order for committee of conference.

The question was—Shall the Council adhere to the amendment?

Mr. Fraser of Ward 6—I was in hopes we had got clear of this, and that when the order was originally offered we would take hold of it in a common-sense view. But I have changed my opinion somewhat. For the last fortnight it appears that it has been a matter of veracity between the Council and the Board of Aldermen, and the whole thing hangs on one or two words. I have tried, by every means in my power to be consistent in this matter, making no charges but what I knew I could sustain, and saying nothing that I did not conscientiously believe to be true; and here it comes down again, after the most absolute proof being given to the gentlemen of the Board of Aldermen that it was the will of the great majority of this Council that the Water Board should be instructed. I find, even no later than the last meeting of the Board of Aldermen, that it is a question of veracity between two of the Aldermen. The chairman of the Committee on Water said he obtained the opinion of the City Solicitor, that the order fully covered the ground, and gave them every authority they need, and the Alderman says the commissioners will do it if there is no legal objection. That is very consoling to the Council; but he did not say it was the opinion of the City Solicitor that there is no legal objection. A few moments afterwards Alderman O'Brien said he had obtained a legal opinion of the City Solicitor which was different. I tried to get the opinion of the City Solicitor, but I found I could not do so except by offering an order, and then he will give it in writing. I intend to offer an order so that we will know what is law and what is not law in this matter. I know there are many men suffering because of our not putting this thing through; but, as I have said before, they never will get one day's work unless the Water Board are instructed. If I had authority to state the opinion of the City Solicitor—but he requested me not to do it—I know what his decision would be. I hope the Council will adhere to its former vote, and then I shall be willing to appoint a committee of conference.

The Council voted to insist upon its former action. The order for a conference committee was passed in concurrence and Messrs. Kelley of Ward 3 and Fraser of Ward 6 were appointed on said committee.

Subsequently Mr. Fraser offered an order—That the Committee on Judiciary be requested to obtain the opinion of the City Solicitor as to the legality of the order now before the City Council on the construction of the Mystic sewer. Read twice and passed.

EVENING CONCERTS.

The order for a joint committee to make arrangements for furnishing music on the Common and other parts of the city during the summer months was considered under unfinished business. Passed—yeas 53, nays 0. Messrs. Howes of Ward 18, Vose of Ward 24 and Shepard of Ward 5 were appointed on said committee. Sent up.

VACATION SCHOOLS.

Mr. Wolcott of Ward 11 moved to reconsider the vote of adherence to the vote of May 31, ult., whereby this Council non-concurred in the order to allow for vacation schools \$2000, to be charged to School Expenses, School Committee.

Mr. Wolcott—As I had the honor, at a previous meeting of this Council, to move non-concurrence in this amendment, which was carried, I may be allowed a single word in explanation of my attitude tonight. I have seen no reason to change the opinion which I first held as to the best form which this order should take; but I am fully persuaded of the desirability of allowing the School Committee to make this experiment, and I am convinced, further, that the Board of Aldermen will adhere to their action in the matter. It seemed to me that the best way to accomplish the desired object would be to move a reconsideration, and, if that is carried, to move to concur with the Board of Aldermen.

The reconsideration prevailed, and on motion of Mr. Wolcott, the Council concurred with the Board of Aldermen.

FIRE DEPARTMENT.

Mr. Spenceley of Ward 19 presented the fourth annual report of the Board of Fire Commissioners for the year ending April 30, 1877. (City Doc. 55.) Sent up.

Like the last year, this has been one in which no large fires have occurred, and the losses have been small as compared with recent previous years. The same feeling of security seems to be prevalent among the community, and the Fire Department have, we believe, by their efforts and department, deserved well the confidence that has steadily gained ground since its reorganization. The organization of the department is the same as stated last year, except that two chemical engines have been added, one being placed in the new engine house on Harvard avenue, Brighton District, and the other on Mt. Vernon street, West Roxbury Village, the last-named taking the place of the only band engine used for fire purposes in the city. In the month of March the "crew" of the fire boat was reorganized by abolishing the offices of mate, stoker and steward, placing it on the same basis as the companies of the permanent force, both in pay and allowance. Heretofore the rations have been paid for by the city; the crew now furnish them at their own cost, under the supervision of the captain. The same number of men are employed as heretofore.

The total force of officers and men in the Fire Department consists of—

Permanent men.....	264
Call men.....	354
	— 618
Fire-alarm branch.....	9
Clerks.....	3
Commissioners.....	3
	— 3
Total.....	633

The buildings of the several apparatus are in good condition, needing only such general repairs as the ordinary wear requires from time to time. As at present organized, the Board feel that the "force" of the department is sufficient for the protection of the city from fires that may occur, and no new houses or extraordinary repairs will be required during the coming year; the ordinary repairs are being done by detailed men from the permanent force, as named in last year's report.

The apparatus of the department consists of—

	In service.	In reserve.	Total.
Steam fire engines.....	29	4	33
Chemical ".....	7	1	8
Horse hose carriages, used by engine companies.....	19	..	19
Horse hose carriages, used by independent companies.....	11	5	16
Hose carriages attached to engines.....	11	16	27
Hook and ladder carriages, fully equipped.....	11	1	12
Aerial ladder.....	1	..	1
Skinner ladder.....	1	..	1
Hand engines.....	2	..	2
Coal wagons.....	16	..	16
Supply wagons, Fire Department.....	2	1	3
Supply wagons, Fire-Alarm Department.....	2	..	2
Engineers' wagons.....	4	2	6
Buggies.....	2	..	2
Hose pumps.....	33	..	33
Jobbing pumps.....	3	..	3
Engineers' sleighs.....	5	..	5

The following new apparatus has been added during the year (included above):

2 engineers' wagons, built at department repair shop.

2 two-wheeled hose carriages, built at department repair shop.

- 1 hose pung.
- 1 jobbing pung.
- 2 repair wagons, fire alarm.

The number of feet of hose on hand in use in the department is a little more than was reported last year. The chemical engines in the suburbs are furnished with a reel containing some 250 feet, giving them the means of getting a stream on a fire from a hydrant or steamer, serving the purpose of a hose carriage as well.

On hand, leather.....	21,602
"    cotton.....	30,108
"    rubber.....	20,161 2 1/2 in.
"    "          .....	2,289 3/4 in. chemical engine.
<b>Total.....</b>	<b>74,160</b>

4200 feet of cotton and 1600 feet of small rubber hose have been purchased during the year and 7400 feet of the several kinds have been condemned; the hose in use is not in as good condition as last year, its proportionable value being—

- Reliable, 70 per cent.
- Not fully reliable, 30 per cent.

There are in service of the department, including three in the fire-alarm branch, 137 horses; and they are in good condition, doing their work generally in a satisfactory manner. No epidemic or special disease has prevailed, and the health has been more than average good. During the year ten have been bought, six exchanged or disposed of as unfit for service, and only one has died.

The apparatus repair shop continues to give satisfactory results. A large amount of work has been done in repairs of all kinds and in construction of new apparatus; also for the fire-alarm branch. The most of the labor is still done by detailed men, who respond for duty at fires when called to the locality of their respective companies.

During the year two two-wheeled hose carriages of the "Ryan" pattern have been constructed, at a very reasonable cost, and placed in the service of the department.

The expense of the shop, including the charges for material, labor, tools and running expenses has been.....	\$13,580.72
Less a credit by old material exchanged.....	671.39
	<b>\$12,909.33</b>

Distributed as follows:

Repairs of apparatus.....	\$9,018.48
Fire alarm, bells and clocks, engine-houses, etc.....	2,791.42
New apparatus.....	1,099.43

The hose and harness shop has been conducted in the same manner as last year, doing all the work of the department at the very moderate cost of \$2,182.92.

Repairing of hose.....	\$1,062.30
"    "    harness and making of new do..	1,120.62
	<b>\$2,182.92</b>

The fire-alarm branch of this department is in good condition and working quite satisfactorily. An extra wire has been run connecting the alarm bells with the city proper, independent of the "gongs" and "tappers," so that either one or the other can be struck singly; being an additional security in case of a break in the line.

The right to construct a fire-alarm telegraph in the territory formerly known as Brighton, also to extend the same in the West Roxbury and Charlestown districts, has been purchased for the sum of \$5000. All the machinery and material to complete the same have been delivered, and the work is now being rapidly forwarded, and by the 1st of June the Brighton District will be in connection with and under the same system as other parts of the city.

During the past year a change in the method of striking the alarms in the Charlestown District has been made by altering the boxes and striking apparatus to conform to those of the city proper, and the alarms from that district are now struck from headquarters, City Hall. It is in contemplation to have the same change made in the West Roxbury District, which, when done, will concentrate all alarms to the central office, and there be struck.

The city continues to be highly favored in the comparatively few destructive fires. The number of alarms compare favorably with those of previous years, this year only slightly exceeding those of last year. It will be noticed that the bell alarms decrease and the still alarms increase in number, which is a favorable indication, as the loss by the last named is manifestly much less than the average of the former.

*Alarms.*

Number of telegraph fires.....	268
"    "    false.....	5
"    "    needless.....	21
"    "    ringing of bells.....	8
Fires extinguished without giving a public alarm..	207
	<b>509</b>

*Comparative Alarms.*

May, 1873, to 1874.....	720, including 266 stills.
"    1874, to 1875.....	702, "    244 "    "
"    1875, to 1876.....	483, "    140 "    "
"    1876, to 1877.....	509, "    207 "    "

*Loss on Buildings and Contents.*

	Buildings.	Contents.	Total.
1873-1874..	\$1,134,835.95	\$2,295,546.55	\$3,430,382.50
1874-1875..	424,979.00	793,524.00	1,228,503.00
1875-1876..	152,810.00	388,462.00	541,272.00
1876-1877..	167,027.00	314,327.00	481,354.00

*Insurance on Buildings and Contents.*

	Buildings.	Contents.	Total.
1873-1874..	\$1,341,476.45	\$2,102,274.32	\$3,443,750.77
1874-1875..	1,758,939.00	1,918,069.00	3,677,008.00
1875-1876..	1,348,925.00	1,727,558.00	3,076,483.00
1876-1877..	1,530,943.00	1,296,585.00	2,827,528.00

*Fires.*

Total number of actual fires.....	483
"    "    confined to one building.....	94 per cent.
"    "    extended to others.....	18 4 "    "

*Buildings.*

Slightly damaged.....	289	60 per cent.
"    "    considerably damaged.....	66	14 "    "
"    "    totally destroyed.....	19	4 "    "

Most of those totally destroyed were comparatively of little value.

The following changes have been made in the department during the year:

Deaths.....	6
Honorably discharged.....	57
Discharged for cause—	
Intoxication.....	2
Incompetency.....	1
Neglect of duty.....	1
Conduct prejudicial to good order.....	1
General inefficiency.....	1
Absence without leave.....	4
	<b>10</b>
9 of whom were of the permanent force.	
1 "    "    was "    call "    "	
<b>Total.....</b>	<b>73</b>
Appointments.....	53
Transfers.....	15
Reduced to ranks.....	1
Promotions.....	5
Six members of the department died during the year.	

*Accidents.*

The number of accidents is quite large, some of them of a serious character; but we are thankful to be able to say that no fatality has occurred during the year to sadden the recollections of an otherwise reasonably prosperous record.

*Water and Hydrants.*

The water facilities for fire purposes are very well distributed, and the Water Board is supplying, from time to time, such additions as seem to be required. There have been 241 hydrants added during the year, of which 143 were of post pattern, mostly placed in the West Roxbury and Brighton districts.

*Expenses of the Department.*

The expenditures of the whole department are as follows:	
Fire Department, less water and hydrant account.....	\$443,514.04
Fire-alarm telegraph.....	27,272.35
Bells and clocks.....	2,995.62
Engine houses.....	3,950.81
	<b>\$477,732.82</b>
Add charge for water and hydrant account.....	116,550.00
	<b>\$594,282.82</b>

Comparative Cost without and with Water and Hydrant Account.

Years.	Fire Department.	F. Alarm Bells and Clocks.	Engine Houses.	Total.	Water & Hydrants.	Total.	Alarms.		Total Alarms.
							Bell.	Sill.	
1871-2	\$339,519.63	\$42,763.89	\$26,829.98	\$409,113.50	\$59,730	\$468,843.50	361	188	549
1872-3	530,928.90	40,507.50	16,024.35	587,460.25	74,382	661,842.25	389	251	640
1873-4	510,529.29	50,092.49	28,778.37	590,400.13	81,111	671,511.13	434	246	680
1874-5	503,431.63	35,258.25	14,099.25	548,155.41	95,932	643,387.41	458	244	702
1875-6	460,295.49	24,698.39	6,668.43	491,662.31	103,980	595,642.31	343	140	483
1876-7	443,514.04	30,267.97	3,950.81	477,732.82	116,550	594,282.82	302	207	509

The increased expenditures this year in the fire alarm statement are in consequence of the extension of the fire alarm in Brighton, on which has been expended some \$6400, to May 1, and payment of judgment of court in suit for injuries occasioned by a faller telegraph wire in 1871-2, to amount of \$2,814.99, and by the Auditor directed to be paid by this department, and for which no appropriation was made, it being a claim of which this board had no knowledge.

The large expenditures on engine houses in three years, 1871-2-3-4, were made under the direction of the Public Building Department, and were for enlarging and remodelling to fit the needs of the department.

For the last two years the Fire Department has done nearly all the repairs on the several houses.

The year 1874-5 was the first year of the commissioners and of the annexation of Charlestown, West Roxbury and Brighton, bringing with them twelve pieces of apparatus, costing this year to maintain about \$43,000, in addition to the expense of the fire-alarm branch. The expenditures show a yearly decrease, and, taken with the decrease in the number of fires and losses by fire, the board may reasonably claim that the department has made a fair record, and is entitled to the commendation that is occasionally conferred on them. The officers and men are entitled to great praise for their good conduct and successful efforts, and it is believed that, by continuing in the course indicated by the previous administration of the board, the property of the citizens will be equally well protected, and the members of the department be fully up to the standard required of them in the performance of their hazardous duties.

DAVID CHAMBERLIN.  
GEELEY S. CURTIS.  
CHARLES H. ALLEN.  
Fire Commissioners.

ANNUAL REPORT OF AUDITOR OF ACCOUNTS.

The annual report of the Auditor of Accounts (City Doc. 52) for the year ending April 30, was received. Sent up.

The financial affairs of the city continue in a satisfactory condition, with a less percentage of the year's taxes outstanding than at the close of

the previous year,—every requirement made on its treasury paid, and the year closes with a decrease of the gross debt, compared with the previous year, of \$342,667.71. This is the first time, for a period of seventeen years that there has been any decrease of the gross debt at the closing of the financial year from that which preceded it, each year previously advancing in amount over that preceding it within that time.

The gross debt, April 30, 1860, stood at \$8,535,355.37, and each year it increased until the year ending April 30, 1876, standing then at \$43,933,165.01, and at the close of the last financial year, April 30, 1877, it was \$43,590,497.30, showing the reduction before stated. The amount borrowed for street improvements during these years was, in round numbers, \$22,400,000, and for raising and grading of Church-street, Suffolk-street and Northampton-street districts and widening of streets in the said districts, \$3,700,000.

The means for paying the debt, April 30, 1860, were \$967,175.69, and April 30, 1877, \$16,109,973.55 showing the debt less the means for paying the same, April 30, 1860, was \$7,568,179.68, and April 30, 1877, \$27,480,523.75. Increase of the gross debt in seventeen years, \$35,055,141.93; increase of the debt less the means for paying the same during the same period, \$19,912,344.07.

The rate of taxation in 1860 was \$9.30 on each \$1000 of property on a valuation of the city placed at \$276,861,000, with a population at that time of 177,902, and, in 1876, \$12.70 on each \$1000 of property on a valuation of \$748,878,100, with a population, in 1875, of 341,919. The increase of the rate from \$9.30 to \$12.70 on each \$1000 during the period mentioned is principally attributable to the increase of the amount of interest payable on the outstanding debt.

The yearly comparison shows that the gross debt, April 30, 1876, was \$43,933,165.01, and April 30, 1877, \$43,590,497.30, a reduction during the year of \$342,667.71. The debt April 30, 1876, less the means for paying the same, was \$27,052,777.60, against that of \$27,480,523.75, April 30, 1877, which shows an increase of the debt less the means for paying the same during the year of \$427,746.15. This is, however, more an apparent than a real increase of the debt less means as compared with last year, and is owing to the percentages required by law for the Sinking Funds this year being met by actual taxation payable to the Board of Commissioners on the Sinking Funds, December 1, 1877, which have heretofore been taken from the balances of appropriations and excess of income, and paid to the commissioners on the 30th of April each year. The amount which will be paid to the commissioners next December, raised by taxation, is \$672,700. Another reason why the means for redemption are less than last year, which should be stated, is the fact that bonds held for land sold have been cancelled to the amount of \$145,811.49, and the land held for their payment forfeited to the city to be sold again.

During the financial year the new debt created amounted to \$2,017,000, and was wholly for the purpose of extending the Cochituate Water Works, and the amount paid and cancelled, with the funds of the Board of Commissioners on the Sinking Funds was \$2,275,338.43, and there was paid, under authority of the City Council from balances of appropriations, unfunded debt amounting to \$84,329.28.

It is well, in looking into the condition of the monetary affairs of our city, to bear in mind that it is still burdened with a very large debt, a portion becoming due annually for some years to come, and that to meet the payment of the same, by complying with the wise provisions of law requiring its redemption at maturity, still needs large taxation each year for that purpose, in addition to the required taxation for interest on the whole debt and the amount annually actually needed to defray the current expenses of the Government of this extended and populous city.

The well-known fact that the city of Boston, since 1870, has been paying and cancelling its indebtedness as it became due, and at the same time reducing its indebtedness with revenue derived from improvements for which loans were created to carry out, and set apart for that purpose, and that provision is made for a continuation of this sound policy in the future, places the credit of the city very high in the market, with low rates of interest, and any deviation from this course would be one which would greatly impair that credit. Prompt payment of all debts, no renewals of outstanding

loans—care and strict economy in expenditures—no borrowing of money except in extreme cases, and then only for improvements of permanence from which our posterity will derive at least as much benefit as ourselves, should be the policy rigidly observed, thereby resulting, as the debt diminishes each year, in relieving the taxpayer of taxation for interest and percentages on the debt, in promoting the welfare of the municipality with low rates of taxation, insuring its prosperity, even in the continuing shrinkages of property yet upon us—not us alone, but wide spread through every community, and in comparatively freeing our city from debt within a reasonable period of time.

The Cochituate Water Works, for the first time since their existence, have, during the past year, contributed \$26,480.18 to the fund for the redemption of the debt created for the construction of the said works, that sum being the excess of revenue over the expenses of maintaining the works, and interest on the cost of the same, at the close of the financial year, April 30, 1877.

The payments of the city of Boston and county of Suffolk during the financial year 1876-77, drawn for by the Mayor through the office of the Auditor of Accounts, were as follows, viz.:

On account of the city of Boston.....	\$11,742,801.36
On account of the county of Suffolk....	132,681.58
<hr/>	
Total drawn for by the Auditor of Accounts.....	\$11,875,482.94
To which add payments by the Treasurer, which did not pass directly through the Auditor's office, the details of which may be found under the head of Auditor's aggregates, and in the Treasurer's report.....	5,333,960.91
	<hr/>
	\$17,209,443.85

These payments, as shown by the Auditor, present the following results as divided between the city and county, viz.:

City of Boston.....	\$16,863,467.15
County of Suffolk.....	345,976.34
	<hr/>
	\$17,209,443.85

The actual payments, as shown by the annual report of the City and County Treasurer to the City Council, which accompanies this document, were as follows, viz.:

On account of the city of Boston.....	\$16,861,887.39
On account of the county of Suffolk.....	345,976.34
	<hr/>
	\$17,207,863.73
Add to which the checks drawn by the Auditor of Accounts on account of the city of Boston during the year, but not paid.....	1,580.12
	<hr/>
We have the total, as given by the Auditor, of.....	\$17,209,443.85

The Treasurer reports that the cash balance in the treasury April 30, 1876, was.....	\$3,466,668.07
Total receipts during the year 1876-77.....	\$17,444,153.53
Total payments during the year 1876-77.....	17,207,863.73
	<hr/>
	236,289.80
	<hr/>
Balance April 30, 1877.....	\$3,702,957.87

This Treasury balance of \$3,702,957.87 is subject to the following payments, viz.:

Balances of appropriations carried to 1877-78.....	\$2,883,389.53
To meet the tax appropriations of 1877-78, being the amount derived from the balances of appropriations, excess of income and taxes over estimated income and taxes, and of license revenue over expenditures, at the close of the financial year 1876-77, April 30, 1877, viz.:	
Balance of appropriations... \$577,958.77	
Excess of license revenue... 125,000.00	
Excess of income and taxes... 12,205.51	
	<hr/>
	715,164.28
Sundry items shown under the head of Treasury aggregates and balance.....	104,504.06
	<hr/>
	\$3,702,957.87

The actual expenditures of the city and county, including the amount of the State tax and liquor revenue paid to the State of Massachusetts, and soldiers' relief payments, less the temporary loan, borrowed and paid, and other items, as shown as follows, viz.:

City of Boston payments in gross.....	\$16,863,467.51
Less payments of temporary loan, to Sinking Fund Commissioners, bank tax to State, and sundry items, details of which are given under payments, page 13.....	2,743,202.16
	<hr/>
We have the total expenditures of the City of Boston.....	\$14,120,265.35
Add County of Suffolk expenditures....	345,976.34
	<hr/>
We have the actual expenditures of the city of Boston and county of Suffolk for 1876-77.....	\$14,466,241.69

The Board of Commissioners on the Sinking Funds, for the payment or redemption of the debt of the city, paid during the financial year ending April 30, 1877, \$2,275,338.43 of debt, as follows:

Paid at maturity—	
City Loans.....	\$953,325.00
Cochituate Water Loans.....	204,000.00
Mystic Water Loans.....	67,000.00
	<hr/>
	\$1,224,325.00
Purchased with revenue set apart for the purpose and cancelled—City Loans	
Consolidated Street Improvement, Sterling Loan purchased in London, by contract.....	43,013.43
Due 1874-75, but not called for until 1876-77—City Loans....	\$1,000.00
Due 1875-76, but not called for until 1876-77—	
City Loans.....	\$65,000.00
Mystic Water Loans	23,000.00
	<hr/>
	88,000.00
	<hr/>
	89,000.00
	<hr/>
	\$2,275,338.43

The report of the Treasurer of the Board of Commissioners, which is contained in this document, furnishes a statement of the transactions of said board, and the condition of the funds held by them. The following tables give a clear exhibit of the payment and creation of debt, with the means of redeeming the same with the sinking funds, and other means pledged for its redemption:

The amount of the funded debt of the city, of all kinds, April 30, 1876, was..	\$43,848,835.73
Amount of unfunded debt, April 30, 1876,	84,329.28
Add amount of bonds issued on account of Cochituate water loans, during the year 1876-77.....	2,017,000.00
	<hr/>
	\$45,950,165.01
Less amount of funded debt paid and cancelled by the Board of Commissioners on the Sinking Funds, during the year 1876-77.....	
	\$2,275,338.43
Amount of unfunded debt paid from unexpended balances of appropriations, 1876-77, by authority of the City Council...	84,329.28
	<hr/>
	2,359,667.71
Total debt, April 30, 1877.....	\$43,590,497.30
Total debt, April 30, 1876.....	\$43,933,165.01
Total debt, April 30, 1877.....	43,590,497.30
	<hr/>
Showing a decrease, 1876-77, of the debt of.....	\$342,667.71

The indebtedness, as stated above, the Auditor classifies as follows:

City Debt proper.....	\$24,121,047.19
Cochituate Water Debt (see cost of Cochituate Water Works in Appendix)..	14,124,359.51
War Debt (loans outstanding).....	1,711,500.00
Roxbury Debt ".....	417,450.00
Dorchester Debt ".....	109,500.00
Charlestown Debt ".....	1,195,000.00
" Mystic Water Debt (loans outstanding).....	1,228,000.00
Brighton Debt (loans outstanding).....	233,640.60
West Roxbury Debt ".....	450,000.00
	<hr/>
Total, as above.....	\$43,590,497.30

*The Means on Hand for Paying the Debt.*

Sinking Funds in charge of the Board of Commissioners on the Sinking Funds for the payment or redemption of the debt of the city.....	\$15,437,043.24
Public land bonds and mortgages in the hands of the Collector, secured on lands purchased of the city, all payments on which are made to the Board of Commissioners on the Sinking Funds.....	102,330.50

Street improvement and other bonds, do.....	570,599.81
Total redemption means, April 30, 1877.	\$16,109,973.55
Total redemption means, April 30, 1876.	\$16,880,387.41
Total redemption means, April 30, 1877.	16,109,973.55
Decrease of means in 1876-77.....	\$770,413.86

*The Debt of the City Less Means for Paying it.*

Total debt, of all descriptions, of the city of Boston, April 30, 1877.....	\$43,590,497.30
Total means on hand for paying the same, April 30, 1877.....	16,109,973.55
The debt of the city, less the means for paying the same, April 30, 1877..	\$27,480,523.75
The debt, less means, April 30, 1876....	27,052,777.60
Showing an increase of the debt, less means for paying the same.....	\$427,746.15

The assessment of taxes to defray the expenses of the city of Boston and county of Suffolk for the financial year 1876-7, less the revenue to be received from other sources; also to pay the State tax levied on the city of Boston, 1876, was—

Tax levy, 1876.....	\$9,456,441.95
Additional bills.....	220.39
	\$9,461,662.34
Collections to April 30, 1877, inclusive.	\$8,379,746.13
Abatements.....	134,273.12
Outstanding.....	947,643.09
	\$9,461,662.34
Total Collections:	
Account of 1876 taxes.....	\$8,379,746.13
Account of 1875 and previous years..	1,066,447.64
	\$9,446,193.77
Bank tax assessed and collected as be- longing to the city.....	\$218,537.90
Transferred to State.....	6,673.12
Received by city.....	\$211,864.78

The annual report of the Collector, accompanying this document, contains details of the uncollected taxes and assessments, giving the years they became due.

*The Payments—City of Boston.*

Ordinary expenses, which include the interest, premium and exchange paid on the entire debt of the city (\$2,572,- 057.23) and ordinary street widen- ings.....	\$10,287,213.04
Additional supply of water.....	1,924,060.24
State tax.....	742,932.00
Special laying out and widening streets, etc.....	550,410.10
Water works—West Roxbury and Brighton districts.....	160,487.71
Building and rebuilding bridges.....	136,455.09
Erecting new schoolhouses, and land for the same.....	125,539.04
Soldiers' relief.....	32,225.36
License revenue—State's proportion...	42,996.89
Erecting new buildings, and land for the same.....	40,757.08
Improved sewerage.....	19,743.96
Church-street district.....	4,871.53
Northampton-street district.....	1,352.99
Mystic sewer.....	1,220.32

Actual expenditures on account of the city of Boston, including State tax....	\$14,120,265.35
The treasurer's payments, in addition to the regular expenditures on account of the city of Boston, as given above, were	
Temporary loan redeemed..	\$981,663.91
To the Board of Commis- sioners on the Sinking Funds, the revenue re- ceived on account of the several funds.....	888,832.09
Commissioners on the Sink- ing Funds for the Mystic Water Works Sinking Funds, excess of income over expenditures.....	115,437.06
Commissioners on the Sinking Funds for the Cochitu- ate Water Works Sinking Fund, excess of income over expenditures.....	26,480.18
State bank tax.....	615,231.36
Cochituate Water Works, paid Mystic Water Board for water furnished East Boston.....	66,934.60

Mystic Water Works, paid cities of Chelsea and Som- erville, and town of Ever- ett, according to contract	21,688.17
Taxes refunded, including corporation and bank.....	15,004.91
Police Charitable Fund.....	8,000.00
Betterment Assessments, and costs of, refunded.....	1,982.45
Mt. Hope Cemetery Trust Fund.....	1,000.00
Phillips-street Fund.....	500.00
Interest on refunded taxes..	191.20
Sidewalk assessments, re- funded.....	141.49
Sewer assessments, refund- ed.....	93.64
Interest on same.....	9.37
Refunded on account of tax and otherfees, deeds, and real estate advertising....	11.73
	\$2,743,202.16
	\$16,863,467.51

*Payments—County of Suffolk.*

Expenses of Superior Crimi- nal and Boston Municipal Criminal courts, except repairs, furniture, fuel, etc.	\$136,576.22
Expenses of Superior Civil and Boston Municipal Civil courts, except repairs, fur- niture, fuel, etc.....	87,871.10
Repairs, care of, fuel, furni- ture, etc., for court house and Room 39, Court street, for jury-waived cases....	12,797.04
Expenses of Probate Court and Registry of Deeds, in- cluding repairs on build- ing.....	19,873.17
Expenses Municipal Courts in Roxbury, Dorchester, South Boston, East Bos- ton, Charlestown, West Roxbury and Brighton districts.....	22,691.64
Jail expenses, salaries of officers, repairs, keeping and feeding prisoners.....	26,387.40
New stable, jail yard.....	7,250.36
Coroners' inquests and views.....	9,801.71
Fees in insanity and juve- nile offender cases.....	20,165.47
Miscellaneous.....	2,562.23
	\$345,976.34

Total payments of the city of Boston  
and county of Suffolk.....\$17,209,443.85

*The Receipts—City of Boston.*

Taxes of 1876.....	\$8,379,746.13
" " 1875 and previous years....	1,066,447.64
" Bank, of 1876.....	211,864.78
" Corporation, received from State of Massachusetts.....	306,022.32
Cochituate Water Loans.....	2,017,000.00
Premium on Cochituate Water Loans..	221,400.00
Cochituate Water Works, Rates, etc....	1,096,173.63
Several Departments.....	757,668.05
Mystic Water Works.....	293,115.49
Liquor Licenses and Fees.....	173,323.50
Interest on Bank Balances, Taxes, and Paving and Sewer Assessments, and accrued interest on Cochituate Water Stock sold.....	198,850.16
Installments on Bonds belonging to the Sinking Funds, for proceeds of estates sold, betterments for various street widening, and interest on bonds and betterments, and Public Land sales, rents, etc., payable to the several debt sinking and revenue funds.....	890,814.54
State of Massachusetts, Soldiers' Relief payments for 1875.....	81,900.00
Oliver street.....	22,605.66
Collecting Bank Tax.....	6,202.55
Temporary City Loan.....	981,663.91
Bank Tax, collected by the city of Bos- ton, assessed on non-resident stock- holders and paid to State.....	614,047.35
Police Charitable Fund.....	8,008.60
Public Library Trust Funds, and In- come from.....	7,135.13
Phillips Street Fund.....	1,360.00
Pedlers' Licenses.....	952.00
Mt. Hope Cemetery, Perpetual Fund..	775.00
Cedar Grove Cemetery, Perpetual Fund.	400.00
City of Charlestown Taxes.....	4.00
Incidental Expenses, Income of Foss and Babcock Funds.....	420.00
	\$17,237,900.44

*Payments—County of Suffolk.*

From Fines and Costs  
collected in the Crimi-  
nal Courts of the County  
in city proper, and by

the Sheriff at the Jail, the Master of the House of Correction, and the Superintendent of the House of Industry,..... \$81,504.50

From Fees and Costs paid in by the clerks of the Civil Courts of the County, in the city proper, 8,606.77

From Fines and Costs collected in the Roxbury, Dorchester, South Boston, East Boston, Charlestown, Brighton, and West Roxbury District Courts..... 12,233.31

Miscellaneous..... 3,908.86

106,253.09

Total receipts of the city of Boston and county of Suffolk,..... \$17,444,153.53

The regular expenditures of the principal departments of the city for the financial year 1876-77 are given below, including the salaries of all officers attached to each, viz.:

*City Hospital.*

	1876-77.	1875-76.
Expenses and salaries....	\$136,302.02	\$114,545.98
Income, 1876-77, \$5195.78; 1875-76, \$1349.40.		

*Cochituate Water Works.*

	1876-77.	1875-76.
Requisitions of Water Board, general.....	\$255,134.08	\$408,173.52
Requisitions of Water Board, siphon Charles River.....		26,532.35
Requisitions of Water Board, additional supply of water.....	1,924,060.24	783,613.49
Requisitions of Water Board, water works, West Roxbury and Brighton Districts.....	160,487.71	288,039.03
Requisitions of Water Board, Parker Hill Reservoir.....		89,449.16
Interest, premium and exchange.....	747,624.77	833,364.81
	<u>\$3,087,306.80</u>	<u>\$3,429,172.36</u>

Income 1876-77, \$1,029,868.21, \$27,109.36 of which were paid to Sinking Fund Commissioners by law; 1875-76, \$1,096,385.42, \$672.28 of which were paid to Sinking Fund Commissioners by ordinance.

*Fire Department.*

	1876-77.	1875-76.
Expenses and salaries....	\$560,052.76	\$564,275.40
Fire alarm telegraph.....	27,272.35	21,497.61
Bells and clocks.....	2,995.62	3,200.78
Repairs of buildings.....	5,523.44	6,668.43
	<u>\$595,844.17</u>	<u>\$595,642.31</u>

Income, 1876-77, \$4024.53; 1875-76, \$2503.07.

*Health Department.*

	1876-77.	1875-76.
Board of Health.....	\$57,770.33	\$75,636.49
Quarantine Department.....	16,694.74	14,213.76
Health Department.....	365,928.39	387,134.72
	<u>\$440,393.46</u>	<u>\$476,984.88</u>

Income, 1876-77, \$59,012.42; 1875-76, \$48,971.24.

*Mystic Water Works.*

	1876-77.	1875-76.
General expenses.....	\$89,700.26	\$122,677.49
Interest.....	66,290.00	70,280.00
Mystic Sewer.....	1,220.32	24.00
	<u>\$157,210.58</u>	<u>\$192,981.49</u>

Income, 1876-77, \$271,427.32, \$115,437.06 of which was paid by law to the Sinking Fund Commissioners. Income, 1875-76, \$257,999.83, \$65,042.34 of which was paid by law to the Sinking Fund Commissioners.

*Police Department.*

	1876-77.	1875-76.
Expenses and salaries.....	\$833,337.86	\$832,257.96
Repairs of station houses.....	6,837.66	11,232.79
	<u>\$840,175.52</u>	<u>\$843,490.75</u>

Income, 1876-77, \$8010.27; 1875-76, \$10,928.40.

*Public Buildings.*

	1876-77.	1875-76.
Expenses and salaries, exclusive of repairs on Fire Department and Police Department buildings.....	\$102,691.67	\$115,821.14

Income, 1876-77, \$6170.07, \$2245.23 of which were paid to Sinking Fund Commissioners by ordinance; 1875-76, \$440.78, \$5700.00 of which were paid to Sinking Fund Commissioners by ordinance. (The rents received from public buildings are included under the head of Rents and Fire Department.)

*Public Institutions.*

	1876-77.	1875-76.
House of Industry.....	\$206,893.38	\$217,530.24
House of Correction.....	84,463.88	97,618.16
Lunatic Hospital.....	57,138.58	59,391.10
Pauper expenses.....	62,173.11	51,482.05
Steamer "J. Putnam Bradley".....	13,400.23	19,665.09
Office expenses.....	7,953.32	7,871.48
New steamboat.....		44,785.05
New wharf, Rainsford Island.....		11,893.95
Almshouse, Austin Farm,...	21,948.36	
Marcella-street Home,....	14,973.01	
New building, Austin Farm	12,673.02	
	<u>\$481,616.89</u>	<u>\$510,287.12</u>

Income, 1876-77, \$49,175.27; 1875-76, \$58,453.13.

*Schools and Schoolhouses.*

	1876-77.	1875-76.
School instructors... ..	\$1,211,796.67	\$1,235,275.24
Salaries of officers, school committee....	56,807.56	31,428.35
School expenses, school committee.....	256,595.50	114,791.06
Schoolhouses, public buildings.....	165,876.72	356,039.62
New schoolhouses and land for same.....	125,539.04	277,746.57
	<u>\$1,816,615.49</u>	<u>\$2,015,380.84</u>

Income from all sources, 1876-77, \$69,547.29, \$47,548.26 of which were paid to Sinking Fund Commissioners by ordinance; 1875-76, \$41,138.72, of which were paid by ordinance \$20,402.50 to Sinking Fund Commissioners.

*Streets.*

	1876-77.	1875-76.
Bridges (ordinary).....	\$59,118.37	\$58,334.31
Lighting.....	479,937.80	496,456.53
Paving, etc.....	939,816.15	1,024,627.66
Sewers.....	202,412.19	285,299.56
Widening, etc. (ordinary)	148,475.46	256,488.91
	<u>\$1,829,759.97</u>	<u>\$2,121,207.47</u>

Income from all the above departments, 1876-77, \$169,424.57, \$10,951.98 of which were paid to the Sinking Fund Commissioners by ordinance; 1875-76, \$156,409.29, \$25,040.76 of which were paid to the Sinking Fund Commissioners by ordinance.

*Miscellaneous Expenditures.*

In expenses in various departments, the following appear: Almshouse, Austin Farm, cigars, \$6.90; Harvard University, for furnishing correct time, \$500; seeds, plants and trees for the Public Garden, \$5328.18; trees and seeds for Common, \$1030.40; City Council visiting Moou Head, \$386.58; Mayor-Frederick O. Prince, for personal services incurred under the direction of the Committee on Legislative Affairs of 1877, \$1400; expenses of Directors of East Boston Ferries, cigars, \$165; removing snow from streets, \$13,050.25; Police Department, photographs of suspicious persons, \$117; real estate advertising on account of non-payment of taxes, \$11,830.53; Committee on Sewers, cigars, \$25; expenses of Committee on Retrenchment of Municipal Expenses, \$286.55.

*Unexpended Balance.*

The unexpended balance is as follows:

Actual income and taxes.....	\$11,974,524.51
Estimated income and taxes.....	11,962,319.00
Excess of actual income and taxes.....	<u>\$12,205.51</u>
Excess of appropriations over actual payments, including excess of liquor license revenue, \$125,000, as given on page 36.....	\$702,958.77
Excess of actual income and taxes, as given above.....	<u>12,205.51</u>
Total amount remaining in the treasury to reduce taxation for the financial year 1877-78.....	<u>\$715,164.28</u>

*Refreshments and Carriage Hire.*

City Council.....	\$40.50
Committee on Armories.....	176.35
Committee on Assessors' Department.....	216.30
Committees on Boston Harbor.....	67.85
Committee on Bridges.....	215.00
Commissioners of and Committee on Cedar Grove Cemetery.....	53.05
Committee on Common and Public Grounds	942.25
Joint Committees of the City Council.....	3,772.38
Board of Aldermen.....	2,901.98
Common Council.....	3,027.35
Total for both Mayors (1876-77).....	2,204.98
Directors of East Boston Ferries.....	662.50
Committee on Health.....	484.75
Fourth of July Committees.....	2,079.43
Committee on Free Concerts.....	18.00
Seventeenth of June.....	191.00
Visit of City Council to Sudbury River Con- duit.....	518.43
Committee on Inspection of Buildings.....	95.00
Committee on Lamps.....	134.15
Committee on Markets.....	46.15
Committee on Paving.....	657.90
Committee on Police.....	416.65
Committee on Printing.....	203.70
Committee on Public Baths.....	191.40
Committee on Public Buildings.....	1,126.95
Directors of Public Institutions, including entertainment of City Government.....	1,326.98
Committee on Public Lands.....	731.10
Committee on Sewers.....	785.20
Committee on Surveyor's Department.....	9.35
Committee on Streets.....	997.46
Total.....	\$24,294.44

TEMPORARY LOAN.

Mr. Sampson of Ward 17 submitted a report from the Committee on Finance with an order—That the Treasurer be and he hereby is authorized to borrow, under the direction of the Committee on Finance, a sum not exceeding \$1,500,000, in anticipation of the taxes payable this year, and that all moneys obtained under this order shall be made payable on or before the 30th day of April, 1878.

On motion of Mr. Sampson the rule was suspended, and the order read twice and passed—yeas 54, nays 1—Mr. Morrill voting nay.

REPAIRS ON THE ADAMS SCHOOLHOUSE.

Mr. Coe of Ward 23 submitted a report from the Committee on Public Instruction, with an order—That the Committee on Public Buildings be authorized to reduce the Adams School building one story; to clean and paint the exterior of the building, and to furnish new steam-heating apparatus, with fire-proof room for the same; the expense, not exceeding the sum \$15,000, to be charged to the appropriation for Schoolhouses, Public Buildings.

The order was passed to a second reading and Mr. Coe moved a suspension of the rule, as it is necessary to commence the work at once in order to complete it during the vacation.

The rule was suspended, the order read a second time and put upon its passage.

Mr. Spenceley of Ward 19—I don't know but what the gentleman who offered this order, or the committee of which he is a member, have looked into this matter thoroughly; but it seems to me that if we spend \$15,000 on that schoolhouse it will be almost throwing the money away. When the Committee on Public Buildings were over there some time ago, they thought it was a foregone conclusion that the best way was to tear that building down and put up a new one. If you spend \$15,000 on that schoolhouse, it is an old schoolhouse still, and you don't get what you want. I think it will be better to have the Building Committee investigate this matter and see if it is necessary to authorize them to rebuild it. If you spend a great deal of money on an old schoolhouse like that you don't know where it goes to, and it is an old house still.

Mr. Coe—On the Committee on Public Instruction are two or three members of the Committee on Public Buildings. The Committee on Public Instruction visited that building during the past week, and made a thorough examination of it. They found that, although it is an old building, as the gentleman says, yet it is thoroughly constructed, and it is their opinion that these changes can be made as safely as in any schoolhouse in Boston. The proposition is to lower the building and reduce it so that the number of children to remain in it will be five or six hundred, instead of eight or nine hundred, as now; by putting in heating apparatus to remove all danger of fire, and by scraping and painting the outside of the building, to add much to its appearance. The committee were unanimously of the opinion that when these things were done it will

be as good a school building as we have in the city. I have no objections to referring the order to the Committee on Public Buildings, if the Council think best, and if there is the slightest objection to passing the order tonight I will move to refer it to that committee. Mr. Tucker, the Superintendent of Public Buildings, Mr. Clough, the City Architect, and Mr. Shaw, the Inspector of Buildings, accompanied the Committee on Public Instruction, and they concur in the opinion that with the changes recommended the building will be perfectly safe.

Mr. Kelley of Ward 3—As one member of the committee who went over there, I cannot agree with the gentleman opposite [Mr. Spenceley]. I believe the building should come down a story to make it safe. The walls are good except the plastering, and I don't see why they should be torn down. I trust, however, that it would be well to refer it to the Committee on Public Buildings. There are some men on that committee who understand the condition of the building and are competent to judge whether it should come down or not. I must say that if the gentleman says the building must come down, I don't think he made a very sharp examination of it.

Mr. Burke of Ward 2—As the gentleman has no objection to referring it to the Committee on Public Buildings, I think that reference would be proper. The building has never been considered safe. It is poorly built, is located on the side of a hill, and is dangerous in the winter. If it is to be lowered one story, perhaps, as the gentleman from Ward 19 stated, it might be better to build a new one. There is plenty of land on each side of it that can be bought at a cheap figure.

Mr. Spenceley of Ward 19—After the sharp missile from the gentleman from Ward 3, perhaps I ought not to say anything more. I am in favor of taking it down one story, and four more besides. If gentlemen who are acquainted with buildings will go there and see the exterior, and notice the location on the side of the hill, I think they will agree with me that it has no great beauty. I suppose they may go over it and fix up the mastic and put in new heating apparatus, but you will still have an old building. The inside is worn, and the whole building seems to have done good service for the city of Boston. We are proud of our schoolhouses. I don't know how they feel about these things in East Boston. When they lower it one story and take the mastic off and make the building sightly, I think a great deal of money will be thrown away, when you might add a little more and give them a good schoolhouse. I am willing to get along any way, but I think the most judicious and cheapest plan in the end is to build a new one.

Mr. Kelley of Ward 3—I don't think I stated that it is as good as any school building in Boston; but I do undertake to say that in examining those walls I could not see any crack in the building. Mr. Tucker told me the thickness of that wall was twenty inches in some parts; and I think that is as thick as some buildings in Boston. I don't believe in tearing it down because it is old. I believe it can be taken down one story, the plastering taken off, and the building made a good one. To be sure, it won't be as good as some Boston school buildings; but children can get as good an education in it as in any other. The foundation is perfectly level, the bricks are laid upon a level foundation, and there is no danger of the building sliding off. It is a solid bank and the building will rest upon it. It is a great deal more solid foundation than some of the buildings at the South End are put on. If you refer to the Committee on Public Buildings, I think they will not favor the tearing down of the building.

Mr. Fraser of Ward 6—I am glad this matter has come up. Some years ago I had a chance to see the Adams Schoolhouse, and I believe it is one of the greatest rat-traps in the city that the children are intrusted in today. It is a disgrace to the city of Boston, and it is only a matter of time that some accident will happen there. The manner in which the furnaces are placed under the building renders it unsafe, and it has been so for many years. It is only strange that the people of East Boston have consented to send their children there. You can build a new schoolhouse for twenty or thirty thousand dollars. I don't believe you can make this one safe.

Mr. Wolcott of Ward 11—As a member of the Committee on Public Instruction I have no objection to a reference to any other committee, except that the repairs required are extensive and

need to be commenced at once. The gentleman who has just taken his seat has not spoken in any too strong terms of the Adams Schoolhouse. The height of the building is very great; the heating apparatus is in an unsafe condition, and has been pronounced so in former years. The experts in the matter, who went with us, stated distinctly that the repairs proposed would render it as safe as any schoolhouse in the city. The walls are twenty inches thick to the top of the building, and that is considered safe. The only danger from fire in the building will be removed by changing the heating apparatus and lowering the height of the building one story. The position of the building is considered particularly pleasant in summer, and the teacher testified that there is no trouble about heating it properly in winter. I think the changes recommended by the committee will meet all the requirements in the case, and that we shall get no further light upon it by the reference.

Mr. Burke of Ward 2—I have another reason for wishing to see this matter referred to the Committee on Public Buildings. I happen to live in that locality, and it is generally understood all about the neighborhood that that building has settled. I never heard it from Mr. Shaw, the Inspector of Buildings; but it is a positive fact that that building does rock in stormy weather. I venture to say it is the poorest site for a schoolhouse in the city of Boston. The hill is very steep, and difficult for children to climb. Without wishing to differ with the committee having this matter in charge, I desire to see it referred to the Committee on Public Buildings, because I think it is really the committee who ought to look into the matter of the safety of the building. As to the necessary repairs and alterations, I think it is well enough for the Committee on Public Instruction to examine into it. In that neighborhood it is generally understood that the building is not safe, and I think it would be satisfactory to the people of East Boston if it is put into the hands of the Building Committee, to make a thorough examination of that part of it.

Mr. Coe—The committee have not the slightest objection to the reference, except that if it is passed tonight it will be in time to make the repairs during the summer vacation, which is necessary. I would repeat what I have already said, that two or three gentlemen on the Committee on Public Instruction are members of the Committee on Public Buildings; that they and the Superintendent and Inspector were with us when we made the examination; and they concurred in the recommendation. I hope this matter will be passed tonight without the delay of reference.

Mr. McGaragle of Ward 8—I don't know anything about the merits of this case, but it seems queer to me that the Committee on Public Instruction should come in here and ask for \$15,000 to come from the appropriation for public buildings. It is a matter that entirely belongs to the Building Committee, and I think it ought to go to them.

Mr. Wolcott—The settling of the building was fully inquired into, and it was distinctly stated that no evidence of cracks and settling was to be found. In regard to the feeling of the people in that part of the district, the committee heard fully from the members of the School Committee in that part of the city, and they stated that the people are satisfied with the location and will be satisfied with the changes recommended by the committee.

The order was passed—28 for, 24 against.

#### REPAIRS ON BRIMMER SCHOOLHOUSE.

Mr. Coe of Ward 23 offered an order—That the Committee on Public Buildings be authorized to furnish the Brimmer School Building with new steam heating apparatus, with fire-proof room for the same, and to cause the hooks used for hanging clothing in the entries to be removed; the expense, not exceeding \$7500, to be charged to the appropriation for Schoolhouses, Public Buildings.

Mr. Coe stated that the repairs are not extensive, and time is not so much of an object; and on his motion the order was referred to the Joint Committee on Public Buildings. Sent up.

#### REGISTRAR OF VOTERS.

Mr. Flynn of Ward 13 offered an order—That his Honor the Mayor be requested to inform the City Council whether the member of the Board of Registrars of Voters who was appointed during the present year has entered upon the duties of his office.

Mr. Flynn—Perhaps that order needs a little explanation. I understand that the person who

was appointed a Registrar of Voters is now a member of the Board of Assessors, and is performing the duties of a First Assistant Assessor in the Dooming Board. I understand that he does not intend to enter upon the duties of Registrar of Voters until after he gets through with the duties of First Assistant Assessor; also, that he claims the right to do his own business in connection with the registration of voters, if he does anything at all. It is for that reason I offer the order at this time, and that he may have an opportunity to resign, or the place be declared vacant, and somebody else appointed.

The order was read twice and passed. Sent up.

#### SALARIES OF EMPLOYEES OF WATER BOARD.

Mr. Fraser of Ward 6 offered an order—That the Boston Water Board be authorized to fix the rates of compensation to be paid to their employes, after the 1st of July, 1877, for the remainder of the salary year, provided that the amount allowed by the City Council for that purpose shall not be exceeded thereby.

Mr. Fraser moved a suspension of the rule.

Mr. Webster of Ward 3 asked for some information about the order.

Mr. Fraser—This matter has been thoroughly understood by the Committee on Water for some time, and but for negligence on my part it would have been offered before. It has been before the Committee on Water and they have taken action upon it.

Mr. Crocker of Ward 9—I did not hear the explanation given and do not exactly understand the purpose of the order. I supposed the Water Board already had that power asked for. In what respect have they not that power?

Mr. Beeching of Ward 1—The action of the Retrenchment Committee fixed the salary of each employe in the Water Department, and it seems necessary to correct it. One case which I will state will show clearly that it needs to be rectified. The superintendent of the western division received \$3000 a year previous to the action of the committee; and they cut his salary down \$300. The superintendent of the Mystic Department had a salary of \$1800 and the committee cut it down \$200. I am informed that the labor, duties and responsibilities of each are equally great; yet one receive \$2700 for doing the same work for which the other receives but \$1600. I am informed that there are many other inequalities which the Water Board propose to correct. This order is precisely the same as the one passed June 7, authorizing the Fire Commissioners to fix the compensation of the clerks in their department, and will give the Water Board the same authority.

The rule was suspended, and the order was put upon its passage.

Mr. Coe of Ward 23—Before voting upon the order I should like to hear from some member of the Retrenchment Committee as to the necessity for it.

Mr. Clarke of Ward 22—I would like to hear from some member of the Retrenchment Committee, for this reason: When they had this matter before them, they had the facts in the case, and knew what the duties of these different superintendents were. I know something of the duties of the superintendent of the western division, but I am not conversant with those of the superintendent of the eastern division. The superintendent of the western division has entire charge of the laying of the new pipe and the whole of the Brighton and West Roxbury divisions. It requires an engineer to have charge of that division, and it seems to me that when the Retrenchment Committee established this salary as they did, they had some reason for it. I hope it will be recommitted to the Retrenchment Committee and let them examine it over again.

The order was passed. Sent up.

#### DUTIES OF CITY OFFICERS.

Mr. Howes of Ward 18 called attention to the rule requiring joint committees to report on all matters referred to them within one month, or ask for further time; and asked for a report on the order offered by him on May 16, for an ordinance requiring all city officers to devote their whole time to the city and not actively engage in other business.

Mr. Crocker of Ward 9 said the Committee on Ordinances had not been called together since then until yesterday, when, no quorum was present, as several members were attending the commencement exercises at Harvard College.



## STORAGE OF GUNPOWDER.

On motion of Mr. Barnard of Ward 24 the order for the Inspector of Buildings to examine the building wherein gunpowder is for sale, No 267 Federal street, was taken from the table, and Mr. Barnard moved its indefinite postponement.

Mr. McDonald of Ward 12—I hope this order will not be indefinitely postponed. Enough has already been said upon this all-important question, and which should demand our most careful and immediate attention. We must judge of it in an impartial manner and render our verdict accordingly. Gunpowder, we all know, should not be kept in buildings occupied by quite a number of families, as this one is, for if a fire should occur upon the premises the loss of life would be very great. We cannot be too cautious in securing the property of the citizens of Boston, and protecting life at all hazards.

Mr. Spenceley of Ward 19—If the gentleman has reason for thinking that gunpowder is stored on the premises he should report it to the Chief Engineer. This is no place to bring it, and it seems to me there is something personal about it. I hope it will be indefinitely postponed and that the gentleman will carry it where it belongs.

Mr. Clarke of Ward 22—When this matter was first brought up, it was stated that this matter of storing gunpowder was entirely in charge of the engineer of the Fire Department. After it was introduced I was riding up in the elevator with one of the Fire Commissioners, and told him about it; and he said he thought it a good order to offer, and that it should be referred to the In-

spector of Buildings or to the Committee on Fire Department. If the Fire Department allow gunpowder to be stored in a building occupied by families, the matter will come out in the report. It is a serious matter and should receive attention.

Mr. Crocker of Ward 9—Many things need investigating, but this is hardly a proper place to bring this matter. There are certain officials to attend to this matter, and a short, quick and effectual method is to give it to those officers and have them attend to it. I don't understand that anything has been done in that way, but, so far as I have heard, the matter was brought here first. If the proper officers had been applied to, then there might be a reason why we should take it up; but it seems to be a slow method to set the whole machinery of the Common Council and Board of Aldermen at work.

Mr. McDonald—I assure the gentleman from Ward 19 that I had nothing personal in it. I intended to offer an amendment that all similar buildings be inspected. If the gentleman will turn to page 119 [Ordinances] he will see that—

“No tenement house, or any portion thereof, shall be used as a place of storage for any combustible article.”

I thought this was the place to offer the order, and I assure the gentleman from Ward 19 that there is nothing personal about it whatever.

The order was indefinitely postponed.

Adjourned, on motion of Mr. Spenceley of Ward 19.

## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

JULY 2, 1877.

Regular meeting at 4 o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE APPOINTMENTS.

Police Officer—Matthew Culley. Referred to Committee on Police.

Coal Weigher—Samuel Hosea, Jr. Confirmed.

Police Officers Without Pay—Harry Tilton, Frank McCarthy. Confirmed.

Constable—S. W. Cunningham. Confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* Highland Street Railway Company, for leave to run their cars to the northern depots; South Boston Railroad Company *et al.*, for a cross-walk on Broadway at I street.

S. A. B. Abbott *et al.*, for city to pay part of expense of watering Marlborough street, between Exeter and Fairfield streets; J. Austin Rogers *et al.*, that the city would defray a portion of sprinkling Eliot square; Samuel S. Perkins *et al.*, that Newland street be graded from Dedham to Upton street; Nathaniel Adams *et al.*, for the appointment of a commission to investigate the whole subject of paving in the city of Boston and report upon all matters connected therewith; George H. Cheever, administrator, *et al.*, that Madison street, Ward 19, be put in order for public travel immediately.

Petition for edgestones in front of estate of A. J. Tibbitts, 90-92 Bluehill avenue.

*To the Committee on Lamps.* George P. Ganster, for an opportunity to exhibit and explain the working of his apparatus for lighting and extinguishing street lamps; Eddy T. Thomas, that the city would adopt his automatic method of lighting and extinguishing lamps; C. R. Wiggin *et al.*, that additional lamps be placed on Trenton street, Ward 1.

*To the Committee on Sewers.* Joseph S. Phillips *et al.*, for a sewer on Curtis street, Ward 23; Isaac Pratt, Jr., *et al.*, for sewers in Gardner, Ashford and Chester streets; P. F. Reddy *et al.*, for extension of I-street sewer; R. W. Henshaw, *et al.*, for a sewer in Gardner street.

*To the Committee on Streets on the part of the Board.* Alpheus P. Blake and Edward Turner, trustees, for award of damages for location of Boston, Winthrop & Point Shirley Railroad over their land.

*To the Committee on Licenses.* Perry & Richardson, for rebate of license for billiards for 1876 at 90 Court street.

*To the Committee on Markets.* Nathan Robbins, for leave to transfer his lease of stall 97-99, Fan-euil Hall Market, to W. B. Smith.

*To the Committee on Police.* Alfred Latour *et al.*, to be paid the reward offered for the recovery of the remains of Mary Ella Harrington; and Calvin T. Chamberlain, for the same.

*To the Joint Committee on the Survey and Inspection of Buildings.* Grove Hall Universalist Society, for leave to erect a wooden building on Blue Hill avenue, Ward 21.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables—B. J. Pope, new wooden, four horses, Howard avenue; William Boyd, new wooden, one horse, Notre Dame street, Ward 23; Samuel G. Reed, old wooden, two horses, lot 29 Philips street.

*To the Joint Committee on Public Lands.* Elbridge Harris *et al.*, for removal of obstruction in the Dorchester Brook sewer running through the city's lot bounded by Adams and Gibson streets and Dorchester avenue.

*To the Joint Committee on Claims.* John Donahy, to be paid for personal injuries sustained by a defect in Cambridge street, Charlestown.

*To the Committee on Fire Department on the part of the Board.* D. C. Earle & Co., for leave to store naphtha on property of Boston Wharf Company.

## HEARINGS ON ORDERS OF NOTICE.

*Sewers.* On expediency of constructing sewers in Washington street, between School and Boylston streets (West Roxbury); in Wesley street, Charlestown; in Burr street, West Roxbury, at northerly end.

Mr. ——— Farnsworth objected to the sewer in Burr street, as it was only asked for by one gentleman, and is not needed by the public. It will put five abutters to an unnecessary expense. Mr. Charles Sellig also objected for the same reason. The subject was recommitted to the Committee on Sewers.

No one else appeared to object, and the subjects were recommitted to the Committee on Sewers.

*Metropolitan Railroad Company.* On petition for location of tracks in Dartmouth street, and for tracks in Marlborough street to West Chester park.

Mr. Richards, President of the Metropolitan Railroad Company, explained that the object of the first part of the petition is to extend the tracks on Boylston street from Clarendon street, passing the large church and the Art Museum, and turn eastwardly into Dartmouth street, thence by double tracks to connect with the track on Tremont street. People residing and attending the churches in that section desire it, and the Board must see the benefit the public will enjoy in having an opportunity to visit the Art Museum in horse cars.

Mr. Martin appeared to object on behalf of almost every resident on Dartmouth street; no one on the street desires or will use it.

George P. Baldwin said Dartmouth street is about the only street left running west that is free of tracks; it is hardly wide enough for double tracks, and travel on this great thoroughfare will be obstructed by the location.

Moody Merrill, president of the Highland Street Railway, said that if there is such a location granted, his road would like the privilege of running over it. If it is granted it will save the temporary location in Chandler street. The greatest objection to it is the narrowness of the bridge, and he suggested that only a single track be laid on it. They desired to make a complete connection between the Highlands and the Back Bay which is destined to be the most beautiful part of the city. He wished the Board to grant either this location or the small one asked by his road, on which there is to be a hearing next Monday.

Mr. Richards said Mr. Merrill had argued the case so well as to leave him almost nothing to say. The two roads are in accord in this matter, except in one matter. He then took up the next portion of the petition, for additional track in Marlborough street, as far as West Chester park. So great was the growth of population in that section it demands a double track. Any builder will say it is the only place where he can erect a fine dwelling and be sure of a profit. It is impossible to run the cars by single tracks and turnouts as often as the residents there demand.

No one else appeared. The subject was recommitted to the Committee on Paving.

## SALARY OF SUPERINTENDENT OF THE PUBLIC LIBRARY.

Alderman Burnham presented the following:

The Trustees of the Public Library respectfully petition the City Government for authority to make a contract with Mr. Justin Winsor for his services as Superintendent of the Library for a period of five years from May, 1877, and at a compensation not exceeding \$4500 per annum. They regret to state that without such an arrangement the institution will be compelled to relinquish the very important direction of its affairs, dependent upon Mr. Winsor.

W. W. GREENOUGH.  
SAMUEL A. GREEN.  
RICHARD FROTHINGHAM.  
WESTON LEWIS.  
GEORGE B. CHASE.  
OSBORN HOWES, JR.  
B. F. THOMAS.  
JOHN T. CLARK.  
RICHARD POPE.

Alderman Burnham—Representing the Library Committee, I have to say that an exigency has arisen in the management of the Public Library that seems to demand that we should act upon this petition from the trustees at the present time. Mr. Winsor, the Superintendent of the Public Library—a gentleman known to all of us—has been elected by the President and Fellows of Harvard College as the college librarian, and in the communication notifying him of his election he has been requested to give a definite answer by July 7; so unless we act upon it at present, we leave it to Mr. Winsor to make an affirmative answer and thereby lose the services of an officer whom we all understand to be exceedingly valuable to the city. When we

know that this election offers to Mr. Winsor a permanent, life-long place; that it brings a salary nearly a fourth greater than he receives at present; brings great relief from the arduous toils in his present employment under the city of Boston, in that his labor will be some hours shorter; that he will receive from two to three months vacation; and that he will also receive a professorship, we cannot but see the great inducement for him to accept this place. Mr. Winsor's friends are urgent that he should accept the position. But there is another side to this matter, and that is the side of the city of Boston. Mr. Winsor, it is well known, has had ten years' experience in the administration of the affairs of this library. These years have been of immense value to the city, as well as gathering great experience to himself as superintendent of a library. He has given the Boston library a world-wide renown and put it in the foremost rank of institutions of that kind; and in doing this he has developed for himself rare qualities as a superintendent. Now, while he can go from this library with great advantage to himself, it seems to me that Boston cannot spare him; that his record being made, Boston still wants and should have his services. Under these circumstances the trustees desired to have him remain, and the committee joined in this request. To this end a conference was held with Mr. Winsor. He frankly said that could his office have a permanence—which it does not now, in the annual election—and could he have a compensation compared with that of other similar institutions, it would be his ambition to remain. It is upon such a state of facts as these that the library Committee, after consultation with the Trustees, have by a unanimous vote directed me to offer an order which I shall shortly present and move that it be acted upon at the present time. The salary proposed in this order is inferior to that paid in similar institutions in our own country and abroad. The Astor Library of New York pays \$5000, and Chicago and Cincinnati pay the same. Since Mr. Winsor's employment as Librarian of Boston, it is known that he has received offers to become the superintendent of other libraries at a like sum. The Committee on Ordinances having met today, considered this matter and voted that in their opinion the order I shall offer does not conflict with the ordinance in regard to the Public Library. The Committee on Public Library, in consultation with the trustees, presented an inquiry to the City Solicitor, which I will read:

"The undersigned, representatives of the Public Library and the Joint Standing Committee of the City Council upon the Public Library, are instructed to ask your opinion upon the following question: Whether the City Council has power to authorize the Trustees of the Public Library to make a contract, for five years, for the services of any person employed in the library?"

This was signed by the President of the Board of Trustees and the chairman of the Joint Standing Committee on Public Library. In answer Mr. Healy says—

"In my opinion the City Council can give the authority suggested."

Now, if it is within the province of the City Council to make this contract, and if I have made the matter plain in the few words I have said, it seems to me it is a proper thing to come into this order and ask that the trustees have authority to do what they petition for. If Mr. Winsor's services are so valuable that Harvard College will offer him an increased salary, it seems to me that if the city of Boston can offer him the permanency of a five years' position it should be done. With these remarks I will now present the order; and ask that it may be put upon its passage:

Ordered, That the Board of Trustees of the Public Library be and they hereby are authorized, in behalf of the city of Boston, to contract with Justin Winsor for his services as Superintendent of the Public Library of the city of Boston for five years, from the first day of May, A. D. 1877, at a compensation not exceeding \$4500 per annum.

Alderman O'Brien—This appears to be an extraordinary order to bring before the City Council. Sometime ago we considered the salaries of the heads of all the departments of the City Government; we had the President of the Board of Trustees of the Public Library before us, and the facts stated by the Alderman were stated by him—that Mr. Winsor is a very valuable man and very efficient in the performance of his duties. I have no doubt of it. But, Mr. Mayor, I doubt the ex-

pediency of bringing in an order of that kind, and saying to the City Council and to the 350,000 inhabitants of Boston that Mr. Winsor is the only man who can fill that position. We have educated Mr. Winsor in that position, and I propose to give some other man a chance. At the City Hospital we have educated men to be experts in their line of business. Take Dr. Williams, the oculist, who has had his tens of thousands of patients to operate upon. It gives him an experience he cannot get in private practice at any price. I propose that we shall become public benefactors in the administration of public business. Having educated him, I say we ought to educate more. I believe there are hundreds of citizens who could fill that place after a few weeks' experience with just as much ability as Mr. Winsor; and if Mr. Winsor has an offer of a position in Harvard College, I should advise him to take it if they are willing to pay him a higher price than the city of Boston does. This would be a bad precedent to adopt. The next thing, another head of a department or superintendent will come in here. It has been said that the head of another department could have five or ten thousand dollars in another city; and I should be willing for him to take his leave and take his five or ten thousand dollars if such an offer is made. After fixing our salaries for the year, I think it would be dangerous policy to adopt this order. Since I have been a member of this Board two positions have been vacated in this City Hall that it was said could not be filled; one by death and the other by resignation. Those positions are better filled today than they were previously; I don't care what is said to the contrary. I believe that any position in the gift of the city can be filled by hundreds of citizens outside of City Hall. It appears to me there is a little too much red tape about this Public Library. The men who instituted that library never dreamed that it was going to be such an expense as it is. One hundred and twenty thousand dollars are appropriated to carry it on every year, of which \$60,000 are expended for salaries. While admitting that it is one of the best institutions we have, I believe we expend money enough upon it. I am proud of it, and Boston ought to be proud of it; but still we ought to keep all institutions of that kind down to an economical mark, and not be prodigal in our expenditures. It is a public benefaction, and public benefactions should be conducted with the utmost economy. Therefore, I shall oppose this order.

Alderman Burnham—I admit all the Alderman says about the extraordinary character of the order; and I claim there is a reason for it. The Alderman deals with the present incumbent as though he could readily step out from the Public Library and pick up a dozen individuals who could fill the place as well as Mr. Winsor. That is not a fact. Every man sitting at this Board knows that during the ten years Mr. Winsor has had charge of this library he has exhibited powers and capabilities which have made him the head of superintendents of public libraries throughout this country and Europe; so that if there be a convention of those having to do with such institutions, they honor Mr. Winsor by placing him at the head of such convention, and by appealing to him for advice; and he stands before us as a man whose place cannot be easily filled. The Alderman seems to argue in favor of experience; but he hardly supports the argument by citing the case of Dr. Williams. If his experience is worth hundreds of thousands of dollars, it seems to me that experience should be of value to the city of Boston. Mr. Winsor stands before us too valuable a man for the city of Boston to lose—not to say another man might not be found to fill his place. But the fact remains that if Mr. Winsor accepts this position at Harvard College, it will devolve upon the trustees to give a large amount of their time to the affairs of the institution. If another man is placed in the position it may be necessary to employ not only one, but perhaps two, to do the same work. Mr. Winsor is doing catalogue work, which is a wonder, to all who behold it. I refer to the catalogue of the Boston collection; and if he leaves, it will be necessary to employ him to finish that catalogue. I believe this matter is fully understood by the Board, and I cannot think we will prejudice the Public Library of Boston by allowing him to accept the position offered in a neighboring city.

Alderman Thompson—The chairman has stated correctly that this emergency must be met. The question with the trustees in the case of Mr. Win-

sor is, how are they going to get along without him? The Alderman stated that he was proud of the Public Library. We are all proud of it, and we are indebted to Mr. Winsor for the condition of that library. We have the best library in the country, and we are largely indebted to Mr. Winsor for the position that it holds; and the question is whether we are going to allow Mr. Winsor to leave us after all the experience he has had in that position, and go to another institution—the offer of which is an evidence of his value,—and be compelled to employ two or three persons, as I maintain it will require all of two persons to fill his place. A more industrious man does not live than the Superintendent of the Public Library. He is at his post early and late; and when he returns home he continues to work in the interests of the library until the late hours of the night. To show in what estimation Mr. Winsor is held by the literary world, I will state that at the Caxton celebration which took place in London—a celebration in honor of the man who printed the first book in London, in 1477—which was participated in by the people of the whole world, this librarian of Boston was chosen one of the vice presidents,—showing in what estimation he is held abroad; and at the Centennial Mr. Winsor was president of the Congress of Librarians which was in session for several days. This same Mr. Winsor once refused an offer of \$10,000 to go to Chicago, preferring to remain here. Although I dislike any increase of compensation—as this is a reform government—I think it will be in the interest of economy to pass this order. As the chairman of the committee has truly said, we must decide upon this question within a few days, or we lose Mr. Winsor's services, which in my judgment are invaluable to the city. If the Alderman opposite had had a little more to do with the Committee on the Library, I think he would not have reflected as he did upon the Superintendent for the compensation he is receiving. I am sure he would not oppose the order if he had known, as the committee do, the nature and value of the service; on the contrary, I think he would be one of the first to advocate its passage. Under no consideration should we consent to lose so valuable a man as Mr. Winsor. The very fact that the first institution of the country desires his services should be a reason why he should be retained by the city of Boston, which has the largest and best-managed library in the country. It will be a serious matter to the library if we lose him; and, as the president of the trustees truly asked, how can we get along without him? Mr. Winsor's administrative abilities are extraordinary; and although we may find a man to fill a certain position, this is one that cannot be easily filled. It requires not only a peculiar scholarship, but great administrative ability which cannot be found in the ordinary walks of life.

Alderman Fitzgerald—When the Alderman from Charlestown spoke of this being a reform Government, a smile was on his countenance, and I am not surprised, because if we go on at the rate at which we have been going on, rescinding piece by piece the orders reported by the Retrenchment Committee, I think it would be more decent to come out flatly and introduce all of them at once. On the programme of the day is another order that the Water Board be allowed to fix the salaries of their employes. I also understand that the Directors for Public Institutions want to have the same power to fix the salaries of their employes, and from the way it is going along there will soon be nothing of the Retrenchment Committee left but the members. I do not intend to under-value the services of Mr. Winsor. He is an excellent man, and the city of Boston can with great difficulty find one to take his place if he leaves the Public Library. But I do not believe in the order just introduced. It is bad policy in this or any government to so over-value the services of their servants as to make them an exception to the ordinances. The ordinances prescribe that at the beginning of each year, when the new trustees are elected, they shall choose a Superintendent. Five years from today it is possible that the same men may not be in the office at all. Our heads of departments, with a few exceptions, are annually elected. We ourselves are elected annually, and those who are candidates for office know how terrible it is to be subjected to the inquisition of being before the public, and having everything we have done and not done made public. If the members of the

Board wanted to remain in office, I presume they would prefer that the term should be three or five years. The Mayor might feel more secure, and there would not be so much threatening if his term was three or five years. The annual election is no great inconvenience to the heads of departments. Now, what do you propose to do? Mr. Winsor is a man of great ability. I agree that it will be a long time before we can fill his place, and it will take some time before we can get a man to come up to his capacity. But is that a reason why we should pass an order authorizing the trustees to make a contract with Mr. Winsor for five years, giving him a salary of \$1000 more than he received before we cut down salaries? In 1861 his salary was \$2000; in 1871, \$3000; and in 1876-7, \$3600, until the Retrenchment Committee cut it down to \$3200 or \$3300; and now it is proposed to add \$900 to the salary which he received before the Retrenchment Committee fixed it this year. And why? Because he has been invited to a position for which he will receive a higher salary; consequently we will extend the contract five years simply because he wants to be more secure in his position. Suppose our excellent City Engineer said the city of Chicago wants his services. He possesses peculiar talent, and it would be difficult to find a man to fill his place. Suppose he should say that unless you raise his salary and elect him for five years, instead of one, he would resign and go to Chicago, Cincinnati or New York; and suppose the Committee on the City Engineer's Department should report an order parallel with this. The City Architect is admirably fitted for the position he has held for three years; he has been instructing himself in school architecture, and probably knows more about it than any other architect in the city. Suppose he came to the City Government and said, "I have been seven years with you; I have built so many schoolhouses, and I have received an invitation from the School Board of New York at a salary of six thousand dollars a year. The City Architect has saved the city more than ten times that since he has been in the employ of the city, and suppose the Committee on Public Buildings should come in here and say he knows more about the architecture of schoolhouses than anybody else, and want to hire him for five years. The example it sets to other departments is my chief objection to the order. It is a precedent which might be imitated hereafter. We should hold to our ordinances, and as the ordinance stands we should elect them yearly, but do not make a special exception for an individual because he possesses peculiar qualifications, and has been ten years in the employ of the city. For that reason I shall vote against the order, but I have no objection to raising Mr. Winsor's salary if the committee recommend it.

The order was read a second time and put upon its passage.

Alderman Clark—I agree with what has been said, to a certain extent. It is an extraordinary order and an extraordinary occasion. We have the largest library in the United States, having the largest circulation; and it has at its head the most able superintendent in the United States. It is our duty to do everything in our power to keep him there, and the only way it can be done is to make a contract with him for a series of years. Were I the Superintendent I would not refuse the position offered by the faculty at Cambridge. He is offered a professorship in connection with his duties as librarian, a salary nearly equal to what is proposed to be given him, from three to four months' vacation, and his labors will not be half what his duties are as Superintendent of the Public Library. Mr. Winsor works not from 9 A. M. to 5 P. M., but from 7 A. M. till ten or twelve o'clock at night; he devotes his entire time to the institution, and it is only his pride in it that induces him to remain under the state of things proposed by the order. Now, having this library, its usefulness having been built up under his administration, we are particularly fortunate in having such a man at its head, and we shall be particularly fortunate to keep him, even under these conditions. I have no doubt the Retrenchment Committee themselves thought the salary too small, and doubtless during the year would have advanced it some what. I do not consider \$3300 sufficient compensation for the selection of the books for the Public Library, to say nothing of being its chief executive. The libraries at Chicago, Cincinnati and New York—neither of which begins to have the number of volumes and circulation that our own has—

pay their superintendents \$5000, and have for years. Our Public Library and all its branches are managed to the satisfaction of the patrons. There is no such thing as red tape about this institution to any greater extent than is necessary for safety and for the interests of the whole people. The trustees devote a great deal of time to it; they study its interests carefully; they have talked a great deal and seriously over this question; they unanimously believe it for the interest of all the people of Boston that such an arrangement be made with Mr. Winsor as to retain his services. I doubt very much if a man can be found in three years to fill his place. It requires very peculiar qualifications, all of which are possessed by the present Superintendent. The growth of the library has been wonderful in the last ten years; probably no library in the world has grown with such rapidity and is patronized so extensively by the population. It is the candid opinion of the trustees and the joint committee that this is the most judicious thing to do, and the only thing that can be done, if the people wish to retain Mr. Winsor's services. An arrangement can be made with him for a term of five years at a fixed salary; if not, he will undoubtedly go to Cambridge. But I can hardly see how a man can refuse an offer to go to Cambridge, and remain in the Public Library, with the immense labor he has to perform, even under the conditions proposed by this order. I am sorry we cannot pass this order unanimously. It has been a source of great anxiety to the trustees, and if any other plan could have been devised they would not recommend an order of this description. I will not compare the election of this Superintendent to that of members of the Board of Aldermen and Common Council. This Superintendent can go to Cambridge and fill the office probably during good behavior, with a respectable salary, and with very much less labor than he is giving to this city. His capacity is not questioned. It is simply a question whether this magnificent institution shall be kept in its present high position, with its present able Superintendent, or whether we shall let him go and experiment with others, until we find some one who can possibly manage it after a fashion. I hope the order will pass, that the Council will concur, and this arrangement be made.

Alderman Robinson—I do not know anything about the capabilities of Mr. Winsor; I think I never was in the Public Library but once in my life. I have a library of my own, and do not need the Public Library. But what particular qualifications are required in cataloguing books I am not able to see. I have always been of the opinion that when a person became so valuable to the city or a corporation that they could not get along without him, the sooner that man left the corporation the better it would be for it. When I found that I had a man in my employ whose experience was so great that I could not get along without him, I concluded I had better get rid of his services. I don't believe but that a dozen men can be found to fill this position; moreover, I believe it would be better for him to go to Harvard College and do them some good, as he has done the city. The committee having considered this subject and come to a unanimous decision, I shall not object to the order; but still I do not believe that, if Mr. Winsor left the city, we could not find a man to fill his place.

Alderman Fitzgerald—In order to test the sense of the Board, I move that that portion of the order which gives authority to the trustees to contract with Mr. Winsor for five years be stricken out, so that the trustees will be empowered to raise the salary to an amount not exceeding \$4500. Mr. Winsor is a very valuable man to the city, and that is all he ought to ask. If he is so valuable that the city cannot dispense with his services, it would be better to employ him during life, which would be just as sensible an order to introduce as this. I was revolving in my own mind what the library or the city would do if Mr. Winsor died. We will be obliged to meet that emergency some time, because, I believe, Mr. Winsor is not going to live over 100 years; and he is now past half of it. If the Public Library increases as it has in the past ten years, if no man can be found capable of filling the position, where will one be found ten years from now? But my objection to the order is the bad and pernicious precedent it would be. That is my sole objection to it. I think Mr. Winsor has no equal as a librarian in the country;

but that will not prevent me from voting against that peculiar feature of the order. Mr. Winsor should abide by the laws and ordinances of the city, and if they do not suit him he ought to leave the city's employ, more especially if new or richer and fairer pastures are opened to him. I have no doubt that if the present trustees are continued in office Mr. Winsor's reelection for the next five or ten or fifteen years will be a matter of form. So long as he does not want to resign I am willing to trust to future City Governments to establish the salary of Mr. Winsor. I shall vote for \$4500 on account of the peculiar circumstances, and leave it to other City Governments to continue it.

Alderman Burnham—I agree, to a certain point, with the Alderman who has just taken his seat in regard to passing the latter part of the order. My own mind is made up that it would be greatly for the interest of the Public Library to give to the Superintendent of the Public Library a permanence which it does not now have in an annual election. I do not know but the Alderman's motion will result in our losing that officer, which I very much desire not to be obliged to do. It is with some fear that I see this motion tried against allowing this City Government to do what is the prerogative of another City Government; but it does seem that this case is different from any other that can come before the City Government, and that this Board ought to make some distinction with reference to greater permanence in that direction. The Alderman says he has no doubt if the present trustees are continued Mr. Winsor will be elected many years. That may be, but it seems to me that, as members of the City Council, we could indicate in this direction that we are willing to have it understood that we do favor to a certain extent a permanence in the occupancy of this position by this officer. For fear that the matter will not receive our vote for a contract for five years, I hope this matter may be more fully discussed, and that some gentleman at this Board may propose a shorter time, or perhaps present arguments to this Board by way of adding something in the way of permanence to this office, and that there may be some offer made here to put this matter in such a shape that we shall not fail to retain the services of Mr. Winsor as Superintendent of the Public Library.

Alderman Slade—I hope the amendment will pass. I will vote for the increase of Mr. Winsor's salary, but I cannot vote for the order as offered. Mr. Winsor has no reason to have any fears that he will not be employed by the city of Boston five or ten years longer. He has been the librarian since the library started, elected from year to year with no opposition, and no doubt he will be elected for years to come. Let Mr. Winsor take his chances for ten years, and I have no doubt he will be reelected. I think the salary too low, and that it ought to be increased; but I cannot vote for this order.

Alderman Gibson—I do not oppose the order, but if we have only one man to fill the position we had better look around and see if we cannot get another man for it. That institution is well organized, and if the head is taken away there should be a second to take his place. I believe we have never had but one Daniel Webster, but I do not believe we have only one man fit to be superintendent of a library. If this superintendent has done his duty he certainly has a man to take his place, and if not he has not done his duty. I don't object to the salary. I am willing to vote for it.

Alderman O'Brien called for the yeas and nays. Alderman Burnham accepted the amendment, and the order as amended (simply increasing the salary to \$4500), was passed—yeas 10, yeas 2—Aldermen O'Brien and Robinson voting nay.

#### UNFINISHED BUSINESS.

Order to pay Charles B. Gardner, assignee of Albert Blaisdell, \$2000 in full settlement of a suit against the city for construction of a sewer in North Harvard street. Passed.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence. Auditor's Annual Report. (City Doc. No. 52.) Fourth Annual Report of Board of Fire Commissioners. (City Doc. No. 55.) Placed on file. Order to allow the Boston Water Board to fix the rates of compensation of their clerks and other parties, after July 1. Passed in concurrence. Order for Mayor to inform the City Council whether the member of the Board of Registrars

of Voters recently appointed has entered upon the duties of his office. Passed in concurrence.

An order for new steam-heating apparatus for Brimmer Schoolhouse, etc., at a cost of \$7500, came up referred to the Committee on Public Buildings. Concurred.

Report and order to reduce the Adams Schoolhouse one story, to provide new steam-heating apparatus, etc., at a cost of \$15,000. Passed in concurrence.

Report and order for a temporary loan of \$1,500,000 in anticipation of receipts from taxes. Order passed in concurrence—yeas 12, nays 0.

Order for a committee (Messrs. Kowes, Vose and Shepard to be joined) to make arrangements for furnishing music on the Common and other parts of the city during the summer months, at an expense not exceeding \$3000. Passed in concurrence—yeas 12, nays 0—and Aldermen Wilder and Slade were appointed on said committee.

#### STATE AID.

The report of the Paymaster of State Aid, for the quarter ending July 1, was received: Payments, \$19,253; balance on hand, \$45. Applicants for April, 1285; May, 1295; June, 1292. Sent down.

#### MYSTIC VALLEY SEWER.

A communication was received from the City Council of Somerville asking for a conference on the subject of labor on the proposed Mystic Valley sewer. (The document had been previously read in the Board and is printed on page of the Minutes.)

Discussion arose as to the disposition of the document, Alderman O'Brien thinking that a proposed reference to the Committee on Conference would be like instructing or bulldozing them, and he favored an indefinite postponement.

Alderman Fitzgerald said the conference committee was appointed to settle the points of difference between the two branches, and had nothing to do with this.

Alderman Thompson thought that committee the proper one, as they had considered the subject and made up their report, but had heard of this communication and were waiting for it.

Alderman Gibson thought the whole matter ought to be indefinitely postponed and the Water Board allowed to save money by doing the work by contract.

Alderman Breck said that the conference committee was the proper one for the reference, and Aldermen Burnham, Wilder and Clark opposed indefinite postponement because of the discourtesy to the City Council of Somerville.

Finally, on motion of Alderman Clark, the communication was laid on the table to await the report of the conference committee.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Minors' Applications Granted—Two newsboys.  
Auctioneers' Licenses Renewed—H. A. Aldrich and twenty-five others.

Victuallers' Licenses Granted—William A. Nickerson, L street, near bath house, South Boston; Caffman Borkawsky, 1201 Tremont street.

Amusement License Granted—C. H. Kimball, to exhibit an aquarium at 13 West street.

Report that Lucy A. Allen to keep a registry for nurses at 3 Hayward place, on condition that no part of said house be used for lying-in-hospital cases.

Severally accepted.

#### VENTILATION OF THE COUNCIL CHAMBER.

Alderman Fitzgerald submitted the following: The Committee on Public Buildings, to whom were referred the accompanying reports regarding the ventilation of the Common Council chamber, with directions to report within two weeks, beg leave to submit that they have given the subject due consideration and are unanimously in favor of the introduction of Tudor & Co.'s method of ventilation described in the accompanying report. Messrs. Tudor & Co. guarantee to perform the work for the sum of \$3000, their agreement being on file in the office of the Superintendent of Public Buildings. No provision having been made for this expenditure in the appropriation for Public Buildings, it will be necessary to provide that sum, as the balance of the appropriation is only sufficient for the ordinary demands of the department for the coming year. They recommend the passage of an order—That the Committee on Public Buildings be authorized to provide better ventilation for the

Common Council chamber by the introduction of the method proposed by F. Tudor & Co. on file in the office of the Superintendent of Public Buildings, at a cost not exceeding \$3000; the expense to be charged to the appropriation provided for that purpose. Referred to the Committee on Finance. Sent down.

#### STREET TO BE CLOSED.

Alderman Fitzgerald offered an order—That the Chief of Police be and he is hereby authorized to close Rogers street, South Boston, against public travel during the building of the grammar schoolhouse, corner of said Rogers and Dorchester streets. Read twice and passed.

#### SURVEY AND INSPECTION OF BUILDINGS.

Alderman Wilder submitted the following from the Joint Committee on the Survey and Inspection of Buildings:

Reports and orders authorizing permits to erect a wooden building by the Eastern Slate Company in the rear of Cambridge street, Ward 4; to erect a wooden shed addition at 813 Shawmut avenue by the Highland Street Railway Company. Orders read twice and passed.

Report on order to consider whether the amount that is appropriated for the use of the department is sufficient to defray its expenses for the present financial year—That at a meeting of the committee convened previous to the commencement of the present financial year, and held for the purpose of taking into consideration the wants of the department, your committee, after due consideration, came to the conclusion that a sum not less than \$18,600 was necessary for a proper performance of the work; and the reduction made by the City Council of the estimate by the committee, from \$18,600 to \$14,000, has materially curtailed the work of the department imperatively required by statute law to be performed; and it is the opinion of your committee that the work should be duly prosecuted, and that the present appropriation is insufficient to secure it. They therefore recommend the passage of an order—That the sum of \$4000 be added to the appropriation for the department for the Survey and Inspection of Buildings, and that the Inspector of Buildings be authorized to employ such number of temporary assistants as may be necessary to complete the work of the department, provided that the expense attending their employ shall be included in, and shall not exceed the amount of the appropriation.

Referred to Committee on Finance. Sent down.

#### STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board as follows:

Reports that leave be granted to occupy stables by William B. Quigley, Cobden street; S. A. Myrick, Breed's Island; William C. Babcock, Clark street, Ward 24; Eleanor G. Emmons, Commonwealth avenue. Severally accepted.

#### PERMIT FOR STEAM ENGINE.

Alderman Gibson submitted a report from the Committee on Steam Engines recommending that leave be granted to use a stationary engine and boiler by Welch & Chipman, 55 Dorchester Avenue. Accepted.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Reports and orders for hearings on Monday next on expediency of constructing a sewer in India street from Export street to Atlantic avenue; in Avon place, Roxbury. Orders passed.

Orders of notice of intention to take land for sewers as follows: Of Philip Sawdon, Jr., and Old Colony Railroad Company; of Rush R. Shippen, Charles E. Jackson, Henry T. Hogan, James Nugent, Robert Scott and Harriet F. Coffin; and Cynthia U. Richmond and others for a sewer through Short and Tuckerman streets, Washington Village. Orders passed.

Ordered, That \$126.52 be abated from the assessment levied upon George F. Woodman and others, for a sewer in Carolina avenue, and \$94.02 of the same amount be assessed upon William B. Fowle and \$32.50 to Joseph Sargent; that \$243.13 be abated from the assessment levied upon George F. Woodman, for a sewer in Starr street, and \$197.83 of the same amount be assessed upon William B. Fowle and \$34.41 to Winnifred Smith; that \$43.44 be abated from the assessment levied upon Michael Collins, for a sewer in Parkman street; that \$23.15

be abated from the assessment levied upon Harriet M. Boyden for a sewer in Rockland avenue; that \$18.46 be abated from the assessment levied upon S. Downer for a sewer in Greenwich street, on account of overestimate of land benefited; that \$40.12 be abated from the assessment levied upon Alden Bartlett for a sewer in Starr street, and that the same amount be assessed upon Patrick Oates. Read twice and passed.

#### FREE FERRIES.

Aldemar Gibson submitted the following (City Doc. 64):

The Joint Standing Committee on East Boston Ferries, to whom were referred the petitions of William A. Simmons and 368 others, J. F. Daue, Grinnell & Co. and 305 others, J. Henry Sears & Co. and 324 others, Nathaniel Adams and 330 others, the Adams Express Company and 462 others, Nathaniel Erskine and 4151 others, F. B. Austin and 250 others, Loughlin Brothers and 268 others, C. A. Shaw and 1211 others, Andrew Hoffman and 733 others, and the East Boston Trade Association, that the tolls presently charged on passengers and carriages of all kinds using the ferries plying between the city and East Boston may be made free to the public, having carefully considered the subject, beg leave to submit the following report:

In the opinion of the committee, the question of freeing the East Boston ferries has now, in view of its bearing upon the commercial and manufacturing interests of the city, become of greater importance than at any previous time in the history of the ferries. It is no longer so much a question of providing the residents of that section with the means of free communication with the city proper, which are enjoyed by the residents of other outlying districts, as of removing a burden upon commerce and manufactures, and thereby advancing the general prosperity; for it will be conceded that the benefits arising from the development of our commercial and manufacturing interests are not confined to any section, but are shared alike by all.

The character of the petitioners and their relations to the business interests of the city are such as to justify the supposition that the question of freeing the ferries is one of general importance. A classification of the petitioners shows that the several business interests of the city are represented as follows:

Merchants, 257; commission merchants, 81; boot, shoe and rubber dealers, 119; hide and leather dealers, 67; bankers and brokers, 48, including nearly all the national banks of Boston; dry-goods merchants, 43; fruit, produce and provision dealers, 61; flour and grain merchants, 22; iron, steel and hardware dealers, 38; wholesale grocers, 43; railroad and transportation companies, 29; express companies, 274; steamship companies, 13; ship brokers and chandlers, 25; wine merchants, 82; drugs, paints and oil dealers, 47; clothing and furnishing goods, 93; marketmen, 65; fish dealers, 25; builders and contractors, 149; teamsters, 24.

The petitions represent a capital of nearly \$100,000,000. Among the petitioners will be found the names of many of the principal merchants of the city proper, together with those of 250 business men of South Boston, 269 business men of Charlestown, 200 citizens of Boston proper, and 5283 residents of East Boston.

If we take into consideration the assessed valuation of the petitioners it will be found that but a small proportion of the capital represented upon the petitions is held by residents of East Boston, and, when we consider the heavy interest which the remaining petitioners have in our municipal finances, we are justified in assuming that they would not favor a measure calculated to increase taxation, unless it were for the public benefit.

East Boston is fitted by nature to be the great commercial and manufacturing quarter of the city. It contains within its boundaries the very best locations for manufacturing establishments of all kinds. It possesses ample wharf accommodations. Its water front is constantly scoured by strong currents, which prevent the accumulation of deposits, and preserve a uniform depth of water. Its southwest exposure renders it less likely that the docks and slips will become clogged with ice during the winter.

In short, East Boston possesses the facilities for the successful prosecution of all branches of manufactures and commerce in a greater degree than any other section of the city. Every effort is being made to open new avenues of communi-

cation between Boston and the West. The success of these efforts will depend largely upon the facilities which are afforded for shipping the products of the West to Europe.

In the struggle for trade we are brought into direct competition with other Atlantic seaboard cities, and our success will depend entirely upon our ability to offer the best and cheapest facilities for the handling of merchandise. These facilities are—deep water, capable of floating ships of the largest draught, extensive wharf accommodations, and cheap and easy methods of transportation. All these advantages are to be found in East Boston, excepting the last.

Our foreign exports for the year 1876, which amounted to \$44,356,844 were almost all shipped from East Boston; it is estimated that three-fourths of the foreign importations for the same year, the value of which, according to the report of the Board of Trade, amounted to \$34,983,399, came into East Boston. The value of the importations into the port of Boston for the first four months of 1877 was \$14,197,184, and of these \$8,000,000 were landed in East Boston.

It is therefore evident our foreign trade is concentrating in that part of the city, and, as the growth and development of our commerce depends largely upon our facilities, it is incumbent upon us to free them from all unnecessary burdens. The close competition in all branches of trade and the small margin of profits renders it necessary for business men to carefully consider every item of expense attending their respective industries, and to choose those localities which afford the best and cheapest facilities for the prosecution of business.

There can be no doubt but that the tax laid upon business in the shape of ferry tolls has been a great drawback to the development of East Boston. Business that could be carried on to better advantage there than in any other part of this city has been driven away on this account. Business men have been deterred from establishing themselves there because of the expense of ferriage. It is estimated that a special tax of ten cents is imposed upon every ton of goods which passes between the city proper and East Boston. This is a very serious item to manufacturers, who are obliged to reduce the cost of production to the lowest possible point.

When the statistics of our foreign trade are considered, it argues well for the capabilities of East Boston that, notwithstanding all drawbacks, the natural advantages of the place have been sufficient to attract so large a proportion of our commerce, and it is believed that the effect of freeing the ferries will be to greatly increase the commercial importance of the place. If this be so, it is, of itself, a sufficient reason for abolishing tolls, for, in matters of this kind, the whole community share in the benefits arising from increased business.

The prosperity of Boston depends upon the success of its commercial and manufacturing interests. Whatever tends to hinder the development and extension of these interests retards in a corresponding degree the prosperity of the community, and conversely whatever is done to promote these interests conduces to the common good.

While the committee believe that the strongest argument in favor of free ferries is to be based upon the effect of the measure upon the business interests of the city, they are not unmindful of the fact that it would be but an act of justice towards the inhabitants of East Boston to furnish them with the free facilities for communication with the city proper which are enjoyed by the residents of other outlying sections of the municipality. In their case, the ferries take the place of the bridges and avenues with which the other sections of the city are supplied at the public expense. It is, or should be, the policy of the city to furnish free means of communication between all parts of the municipality. The citizens of East Boston are taxed for supplying others with what they themselves are not provided with.

At the best, they are placed at a disadvantage, for the ferries, even under the best management, cannot afford equal accommodations to streets and bridges, and when the expense of tolls is added to the inconvenience of ferries the effect must, necessarily, be prejudicial to the development of the district. This is apparent when the statistics of the growth of East Boston are compared with those of other parts of the city.

Your committee believe that if tolls are abolished the effect will be to render East Boston a

more desirable location for purposes of business and residence. A large amount of property which is at present unproductive will be brought into the market. An equivalent to the cost of maintaining free ferries will be found in the advanced valuation of property, for experience in other cases has shown that the removal of tolls has been followed by an advance in taxable valuation.

The cost of running the ferries for the last five years has averaged \$165,000 per year. Assuming that the valuation of the whole city for the present year will be \$700,000,000, the cost of maintaining the ferries will be 23-100 of a mill on the above valuation. The committee are of the opinion that the petitioners are not asking for any exceptional privileges. They believe that in recommending the abolition of ferry tolls they are advocating a measure of public utility.

They have carefully considered the subject with regard to its bearing upon the interests of the whole city and not of East Boston alone, and they have unanimously arrived at the conclusion that free ferries will be conducive to the general prosperity.

They would therefore respectfully recommend the passage of the following order.

NEHEMIAH GIBSON.  
CLINTON VILES.  
CHARLES H. B. BRECK.  
WILLIAM J. BURKE.  
CHARLES H. REED.  
PETER S. ROBERTS.  
RICHARD ROACH.  
THOMAS O'CONNOR.  
Committee.

Ordered, That on and after the first day of October, 1877, the tolls on the East Boston ferries be abolished, and the said ferries be run free to the public travel.

The order was read once and laid over.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Report and order to pay Elizabeth G. Smith \$40 for grade damages on Eliot street, Jamaica Plain. Order read twice and passed.

Order to pave Charles street from Cambridge street to Leverett street with small granite blocks; estimated expense \$30,000. Order read twice and passed.

Reports and order to sprinkle streets as follows: Brookline and Longwood avenues, cost not exceeding \$90 per month. Order read twice and passed.

Reports and orders for brick sidewalks in front of estates of Henry Souther, 435-441 Third street, and Mercantile Wharf Corporation on Atlantic avenue and Mercantile street. Orders read twice and passed.

#### POLICE.

Alderman Robinson submitted the following from the Committee on Police:

Reports recommending the confirmation of the executive appointment of Sergeants Timothy A. Hurley and William H. Fotler and Thomas Ryan to be lieutenants of police, and the non-confirmation of the appointment of Hugh McEleany to be a police officer. Report accepted, and said nominations confirmed and non-confirmed, as recommended.

Report on petition of Boylston Mutual Insurance Company *et al.*, that special care be taken in enforcing the law relating to the retail sale of fire crackers—That they have instructed the Chief of Police to enforce the provisions of the statute relating to the keeping, selling and storage of fireworks in this city. Accepted.

Report that it is inexpedient to grant the request of Sewall, Day & Co. *et al.*, that a hearing be given to Walter L. Clark, late a Lieutenant of Police, in relation to the charges against him. Accepted.

#### REPAIRS ON WARREN BRIDGE.

Alderman Thompson submitted the following from the Committee on Bridges:

Ordered, That the Committee on Bridges be authorized to expend the sum of \$1500 in repairing the roadway, sidewalks and draw of Warren Bridge; said sum to be in addition to that already authorized, and to be charged to the appropriation for Bridges.

Ordered, That Warren Bridge be closed to the passage of all vehicles Monday, July 16, and remain closed until the repairs thereon are completed.

Severally read twice and passed.

#### STEALING FLOWERS FROM PUBLIC GARDEN.

Alderman Clark offered an order—That, in conformity with the terms of the rewards as authorized by an order passed by the Board of Aldermen and approved by the Mayor, May 22, 1877, there be allowed and paid to Nicholas W. Johnson the sum of \$25 for the detection and conviction of George Warren in the Municipal Criminal Court, for stealing flowers from the Public Garden on the 17th day of June last; said sum to be charged to the appropriation for Common, etc. Read twice and passed. Sent down.

#### PUBLIC PARKS.

On motion of Alderman Clark the order for the Treasurer to procure a loan of \$660,000 for the purchase of not less than one hundred nor more than one hundred and fifty acres of land or flats, on the Back Bay, for a public park was taken from the table.

Alderman Clark—I now move to amend the order as follows:

Substitute "\$450,000" for "\$660,000"; strike out the words "or more than one hundred and fifty" after the words "one hundred" (acres), and all that part relating to the price of the land to be purchased, and the city agreeing to assume and pay all betterments, etc.

That leaves the order authorizing the Treasurer to make a loan of \$450,000 instead of \$660,000, for the purchase of only 100 acres instead of 150; and it also leaves the betterments precisely as the act provides—that any parties owning lands benefited by laying out a park there shall be assessed a betterment.

The amendment was adopted, and the order, as amended, was put upon its passage.

Alderman Clark—I do not propose to make any speech upon this subject. The order is simply to take one hundred acres for the purpose of abating a nuisance, and I have already stated that the land can be filled solid to grade seventeen, and I have given the amount for which that can be done. The question has also been asked what it will cost to cover this land with loam. I have taken the pains to inquire what it will cost to cover this one hundred acres with loam twelve inches deep, if it were necessary to cover the entire area. I find that we can cover the entire area with loam twelve inches deep for \$108,900, provided the whole area is covered. It is presumed that not more than one-half of this hundred acres would be required to be covered with loam, and if we cover only fifty acres, it will of course cost but half that amount, or \$54,450. But it is supposed that a large amount of loam will be obtained by dredging there, so that the actual amount of loam required to be purchased will be very small, probably not more than 25,000 or 30,000 wagons. I find another thing which surprised me greatly, and that is, the street sweepings and ashes, for which we receive about fifteen or twenty thousand dollars a year, selling it for five cents a load and carting it over to South Boston, and giving the proprietors of the Boston wharf the benefit of that nominal price; and that they can be used in filling this territory, instead of throwing them away as we are today. In 1876, 184,193 cartloads of ashes, dirt, etc., were collected; each cartload contains forty-two cubic feet, and therefore they collected some 35,815 cubic squares, which can be used for filling, thereby saving an expense of \$107,445 for filling, at \$3 per square, which, deducted from my estimate of \$705,000 as presented at the last meeting, leaves \$597,555; add to this \$54,450 for loam, and we have \$652,005 as the total cost of the park. Now, it is estimated that enough ashes and street sweepings are taken up to fill this entire area in three years, which is a matter of pretty serious consideration. By buying this territory at ten cents a foot we can fill it in three years with the sweepings of the streets and ashes which we dispose of at a nominal price, so that we shall get the entire area filled for a trifling amount. There is no occasion to go into a lengthy argument. It is not necessary. I merely state that I have a petition signed by some forty or fifty of the best physicians in Boston, which I will read.

The Alderman read the petition, signed by Dr. E. H. Clarke and other physicians, representing that the condition of the territory in question demands immediate attention, and that necessary steps should be taken to abate the nuisance.

Alderman Clark—Those are among the most eminent physicians in the city. This whole matter has been gone over pretty thoroughly; it has been shorn of all the objectionable features raised



against it, so far as I know, and all questions in regard to its cost have been answered. The cost of making it appear like the Public Garden fifty years hence I cannot state. The price of the purchase is fixed; the cost of filling to grade seventeen with good clean gravel has been given, and the cost of covering the entire territory with loam twelve inches deep has been stated; and provided the whole is carried out in that manner, it would cost a great deal less than \$1,000,000. But in three years, as I have shown, that entire territory can be filled by taking the ashes and street sweepings. The most eminent engineers and physicians advocate this as the only way to abate the nuisance. Taking the sewerage out of it will not do it, but will leave this large area to be uncovered with the tide twice a day, and send forth its bad smells as it does at present. A good many parties who signed the remonstrance against parks have signed a petition in favor of having this project carried out. I believe it will be the abatement of a consummate nuisance, and that this is the only way it can be abated. It is due not only to the people residing in that section, but in all sections, as it will abate a great public nuisance.

Alderman Fitzgerald—The Public Park question appears to be narrowed down to abating a nuisance on the Back Bay. The object of the Alderman is not so much for the purpose of affording park facilities, but to abate the nuisance arising from the Stony Brook sewage; and the strangest thing to me is that the Committee on Sewers are not asked anything about it; but the report of the Committee on Sewers has not been acted upon, but had lain asleep upon the table for the last five or six weeks. We hear nothing from the gentlemen most competent to give these reports what is the most proper method of abating that nuisance. That report was made by the Committee on Sewers a month ago, but nothing has been done with it; and the whole object of it was to meet the very question which the Alderman says his order will meet. He proposes to expend according to his own estimate; they propose to spend \$75,000 to accomplish the same object. The Board of Health was asked to report what can be done to abate the Back Bay nuisance, and here it lies upon the table; they are the only persons competent to do it. I will go as far as the Alderman opposite in doing anything to abate that nuisance. Whatever the Board of Health or the Committee on Sewers recommend as proper to be done to do away with the nuisance arising from the drainage from Stony Brook, and make it less intolerable to the people of the Back Bay, I will do. The Alderman gives us his figures, but I should much prefer having an estimate from the City Engineer as to the number of squares to be filled, the area to be filled with loam, and the area to be covered with a pond, the cost of building driveways, walks, and all that will be required to put it in such a condition that people can go there and enjoy it as a park should be enjoyed. If it is a mere question of health and drainage, the report of the Committee on Sewers should be adopted, and the opinion of the Superintendent of Sewers should be asked. I noticed in the last debate that it was not intended to make the loan this year; that they were going to wait until the Legislature authorizes a thirty-year loan. Pass this order for \$450,000, and you will be obliged to issue a ten-year loan. The Legislature cannot make an *ex post facto* law and change a ten-year loan to a thirty-year loan. I can see no necessity for authorizing the Treasurer to issue scrip for \$450,000 if we are to have power to make a thirty-year loan, for it will be of no use. I should like to have further information about this question, and I hope this Board will know definitely the exact amount this Back Bay park will cost. We have the exact price per foot mentioned in the order, but we have no estimate from the City Engineer what it will cost to fill it, as we had in the report of the Committee on Parks. The park recommended by the committee covers but eighty-five acres, that of the Alderman covers one hundred acres of water to be filled up. If I should make an estimate I should put it somewhere in the neighborhood of millions, and not four or five hundred thousand dollars. It is better to have an official estimate than to rely upon the figures of individuals. I presume the noses are all counted and that the order will pass this evening; but I hope the Board will know the cost of this park and the amount of money to be expended under this order.

Alderman Clark—My estimates were obtained from the City Surveyor and Engineer, and the figures can be relied upon. I am not competent to estimate the cost of filling either 100 acres or twenty-five squares. The question was asked what it will cost for the loam, and I had an estimate by the City Engineer and City Surveyor, with the result precisely as I have stated. The figures are not imaginary. Any one here knows that in the area of 100 acres one half at least would be used for walks and a water park, and therefore the cost of loaming would be reduced one half at least. The filling with ashes and street sweepings was something I did not think of before, but I am glad to have thought of it. I understand it has become a very serious question, what shall be done with the ashes collected here in the winter time. Here is a place to deposit and put them to good use, viz., abate a nuisance, and in a few years make that territory a fine section of the city. It is not presumed that if we wait a fortnight longer we can tell what it will cost to make this land like the Public Garden; but I have given the figures of what the filling will cost. The simple construction of the sewer will not abate the nuisance. No doubt \$75 will abate a part of this nuisance, for it is not presumed that it can be done entirely without doing something with the sewage matter which now comes upon the flats, no more than it is going to be abated by simply diverting the sewage from the flats. I hope we shall get upon this question tonight. As the Alderman says, I have no doubt the order will pass. I believe the Board too much in earnest to refuse to pass this order.

Alderman Viles—A great deal has been said in regard to the report of the Committee on Sewers on this nuisance—what it can do, and what it cannot do. Before we act upon this question, I should like the Board to visit this location in company with the Superintendent of Sewers, and let him explain what he can do. He says he can take all that sewage from Stony Brook and carry it into Charles River, and relieve all that district of the nuisance. If the Board will set a day, we can examine not only this sewer, but the site of the proposed park.

Alderman Clark—I don't deny what the Superintendent of Sewers can do; but the simple taking of the sewage into Charles River does not remedy the evil. You have a bog hole there, and the removal of the sewage does not remedy the evil. That is only a part of the scheme. You cannot get rid of the nuisance until the sewage is removed and the territory filled up. The Committee on Sewers recommended this sewer three years ago, and it is part of my plan. When the sewage is taken out and the area filled, you will be rid of this trouble and not before.

Alderman O'Brien—I call the attention of the Board to a very important fact. This question has been considered by the most important commission ever appointed in this city, and here is what they say about it. The report on the sewerage of Boston (City Doc. No. 3 of 1876, page 15) refers to this Back Bay region as follows:

"Between Dorchester Bay and Charles River we have a surface a thousand rods long, about half as deep at its widest part, and only six feet above extreme high tide. If this territory should be largely occupied by houses of an inferior class, thorough sewerage, at best a difficult matter, would be made even more so."

That is what that commission, composed of the most talented engineers in this country, say of the Back Bay Basin, and the difficulty of remedying this evil.

"A reservation of land, therefore, especially with an open water basin, as proposed by the late Governor Andrew, could not fail to be of great benefit to the city in a sanitary point of view."

You see that is precisely the fact. Sewerage will not remedy this nuisance. It penetrates every house at the South End, and every dwelling house to the Brookline line. I am surprised that the city of Boston hesitates year after year to abate this nuisance. We might visit this spot with the Superintendent of Sewers, but I don't believe we would get any information that would enlighten us more than the Sewerage Commission have done. In recommending this \$75,000 he has no idea of filling up the land; but in building that sewer you make a still greater nuisance. Charles River is a nuisance today, and if you run Stony Brook into it you will make a still greater nuisance. He merely recommends this as a temporary measure. Besides building this sewer he says you will have

to dredge the territory, and if you dredge it and build the sewer you will have to spend at least \$150,000. If you intend to lay out that part of the city as it ought to be, if you intend to preserve the hundred millions of property at the South End, you must resort to some other expedient than this temporary sewer, for after all it is only a temporary relief. Perfect sewerage is difficult at all times. Our City Engineer says he would not sleep in a room connected with our sewers, with all the most approved plumbing connected with them. I do not believe this territory will be put in the condition it ought to be until this improvement is completed.

**Alderman Thompson**—As I have stated before, I would like to know what this improvement is to cost, and what it is proposed to do there. If you vote for the park what is to be done with the sewer? and if we carry out the suggestions of the Sewer Committee, are you going to have the park with the sewage emptying into it? The plan seems to be imperfect. Then the Alderman says it will cost \$150,000 for the soiling and loam.

**Alderman Clark**—One hundred and eight thousand dollars.

**Alderman Thompson**—I was desirous of voting for this improvement, but wanted some information before doing so. The engineer gives me the cost of filling at about seventeen cents per square foot, which will amount to \$775,000 on the hundred acres. The cost of soiling the same will be about fifteen cents per square foot, which amounts to \$675,000. Add that to the \$450,000, and we have \$1,900,000, simply for the filling, the soiling, and the cost of the land. I really desire to see something done to abate the nuisance on the Back Bay; I want to do what is the best thing for the city; but I want to know the cost of the improvement, and in that view I offer the following as a substitute for the order before the Board:

Ordered, That the Park Commissioners be requested to select an area not exceeding 100 acres of land or flats on the Back Bay, west of Parker street, suitable for a pond, land and water park; and to submit to the City Council a plan thereof, together with estimates of the sums required for the purchase of the said lands or flats; also to suggest an outline of such improvements as would be necessary to convert said area into a public park, and, if practicable, to submit also the approximate cost per acre of such proposed improvement.

**Alderman Clark**—I hope the substitute will not be adopted. It simply means delay. It will take six months to make a plain estimate of the cost of laying it out in driveways. That is the work of years. It is not to be the work of five years. Meantime we suffer from this nuisance out there which ought to have been abated years ago. I think the Alderman wants to vote for the order, and will, if the substitute does not prevail. My figures were obtained from the City Engineer. The Alderman makes them different. If filled solid and covered with loam one foot in depth for 100 acres, it will take 217,800 loads, containing twenty cubic feet each. The price per load, as paid last year, was fifty cents, making the cost of the loam \$108,900. I will agree to do it at that price.

**Alderman Gibson**—We have now got this down to a point where we can afford to support it. I was opposed to taking in the entire scheme; but we have got down to the Sodom and Gomorrah, where no private man will put his hands into his pocket to improve it for fifteen years. It is in the best part of the city. I don't believe gentlemen will be willing to sell it for less ten years hence. This mudhole certainly lies in the direct line of prosperity. The land can be bought for ten cents a foot, and many of our heaviest taxpayers indorse it. People want employment, and if we can put three or four feet on that land we will soon realize in taxes a large portion of what we spend. In fifty years from now you cannot buy that land for \$1.50 a foot. We can shoulder this scheme and carry it, and it is the best investment we can make, and individuals will build and settle there in a few years.

**Alderman Fitzgerald**—Long ago a gentleman on his way to Tarsus had a change come over him, and was suddenly converted. The men and women were very much surprised at it, I have no doubt, but no more than I am at the sudden conversion of my friend. I looked up to him for encouragement. He always had a kind word for me. He was in a position toward me like the li boy who stood behind his little dog and patted him on

the back while he was fighting. But he has changed his mind, and gone in another direction. I thought from his speeches he was opposed to anything of the kind this year; that he only went for articles of prime necessity this year, and that parks could be deferred a little longer. But he sees something in the Back Bay to improve upon, and it is useless for me to fight this question any longer here. The one necessary vote, for which this question has been sleeping and slumbering and sighing for three or four weeks, has been found, and the Back Bay Park is to be an accomplished fact, so far as the Board of Aldermen is concerned. I hope the Alderman will stick to his resolution if any amendment to the Back Bay Park is tacked on by the other branch. I remember a few weeks ago we introduced an order to pave Columbus avenue with either asphalt or granite blocks, and the order was referred back because this Board wanted to know the exact amount which it would cost, when it was known that it would not exceed \$65,000. Those who voted for parks now voted to recommit that order to obtain information. Here is an important question upon which there is a difference of estimate of fourteen or fifteen hundred thousand dollars, and we are told it is useless to discuss the question. If we are to spend anything, we should know what is the approximate cost of filling, grading, laying out in walks.

**Alderman Gibson**—It is no new thing with me. Ten years ago I advocated buying this section and making a reservoir to take the sewage into Charles River and flush the sewers. If you let in fresh water from the river and close it up at high water and open it at low water you will sweep out the entire sewers of the South End clean every twenty-four hours. That is why I go for this park. I think a round million will make that a fine locality such as people will go to.

**Alderman O'Brien**—Before this subject was discussed in this Board, the Alderman from East Boston expressed himself in favor of making a water park on the Back Bay to remedy this nuisance.

**Alderman Burnham**—I propose to vote against this order; so there is no doubt about my position. I agree with what has been said about entering into this scheme without sufficient information. I am surprised at the course this matter has taken. How much nuisance are we to abate by taking one 100 acres and leaving another 100 uncovered? If we are to do anything for the interests at stake let us do it well. In investigating the intercepting system I have learned that the proposed sewer can be made available for that system, and the sewage from this district turned into it. In the remarks I made before I gave some figures from engineering sources showing that \$25,000 spent in covering over the deposit would make it livable for one or two, or three or five years. No objection would be urged that we were making Charles River objectionable; but after the dredging this deposit would be ten feet under water.

**Alderman Clark**—I am glad to hear the Alderman say this sewage can be taken out into the intercepting sewer before a great while. No one will suppose that this territory can be sweetened by filling in the land unless something is done by sewerage. When the land is filled, private individuals will carry on the improvement. It would be delightful if we could figure up to a dollar what the improvement of this territory will cost for the next hundred years; but it cannot be done.

**Alderman Gibson**—I do not know what it has cost to fill up the Northampton and other districts that the city was compelled to take. Suppose the State should oblige us to take this land and fill it up, it would cost fifty cents a foot, whereas we can buy it now for ten.

**Alderman Fitzgerald**—Those districts were taken by acts of the Legislature passed in accordance with the petitions of the city of Boston. The Legislature has never compelled the city to take any of those districts.

**Alderman Thompson** reminded the Board of Alderman Gibson's former position on the subject, and read the speech made by him on June 11 in regard to the articles of prime necessity which should first receive attention.

**Alderman Gibson** replied that that was said in connection with this whole chain of parks.

**Alderman O'Brien** thought the adoption of the amendment would be trifling with the whole subject.

The substitute was rejected—yeas 4, nays 8; Alderman Burnham, Fitzgerald, Thompson and Viles voting yea.

The order as amended was passed—yeas 8, nays Yeas—Aldermen Breck, Clark, Dunbar, Gibson, O'Brien, Robinson, Slade, Wilder—8.

Nays—Aldermen Burnham, Fitzgerald, Thompson, Viles—4.

A motion to reconsider, by Alderman Clark, was lost. Sent down.

#### EXCURSION TO WATER WORKS.

On motion of Alderman Slade, the order for City Messenger to arrange for a visit of the City Council to Sudbury River, on Tuesday, July 10, next, was taken from the table and passed in concurrence—yeas 11, nays 1; Alderman Fitzgerald voting nay.

The order to invite the Water Board, Engineers

and reporters on said visit was taken from the table and passed in concurrence.

#### MUSICAL EXHIBITIONS.

On motion of Alderman Thompson, the order to notify the School Committee that in future the consent of this Board must be had for the participation of school children in musical exhibitions, etc., was taken from the table and indefinitely postponed.

#### SALARIES OF EMPLOYEES IN PUBLIC INSTITUTIONS.

Alderman Viles offered an order—That the City Solicitor be requested to give his opinion to the City Council in regard to the power of the Board of Directors for Public Institutions in establishing the salaries of the officers and employes of the several institutions under their charge. Passed. Sent down.

Adjourned, on motion of Alderman O'Brien.



CITY OF BOSTON

Proceedings of the German Council

JULY 6, 1877.

Meeting on July 6, 1877, at the office of the Mayor, Boston.

Present: Mayor, Aldermen, and members of the German Council.

Report of the Committee on the German Council.

The Committee on the German Council has the honor to report that it has had the pleasure of receiving from the German Consul, Herr von Schlegel, a copy of the German Municipal Code, which has been translated into English by the Hon. Mr. [Name], and is now in the hands of the Council.

The Committee has also had the pleasure of receiving from the German Consul a copy of the German Municipal Code, which has been translated into English by the Hon. Mr. [Name], and is now in the hands of the Council.

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minutes of the meeting of the German Council, which was held on the 6th of July, 1877, at the office of the Mayor, Boston.

The meeting was presided over by the Mayor, and the following members of the Council were present: [List of names]

The first item of business was the report of the Committee on the German Council, which was read and approved.

The second item was the report of the Committee on the German Council, which was read and approved.

The third item was the report of the Committee on the German Council, which was read and approved.

The fourth item was the report of the Committee on the German Council, which was read and approved.

The fifth item was the report of the Committee on the German Council, which was read and approved.

The sixth item was the report of the Committee on the German Council, which was read and approved.

The seventh item was the report of the Committee on the German Council, which was read and approved.

The eighth item was the report of the Committee on the German Council, which was read and approved.

The ninth item was the report of the Committee on the German Council, which was read and approved.

The tenth item was the report of the Committee on the German Council, which was read and approved.

The eleventh item was the report of the Committee on the German Council, which was read and approved.

The twelfth item was the report of the Committee on the German Council, which was read and approved.

The thirteenth item was the report of the Committee on the German Council, which was read and approved.

The fourteenth item was the report of the Committee on the German Council, which was read and approved.

The fifteenth item was the report of the Committee on the German Council, which was read and approved.

The sixteenth item was the report of the Committee on the German Council, which was read and approved.

The seventeenth item was the report of the Committee on the German Council, which was read and approved.

## CITY OF BOSTON.

## Proceedings of the Common Council,

JULY 5, 1877.

Regular meeting at 7.30 o'clock P. M., Benjamin Pope, President, in the chair.

MISCELLANEOUS PAPERS FROM THE BOARD OF ALDERMEN.

Report of Paymaster of State Aid. Placed upon file.

Petitions were referred in concurrence.

References to Committee on Finance, viz.: 1. Of a report and order to add \$4600 to the appropriation for Survey, etc., of Buildings, and for employment of temporary assistants, as therein set forth.

2. Of a report and order to provide for ventilation of Common Council chamber, at not exceeding \$3000, as therein set forth.

Severally concurred.

Request and order for the Trustees of the Public Library to contract with Justin Winsor as Superintendent of the Library, at not exceeding \$4500 per annum. Order read twice under a suspension of the rule, on motion of Mr. Pope of Ward 14, and passed in concurrence. Subsequently a motion to reconsider, by the same gentleman, hoping it would not prevail, was lost.

Request and order to obtain the opinion of the City Solicitor as to the powers of Directors for Public Institutions in establishing the salaries of their officers and employes. Order read twice and passed in concurrence.

Reports and orders to authorize permits for wooden buildings to be issued, viz.: To Eastern Slate Company, rear of Cambridge street, Ward 4; to Highland Street Railway Company, 813 Shawmut avenue. Orders severally read twice and passed.

Order to pay N. W. Johnson \$25, for detection and conviction of George Warren, for stealing flowers from the Public Garden. Ordered to a second reading.

## PUBLIC PARKS.

An order came down for a loan of \$450,000 for the purchase of not more than 100 acres of land on the Back Bay for a park and streets connected therewith, at a price not exceeding ten cents per foot, etc.

The question was upon giving the order a second reading.

Mr. Sibley of Ward 5—This is a pretty large sum of money, and as the order has been before no committee, I move its reference to the Finance Committee.

Mr. Flynn of Ward 13—I hope that reference will not be made, but that the matter will be discussed by members of the Council, and after they have passed upon the expediency of making the appropriation will be the proper time to refer it to the Finance Committee. The order will lie over one week under the rule, and then, if it is passed we can refer the subject to the Committee on Finance; but this does not seem to me to be the proper time for the reference.

Mr. Sibley—In the Joint Rules of the City Council I find article 17—

"When application shall be made for an additional appropriation to be provided for by transfer or loan, such appropriation shall not be made until the application has been referred to and reported upon by the Committee on Finance."

It seems to me that this thing should be laid before some committee, and that is my object in making the motion. If we pass the order it looks to me as though it will be out of the hands of the committee, for then we shall have passed it. I hope it will be referred.

Mr. Flynn of Ward 13—The gentleman neglects to state that this matter must first be passed upon by the City Council, who are to decide whether they will ask for an appropriation. If we vote in favor of it then it goes to the Committee on Finance. If it be referred before it is passed the committee will have nothing to say. It seems to me that this matter ought first to be discussed and passed upon by the Council, and then be referred to the Committee on Finance.

Mr. Sampson of Ward 17—The order makes a direct appropriation, authorizing the Treasurer to borrow the money under the direction of the Com-

mittee on Finance. Under our rules, it seems to me that the gentleman's motion is the proper one to make.

Mr. Flynn of Ward 13—I still hold to my opinion, that unless the majority of the Council pass the order it is not proper to refer it to that committee. If the order is rejected there will be no necessity for referring it to the committee. The question first is, Does the Council wish to establish a park? and when that is settled the matter can be referred to the Finance Committee to provide the means.

Mr. Sampson—This is an order directing the Treasurer to borrow money, and will require a two-thirds vote, and I ask the ruling of the Chair whether it can be passed before reference to the Committee on Finance without a suspension of the rule.

The President—It is in the hands of the Council to refer to the Finance Committee if the Council so decide.

Mr. Thompson of Ward 9—The gentleman from Ward 17 forgets that there may be considerable discussion upon the order; that its shape may possibly be changed by amendment, or that it may never get to the stage of a second reading. Undoubtedly, if the Council once pass it to a second reading, or give it a second reading and say that it intends to pass it finally, either in its present or a modified shape, under our joint rules before it is finally passed it must go to the Finance Committee. This is a matter in which there is considerable public interest, and it may, perhaps, be discussed at considerable length before it is finally passed; and to send it to the Finance Committee now, before there has been discussion upon it, will be merely putting it asleep until after our vacation. I should hope that it would not be referred to the Finance Committee without they intend to report within a week; and even then, if the order is rejected the committee will have been put to the trouble of holding a useless meeting. I think the committee will be safe to let it take its regular course.

Mr. Coe of Ward 13—It seems to me that the gentleman from Ward 13 is correct—that the Finance Committee have nothing to do with this subject until it is finally settled by the Council and the Board of Aldermen. Suppose we refer it, and the Finance Committee report it back to this body; and suppose we amend it by increasing the appropriation, it would have to go to the committee again. I hope the Council will not refer it to the Finance Committee, but keep it before us until we pass or refuse to pass the order.

Mr. Sampson—I think the gentleman last up is in error, as well as the gentleman from Ward 13, and that the gentleman from Ward 9 is correct, and that it may be referred to the Finance Committee on the first or second reading. I ask the ruling of the Chair whether it must not be referred before it is finally passed.

The President—The Chair thinks it would, before it is finally passed.

Mr. Sampson—Then I think the motion is right.

The President—The law provides for a loan, and it is not absolutely necessary that the order should go to the Finance Committee.

Mr. Flynn of Ward 13—Under the rules it will have to lie over one week. If the gentleman's theory is correct the Council have nothing to say about it.

Mr. Sibley—This order seems to be very conclusive, comprehensive, and to come to the point. It is for a loan of \$450,000, and the object is stated. I see but very few variations in it, and I think every one understands it. But it has been before no committee. If this order is passed, directing the City Treasurer to borrow that money, the Finance Committee will have nothing to do but to walk up and advise what is the best way to hire the money. I would amend my motion by adding that the Finance Committee be instructed to report within four weeks, according to the rules.

Mr. Wilbur of Ward 20—It don't seem to me that it is hardly in proper shape to send it to the Committee on Finance. I may be mistaken, but I think we don't know whether we want \$450,000 or \$650,000. It seems to me we have got to fix upon some plan or some amount; and if we send it to the Finance Committee we shall cut off all other plans or amendments we may wish to have. It seems to me the reference will be taking a different course from what matters of this kind have usually taken. If it is to be sent to the Finance Committee, I hope it will be at some later stage than it has reached tonight. I am

satisfied that there is going to be a good deal of discussion upon this, which, it seems to me, should be had before we send it to the Finance Committee. I fully agree with the gentleman that it should go to the Finance Committee; but it seems to me that this is not the proper time.

Mr. Richardson of Ward 11—In my experience in this Council I have never known a proceeding like that proposed by the gentleman from Ward 5 in regard to this order. It would seem as if this order should be passed or rejected by this Council before it went to the Committee on Finance. They have nothing to do with the subject until the order is passed or rejected. If it is rejected, there is no need of referring it to the committee; and until it is acted upon in its present shape, there is no need of referring it to any committee. If the order is passed, then, in the regular order of business, it will go to the Finance Committee, for them to see where the money can be raised.

Mr. Thompson of Ward 9—The reason for referring an order of this kind to the Finance Committee is that they may consider and report whether the city has resources by which the money can be raised. If, for instance, we wish to make an appropriation of six hundred thousand dollars, it is wise, before making the appropriation, to take the advice of those to whom we have intrusted the matter to say whether we can make the loan or not. The only question for the committee to consider now is whether the city of Boston can raise \$450,000, and how it shall be raised. But if we change the order, and make the amount \$650,000, then the reference will be of no effect, for they will have said nothing about \$650,000, and we will have to send it back to them to see where we can raise \$650,000. A reference to them will be a useless waste of time. This is a matter which is to be discussed here upon its merits, and in the Finance Committee the question will be how the money shall be raised.

Mr. Sampson of Ward 17—I am somewhat surprised at the statement of the gentleman from Ward 11, who is a member of the Finance Committee. Here are two orders for additional appropriations on our programme which came down to be referred to the Committee on Finance, and we have concurred. It is the rule of the City Council that when money is asked for, the subject is sent to the Finance Committee first, and is then acted upon by the Council. The motion of the gentleman from Ward 5 is proper either at this stage or the next, for before the order is passed it must go to the Finance Committee; and the only way to avoid it is to suspend the rule.

Mr. Thompson—Undoubtedly the motion is a proper one, but circumstances materially alter cases. We all know there will be considerable discussion over this order, and that questions will be raised as to the amount. In the opinion of some gentlemen the amount is too large; in that of others it is not large enough. Would it be wise to refer it now—which would be perfectly proper and parliamentary under our rules—when we will almost necessarily be compelled to refer it again?

Mr. Sibley—I don't know as I understand the English language, but I believe I do. [Mr. Sibley again read joint rule 17.] Is there anything more plain in the English language than that? This is a loan of \$450,000 asked for; and how are we going to get around the rule? It must be made by transfer or loan.

Mr. Spenceley of Ward 19—It seems to me the question raised here in regard to the other two orders on the programme does not apply here. Committees have decided upon them, but we do not know how much we need. We have not made up our minds. I think we had better discuss it here, get what amendments are likely to be put upon it, and when it is passed will be time to send it to the Finance Committee; and if we kill it there will be no need of sending it to them.

The motion to refer to the Finance Committee was lost.

On motion of Mr. Flynn of Ward 13, the yeas and nays were ordered, and the order was passed to a second reading—yeas 32, nays 26.

Yeas—Messrs. Brown, Burke, Clarke, Coe, Crocker, Danforth, Day, Duggan, Felt, J. J. Flynn, Jackson, Kidney, Loughlin, McClusky, McDonald, Mowry, Nugent, O'Connor, Pearl, Perham, Pratt, J. B. Richardson, M. W. Richardson, Shepard, Spenceley, Thompson, Thorndike, Vose, E. R. Webster, G. B. Webster, Wilbur, Wolcott—32.

Nays—Messrs. Barnard, Beeching, Blanchard, Blodgett, Brintnall, Cannon, Doherty, Fagan, D. A. Flynn, Fraser, Hibbard, Howes, Kel-

ley (Ward 3), Kelley (Ward 6), McGaragle, Morrill, O'Donnell, J. H. Pierce, Pope, Reed, Roach, Roberts, Sampson, Sibley, Stone, Upham,—26.

Absent or not voting—Messrs. Barry, Cox, Cross, Dee, Fernald, Ham, Hiscock, Mullane, O. H. Pierce, Ruffin, Smardon, Souther, Warren—13.

UNFINISHED BUSINESS.

Order to refund \$186.20 to Joseph F. Dearborn—the dividend on policies of insurance of city on estates on Emerald and Middlesex streets, and paid by said Dearborn. Passed in concurrence.

Order requesting Street Commissioners to lay out Ninth street, South Boston, on the conditions therein set forth.

Mr. Howes of Ward 18—I should like to hear from some one on the committee how much that street extension is to cost.

Mr. Flynn of Ward 13—If the abutters give their land, the cost of building that street will be somewhere in the vicinity of \$15,000 for the filling. The provisions of the order compel the abutters to give the land and build retaining walls, and the city will do the filling.

The order was passed in concurrence.

PRINTING AT THE PUBLIC INSTITUTIONS.

Mr. Flynn of Ward 13 presented the following:

OFFICE OF THE BOARD OF DIRECTORS }  
FOR PUBLIC INSTITUTIONS, }  
July 2, 1877. }

To the Honorable the City Council: Gentlemen—The Board of Directors for Public Institutions would respectfully represent that for a long time they have been deeply impressed with the great importance of providing some means of teaching such trades as might be practicable to the boys in the House of Reformation, at Deer Island. The want of room has been the great obstacle. The removal of the children to the Marcella-street Home has afforded room to a limited extent, which has been availed of for the purpose of introducing printing. A teacher has been employed and a printing office of limited capacity has been furnished, and a most encouraging and satisfactory beginning has been made. What might have been deemed an experiment seems already a success. The boys take a great interest in the work, learn rapidly, and will soon be able to make the printing office an important auxiliary to the institution, affording them a means of livelihood when they shall enter upon the duties of life outside the institution. They are now able to execute much of the work of the city in a satisfactory manner, as we believe. This board would most respectfully, but earnestly, request the City Council to instruct the Committee on Printing and the Superintendent of Printing, and the several departments of the city, to forward to the office of the Board of Directors such orders for printing as may be required by them and can be executed by the boys at the island. The board would also ask that the Committee on Printing be instructed to make such provision, in any contract for printing which they may make, as will allow any and all work which can be satisfactorily done at the island to be given to the institution. The board believe that the amount which can be saved to the city will not be inconsiderable, while the advantages of the office will be great, and a priceless boon bestowed upon the boys under our care, who can be taught the art of printing. Believing that the honorable Council will heartily cooperate with the Board of Directors, I am, gentlemen, your obedient servant.

SAMUEL LITTLE, President.

Referred, on motion of Mr. Flynn of Ward 13, to the Joint Committee on Printing. Sent up.

PETITIONS PRESENTED.

By Mr. Flynn of Ward 13—Petition of Michael Doherty for refunding of taxes.

By Mr. Hibbard of Ward 17—Petition of Bridget Develin for compensation for injuries received on North Market street.

Severally referred to Joint Committee on Claims. Sent up.

By Mr. Day of Ward 4—Petition of Edward Lawrence and 700 others for the abatement of a nuisance in the Charlestown District. Referred to Joint Committee on Health. Sent up.

CHELSEA BRIDGE.

Mr. Crocker of Ward 9 submitted a report from the Committee on the Judiciary on the order authorizing the Mayor to procure releases from certain corporations of all claims on account of the construction of Chelsea Bridge, recommending

the passage of the accompanying preamble and order in lieu of the order referred to the committee:

Whereas, The city of Boston is authorized to reconstruct the portion of Chelsea Bridge which it is bound by law to maintain, and is also authorized to make solid certain portions of said bridge, it is hereby

Ordered, That his Honor the Mayor be authorized, in behalf of the city, to procure from the Oriental Coal Oil Company releases of all claims which said company may now or hereafter have against the city by reason of the reconstruction and filling in of said bridge with a width not exceeding sixty-six feet, whether such claims arise by reason of the filling and occupation of the flats now adjacent to the present structure of said bridge, or by reason of the alteration of the grade of said bridge; and that the Mayor be also authorized to procure from said company an agreement that the city may occupy with the slopes of the aforesaid filling the land of the said company beyond the location of said bridge, as widened, so far as may be necessary or convenient for said slopes, and that the said company will maintain the sides of said filling without expense to the city; and that the Mayor be further authorized to release to said company all claim of the city upon or to land or flats on either side of said bridge, beyond said width of sixty-six feet, and also to release said company from any claims for betterments which might be assessed on it by reason of the reconstruction of said bridge.

Preamble and order passed to a second reading.

#### MYSTIC VALLEY SEWER.

Mr. Kelley of Ward 3 submitted a report from the committee on conference with a committee of the other branch in relation to the difference on the matter of the order for the construction of the Mystic Valley sewer, recommending the passage of the following in lieu of the order upon which the branches disagree:

Ordered, That in the construction of the Mystic Valley sewer the Boston Water Board be authorized and instructed to have the work done by day labor, and that the board be recommended to employ no persons in the construction of said sewer who are not citizens of Boston.

Order read twice and passed. Subsequently a motion to reconsider, by Mr. Kelley of Ward 3, was lost. Sent up.

#### THANKS TO FOURTH OF JULY ORATOR.

Mr. Wilbur of Ward 20 offered an order—That the thanks of the City Council are due and they are hereby tendered to the Honorable William Wirt Warren for the very appropriate, interesting and eloquent oration delivered by him before the municipal authorities of this city, on the one hundred and first anniversary of the Declaration of American Independence, and that he be requested to furnish a copy of the same for publication. Read twice and passed. Sent up.

#### NUISANCE IN CHARLESTOWN.

Mr. Webster of Ward 3 offered an order—That the Committee on Health be requested to give a public hearing in relation to the nuisance now existing on the westerly portion of the Charlestown District, and also to report to the City Council what action, if any, should be taken by the City Council in order that said nuisance may be abated. Read twice and passed. Sent up.

#### THE VISIT TO SUDBURY RIVER.

Mr. Fraser of Ward 6 offered an order—That the City Messenger be authorized to invite the members of the Joint Standing Committee on Water of 1876 to attend the visit of the City Council to the Sudbury River Water Works on the 10th instant. Read twice and passed. Sent up.

#### COST OF THE BACK BAY PARK.

Mr. Richardson of Ward 10 offered an order—That the Committee on Finance be instructed to obtain estimates of the actual cost of the land, and also of the filling, and also of the sub-soiling of the Back Bay Park, so called, embraced in the order passed to a second reading at this meeting, and report at the next meeting an order providing the means.

Mr. Richardson of Ward 10—It must be obvious to any one that the object of this order is to bring the matter before us in some definite and tangible shape when it comes before us for discussion and final disposition. It is for the Finance Committee to furnish us with estimates of the cost of the proposed park, thus enabling us to see exactly, as

near as possible, what it will cost, ascertain if an appropriation can be made and a loan effected, and in all respects to furnish this branch with as certain, definite and reliable means of information in regard to the matter as possible, so that we can discuss it intelligently and understandingly. I have asked that it may go to the Finance Committee, because, as is perfectly understood, it must go to that committee some time, and it seemed better to give it to them than to the Committee on Parks, although very possibly the Committee on Parks can give us that information. I have no objection to its going to both committees, but it must go to the Finance Committee and I have no doubt they can furnish us with the information sought for. It will occasion very little delay, as they will report to the next meeting. The object and purpose of the order is to get information of a reliable character, so that when this matter comes before us for discussion we can have some certain, definite information and data to talk upon, and vote understandingly.

Mr. Thompson of Ward 9—There certainly can be no objection to the order; but the proper committee to obtain the desired information is the Committee on Parks. It is the purpose for which they were especially appointed, and they are prepared to furnish the information now. I would have no objection to the reference to the Committee on Finance if it could be considered as the final reference to them. But it is not, for when we came to act on the original order, we must refer it to that committee again. The reference of a subsidiary order cannot take the place of the reference of the original order. I would ask the ruling of the Chair upon that—whether the reference of this matter to the Finance Committee would make it necessary afterwards to refer the original order to that committee before its final passage.

Mr. Richardson of Ward 10—One single word, before your Honor rules upon the point. I would call your Honor's attention to the concluding lines of this order, asking the Committee on Finance to report an appropriation. If they do that I do not see the reason for its going to that committee again, as the order covers the whole ground, although drawn very hastily within the last few moments. I am almost of the mind of the gentleman from Ward 5, who introduced the motion to refer it to the Finance Committee, as it has to go there some time. I think there is some force in the argument he made, that whenever an application is made for an additional appropriation it must go there some time; but it does not seem necessary to send it to them again.

Mr. Thompson—The gentleman has somewhat turned attention from the point to which I called the attention of the Chair; and I will call your attention to the concluding lines of the order, which provide that the Finance Committee shall report an appropriation sufficient to cover not only the cost of buying the land, of subsoiling, but also of filling. That is not the question before the Council. The question is whether we shall make a sufficient appropriation to purchase the land. In discussing that it will be necessary to know what will be required to put the park in complete shape; but the order now before us does not contemplate making an appropriation for that purpose. That will be for this or some future Council to decide afterwards. All that the Finance Committee have to consider is, Can the city of Boston raise \$450,000 for the purchase of the land? The order we have acted upon has nothing to do with the filling; and the concluding lines of this order refer to something which is not contemplated now. We cannot tell how much will be necessary to complete the park. The City Government may say it is not necessary to carry it out at once; they may say it is expedient to take advantage of the times and make this appropriation for the land and stop there, and that that is all they want to do this year. Now let us confine ourselves to the matter before us. The first question is, Will we appropriate a sufficient sum for the purchase of the land? Upon that we want some information, and the proper committee to give it is the Committee on Parks. The Finance Committee is composed of gentlemen whom I respect, and I would have no objection to referring it to them, except that they want it referred to them. I do not see for what reason they want to step out of their position in this body. The proper committee to report the facts is the Committee on Parks. If they report false facts, then your duty is to take that duty



from their hands. The Committee on Parks will give all the facts.

Mr. Wilbur of Ward 20—I cannot see what the Finance Committee have to do with the filling or grading. That is entirely out of their province, and I cannot see why that matter should be referred to them. Their province in this matter is that when the appropriation is to be made, or any money is to be expended, they are to furnish the means. I cannot see what they have to do with making estimates of the cost of filling this land. We had a committee appointed for that purpose, and I should favor having all matters within their province referred to them. I do not believe in taking out of a committee's hands matters for which they were specially appointed.

Mr. Flynn of Ward 13—It would be discourteous to take this matter from the committee appointed at the first of the year to consider this matter and refer it to the Committee on Finance. They have given this matter a great deal of attention and can furnish the City Council with many facts more readily, perhaps, than the Finance Committee can. I move to amend by striking out "Committee on Finance," and inserting "Committee on Parks."

The President—The Chair thinks that is not the proper way to amend the order, as the reference to a standing committee takes precedence over a reference to a special committee.

Mr. Richardson of Ward 10—I put it in that way to save time. Several gentlemen stated that they know all about it. The gentleman from Ward 9 knows all about it, and the Committee on Finance cannot bull-doze or deceive him. But every gentleman knows that some committee must give us the cost. The order provides for \$450,000; but no one believes you can take a piece of land at random and that the price will foot up exactly that amount. The Finance Committee can figure it up and tell how much it will cost, and then give us separately the cost of the land, filling, sub-soiling, etc. I presume the Committee on Parks can do that, but the object of the order is the economy of time and to save sending it to the Finance Committee again. The rules do not state explicitly at what stage of the application it must go to the Finance Committee; but it must go there some time. You cannot avoid that. Gentlemen who desire an appropriation for public parks seem to have a fear of the Finance Committee. They cannot help its going there. This order did not emanate from any committee, and certainly it is not for any interest one way or the other.

Mr. Crocker of Ward 9—I would ask the Chair to reconsider his ruling with regard to the admissibility of the amendment of the gentleman from Ward 13. I believe the Chair ruled that the amendment was not in order. I would suggest whether it would not be proper to rule that when the question is taken it must be first taken upon the reference to the Finance Committee. Joint rule 47 says—

"When a motion is made to refer any subject, and different committees are proposed, the question shall be taken in the following order: A standing committee of the Council; a select committee of the Council; a joint standing committee; a joint select committee."

That does not say that a motion to refer shall not be in order except when made in this way. I conceive that a motion to refer to any committee would be in order; but the question should be taken first on the Joint Standing Committee on Finance, and afterwards on the Joint Select Committee on Parks; otherwise, if the Council are not ready to refer this matter to the Committee on Finance, we should reject it altogether.

The President—The gentleman is correct. The Chair intended to rule that the reference to the Committee on Finance takes precedence of the reference to the Committee on Parks, one being a standing and the other a special committee.

Mr. Sibley—Does not the order for \$450,000 appropriate the money?

The President—It is an appropriation—a loan.

Mr. Sibley—Then rule 17 says such money shall not be appropriated until it is referred to the Committee on Finance. Now is that rule of any effect or not?

Mr. Flynn of Ward 13—Will the Chair entertain my amendment now?

The President—The gentleman's amendment will be put after the reference to the Finance Committee is decided.

Mr. Flynn—But I understood the Chair to rule that it could not be entertained.

The President—It can be put after the other reference is decided.

Mr. Webster of Ward 3—It seems to me there is no precedent for asking the Committee on Finance to consider questions of this kind. They are a committee on finance alone, and are not to go into the work of other departments. If you want to build a new schoolhouse it is referred to the Committee on Public Instruction; if you want to know anything about health matters, it is referred to the Committee on Health; if you want to know anything about parks, it should be referred to the Committee on Parks or the Park Commissioners. I believe there is no precedent for requesting the Finance Committee to go outside of matters relating to finance.

Mr. Barnard of Ward 24—We have a committee of the City Council who always give us full information when we request them. We have hardly had any report from them recently, and I would move its reference to the Committee on Retrenchment.

The President—The Chair thinks that motion not in order now.

Mr. Richardson of Ward 10—The order requires the committee to report an order for an appropriation. No gentleman will claim or argue that an order for an appropriation can be sent to any other than the Finance Committee. If you refer it to any other committee, so much of it as relates to the appropriation must be stricken out. In view of all the facts which have been published within the past three months I do not think it necessary to send it to the Park Committee. If the Finance Committee go to the proper heads of departments they can get estimates of the work and the amount necessary to be appropriated. It seems absurd to send it to any other committee so long as the law provides the way in which the appropriation shall be made. After the Finance Committee report at the next meeting, if the Council desire to send it to the Committee on Parks for further information—or if the information furnished is not reliable—it can be referred to another committee. It does not bind any one. I say, in all frankness, that I am not in sympathy with those who are against parks or for them. I do not know whether I shall vote for the purchase of this land on the Back Bay or not; but in discussing any question, nothing is more desirable than first to define the thing about which we talk and then we can discuss it like intelligent men. We want to know how much it will cost and how and when we can secure a loan, and the Finance Committee can furnish us with as much information as any other.

Mr. Flynn of Ward 13—The gentleman's order is ill-timed and not in order at this time, for the reason that he anticipates that the Council will purchase the land, and he wants the Finance Committee to show what the cost of filling will be first. The proper time to show that is after an order is passed to take the land. What right have they to make a calculation and submit it without first knowing whether we are going to purchase this lot of land?

Mr. Spenceley of Ward 9—It seems to me that the gentleman who offered the order in the other branch gave the estimates. He said the figures were obtained from the City Engineer and can be relied upon. If he has had the City Engineer survey this land I do not know what more we shall get than he has already stated. The committee would probably go to the same gentleman and get their figures. I think we had better let that matter alone until we decide this question, and therefore I move that the order lie upon the table.

Mr. Sibley—I hope this motion to lay on the table will not prevail. The gentleman from Ward 9 tells us the Finance Committee have nothing to do with such matters; the joint rules, article 17, tell us they have. Which knows best? I would ask the ruling of the Chair as to the meaning of rule 17.

The President—The Chair rules that the order offered by the gentleman from Ward 10 is in order, and it will be for the Council to decide.

Mr. Perham of Ward 23 moved the Council adjourn. Lost by a division—10 for, 33 against.

Mr. Thompson—I hope the motion to lay on the table will not prevail. I understand the question is not on a motion to refer, but on an original order to instruct a committee to do thus and so. I wish to ask your ruling whether the order cannot be amended by striking out the name of the committee named therein, and inserting the name of an-

other committee,—that being the motion of the gentleman from Ward 13.

The President—The Chair thinks that in substance it is in order to refer, and the Chair proposes to put the question in this form: Shall the words "Committee on Finance" stand as a part of the original order? And if that is rejected, the Chair will put the question, Shall the words "Committee on Parks" be inserted?

Mr. Sampson—Would it be proper for the Committee on Parks to make a recommendation for an appropriation?

The President—The Chair thinks that is not within the province of the Committee on Parks.

Mr. Danforth of Ward 10 moved to strike out all reference to the appropriation.

The President ruled the amendment out of order while the motion to table was pending.

The Council refused to lay the order on the table, by a division—18 for, 25 against.

Mr. Reed of Ward 17 called for a division of the question, favoring a reference of one portion to the Finance Committee and the other to the Committee on Parks.

Mr. Pratt of Ward 21—I move to amend by striking out so much as calls for a report upon the ways and means. There has been a misapprehension underlying the debate upon this question. The order now before the house is one thing; the order which the Council refused to refer to the Committee on Finance is another thing. I see no reason why the Finance Committee cannot be requested to furnish this information, as well as any other committee; and I do not see why any committee should be requested to do so at this stage. I simply rose to call attention to the fact that one portion of the rule will not be satisfied by referring one portion to the Committee on Parks and another portion to the Finance Committee.

Mr. Barnard moved the indefinite postponement of the order, which the President ruled not in order.

Mr. Pratt's amendment (to strike out the clause relating to the ways and means) was adopted—23 for, 15 against.

The Council voted to strike out the words "Committee on Finance" and insert "Special Committee on Parks."

The order as amended was read a second time and passed.

Sent up.

Subsequently Mr. Thompson moved that the order for the loan of \$450,000, which had been passed to a second reading, be referred to the Finance Committee, to report at the next meeting, stating as a reason, that since the question had been ordered to a second reading, it could be finally acted upon as soon as the committee reported; whereas, if the reference had been made on Mr. Sibley's motion, a week's delay must ensue, under the rules, after the committee made its report, before final action could be taken; and as the order just introduced by the gentleman from Ward 11 showed that there was a desire to com-

mence the annual vacation in the minds of some members of the Council, a week's delay might be of importance.

The President ruled the motion out of order, as the main question was not before the Council.

#### THE SUMMER VACATION.

Mr. Richardson of Ward 11 offered an order—That, when this Council adjourn on Thursday evening next, it be to meet on the first Thursday in September next at 7½ o'clock P. M.

Laid on the table, on motion of Mr. Flynn of Ward 13, who thought they might not get through the business by that time.

#### EXCURSION.

Mr. Wilbur of Ward 20 offered an order—That a committee, consisting of the President and five members of the Council, be a committee to make arrangements for an excursion of the Common Council during the month of July; the expense attending the same to be borne by the members participating.

Mr. McGaragle of Ward 8 asked what right they had to appoint a committee on any matter and ask the members to pay their own expenses. The order was denied a second reading.

#### THE SHAWMUT-AVENUE FIRE.

On motion of Mr. Sampson of Ward 17, the order for a special committee to inquire into causes of fire and loss of life at corner of Shawmut avenue and Pleasant street, and what means should be taken for protection in similar buildings, was taken from the table and indefinitely postponed.

#### WIDENING OF COMMERCIAL STREET.

Mr. Fraser of Ward 6 called for a report from the Joint Committee on Streets on the widening of Commercial street, in pursuance of an order passed a fortnight ago.

Mr. Flynn of Ward 13—Since the order was put in by the gentleman a fortnight ago the committee have not been called together and the members on the part of the Council are unable to give any information.

Mr. Fraser—I offered the order asking the committee to report at the request of a great many citizens of Ward 6, knowing that the subject had been before the Committee on Streets a very long time. It places property owners down there in a very bad position. They are unable to lease their property to any advantage, or do anything else with it, to say nothing about the great disadvantage they labor under by having the Union Freight Railway occupying the sidewalk. For that reason they requested me to offer this order. I believe it has been before them ever since the commencement of the year, and it is a very strange thing to me that they cannot give the people a decided answer or not, when it is argued that no time is more appropriate than this to appropriate \$450,000 for a park. I think they should give us some information.

Adjourned, on motion of Mr. Spenceley of Ward 19.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

JULY 9, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Sixty-eight traverse jurors were drawn for the April term of the Supreme Judicial Court, to meet on July 24th, instant.

## EXECUTIVE NOMINATIONS.

Coal Weighers—John E. A. Mulliken and William H. Porter. Confirmed.

Police Officers, without pay—Charles G. Bennett, Colman O'Neil, Waterman K. Pryor. Confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* Petitions for edgestones in front of estates of Aurelia B. Robbins on Ashland street, near Park street, Dorchester; Aaron D. Williams, on Swett street; Margaret Curless, on Washington street, between Chauncy place and School street, West Roxbury; Thomas J. Allen, on Elm and Ashland streets, Ward 24.

Petition for edgestones and brick sidewalk in front of estate of Robert Ring, on Orleans and Maverick streets.

Petition for brick sidewalks in front of estates of Richard Lonergan, 214 K street; William Veech, 415 East Eighth street.

J. L. Martin *et al.*, Horace Draper *et al.*, and Warner & Richardson *et al.*, against laying a track of the Metropolitan Railroad in Dartmouth street.

Metropolitan Railroad Company, for a location in Centre street from Eliot square to Cedar street.

L. Prang *et al.*, that the city defray a portion of the expense of sprinkling Centre street, Roxbury; Pratt & Co. *et al.*, that Walnut street, Minot street and a portion of Neponset avenue be watered by the city; Charles A. Dean *et al.*, for crosswalks on Eliot square, Roxbury; Nathan Weston *et al.*, that King street, Ward 24, be graded and put in order; J. A. Tucker *et al.*, that Eustis street, between Dearborn and Adams streets, be macadamized, etc.

M. Ellis & Co., for leave to move a wooden building from Webster street to Maverick street, Ward 2.

*To the Committee on Police.* George Burwell, for leave to project an apothecary's mortar in front of store corner of Church street and Granville place; Thomas H. Plant, for leave to project a lantern at 493 Tremont street.

*To the Committee on Market.* Z. B. Bird *et al.*, for leave to transfer lease of stall 23 New Faneuil Hall Market to Increase E. Noyes.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables—George F. Parker, old wooden, one horse, Gerrish street; Thomas Harmon, new wooden, one horse, Ashmont street; H. C. Derby, new wooden, ten horses, Winship avenue; Thomas Carey, new wooden, two horses, on passageway near Codman park.

*To the Committee on Sewers.* Richard Wallace, for a sewer in Commercial street, Ward 24, between Dorchester avenue and Pleasant street; George W. Rice *et al.*, for a sewer in Maple street; J. Homer Pierce, trustee, *et al.*, for sewer in Myrtle street, Ward 20.

*To the Committee on County Buildings.* Edward Avery and 150 others, lawyers, for an enlargement of the office of the Clerk of the Superior Court, Civil Session.

*To the Committee on Lamps.* Peter Fay *et al.*, that Avon place be lighted with gas; William Meagher *et al.*, that Eaton court, Roxbury, be lighted.

## HEARINGS ON ORDERS OF NOTICE.

*Sewers.* Hearings were had on the expediency of constructing sewers in India street and Avon place. No objections, and severally recommitted to Committee on Sewers.

*Highland Street Railway Company.* A hearing was had on petition for location of tracks on Dartmouth and Boylston streets.

Moody Merrill, president of the company, explained the route, which is to take in the Institute of Technology, Natural History Rooms, Art Mu-

seum, and churches on the Back Bay, and will be an accommodation to a large number of persons at the Highlands and in the South End. He read a letter from Charles H. Parker of Trinity Church, in favor of the location. Mr. Merrill then called his witnesses.

M. D. Ross, one of the original petitioners for the laying out of Columbus avenue and other streets intended to make a means of easy access from the West End to the educational institutions on the Back Bay, said the whole original plan of that territory was modified to carry out that idea. He thought the location would be a great convenience to all parts of the city.

Jonathan Preston favored a track there, but had no preference for any company. The advantage of easy access to the Art Museum and other institutions will be very great to all sections of the city.

The Mayor read the remonstrances of B. W. Dunklee and Horace Hunt against the location of any street railway tracks in Dartmouth street, north of Columbus avenue.

Mr. Merrill said they did not wish to lay a track where there is any great objection, and he had held off from building the temporary location in Chandler street hoping to get a location in Dartmouth street, to be used by both the Highland and Metropolitan companies; and the same to be made permanent if, after the completion of the Columbus-avenue Bridge, it is seen there is no objection.

George P. Baldwin said he had strong objections to a permanent track in Dartmouth street. It will be really dangerous on the bridge; accidents are frequently occurring and will be more frequent if cars are there. The citizens do not object to a temporary track. Students going to the schools on the Back Bay are well accommodated at present.

Mr. Merrill desired it to be understood distinctly whether the location, if granted, is to be permanent or temporary, so that they could not be accused of getting a stepping stone to a permanent location.

Alderman Clark suggested that both the Highland and Metropolitan roads put Huntington avenue in order and lay their tracks there, which will be a benefit to them and to the city. He doubted the expediency of granting a permanent location in Dartmouth street.

C. A. Richards, president of the Metropolitan road, did not like the way Mr. Merrill had left the Metropolitan matters; he wanted Mr. Merrill's arguments to be considered in favor of the Metropolitan location. He had several letters from residents on Dartmouth street, repudiating the assumption of Mr. Martin in opposing the tracks. He understood that a testimonial was to be got up and paid for by the late opponents of tracks on Columbus avenue; and so it will be on Dartmouth street. He was willing to accept the location as temporary, if required to; but there must be a permanent location there some time, as it will be needed.

Mr. Merrill again explained his position and belief that a permanent location is needed.

Alderman Robinson asked Mr. Merrill what would become of the companies if he and Mr. Richards should shoot one another.

Mr. Merrill replied that he had no doubt the companies would go on in the same manner as at present, and with their present amicable relations.

The subject was recommitted to the Committee on Paving.

*Metropolitan Railroad Company.* A hearing was had on petition for leave to construct three tracks into their new car-house on Tremont street.

C. A. Richards, president, explained that the tracks were simply to enter the new car-house, formerly the skating rink.

No objections. Recommited to Committee on Paving.

*South Boston Railroad Company.* A hearing was had on petition for leave to reverse their curves and track connections on Sixth street, between O and P streets. No objections. Recommited to Committee on Paving.

*Middlesex Railroad Company.* A hearing was had on petition for a turnout track on Malden Bridge. Charles E. Powers, president of the company, explained the location asked for. There is only one occupant, a Mr. Barry, who is affected, and he does not object. No objections, and recommitted to Committee on Paving.

## SOLDIERS' MONUMENT.

A communication was received from the Nation-

al Lancers, tendering their services as escort on the occasion of the dedication of the Army and Navy Monument. Referred to Joint Special Committee on the Army and Navy Monument. Sent down.

#### INDUSTRIAL SCHOOLS.

Alderman Fitzgerald presented the following:  
Honorable Mayor and City Council of Boston—We, the undersigned citizens of Boston, ask leave to call your attention to an evil for which the law has provided a remedy not yet improved. Apprenticeship having departed, never to return in its ancient form, something else should take its place and give to our youth an opportunity to learn a trade. Youth should have placed within their reach such practical instruction as will enable each of them to become master of some chosen trade, art or occupation. Every youth, rich or poor, is, we believe, as much entitled to be taught a good trade as to have an education in our public schools. Youth, shut out from occupations which would insure their early independence, are denied employment for want of skilled knowledge, and the public deprived of sources of prosperity to take the place of what it has lost by the decay and consequent disuse of the former apprentice system. We are the more earnest in recommending this matter to the prompt action of the Government at this time, that a thoroughly organized system of mechanical appliances, machinery and implements for instruction, arranged by one of our citizens, whose thoughts have been devoted for years to the subject, can now be provided at little or no cost to the public treasury; and the experiment, if experiment it be, tested under circumstances more favorable than are likely to recur. The details of the plan can be better explained before your committee; but the plan itself is substantially that approved by the Social Science Association, and universally indorsed by the press. It has received the sanction of many distinguished educators, during the past year, as a substitute for the former system of our fathers. It proposes that the youth, when he has completed his common-school education in any of our public or private schools, may enter a developing school based on the fundamental principle that human nature alone, as developed and shown in its best products, should be the model and guiding star for all educational efforts. Development means *self-development*, guided by well-developed instructors. The developing school would be so arranged as to give all the pupils a general idea of all the different trades, arts, or callings, so that they, in a short time, with the superintendent, could ascertain the kind of business for which they were best adapted, or for what trade, art, or occupation they show the greatest natural genius. As soon as it is ascertained what kind of business the pupil is best fitted for by nature and inclination, he would be recommended and sent to the school shop where that trade was taught, and would be more thoroughly instructed in two years, and become a better mechanic, than in six or seven years under the old system of learning a trade. In the school shop the pupil would advance from a lower to a higher degree of instruction as rapidly as good workmanship and thorough knowledge would justify. Each pupil would be taught to draught and make each part, and also put together and finish every machine that was constructed. We also believe that schools established on this plan would be self-sustaining in a very short time. Our city, from its position by the sea, at the centre of a network of railroads extending over the continent, its economical steam power, abundant capital, with numbers now out of work having no trade, is preëminently fitted for various industries which only require skilled labor at moderate wages to be profitable. From our conviction that this subject merits your consideration, and that the time has arrived for taking the initial step in technical instruction, fraught, as we believe, with the restoration of our past prosperity and with our future progress, we respectfully pray to be heard.

Edward B. Hale, Thomas C. Amory, S. P. Rugles, Elizur Wright, John M. Clark, Wendell Phillips, William Gaston, William Clafin, W. S. Kingsbury, Alpheus Hardy, Moses W. Pond, L. Miles Standish, Charles F. Barker, C. A. Bartol, James L. Little, Rufus Ellis, F. A. Collins, Charles G. Greene, Samuel Little, John P. Putnam, John Newell, William P. Sargent, George W. Chipman, Job Lockwood, Alonzo Josselyn.

Alderman Fitzgerald—The petition partially explains itself. It is a very important question in connection with the subject of education, and one that is occupying the attention of the educators of the country at this time; and that is whether we should not educate the hand in connection with the head; whether the education of the head alone is the kind of education we should give our youth to make them practical and thorough citizens. I find that it has been discussed by our Board of Trade here and by various school teachers and others; and it is for the City Council to establish this kind of work in connection with the School Board. I understood that a gentleman of this city, who has devoted his whole time and fortune to the subject, will contribute a large amount of machinery and other things necessary to meet the wants of this new system, and it is for the City Council to say whether these school shops shall be established. I move that the petition be referred to a joint special committee, to give the parties a hearing and report back to the City Council.

The petition was referred to a joint special committee, and Aldermen Fitzgerald, O'Brien and Clark were appointed on the part of the Board. Sent down.

#### FREE FERRIES.

The report and order in favor of abolishing tolls on the East Boston ferries after Oct. 1, 1877 (City Doc. 64), was considered under unfinished business, the question being on the passage of the order.

Alderman O'Brien—When the city purchased the East Boston ferries in 1870 and commenced running them, I considered that free ferries was only a question of time. The fact of the city taking possession made these ferries a highway controlled by the city, over which our citizens have a right to pass, and all highways should be free, if all sections of the city are placed on an equality. The act giving the city authority to purchase, section 7, says—

“Upon the completion of said purchase the said City Council shall consider and determine whether the interests of said city will be best promoted by maintaining said ferries thereafter free of tolls; and in case they shall decide the same in the affirmative, then the city shall maintain and operate, or cause to be maintained and operated, the said ferry thereafter free of all tolls, and with facilities for travel not less than those now furnished by said company, or those which now are or hereafter may be by law required.”

Mr. Newton Talbot, the present able Chairman of the Board of Street Commissioners, who has given more attention to our highways than any other man, when a member of this Board referred to the purchase of the East Boston ferries as follows: “We have purchased the East Boston ferries and reduced the tolls, thereby relieving our citizens who have occasion to use them from the exaction and annoyances of a corporation over which they had no control. *In my judgment these ferries should be made absolutely free*; for I can see no defensible reason why our citizens should be charged a fee for crossing this avenue more than in using any other within the city. If an investigation was to be made, I have no doubt that it would be found that the expense of building and maintaining the avenues that connect other outlying districts with our city equals, if it does not exceed, the cost of purchasing and running these ferry boats.”

It will be seen that free ferries is no new question. The act giving the city authority to purchase also forced the city to consider and determine whether the inhabitants of East Boston should have a free highway to the city proper and back to their homes. It appears to me that the time has arrived when this question should receive a favorable consideration. Thirty thousand inhabitants of East Boston demand it; two-thirds of all our export and import trade demand it; and I believe that the best business interests of the city demand it.

The report of the committee and the argument of the counsel of the petitioners cover the ground so well, there is very little to be said on the subject. For a long time I have been convinced of the necessity of free ferries, and I shall not hesitate to record my vote in their favor. It is not many years ago when there were but a few scattered houses in the East Boston District. It has now grown up to be a thickly settled locality, numbering about twelve per cent. of our population. With its splendid water-front, it is a por-

tion of the city that should be connected with Boston proper by either bridging the channel, tunnelling the channel, or, if these schemes are too expensive and more difficult to carry out, by free ferries—the most available and cheapest highway that now presents itself. I do not believe in forcing the citizens of East Boston to pay toll if business calls them to the centre of the city, or forcing citizens who have business in East Boston to pay toll over the only highway that connects the city proper with twelve per cent of her citizens. On the same principle tolls should be collected on the South Boston Bridge, on the Charlestown bridges, and on the numerous bridges over tide water, that we have been forced to build to connect us with the suburbs, or with neighboring cities and towns. On the same principle the railroad trains should pay for every time they pass under the bridges that we have been compelled to build over their tracks; but who would think of putting such restrictions on our trade and travel?

Boston, unlike many other cities, takes complete possession of all the accepted streets and avenues and highways of the city, and the expense of taking care of them is assessed equally on all alike. Under our present system it is our duty to provide means of communication with every section of the city, if the growth of population and increased business demands it. If we tax the citizens of East Boston for widening our streets, for keeping our streets, avenues and highways in repair, and for laying out new streets, there is no good reason why we should make them pay tribute before they can use them. The day of paying tribute has passed, or ought to have passed, and all citizens should be placed on an equality. Boston has outgrown her natural boundaries. We have forced our citizens across the channel that separates us from the mainland, and every citizen should have the privilege of going where he pleases, within the city limits, without toll or tribute of any kind. There is a feeling in the heart of every Bostonian that resists discriminating and unequal taxation of any kind. They have inherited this feeling, and this is nothing more or less than taxing a section of the city for a highway when the burden should be borne equally by all sections. It is not to be wondered at if the people of East Boston resist it and demand redress. If the abutters on Washington and other streets were taxed for the expense of paving and keeping them in repair—if the people of Charlestown and South Boston were taxed for bridging the channel that separates these sections from the city proper—if railroads were taxed for the bridges we have to build for their accommodation,—then we might say to the people of East Boston, you must pay toll and maintain your ferries. The fact that the channel that separates us from East Boston is wider and more difficult to bridge or tunnel is no reason why we should tax them for ferries because other means of communication are more expensive. If a citizen of East Boston has business at City Hall, there is no good reason why we should make him pay tribute before he can transact his business—if he has business at the Custom House, the Post Office or the Court House, there is no reason why we should make him pay tribute before he reaches his destination—if he is called upon to serve on a jury, to act as an assessor, to attend to city business as a member of the City Council, there is no reason why we should make him pay tribute before he can attend to these duties any more than the citizens of the Highlands, South Boston and Charlestown. If he desires to visit our Public Garden or places of amusement, for recreation or pleasure, there is no reason why we should make that section of the city pay a tribute that is not exacted from other sections. The ferry now run by the city is a highway as much as any other highway in the city, and all highways should be free. Boston, almost an island, has outgrown her natural boundaries. Years ago the water almost circled the city, and with high tides crossed the neck that connects us with the mainland. We either had to put a limit on our growth or build bridges connecting us with different points across our water line. The city proper has been thickly settled for a long time, and is more thickly settled today than any other city in the country. We have forced our citizens to provide homes in the suburbs, and these homes were selected according to the circumstances that surrounded them. When the mechanics and laborers and working men were forced from Fort Hill, Purchase street, Atkinson street, Federal street, Sea street, Broad street and the lanes and alleys in this neighbor-

hood, to make room for our increasing business, they could not locate in the costly mansions at the South End and the Back Bay territory. They were compelled to locate in South Boston or East Boston, because in these districts of the city they were within easy reach of their business, and they found homes within their limited means. To attend to the business they were compelled to perform, early in the morning and sometimes late at night, no other sections of the city were so well adapted to their wants, and we ought to be thankful, when our business so increased that we were compelled to pull down the tenements of the poor and erect costly warehouses in their place, that we had East Boston and South Boston to fall back upon, where they could find a comfortable home, and it is our duty to provide them with avenues of communication to these homes, free from any tax whatever, except such taxation as all our citizens share alike, the rich and the poor, according to their means. East Boston is largely populated with mechanics and working men, and these are the men that are the source of all our wealth. They may not pay large taxes, but it is their labor that builds up the city, and it is our duty to look after their wants as much as the wants of the wealthiest sections of the city. The remark that is sometimes made that East Boston does not contribute largely in the way of taxes; that the city proper will have to bear the greatest part of the burden of free ferries, should have no force whatever in the consideration of this question. Wealth centres in certain localities in all large cities. Four wards of the city, 6, 10, 11 and 12, hold about one-half of our taxable wealth and valuation, and contribute largely to defray the expenses of the city; but what would these wards be without the able-bodied, industrious, and hard-working men, who find a home in East Boston, South Boston and Charlestown, and who cannot reach these homes unless we bridge the channel or ferry the channel that separates them from the wealth of the city. The city has wisely bridged the channel that separates us from Charlestown and South Boston, and keeps these bridges in good running order. To do so requires large expenditures of money, and I consider the money well expended. South Boston is a very important section of the city, with its already crowded population of 60,000 inhabitants, and the numerous bridges connecting South Boston with the city proper are not more than sufficient to accommodate the trade and travel with that section. These highways are a necessity, and should be maintained. The expense is but trifling compared with the advantages to all our citizens, directly and indirectly. The city has wisely increased expenditures for bridges with all sections, because it facilitates trade. If they had not been built you would not find in South Boston and Charlestown so large a population or so much taxable property. In order to give the Board some idea of the amount of money expended for bridges, I have obtained from the Auditor a statement of the cost of bridges for the past twenty-five years, as follows:

1851.....	\$5,697.71
1852.....	10,156.92
1853.....	3,256.52
1854.....	11,502.21
1855.....	15,596.27
1856.....	70,616.74
1857.....	103,752.98
1858.....	26,147.29
1859.....	57,736.54
1860.....	21,075.64
1861.....	13,546.63
1862.....	10,457.51
1863.....	10,074.74
1864.....	13,657.39
1865.....	18,405.72
1866.....	15,855.45
1867.....	49,766.07
1868.....	51,038.57
1869.....	32,967.05
1870.....	566,858.06
1871.....	422,027.35
1872.....	101,485.83
1873.....	168,122.42
1874.....	88,740.43
1875.....	257,804.36
1876.....	289,984.23
Total.....	\$2,436,340.63

It will be seen that from very small beginnings twenty-five years ago, amounting to only \$5697 in 1851, the financial year ending that date, the expenses have been gradually increasing, amounting to \$2,436,330 in all. Of this amount there has been expended during the past seven years, while the city has had charge of the ferries,

\$1,895,022, or an average of \$270,718 per year, of which East Boston has had to pay her proportion. I wish to call the attention of the Aldermen to that fact. The running expenses of the East Boston ferries are always held up to us at a very large figure; but I wish to call their attention to the fact that we have expended for bridges during the seven years that the city has run the East Boston ferries \$270,718 per year, of which East Boston has had to pay her proportion. I repeat, Boston has outgrown her natural boundaries. We have increased in wealth and population so rapidly that we have been compelled to build costly highways across the channel that almost surrounds Boston proper, to accommodate our increasing population, and we have been repaid for this expenditure ten fold by the increase of population, the increase of taxable property, and the facilities it has given us to attend to our business. East Boston has been rather neglected, because the impediments have been greater to overcome, but after running the ferries for some seven years, and creating this highway, I believe the time has arrived when the ferry should be free, and no more tribute exacted, in justice to the people of East Boston and the citizens who do business with that section. What our merchants, our manufacturers and traders most want is not only good and cheap communication with neighboring States, but also good avenues to our suburbs and neighboring towns, wherever there is a consuming population. We have expended millions to connect us with the West, to encourage and increase our trade. Why should we neglect communication with our citizens? why should we place impediments in the way of a section of our city that has many natural advantages for business and that interferes with its growth? Is not our home trade of as much importance as trade far off? Are not our own manufacturers, our own workmen, our own citizens, as worthy of encouragement as the producers in States thousands of miles off? I do not look upon free ferries as a matter wholly in the interest of East Boston. A large portion of our import and export trade, about two-thirds, centres there. A large number of the merchants and business men of the city proper are about as much benefited as the citizens of East Boston. Every facility should be given to distribute the costly importations that arrive at that point, and it appears to me that there is no point where communication should be more free. The Cunard Steamship Company propose to increase their water front, because the five acres they now own is not space enough to do their large and increasing business. This successful steamship company see a future for East Boston that even our own citizens fail to appreciate. The railroad lines that make East Boston a terminus have scarcely room enough to do their large and increasing business as now located. The Boston & Albany Railroad established an elevator there some years ago, and it is just the place to establish storehouses and elevators for the reception of the leading products of the country. We find there a water front adapted to the largest class of steamers and sailing vessels, and if Boston capitalists had invested a small portion of their capital in utilizing that water front, instead of sinking their money in building Western railroads, they would be far better off today. When capitalists now propose to make improvements, why should not our improvements keep pace with private enterprise? Is not this increased trade worthy of some encouragement? The Cunard line of steamers will be benefited by free ferries, but has not the Cunard line done considerable for our city? Is not a line that has stood so faithfully by our city worthy of some encouragement? Why should every bale of goods, and every box of fruit, and every crate of crockery, after paying duty at the Custom House, be compelled also to pay toll before it reaches its destination in the city proper? We not only want the best terminal facilities for our import and export trade, but these terminal facilities should be connected with free avenues for the proper distribution of goods. In order to import largely or get a fair share of the importations of the country, we must sell cheap to compete with other cities. A very slight difference in price will turn the balance of trade against us, and all tolls and exactions over highways only tends to block trade and put a limit on our business. The canals of New York have always been run at a great expense to the State, and no New Yorker, no matter how remote from the city, ever expects them to produce a revenue, because they know the benefit that indirectly comes from them

in the distribution of the products of our soil and the importations from abroad. This cheap communication with the interior of the country has made the city of New York the great commercial port of the country, and more than repays the interior of the State for the outlay. New Yorkers admit that it would be better that the canals should be made free and run at the expense of the entire State, than that the commerce of the city of New York should suffer, and this is believed to be their ultimate destiny. We, however, exact a toll on our imports and exports while passing through our own municipality. If these tolls on our ferries have checked the progress of our manufactures, if tolls on our ferries are a drawback on the commerce of the port, if tolls on our ferries are a special tax on a portion of our citizens, and have checked the growth of a section of our city, as I believe they have, why should they not be abolished? It is only a short time ago when a business that would employ at least one hundred men was about to be established at East Boston, but the tax on the ferries turned the balance in favor of Cambridge. It is very easy to ascertain to what extent we have increased in wealth and population from the census returns at different periods, but we do not always know what we have lost by placing impediments in the way of doing business. In the matter of free ferries we must give up our sectional prejudices. We must take a broad and liberal view of the subject under consideration. If East Boston has the best water front in the city, if it is a desirable place to establish manufacturing business, we should do all we can to promote its growth, because such a course adds to the prosperity of the entire city. When the ferries were purchased in 1870, the order passed the Board of Aldermen by a vote of 11 to 1; and the Common Council by a vote of 42 to 13. Since then the question of free ferries has been gaining strength every year, has never been lost sight of, and it only shows that right and justice will prevail sooner or later. It now comes before us indorsed by our leading business men, and by some of our wealthiest citizens. It has also been indorsed by every member of the committee, and this is an indorsement that few important measures receive, requiring the expenditure of so much money. To the credit of the Alderman from the Brighton District [Alderman Breck], a district far removed from any direct benefit resulting from free ferries, he joins his associates in recommending the passage of this order. The feeling that animates him should animate every member of this Board. Exactions and tolls that retard the growth of any section of the city are inurious to the entire city, and improvements that promote the prosperity of any section add to the prosperity of the entire city. If we remove the nuisance that now stands in the way of the growth of the Back Bay territory—make it attractive instead of a plague spot—costly mansions will arise on the ashes that it is proposed to fill up this section with, that will more than repay for the outlay. The nuisance on the South Bay and the Roxbury Canal also must not be forgotten. I feel that if this improvement is not made this year, it must come in the future. This spot must be redeemed, because it would not be human to neglect the tenements of the poor that surround this section. Their homes should also be made attractive and healthy, for if you consult the death rate in the wards that surround the South Bay territory you will find that it is much larger than any other part of the city. You may call these improvements parks, but as they exist today both the Back Bay and the South Bay are nuisances of the worst kind, and I am surprised that any member of the City Government hesitates about commencing the work to redeem them. Sewerage alone will never do it. We should also remember, when necessity demands these improvements, that the great corporation of the city of Boston never stands still. In the wealthiest city of its size on the continent there has lately been too much croaking about a depression in business that every one knows is but temporary, and has already passed. It was only a few weeks ago when a wealthy citizen died, leaving a property valued at about \$10,000,000—its real value could not be less than \$12,000,000—and every cent of this money was accumulated here, as he started in life poor. Another citizen died a few weeks ago whose property, it is estimated, will amount to \$3,000,000 in twenty-five years from this time, besides paying large annuities to relatives, all of which has been left as a gift to the poor of the



city. He also commenced his business life by pulling a handcart through our streets, and every cent of this money was made in this city. We are not standing still, and the members of this Board were not elected to come here as mourners over a dead city, and that is about all we have been doing for the six months we have been in session. Improvements must go on and free ferries also. The prosperity of the city is as much assured today as it has been any time during the past century. Individuals may fail in business, private corporations may fail, property may be changing hands, but the corporation of the city of Boston is progressing every day, and will grow and prosper in the future in spite of any drawbacks to individuals and private corporations. I hope that this Board will follow the lead of their committee; that every vote will be given for this order; that free ferries will be an established fact next October, and that the last vestige of tolls and exactions on our highways will be blotted out. Every citizen should demand a free highway to his home and be satisfied with nothing less.

Alderman Fitzgerald—Have the committee considered whether the city has power to free the ferries under the act of 1869?

Alderman Viles—As a member of the committee, I do not know that anything has been said in regard to it. We talked about freeing the foot passengers and taking toll for the teams, and we found we could not do that; but we found nothing against freeing the ferries.

Alderman Fitzgerald—I asked the question in good faith.

Alderman O'Brien—I thought something like that might come up, and in the first extract I read was something that covered that objection.

The Alderman read the extract again.

Alderman Fitzgerald—But Section 11 of the act—

Alderman O'Brien—It leaves it entirely in the hands of the city.

Alderman Fitzgerald—Section 11 of the act says—

“If the said City Council, instead of adjudging to maintain said ferry free of all tolls, as provided in Section 2 of this act, shall adjudge and determine that it is for the best interests of said city that the said ferry shall be maintained free of tolls for a term of not less than ten years next succeeding said purchase, and thereafter upon such rates of ferriage as may then be adjudged by said city, then, and in such case, the said city shall maintain and operate, or cause to be maintained and operated, the said ferry, for and during a term of not less than ten years next succeeding said purchase, free of all tolls, but in all other respects as provided by Section 5 of this act, and may thereupon apportion not exceeding one-half part of the cost of such purchase, upon the said estate benefited, with the same powers and under the same limitations as hereinbefore provided respecting such assessment.”

I merely asked if they have considered that matter and got the opinion of the City Solicitor upon the question whether, having once determined that the ferries should be operated as they were when the East Boston Ferry Company had them—that a fare should be charged—and having adopted that course, if the City Council can now adopt free ferries? I ask it in good faith, so that we shall do what is legal. I shall vote for the passage of the order, but I merely ask that question of the Committee on Ferries—if the opinion of the City Solicitor has been obtained on that question. I was in the Council in 1872, when this subject came up, and I know that this question was raised.

Alderman Viles—The opinion of the City Solicitor on this question was not obtained, to my knowledge; but the opinion of Judge Curtis was obtained some time ago in regard to freeing the foot passengers and charging teams, and he stated that that could not be done, but that we could free the ferries.

Alderman Fitzgerald—This question has been before the City Council for a number of years, and I have no doubt if it does not pass this year it will be before the City Council next year, and the year after, and the year after that, until finally these ferries shall be free. The people of East Boston and those who take an interest in the commerce and shipping of East Boston are determined that the ferries shall be free. A great deal is to be said upon one side of this question and the other, and no question has so puzzled me as this. On the one side the citizen of East Boston

says he has a right to free access from his home to City Hall equally with the citizens of South Boston and Dorchester; that is, East Boston forms a part of the city of Boston and he has a right to be furnished with means of getting from his home to transact his business with the city authorities, with the courts and with business men here equally with the people of South Boston. The gentleman, on the other side, who opposes free ferries, says, When you were going over there you knew that tolls were to be charged; you knew you would have to pay your two cents fare; you accepted the situation, and you have no right to complain. These are the arguments upon one side and the other; and in addition to that, it is said the expense of taking care of and lighting the streets, the police arrangements, schools, etc., in East Boston, is more than what East Boston actually gives in the taxes upon real estate and personal property. If that argument were to be used in improving every street of the city of Boston, if the extent of improvement on every street was to be measured by the amount the people on that street paid, many people who today pay immense taxes should pay nothing in taxes, because the streets are not paved or lighted. The reason is apparent to everybody. We have adopted a plan that every citizen shall contribute of his means and property for the public good; not for the improvement of a particular street, but for the protection of the property and lives and convenience of the citizens of the whole city. That is the argument upon which we found our system of taxation; and that is why we say to a man who lives upon an unaccepted street, which is not graded or lighted—whose property is assessed at four or five thousand dollars, and who has to pay fifty or sixty dollars in taxes—“You must pay your share for the common good.” If the argument made use of—that East Boston gets more than she gives—were correct, then the reverse would always be correct—that those who get nothing in their streets should pay nothing at all in the shape of taxes—so that argument goes for nothing. East Boston says the ferries are nothing but a floating bridge; that they have a right to free access from one side of Boston to the other—whether it be by bridge, tunnel or ferry is immaterial to them. I presume they would prefer a bridge. I say I was puzzled, and I am puzzled how to act upon this question. But the one thing that determines me in this question is this—I see this question made a political hobby of at East Boston. It matters little to what party citizens in East Boston belong, common cause is made against any Alderman who dares to oppose free ferries, and there is sufficient political influence in East Boston to kill any Alderman or destroy any official who dares to vote against free ferries. It has been made a political hobby of for the past five years, and some Aldermen who sat here and voted conscientiously against free ferries, who might have been of great benefit and use to the city, have been defeated on that account. The arguments are as strong on the one side as the other. I do not make this plea for myself, for I don't care whether I am re-elected or not.

Alderman O'Brien—If you will excuse me a moment, I wish to say that the only time free ferries came before the Board of Aldermen, every Alderman voted in favor of free ferries; so that East Boston could not have made a martyr of them.

Alderman Fitzgerald—But I say it is and will be made a political hobby of. According to the report of the committee, the expense, divided among the citizens, is not going to be an immense amount; but it will be \$200,000 or \$250,000 a year at least. I think it will be more than that. Free ferries will necessitate the employment of additional steamers and hands, and it will cost more than that. It is just as well that what people pay in the shape of tolls today shall be paid in the shape of taxes. It will amount to the same thing in the end, and it will give more satisfaction. I shall vote for this order, but not because I intend to get rid of the croaking. My friend [Alderman O'Brien] spoke about the croaking. He was the first croaker in the Board of Aldermen. He offered a resolution, which I will read to show that he was one of the first croakers in this Board:

“Ordered, That a special committee of five on the part of the Board of Aldermen, with such as the Council may join, be appointed to consider and report on the alarming increase of municipal expenditures and municipal debt; and,

"First—To devise some means to reduce taxation, and to ascertain if the expenditures of the different departments of the City Government cannot be reduced from ten to twenty-five per cent., without detriment to the public service; and if it is not the duty of the City Council, when incomes have become so much reduced, labor so poorly rewarded, and property of all kinds so much depreciated in value, to *instruct* all heads of departments to make this reduction.

"Second—To request the new School Board to cooperate with the City Council in this movement to reduce expenses and taxation, or show cause why such a reduction cannot be made, as the belief has become very general that we are expending too much money on our schools without a corresponding benefit.

"Third—To ascertain if by some different arrangement of the Sinking Funds the overburdened taxpayers cannot be relieved, and if the credit of the city would suffer if the interest on our actual debt only was raised by taxation every year, instead of the interest on our gross debt, a tax deemed oppressive by many citizens.

"Fourth—To consider the expediency of instructing our representatives in the Legislature to put a stop, if possible, to the lavish expenditures of money for prisons and insane asylums, now believed to have exceeded all reasonable limits in the erection of very expensive buildings, and to watch more closely the expenditure of money by the State, as the city has to pay forty per cent. of the State tax."

This was one of the first resolutions introduced by the Alderman. If that is not croaking about the poverty of the city and the over-burdened taxpayers, and instructing not only ourselves but the School Board and even the gentlemen on Beacon Hill that they must look out, or they will go beyond the limit, I don't know what croaking and lamentation is; and I don't know where it is to be found if it is not in this series of resolutions offered by the gentleman at the first meeting of the Board. I believe, as I did on the park question, that the city is unable to make certain expenditures, but in this case I think the citizens are obliged to support the ferries. The support of the ferries is to come out of the people of East Boston by paying two, three or five or fifteen cents, as the case may be, and it comes out of their pockets; and it is one that should be distributed among all, because it is for the interest of all, and because it will take away this vexatious question from the City Council, and for one year, at least, give rest to the citizens of East Boston. What they will want next year I don't know—I believe they want a high school—but this will give them rest for one year at least.

Alderman O'Brien—In reply to what the gentleman said about croaking propensities, I would say that since I have been in this City Government I have felt, and now feel, that every department in this City Government is run at too large an expense. I have felt, and now feel, that the expenses with which every department in this City Government is run interferes with our public improvements; that it has a tendency to keep us almost standing still. One reason why those resolutions were offered was because the extravagant expenditures in some of our departments interfere with sewers, parks, free ferries and all the improvements we have got to make in the future. That is where I want economy. For instance, the harbor expenses of the city of Boston: If any one will consult the Auditor's returns he will find \$185,000 expended for steamers in Boston Harbor alone within a very few years—I believe not more than three or four—an expense that never was known before, even when the commerce of the port, in the number of vessels, was twenty times greater than it is today. If he takes the Department of Health he will find an expenditure of \$120,000 a year, which has had an existence of only two or three years. I believe that amount could be cut down one-half, and all the work of the department done as faithfully as it is today. I contend that in our School Department, as compared with other cities, we expend fifty to seventy-five per cent. more than any other city in the country does. I believe that five or six hundred thousand dollars a year could be saved from the different departments of the city of Boston, and that would almost complete all the great improvements—or pay the interest on nearly all that we have in contemplation. That was the reason why I offered these resolutions early in the year, and I think it would

have been better if the City Council had adopted them. Take the Danvers Insane Asylum, for instance. There is an institution built by the State that cost over \$2,000,000, merely to accommodate 600 patients, forty per cent. of which the city of Boston will have to pay; and forty per cent. of that sum ought to have built the whole institution. I say that every Representative who goes from Boston to the Legislature ought to be instructed to look after the expenditures in the Legislature. If every Boston Representative had looked after the expenditures in the Legislature we would not have expended \$2,000,000 for an insane folly. That is the reason why that resolution was offered early in the year.

Alderman Fitzgerald—I agree with the Alderman in part. We pay good salaries. I went with him in the reduction of salaries down to a decent limit. But, Mr. Mayor, if we have expended large amounts on our streets, what has been the result? We have one of the best kept cities in the Union, so far as the streets are concerned. Go to any city in the Union, and none can excel the city of Boston in the cleanliness of its streets and the way in which they are kept. If we have paid large salaries to teachers, we have the best schools and the most intelligent class of people of any community in the United States. If we pay good salaries to our officials, we have the most honest officials of any city of the United States. That is the result of it. It is a great deal better to have good teachers and honest officials with good salaries—not too high—than to have a grand system of boulevards and parks.

Alderman Robinson—I was not aware that this subject was coming up tonight, as I understood at our last meeting that the Alderman from East Boston withdrew his motion to assign it for debate at this meeting. I have not been able to give much attention to the subject, except to read the document I received and the arguments of the counsel. While sitting here, a little matter of history occurred to my mind. One of the republics of ancient Greece was called Locris, and if I recollect aright, it was the first nation that had a written constitution and code of laws. These Locrians were prosperous, and the republic lasted for a period of 400 years, but they had a very singular custom, or rather one very singular fundamental law, namely, that any person who introduced a new law, or an innovation upon the acts of Locris, came in with a rope around his neck. If the law passed, he received all the honors that could be given to a person who introduced a new law; if it did not pass, he was strangled upon the spot—so that there was very little change in the laws of that republic. I do not think that will apply to the Alderman from East Boston. If ever a person came with petitions representing a better body of men, I don't think it was ever seen in this city, and I don't believe anybody would pull the rope on him for introducing that motion. If East Boston is a component part of the city I can see no reason why she is not entitled to all the rights and privileges of a part of the city of Boston; and if a bridge or tunnel cannot be made from our side of the water to those who live on the East Boston side, I do not see why a floating bridge should not be established there—admitting that East Boston is a component part of the city. In new countries—for I came from a new country in the State of Maine—when a new settlement is made beside a river, while it is sparsely settled, a ferry is run across the river and sometimes they haul it back and forth by a rope, and of course they charge a certain amount of toll. By and by population and wealth increase, and they charge only strangers; and finally they build a bridge and then a turnpike. By and by they pass a law to let citizens go free over the ferries and charge only strangers; and then by and by those ferries and turnpikes, after some little discussion in town meetings, are made free, tolls are done away with and nobody is charged anything. And in regard to this, it so appears to me, after listening to the arguments of Alderman O'Brien, that, taken as individuals, East Boston and Boston proper, so far as dollars and cents are concerned, it makes but very little difference; for if those tolls are paid by the teamsters, it comes out of the merchant or other person who engages the team to carry the load across. Consequently, that merchant or the party who hires the team pays that money, and it comes into the city treasury minus what is left out for running the team. Now, I say that the merchant does not cross the ferries once a year with his family; but what that man takes out to pay for

this ferrriage reduces the amount in his pocket, and his family feels that very small amount in a greater or less degree. So I say it makes very little difference whether it costs \$175,000 or \$200,000; whether the city pays it in taxes, or whether it is paid by toll. But the only thing on the other side is the objection, the more you untrammel commerce the better a community thrives; and as East Boston, with its immense water front, is destined to be one of the greatest shipping points in the country, anything we can do to remove toll—be it ever so light—makes considerable in the aggregate, although at first it does not seem to amount to much. But I say it will help commerce so much. Wherever commerce has been untrammelled, here or elsewhere, it has gone on to prospering and has prospered. I have also heard the arguments used against ferries, namely, that the moment free ferries are established, a large portion of the people living out in my ward, removed from the water, will come down every holiday and Sunday and occupy every part of the boats and continue there almost all the day, and that there will be no power to drive them out, because the ferries are free; that people will not only come from Boston, but from outside of Boston, and sail backward and forward in the beautiful breeze hour after hour. Now I don't believe that, because sometimes men, as well as children, tire of new toys. It may do very well for a few times, but that will pass away. People can enjoy the same beautiful breezes on the Boston wharves today that they would get in going back and forth on the boats. As I said, I did not know it was coming up; but, after listening to the arguments of the Aldermen, I shall vote for the order.

Alderman Burnham—I would like to detain the Board for a moment. The Alderman [Alderman O'Brien] made an entertaining speech, and the arguments he offered seem almost unanswerable. But he made one statement which seems worth a little consideration on the part of this Board. He said this matter ought to be considered without any sectional views or prejudices being brought to bear upon it. Now I suppose there is no denying that this is a sectional measure. But there is also no denying that it is a matter which affects the interests of our city as a whole. I recognize both these facts, and therefore I say that in granting the prayer of these petitioners you do more than to simply satisfy their request. You thereby acknowledge that sectional interests may be so interwoven with the great whole as to make it proper for the whole to bear burdens in taxation by which, as a result, one section or part may be more largely benefited than another at the expense of the whole. The Highland District, the Dorchester District, the Brighton District, the Charlestown District, the South Boston District, all have wants that may be properly called sectional, and in their supply as sections these districts receive a local benefit. But this is no reason why they should be denied their petitions, especially when it can be shown that the granting confers a benefit on the whole. Mr. Mayor, there is great force in the complaints that these sections of the city where some of us reside make, viz., that they have to battle too hard for the supply of their wants, because of this cry of sectional interests, raised so readily as a barrier to all progress. Just note how that cry stopped the completion of the Broadway extension, and has been holding it for years in its present unfinished condition. Could it be completed, the city as a whole would be benefited to an extent it cannot be until it becomes an avenue instead of being only a bridge across a channel. Now, in these matters East Boston should have no jealousies toward South Boston, or South Boston toward East Boston, or any one section toward any other. The question is, What will promote the growth and business of the whole city? Will this one thing now before us do it? So far as it goes, if it will I care not how much free ferries are of benefit to East Boston—if I can see that free ferries will promote the business of the whole city—the growth of the whole city—then I go for free ferries, and am twice glad that East Boston is to be benefited thereby, and do not believe any other section will be injured. If free ferries promote business, help Boston to compete in trade, accelerate railroad and marine commerce, then we can afford free ferries; then we ought to have free ferries. Boston has done a magnificent work in the past five years toward making herself the city for business; but she has more to do yet, and I believe this petition of her citizens from East Boston for a ferrriage open and free to all is

another thing to add to her worthy deeds, and should be granted. Why? Because to take off this burden on her commerce and manufactures you do an act to advance the general business and prosperity of our city as a whole. The committee say they have carefully considered the whole subject with regard to its bearing upon the interests of the whole city, and not of East Boston alone, and they have unanimously arrived at the conclusion that free ferries will be conducive to the general prosperity. I believe their statement is fair and true, and accepting their conclusions, I trust this Board will unanimously pass the order introduced.

Alderman Clark—I do not propose to make any speech upon this question. I merely wish to state that in 1872 the question of freeing foot travel and charging for teams on the ferries was before the Board, and it was decided by competent legal authority that that was illegal and could not be passed in that shape, and no member of this Board has had an opportunity to vote upon this question since 1872, and consequently no one has had the opportunity to vote against it and no one has lost his seat in consequence of it. I should have voted for free ferries in 1872 if I had had an opportunity. I can see no reason why East Boston should pay for our bridges and be required to ferry themselves to and from the city. We have charged them heavily for the bridges to South Boston and over Huntington avenue and Dartmouth street, and we ought to charge them heavily for two other bridges over Beacon street and Brookline avenue, for if bridges are needed anywhere it is over those streets. These large expenditures have necessarily increased with the growth of the city, and our surroundings are such that we must necessarily spend more or less each year in the construction and maintenance of bridges. East Boston is a place of considerable importance to the citizens of Boston on this side of the water, not on account of its political influence, but its commercial importance. We have the best deep-water accommodations there, and the bulk of our exports come to and go from East Boston. As it seems to me that this order is going to pass this Board unanimously, I would merely suggest, Mr. Mayor, that in case this order goes into operation on the first day of October, there will be a deficiency of \$100,000 on that date; while if it goes into effect on the first day of January, the deficiency will be \$80,000, which the Auditor thinks he can stand. I do not propose to make a motion. That matter was brought up in the Finance Committee today, I understand, and very likely an amendment will be offered in the Common Council. The estimates were made up on the receipt of tolls for the entire year. I merely state that for the information of the entire Board, but have no motion to make. I hope the Board will pass this order unananimously, for I believe the people and taxpayers are unanimous upon this subject. It is not often that a measure comes before this Board with such an array of capital behind it as this petition has.

Alderman Gibson—I propose to say but a very few words upon this important measure. The ferries were purchased in 1869, and in 1870 this measure passed the Board of Aldermen unanimously. Now, we have some credits due us which have not been mentioned by the gentlemen who have spoken. For five and twenty years we have borne our share of taking care of about five thousand feet of streets, which has been a considerable bill, and probably it would amount to as much as the capital we now ask the city to invest. Taking the improved condition of the ferries and the amount paid for tolls, with what we have contributed to the maintenance of the streets, we have fully borne our share, and are entitled to some credit for those expenditures. While this seems to be a generous act on the part of the city, it must be remembered that we have carried that whole expense for twenty-five years, and in addition to that have contributed our proportion of the expenditures in other sections of the city. As it seems to be the opinion of the Aldermen that this amendment should be made, I would move to substitute "January 1, 1878," for "October 1, 1877," as the date when tolls should be abolished.

The amendment was adopted and the order was passed—yeas 11, nays 0.

Alderman Gibson stated that if Alderman Thompson had been present he would have voted for the measure.

A motion to reconsider by Alderman Fitzgerald was lost. Sent down.

PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

A request from the Board of Directors for Public Institutions that a portion of the city printing be done at Deer Island by the inmates of the House of Reformation came up referred to Committee on Printing. Concurred.

In accordance with the report of the committee on conference of the other branch, an order came down to authorize and instruct the Boston Water Board to cause the work on Mystic Valley sewer to be done by day labor, and recommending said board to employ thereon none but citizens of Boston.

Alderman Breck submitted a report of the committee on conference on the part of this branch, recommending the passage of the above order, which was accepted and said order passed in concurrence.

Vote of thanks to Hon. W. W. Warren for his oration on the 4th inst., and asking for a copy for publication. Passed in concurrence.

Order for Committee on Health to give a public hearing on the subject of the nuisance of Mill Pond flats in Charlestown. Passed in concurrence.

Order to invite the Joint Committee on Water to accompany the City Council on its visit to Sudbury River conduit. Passed in concurrence.

Order for Committee on Common, etc., to consider the expediency of placing a fountain in Madison square. Passed in concurrence.

Order for Special Committee on Parks to obtain estimates of the actual cost of filling, grading, loaming and subsoiling the proposed Back Bay park. Passed in concurrence.

REPORTS OF CITY OFFICERS.

*Inspection of Lighters.* Quarterly report for July 1—Receipts, \$501.50; expenses, \$12.50; divided by incumbents \$489. Sent down.

*Auditor of Accounts.* Monthly exhibit for July 1, being three monthly payments of the financial year:

	Amount of Appropriations.	Expended.	Balance.
Total App'ns.	\$10,267,258.00	\$2,535,571.40	\$10,918,923.27
Bal'ces. from 1876 77	2,886,389.53	Less prov. for	22,914.25
Totals.	\$13,153,647.53		\$10,896,009.02
Revenue	277,932.89		
	\$13,431,580.42		

*Fires and Alarms.* The report of the Fire Commissioners of the number and character of the fires for June was received. Sent down.

*Inspector of Buildings.* The semi-annual report of the Inspector of Buildings was received and sent down.

POLICE.

Alderman Robinson submitted the following from the Committee on Police:

Report recommending that the Executive nomination of Edward F. Moody to be a police officer be rejected. Accepted, and said nomination rejected.

Report recommending that the Executive nomination of James D. Horgan to be a police officer be confirmed. Accepted, and said nomination confirmed.

PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports and orders to pave Beach street from Harrison avenue to Federal street, estimated expense \$12,000.

Schedules of cost of sidewalks on Alpine and Bickford streets, with orders for assessment and collection of the same. Orders passed.

Report and order for hearing on Monday, July 30, at four o'clock, on petition of Highland Street Railway Company for leave to run their cars to the northern depots. Order passed.

SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Reports and orders for hearings on Monday next on expediency of constructing sewers in Garden street, between Phillips and Myrtle streets; in Walnut street, West Roxbury, southerly from School street. Orders passed.

Reports and orders for the construction of sewers in Wesley street; in Washington street, between Boylston and School streets, West Roxbury. Orders read twice and passed.

HEALTH.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted on the usual conditions to occupy stables by George A. Wilson, Palmer street; Mrs. B. J. Pope, Howard avenue; William Boyd, Notre Dame street, Ward 23. Severally accepted.

Report of leave to withdraw on the petition of Mrs. S. W. Jones, for leave to keep a hospital for invalids at 80 Dover street. Accepted.

CLAIMS.

Alderman O'Brien submitted the following from the Joint Committee on Claims:

Report of leave to withdraw on petition of John Raddin for compensation for a set of wheels and rubber cushions furnished for steam fire engine No. 7. Laid on the table, on motion of Alderman Slade, who said he had been requested to make the motion.

Report of leave to withdraw on petition of Mrs. A. E. Porter to be compensated for personal injuries caused by an alleged defect in Dudley street. Accepted. Sent down.

OCCUPANCY OF PARTS OF STREETS FOR BUILDING PURPOSES.

Alderman Breck submitted a report, in accordance with an order previously passed, recommending the passage of the following:

An Ordinance

for the occupancy of streets for building purposes.

Be it ordained by the Aldermen and Common Council of the City of Boston, in City Council assembled, as follows:

Section 1. Every person wishing to occupy or use any portion of any of the streets for the erection or repair of any building upon land abutting thereon, shall make application therefor to the Inspector of Buildings, who, subject to the direction of the Board of Aldermen, shall have power and authority to grant permits for the occupation or use, for building purposes, of such part of any street, and for such length of time, and under such limitations and restrictions, as may be required by any ordinance, or by the public convenience; and all such permits may be revoked by the Inspector of Buildings at any time when the holders of them fail to comply with any rule or regulation under which they are granted, or when, in the opinion of the Inspector of Buildings, the public good require such revocation. And the part or portion so allotted, if any, and no other part of said street, shall be used for laying all the materials for any such building or repairing, and for receiving the rubbish arising therefrom. And all the rubbish arising therefrom or thereby, shall be carried away by the person or persons so building or repairing, at such convenient time as the Board of Aldermen or Inspector of Buildings may direct; and in case of neglect or refusal so to do, it shall be removed by the Superintendent of Streets, the Chief of Police, or the Deputy Chief of Police, at the expense of such person or persons.

Section 2. In all cases the space so allotted shall be enclosed with a sufficient fence, which shall be continued during the whole time such occupation exists. And a lighted lantern or lanterns or some other proper and sufficient lights shall be fixed to some part or parts of such fence, or in some other proper manner. And said lights or lanterns shall be so kept lighted from the beginning of twilight every evening, through the whole of every night, during said occupation.

Section 3. Any person licensed or permitted as aforesaid to occupy any part of any street while erecting or repairing any building, shall provide a safe and convenient passage around or over the same for public travel, and shall be responsible for any injury sustained in consequence of any neglect so to do.

Section 4. Any person violating any of the provisions of this ordinance shall be liable to a penalty of not less than two dollars nor more than fifty dollars for each offence, and to a like penalty for each day's continuance thereof.

Section 5. In the month of July, 1877, and annually thereafter in the month of February, there shall be appointed by the Inspector of Buildings, subject to the confirmation of the Board of Alder-

men, a suitable person, who shall have charge of the permits granted for the use or occupancy of any part or portion of any street for building purposes, who shall hold his office for one year from the first Monday in April of the year in which he is appointed, and until his successor is chosen and qualified, or he is removed. The duty of such officer shall be to see that the laws, ordinances, orders and regulations now or at any time in force respecting the use and occupancy of any street or part thereof for the purpose of erecting, altering, or repairing or removing any building are observed and enforced, and he shall be under the general direction of the Inspector of Buildings.

Sect. 6. Said officer may be removed by the Inspector of Buildings, with the consent or approval of the Board of Aldermen, for malfeasance, incapacity or neglect of duty, and a vacancy may be filled at any time for the unexpired term. Said officer shall receive such compensation for his services as the City Council may from time to time determine.

Laid on the table and ordered to be printed.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Wagon Licenses Granted—George H. Bailey, 19 Princeton street, Charlestown; John Reardon, 83 Arch street; C. Allen, for a wagon license at 28 Hanover street; James M. Bennett, New York & New England Freight Station; Warren W. Mausfield, Field's Corner, Dorchester.

Junk Collectors Licensed—Michael Meaney and eight others.

Pawnbroker Licensed—G. W. Stackpole, 45 Green street.

Billiard License Granted—Thomas J. West, 758 Washington street.

Intelligence Office Licensed—Mary T. Finn, 35 Bowen street.

Amusement Licenses Granted—Great London Circus, to exhibit in East and South Boston and Charlestown during July; A. W. Ullven, to erect and use a fandango swing between O and P streets.

Dealers in Second-hand Articles Licensed—Harris Goodman, 14 Salem street; Rose Silverman, 64 Salem street; M. Levi, 142 Kingston street.

Auctioneers Licensed—Martin Adams, 153 Meridian street; Charles H. Bacall, 35 Congress street.

Severally accepted.

Report on petition of Perry & Richardson with an order—That the City Clerk be directed to refund to Perry & Richardson, keepers of a billiard saloon and bowling alley at No. 90 Court street, the sum of \$73, being an excess of license fee, over \$4, paid by them for a license issued April 17, 1876, the day when the existing law authorizing a charge of only \$2 for each billiard saloon or bowling alley passed and took effect; said sum to be deducted from amounts received by the City Clerk for billiard licenses. Order read twice and passed.

#### REGISTRY OF DEEDS.

Alderman Wilder submitted a report from the Committee on County Accounts, on petition of William I. Bowitch *et al.*, recommending the passage of an order—That the Committee on County Accounts be authorized to prepare a classified index of estates sold for non-payment of taxes from 1868 to 1876, inclusive, at an expense not exceeding \$800; to be charged to the appropriation for the County of Suffolk. Read twice and passed.

#### BUILDING PERMITS DURING RECESS.

Alderman Wilder offered an order—That during the recess of either branch of the City Council, the Joint Standing Committee on the Survey and Inspection of Buildings be authorized to permit the erection of wooden buildings of larger dimensions than is authorized by the ordinances relating to wooden buildings, upon such terms and conditions as they deem advisable. Read twice and passed. Sent down.

#### MARKET.

Alderman Slade submitted a report from the Committee on Market in favor of approval of transfer of lease of stalls Nos. 97 and 99 Faneuil Hall Market by Nathan Robbins to W. B. Smith. Accepted.

#### TRANSFERS OF APPROPRIATIONS.

Alderman Clark submitted the following from the Committee on Finance:

*Survey and Inspection of Buildings.* Report of report and order of Joint Committee on Survey and Inspection of Buildings for \$4600 additional appropriation for that department, with said order in a new draft making the appropriation —. That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund to the appropriation for Inspection of Buildings the sum of \$4600, and that the Inspector of Buildings be authorized to employ such number of temporary assistants as may be necessary to complete the work of the department; provided, that the expense attending their employment and all the salaries and expenses chargeable to the said appropriation shall not exceed the total of the original appropriation and the sum to be added to the same by the provisions of this order during the present financial year, viz., \$18,600.

On motion of Alderman Fitzgerald, the order was amended by adding—

“Provided, the amount of compensation to be paid each inspector shall not exceed the rate established therefor by the City Council.”

As amended, the order was read twice and passed—yeas 11, nays 0. Sent down.

*Ventilation of the Council Chamber.* Report on report of Committee on Public Buildings, in regard to ventilation of Common Council Chamber, with an order—That the Committee on Public Buildings be authorized to provide better ventilation for the Common Council Chamber by the introduction of the method proposed by F. Tudor & Co., on file in the office of the Superintendent of Public Buildings, at a cost not to exceed the sum of \$3000, and that the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund the sum of \$3000, to constitute a special appropriation for that purpose. Order read twice and passed—yeas 11, nays 0. Sent down.

#### VACATION FOR FIRE-ALARM EMPLOYEES.

Alderman Burnham offered an order—That the Board of Fire Commissioners be authorized to grant a vacation of two weeks to the employes of the Fire-alarm Department without loss of pay, providing the same can be done without detriment to the service. Read twice and passed. Sent down.

#### SCHOOL FURNITURE FOR ST. JOHN.

Alderman Fitzgerald offered the following:

Whereas, There having been received from the trustees of the Board of Education of St. John, New Brunswick, a communication representing that among the losses of the great fire in that city was nearly all the school furniture used by the public schools, and there being in the store room of the public buildings department of this city, old school furniture of odd sizes and patterns which will never be brought into use; therefore it is expedient and practicable to offer to the city of St. John for a nominal sum, a certain amount of this furniture, much needed in its present emergency.

Ordered, That the Superintendent of Public Buildings be and he is authorized to offer to the city of St. John, New Brunswick, old school desks belonging to the city, to the number of 600.

Read twice and passed. Sent down.

#### POINT SHIRLEY RAILROAD.

Alderman Clark from the Committee on Streets on the part of the Board offered an order of notice for hearing on Monday, July 23, at four o'clock, P. M., on petition of Alpheus P. Blake and Edward Turner, trustees, for the assessment of damages caused by the location of Boston, Wintrop & Point Shirley Railroad. Passed.

#### RELOCATION OF WESTERN AVENUE IN BRIGHTON.

Alderman Breck offered an order—That the Street Commissioners be requested to relocate Western avenue, in Brighton, between Charles River and the bend in said avenue west of and near North Harvard street.

Alderman Breck—This being rather an unusual order, requires some little explanation. In widening Western avenue in Brighton, the Superintendent of Streets has met with an obstruction in the shape of a building which is upon the line of the improvement. The owner of this building claims that he owns the land necessary to be taken to widen the street. This order should have come in the shape of a petition to the Street Commissioners; but the five men necessary to sign such a petition could not be found—owing to their liability to be called upon for damages, in case the land did not belong to the city,

if this order passes, then the city is liable for the damages in full. The matter has been before the Street Commissioners for some time past, and has been a source of trouble and annoyance to them. They want to find some way out of it, and they thought the only way was to bring this order before the Board. I have had no time to look into the matter; but as the chairman of the Street Commissioners is here he can explain it better than I can. I should like to have it disposed of today if possible, because the Superintendent of Streets was obliged to discharge all his men out there this morning—sixty or seventy. A large number of them came to see me, but I did not know what the trouble was.

Aldermen Wilder and Clark both desired to hear an explanation from Mr. Newton Talbot, chairman of the Board of Street Commissioners, and on motion he was requested to make a statement.

Mr. Talbot—This order comes under a statute of the Commonwealth by which a street or road that has been already laid out may be relocated. In order that it may be relocated, it must be petitioned for by a town or by five or more citizens of a town; and the town or citizens, in petitioning, take the responsibility for the damages, I believe, to the extent of the expense incurred for plans and advertising, and also the property, if it is taken, if they cannot maintain the relocation. This street was formerly a turnpike and was laid out as a public street by special act of the Legislature in 1867 or 1868, I think, and was thrown upon the town of Brighton to build. The street is mostly across a marsh, and was built about twenty-five feet wide. The location was sixty feet wide. What the citizens of Brighton desire is that it should be relocated according to the original laying out. If this is done and the city maintain the re-location, of course there will be no damages. If we go on and widen the street, we thereby assume that we don't know where the location is, and act as if the property belonged to persons who are encroachers. A large portion of the abutters have given releases according to the plan of re-survey; there are others who have not done so. Mr. Warren, who was counsel for Brighton in the matter, thought that there should be relocation rather than a widening. So far as I know no one desires to petition and thereby take the responsibility for the expenses arising, under a petition for a relocation.

The order was read a second time and passed. Sent down.

#### COMPENSATION OF DEPUTY SEALERS.

Alderman Slade offered an order—That there be allowed as compensation to each Deputy Sealer of Weights and Measures in this city the sum of three dollars per day for each working day's service, the same to be certified to the Auditor by the Sealer of Weights and Measures upon a monthly pay-roll to be approved by the chairman of the Committee on Market, said compensation to begin with the date of the commencement of their respective services.

Alderman Slade moved that the order take its second reading; but it appearing that there was no appropriation for the expenditure, the order was referred to the Committee on Finance. Sent down.

#### THE CHARGES AGAINST POLICE SERGEANT CLARK.

Alderman Clark moved to reconsider the vote whereby the Board accepted the report of the Police Committee, that it is "inexpedient to grant the request" of Walter L. Clark, for a hearing on the subject of his discharge from the Police Department.

Alderman Clark—I do this because charges have been made against one who has been a very efficient officer, and which he and his claim to be utterly false. I believe every officer has a right to and should have a fair hearing before the Board of Aldermen or the Police Committee, when charges of such a nature are made against him, viz., taking bribes from liquor dealers in his official capacity. This officer came to the Board of Aldermen with a petition signed by some sixty people in the neighborhood of Station 10—Sewall, Day & Co., Joseph Houghton and others. Inexpedient to grant a hearing seems to me to be a most unheard-of report. In my experience on the Police Committee, when charges were made against a police officer a hearing was granted, giving him a chance to prove the charges untrue. Here was a sergeant of police charged with tak-

ing bribes, and he wants an opportunity to show that they are false; unless he can have that opportunity he is branded as a dishonest man, and he can obtain no position of trust again. It is nothing but justice to the accused party that he have an opportunity to be heard.

At the request of Alderman Burnham, Alderman Clark read the petition, which was for a hearing, and if the charges are disproved, for a reinstatement on the force. Alderman Clark said that reinstatement was not the question, but it was to give Sergeant Clark an opportunity to prove, if he can, that the charges are false; and if he cannot prove them false, so much the worse for him.

Alderman Robinson—The committee had that matter under advisement some two months. Everybody knows how difficult it is to prove the taking of a bribe. One says he paid a bribe; another says he did not receive a bribe. Now, we found four different instances of this. The question of investigation was simply this: there was enough, as I understand, to satisfy the committee and his Honor the Mayor that bribery had been done by four different parties. We did not wish to say anything at all about it, but let it quietly drop. The Mayor was perfectly satisfied, and the committee agreed with him. The committee cannot make any objection to the petition to the Board of Aldermen; but the reinstatement rests entirely with the Mayor. The committee have all the information they could probably get. My feeling was that we did not wish to mention anything about it.

Alderman Fitzgerald—This seems to be an extraordinary way to bring this matter before the Board. You, sir, are the judge of when you shall discharge or retain any officer, and with you rests the responsibility, and it is nobody's else business. Some two or three years ago a captain of police was dismissed from the service. His friends came to the Mayor and asked for an investigation. He said, "It is sufficient for you to know that I know enough about you to warrant my discharging you; it is in the interest of the public good, and I will give you no hearing." He got no hearing, and has had no hearing to this day. He was discharged and not told why. I presume that when you discharged this man you had sufficient reason in your own mind to justify you for so doing; and I do not propose, by any vote of mine, to say that what you have done in the discharge of your official duty is wrong, more especially when the man does not belong to the force, and more especially when any report we make does not reinstate him. If there is to be any investigation, the more manly way would be to go to you who discharged him and ask you to look into this matter. Now, it is said the object is not to reinstate him, but to find out whether you were right, and what you did was correct; not that he shall get on the police force, but that you were wrong in what you did. Now, I understand that the charges made against this man are simply—"I gave you so much money at certain times." The man who receives the bribe simply says, you did not give me money; I deny it." It is simply assertion and denial. While I was in the Legislature I was for a number of weeks on a committee to investigate the State force. Some thirty or forty witnesses were called and testified to giving money to certain individuals. Neither knew the other; but each testified that he gave certain amounts of money to a certain person at certain times. Each accused person came up and swore he never received the money. Now, the probabilities are that the forty persons are right and that the one man was wrong. In cases of bribery no one is present except the man who gives and the man who receives; and if five or six persons tell the same story about the same kind of a transaction with one individual, especially in the execution of a law like the liquor law, the probabilities are that the five or six men are right and the one man is wrong. The law is so peculiar that I venture to say it would demoralize all the saints if they came to execute it, so great is the temptation to bribery and corruption. The simple question is, whether the Board will reopen this case and hear witnesses after you have decided; because you, sir, had the right to discharge this man without consulting the Committee on Police. It is whether we shall have a special investigation to decide whether you are wrong.

Alderman Clark—The question is whether this man shall have an opportunity to prove himself innocent of the charge of bribery. No man should go out to the world as guilty until he has had an

opportunity to prove himself innocent. This man is willing to put his character against those who charge him with taking bribes, and he is as much entitled to belief as they are. It is hardly fair to a man of his position to have his character sworn away by half a dozen liquor dealers doing an illegal business. I admit that you, sir, have the right to discharge men from the force; but I claim that every man should have an opportunity to prove himself honest until he is proven guilty. This man claims that he has had no hearing, either before the Mayor or the Committee on Police. He simply asks to be heard and prove himself an honest man, instead of being branded as a felon, for a man in his position who will take money is no more than a felon. It is nothing more than right that he should have an opportunity to prove himself, without any reference to his being reinstated upon the force.

Alderman Burnham—I think the gentleman last up labors under some misapprehension in regard to the condition of this matter, and perhaps the chairman may have led him into it by his explanation of the action of the committee. The Board must bear in mind that here is a petition to open a case upon which the committee have taken no action. So far as the committee considered it, it was more as individuals than as a committee. It never came before the committee in any shape that the committee could say that they approved of this man's discharge or sanctioned the charges. After hearing the whole matter the committee threw the whole matter upon the Mayor, he having the power and having exercised it according to his own convictions of duty. Consequently the committee did not feel like opening and having a hearing upon a matter with which they had nothing to do. It seems to me that the hearing properly belonged to some tribunal other than the Police Committee.

Alderman Viles—Was Sergeant Clark ever before the committee?

Alderman Robinson—He was not, sir.

Alderman O'Brien in the chair.

Alderman Fitzgerald—This is not a matter for this Board. The Police Committee have nothing to do with the discharge of this or any other police officer. That is a matter for the Mayor. If the Mayor investigates charges against the police and finds sufficient to warrant a discharge, he can do it, and the Committee on Police have nothing to do with it, unless he pleases to ask their advice. In questions of confirmation by this Board the Police Committee has power; but in discharging, the Mayor is absolute and upon him rests the responsibility. If a matter like this is opened, it will be but the beginning of a series of investigations. The place for a discharged officer to go is to the Mayor, and it seems to me it is acting in an insulting manner to come before this Board.

Alderman Clark—The Mayor has a right to discharge the whole Police Department for cause, or without cause. If no reason had been assigned, there would have been no occasion for investigation. But this man is charged with having violated his trust while holding a responsible position; with having received bribes from half a dozen parties and allowing them to go on selling liquor. He denies the charge, and courts inquiry. He does not ask the committee to keep it secret, and says he can prove himself innocent. He says, Give me an opportunity to prove that I am an honest man; I don't care whether I am reinstated or not.

Alderman Fitzgerald—I have no doubt the very publicity like that would defeat investigation. Public investigations of charges of bribery and corruption defeat the very object in view; and the only way of getting at bribery obtained by persons who have power and authority over others is to separate them and not let the person who pays the bribe see the one who receives it; and the truth will be told. That

is what defeated the public investigation at the State House. You have a public investigation and those people will not come here. The fact that they are in the liquor trade does not detract from their character. There are just as decent men in the liquor trade as in any other, and the Alderman's insinuations are uncalled for. I have known some very respectable, decent men who have paid bribes to certain men in connection with the trade, and they never would come before an investigating committee and tell of it. This case is but one of many which have come under my knowledge during the past year. If the Mayor pleases he can look into the matter; but it is not for us. I reiterate that it will be simply a fight between the Board of Aldermen and the Mayor, if the reconsideration prevails and the matter is recommitted to the committee.

Alderman Gibson—I hope we shall not reconsider. It has slipped out of our hands altogether. There don't appear to have been any official charge of bribery against him. After a man is discharged we don't have anything to do with him. If people charge him with taking bribes he can go to the courts, and if the parties are responsible he can get redress. When railroad and other corporations get satisfactory evidence that any of their employes are taking money, they are discharged, and no reasons are given. If these parties swore they paid that man money and he says they did n't, the public will not believe one man against twelve. If a man commits a crime he is not going to admit it.

Alderman Robinson—The committee made no charges. They only said it was inexpedient to give a hearing. Suppose the sixty men on that paper should testify that he did not take the money, would that prove him innocent? There was sufficient evidence to satisfy the Mayor, and the committee were in accord with him, that there were sufficient grounds for removal. The committee did not wish to injure that man or any other.

Alderman Burnham—I sympathize with the Alderman in regard to this man's character; but the committee have had nothing to do with this matter. I wash my hands of it; I am innocent of it. I was asked by the Mayor to consider a certain matter, and expressed my opinion; but my opinion was not that the man should not be discharged. It was that the whole matter rested with him and he should assume the responsibility of removal in accordance with the powers granted by the City Government.

Alderman Breck—I believe the Mayor acted in perfect good faith. It was after much thought and consultation with the committee. I do not care to shirk my responsibility. I think the reasons were sufficient for the Mayor to discharge him, and it was not for any one else to know why he did so.

Alderman Clark reiterated his belief that the man should have a hearing, and disclaimed any intention of insinuating against liquor dealers as such; his remarks were intended for those who are doing an illegal business. It was a notorious fact that the man was discharged for taking bribes from parties carrying on an illegal business.

Alderman Robinson said he had never mentioned that notorious fact, and did n't believe the Mayor did. In reply to Alderman Viles, he said it was customary to investigate charges, where there is a chance to bring the parties together.

The reconsideration was lost—yeas 3, nays 8; Aldermen Clark, Viles and Wilder voting yea.

#### PETITION FOR WORK.

Alderman Clark presented a petition from Florence J. Battie, 304 Bolton street, and John J. Nevens, Second street, representing that they were in need of work. He said it was handed to him after the last meeting and he presented it by request. Referred to the Committee on Paving.

Adjourned, on motion of Alderman Wilder.





## CITY OF BOSTON.

Proceedings of the Common Council,  
JULY 12, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

The Council was called to order at twenty minutes before eight o'clock, and on motion of Mr. Felt of Ward 18 the roll was called, with the following result:

Present—Messrs. Barnard, Beeching, Blanchard, Blodgett, Brown, Burke, Clarke, Crocker, Cross, Danforth, Day, Duggan, Fagan, Felt, Fernald, J. J. Flynn, Hiscock, Howes, Kelley (Ward 3), Kidney, Loughlin, Pearl, J. H. Pierce, Pope, Reed, J. B. Richardson, Roberts, Ruffin, Sampson, Shepard, Sibley, Smardon, Souther, Spenceley, Thorndike, Upham, Vose, Warren, E. R. Webster—37.

Absent—Messrs. Barry, Brintnall, Cannon, Coe, Cox, Dee, Doherty, D. A. Flynn, Fraser, Ham, Hibbard, Jackson, Kelley (Ward 6) McClusky, McDonald, McGaragle, Morrill, Mowry, Mullane, Nugent, O'Connor, O'Donnell, Perham, O. H. Pierce, Pratt, M. W. Richardson, Roach, Stone, Thompson, G. B. Webster, Wilbur, Wolcott—35.

## MISCELLANEOUS PAPERS FROM THE BOARD OF ALDERMEN.

Report of fires and alarms for June; semi-annual report of the Inspector of Buildings; quarterly report of the Inspector of Lighters, and Auditors' monthly exhibit for July 1. Severally placed on file.

Communication from National Lancers, and petitions, were referred in concurrence.

Petition of E. E. Hale *et al.*, in favor of establishment of industrial schools. Referred to joint special committee in concurrence, and Messrs. Felt of Ward 18, Wolcott of Ward 11, Thorndike of Ward 2, Danforth of Ward 10, and Reed of Ward 17 were joined to said committee.

Reference to Committee on Finance of an order to allow \$3 for each working day to each deputy Sealer of Weights and Measures, as therein set forth.

Mr. Danforth of Ward 10 offered as a substitute an order—That the Deputy Sealers of Weights and Measures shall receive for compensation the fees as set forth in section 14, chapter 51, of the General Statutes; and when the amount of fees which each Deputy Sealer shall receive exceeds the sum of \$1000 per annum, such excess shall be paid into the city treasury.

Mr. Danforth—By the report of the Sealer of Weights it seems there were only sealed in the whole city of Boston 1600 scales, for the sealing of half of which they had no right to charge fees, because the sealers were under a salary. Now there are 1600 or 1800 retail grocery and provision stores, and yet it cost \$5000 to seal 500 scales. If the duties are to be performed they should be done well; and if the Sealer's pay is dependent upon fees, we shall be likely to have the scales sealed. I therefore hope the substitute will be adopted.

The Council rejected the substitute and referred the original order to the Committee on Finance in concurrence.

Report leave to withdraw on petition of A. E. Parter, for compensation for personal injuries from a defect in Dudley street. Accepted in concurrence.

Order to allow permits to erect wooden buildings to be issued by the Committee on Survey, etc., of Buildings during recess of City Council.

Mr. Pratt of Ward 21 asked for some reason for passing the order.

The order was passed to a second reading and put upon its passage.

Mr. Pope of Ward 14 thought Mr. Pratt's question a pertinent one, and should be answered.

Mr. McGaragle of Ward 8 said the committee had not acted upon it. It is customary to give the committee that power during the vacation, without having to wait to come to the City Council for concurrent action.

Mr. Pratt thought there was no reason for this device to avoid the statutes and ordinances, especially if the matter has not been referred to any committee. He moved to refer it to the Joint Committee on Survey and Inspection of Buildings.

Mr. Kelley of Ward 3 said it was mainly to accommodate people in the suburban wards who

wish to erect wooden sheds, etc., and who should not be inconvenienced by having to wait till the City Council comes together after vacation.

Mr. Pratt said the statutes restricted the erection of such buildings, and he did not like to see the statutes set aside in this summary manner. If it has been customary, it is a bad custom.

Mr. McGaragle said the committee were to have the same authority during the recess that the City Council have; and it would hardly be fair to call the City Council together to grant a permit to erect a wooden building.

Mr. Wilbur of Ward 20 said it was a customary order, and he hoped it would pass.

The Council refused to refer the order—21 for, 22 against—and the order was passed in concurrence.

Order for Superintendent of Public Buildings to offer 600 old school desks and chairs to the city of St. John, N. B. Read twice and passed in concurrence.

Order requesting Street Commissioners to locate Western avenue in Brighton, between Charles River and the bend in said avenue west of North Harvard street. Read twice and passed in concurrence.

Report and order, new draft, for a transfer of \$3000 from Reserved Fund to provide better ventilation for Common Council chamber. Order read twice under a suspension of the rule on motion of Mr. Wilbur, and passed in concurrence—yeas 62, nays 0.

Report and order, new draft, for a transfer from the Reserved Fund to the appropriation for the Department of Survey, etc., of Buildings, of \$4600 for temporary assistants in office of said department, to be paid as therein set forth. Order read twice under a suspension of the rules, on motion of Mr. Wilbur of Ward 20, and passed in concurrence—yeas 62, nays 0.

## VACATION OF FIREMEN.

An order came down for the Fire Commissioners to allow two weeks' vacation to employés of Fire Alarm Department without loss of pay.

Mr. Duggan of Ward 12 offered an amendment, to add, after the words "Fire Alarm Department," the words "and to the permanent members of the Fire Department."

Mr. Spenceley of Ward 19—I just want to call the attention of the Council to this amendment. I wish I could so bring it to their minds that they will look into and investigate this matter a little. I had it in my mind to offer the same amendment, but thought I would defer it, because it might perhaps kill the present order. If gentlemen will ascertain the number of hours that firemen have to give to their duties, it seems to me that this amendment will pass unanimously. Some time during the first part of the year we almost unanimously passed an order authorizing the Fire Commissioners to give the permanent members of the department a vacation. It went to the Board of Aldermen, and, without a single word being said, except by the chairman of the Committee on Fire Department, it was indefinitely postponed. It seems to me that this thing needs our consideration. Those men are cooped up in the engine houses for twenty-four hours and deprived of all enjoyment, and do not have a single moment or hour that they can claim from one year's end to the other. Gentlemen may say they have three hours in which to go to their meals. Yes, but at the tap of the bell they must leave their dinners and go to a fire. There is no rule or regulation by which the Fire Commissioners will give them leave of absence for a single day in the year. I should like to read rule 21 of the regulations of the Fire Department. [Mr. Spenceley read the rule prescribing that all applications for leave of absence by permanent men shall be made to the commissioners through company officers and pass through the regular channels, receiving the approval of intervening officers; shall name the substitute, whose pay shall be deducted from that of the regular employé; and that each employé may be allowed two days in each month without loss of pay.] We read [continued Mr. Spenceley] that "six days shalt thou labor," and the seventh is a day of rest; but the Fire Commissioners seem to have improved upon this. The firemen have no time to spend with their wives and children, or to spend a few days in the country. Gentlemen may say they knew all this when they went in, and what did they go in for? Firemen do not go into the department to lose their lives; but when did you know of

their shrinking duty even at the risk of life? Did they not work on Federal-street Bridge, on Shawmut avenue, to save life and limb? Why did not the Aldermen then, say, indefinitely postpone this? This is to give them what every clerk in City Hall, every policeman, and every one employed upon a salary has; and yet we move to indefinitely postpone it. I am glad the amendment has been offered, and I hope we shall send it to the Board of Aldermen and see if they will indefinitely postpone it without argument.

The amendment was adopted; the order was read a second time and put upon its passage.

Mr. Pope of Ward 14—I had the honor to be on the Committee on Fire Department last year, when this matter was considered, and the principal reason for their not reporting an order was that they regarded it as an infringement upon the rights of the Fire Commissioners. I am aware that this is a most unpopular order for any one to speak against. There are somewhere about 300 permanently employed men in the Fire Department. In order to give them a vacation of a fortnight, you have got to have absent some twenty-five men each week, thereby weakening the department to some extent. If the city is obliged to pay for substitutes for those men, the expense will be some \$10,000 or \$12,000, if they are paid the same wages that the permanent firemen get. If I understood the gentleman aright, he stated that the men had no time which they could call their own. I am not sure of the time, but I think they have two days every month, making twenty-four days a year—between three and four weeks—for which no deduction of their pay is made. The argument may be used that they cannot go for any length of time but by making application to the Fire Commissioners, which I think a very proper way, as I have had a very serious case come to my attention in a department where I happen to be an officer. I speak of the Protective Department. A driver took a day without putting in an application, and it so happened that the other party who was to drive was absent at the same time. Although the firemen do not have the vacation all at once, they have between three and four weeks in the year, and there is no deduction of their pay.

Mr. Spenceley—I presume the Council all know that the gentleman last up is an insurance man.

Mr. Pope—I am much obliged for the advertisement.

Mr. Spenceley—And that is why he is against granting a vacation to the firemen of Boston, when it costs \$10,000 for substitutes. If the fire department consists of 300 men, and the police of 700, why cannot means be devised to give firemen a vacation as well as the policemen? That is a question I would like the gentleman to answer. It is right that policemen should have their two weeks, and it is just and right and fair that others should. The firemen are on duty twenty-four hours and the policemen seven or eight hours and have one day of house duty. I state it knowingly that the firemen have no time, from one year's end to another, that they can call their own. The language is plain. The commanding officer may grant leave of absence not exceeding twenty-four hours, not oftener than twice a month, to each member. They may do it and may not do it. Many men in the permanent companies do get it; many of the call companies do not. I don't call once in two weeks a vacation, to take care of home matters, receive friends and take care of children, and all that sort of thing, which you and I believe the best duties of our lives. What is one day in fourteen at home, and all the rest confined in the engine houses? One day in fourteen to go home, visit friends and children, and go to a place of amusement, which you and I would not give up for twice the pay they get. I call it red tape when an application has to go to his captain, his district engineer, the Chief Engineer, and then to the commissioners, and then back again the same way. In regard to dictating to the commissioners, they told me that any resolve or order that comes from the City Council they are bound to obey and will obey. Of course it is only saying what they think, and letting them do what they choose.

Mr. Mowry of Ward 11—Do the Fire Commissioners approve of what this order contemplates?

Mr. Spenceley—I think the commissioners will be divided in this matter. I do not want to answer the question. I might be a little personal, and I would rather not answer it.

Mr. Crocker of Ward 9—The gentleman from Ward 19 has referred to the gentleman from Ward 14 as a man interested in insurance, and he says that for that reason we ought not to pay much attention to what he says. It seems to me that, on the contrary, that is a reason for paying attention to what he says. The gentleman's [Mr. Pope] business is to look out for fires.

Mr. Spenceley—For the dollars and cents.

Mr. Crocker—And if he tries to make as many dollars and cents as he can for himself or for the companies that he represents, he necessarily looks out to see that our houses and property are protected as much as possible. He is placed in a position where he can judge of the matter better than most people, and where he is likely to pay more attention to it than most people. It seems to me that his position in this matter is the correct one; that it is very bad policy for this Council to be meddling with the business of the different departments in small matters, such as in determining whether any and how much vacations shall be allowed. We employ the commissioners to make it their business to look after certain departments, and it is very desirable to leave them to take care of the details of those departments. We have a good many important matters to consider here; and it seems to me that this meddling with the details of such matters is something that we had better let alone. The gentleman speaks as though the firemen were some poor unfortunate men that we ought to protect. Gentlemen must recollect that the firemen can leave their situations; they are not picked out by lot and compelled to take the positions; they sought the appointment, and there are thousands who would be glad of the places. Every position, employment, and profession has some disadvantages; this has its disadvantages, and yet it is considered a desirable situation. It is not as though they were suffering people who could not help themselves. This order is simply interfering with the details of the management of the Fire Department; and when we once begin that, we cannot tell how much mischief we may do. The people who have the management of any business ought to have the control of it, and it is very dangerous for other parties to meddle with it.

Mr. Spenceley—If three gentlemen can govern the department, and run it so well and manage it so splendidly, and arrange all these little details, I would ask the gentleman why, when we appoint eight discreet, honest and intelligent men on retrenchment, should we not let the details alone and let them look into them?

The question upon the passage of the order as amended was put, and the President being in doubt, on motion of Mr. Spenceley the yeas and nays were ordered. The order as amended was passed—yeas 45, nays 23.

Yeas—Messrs. Barnard, Beeching, Brown, Burke, Cannon, Cox, Day, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClinsky, McDonald, McGaragle, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Perham, Reed, Roberts, Sibley, Souther, Spencelev, Stone, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur—45.

Nays—Messrs. Barry, Blanchard, Blodgett, Clarke, Crocker, Cross, Danforth, Felt, Hibbard, Howes, Morrill, Mowry, J. H. Pierce, Pope, Pratt, J. B. Richardson, M. W. Richardson, Ruffin, Sampson, Shepard, Smardon, Thompson, Wolcott—23.

Absent or not voting—Messrs. Brintnall, Coe, O. H. Pierce, Roach—4.

#### FREE FERRIES.

A report and amended order came down that on and after January 1, 1878, the tolls on East Boston ferries be abolished and the ferries run free. (City Doc. No. 64.)

The question was upon giving the order a second reading.

Mr. Crocker of Ward 9—I am unwilling that this matter should pass even to a second reading without something being said against it. It strikes me as a most extraordinary measure for this City Government to undertake to carry through in this year of retrenchment and economy. The magnitude of this piece of "economy" is most readily seen when we consider and compare the expense of running those ferries with the amount of taxation that we get from the whole of East Boston. The whole taxes paid by the East Boston wards last year was \$242,000; the expense

of running the ferries last year, independent of interest,—the simple running expenses—were \$170,000. It appears by the Auditor's report of this year that since 1870 the city has invested about a million dollars in those ferries, in buying the drops, boats, and in other expenses for which it got no return. Now the interest on that million dollars, at five per cent., is \$50,000. Add that interest to the running expense, and it makes \$220,000. Then, of course, from time to time, there are expenses for new boats and other unusual expenses, none of which, or a very small amount of which, occurred last year—yes, there was an additional item of some \$20,000 last year for a new boat, if I am not mistaken. So that gentlemen can see that, even at present, the expense of running those ferries is substantially equal to all we get from East Boston by taxation. All the taxes paid by the East Boston wards is barely enough to pay for what we propose to spend to bring gentlemen over here to pay their taxes, as they say. We had better let them stay at home and not pay taxes at all. There will not be anything left to pay for grading streets, for schools, for police, or for anything else, and for all those expenses East Boston will be a load upon the rest of the city. Then again, if the ferries are made free, it is evident that the business and the amount of travel upon them will be greatly increased. The larger portion of the travel that now comes over Chelsea Bridge and Chelsea Ferry will, of course, naturally come over the free ferries of East Boston, and this will largely increase their expenses. It will require additional boats, and perhaps an additional ferry, and we shall have to pay for bringing over not only the people of East Boston, but also those of Chelsea, Winthrop, Lynn, Salem, and in fact all the people of Essex County, whether they come on wheels or on foot, will seek that route to Boston, and the city of Boston will have to bring them over free. We shall not simply bring over the East Boston people free, but everybody who comes from the direction will take the route that is free. For these reasons I feel strongly that we ought not to incur this additional expense, and thereby add this large item to our tax levy. \$250,000 will substantially be the actual expense of these free ferries to the city of Boston, and that is at five per cent. the interest on five millions of dollars. This freeing of the ferries is like incurring a new debt of five millions. Now there has been this year a great attempt to economize in small matters, and we have with a great flourish of trumpets saved a few thousand dollars in salaries. But about all of what we have saved, we have thrown away already, and now we are going at one fell swoop to incur an expense much more than all the reductions we have made, and this not an expense for one year alone, but an expense that will continue. This matter of free ferries has no precedent, I believe. I have yet to hear that any attempt has been made in any other city to carry people across ferries free. Gentlemen from East Boston say that they cannot get to the main part of the city without paying tolls. They can, if they are willing to go around through Chelsea and over Chelsea Bridge. It is a roundabout way, to be sure, for them to reach City Hall to pay their taxes, as they say, without expense. Of course it is not so direct; but are we going to adopt the method of bringing all people in the suburbs in by an air line. The people of West Roxbury may say they want to come in by an air-line route—that it is not fair that they should be compelled to walk a roundabout course through crooked streets. Perhaps they will want an air-line route of free balloons. That would be about as reasonable as for the people of East Boston to insist on being brought across the water free. When the city has purchased the boats and drops, and only requires the people of East Boston to pay, by their tolls, substantially the running expenses of the ferries, and does not require them to pay in tolls anything towards the interest on the capital invested, the city does for East Boston all that reasonably can be asked; all that is done for Charlestown or South Boston, for which it provides bridges, but does not furnish vehicles for bringing the people over those bridges. I suppose the Council does not want to hear any long discussion upon this subject tonight; but I felt it my duty not to let this matter go by without something being said upon it. I have therefore stated the reasons why I shall not be prepared to vote for free ferries.

Mr. Mowry of Ward 11—The gentleman who preceded me seems to dwell upon the matter of the running expenses of the ferries. Has he considered the expense of the four bridges leading to South Boston? Has he considered the annual interest at six or seven per cent. on the sum invested in those bridges?—to say nothing of the expense of maintaining and supporting them. The same reason applies for bringing people from East Boston that applies for bringing people from other sections of the city proper. There are bridges leading from Charlestown, and the gentleman has not considered the expense of maintaining them. I say that is a fair and just answer to the point he has made at this stage of the argument.

Mr. Wilbur of Ward 20 suggested that the order would lie over under the rules, and hoped there would be no more discussion.

Mr. Webster of Ward 3 moved the special assignment of the subject to next Thursday evening.

Mr. Reed of Ward 17 hoped the assignment would not lie over, but that the order would pass through its first stage. In answer to Mr. Crocker's argument, he asked what would be done with the taxes which exceeded the amount expended in East Boston, for, according to Mr. Crocker's argument, it would not belong to the city treasury.

Mr. Sibley of Ward 5 and Mr. Beeching of Ward 1 opposed, and Mr. Webster of Ward 3 and Mr. Howes of Ward 18 advocated, the assignment. Mr. Burke of Ward 2 and Mr. Flynn of Ward 3 also opposed it, the discussion turning on the effect thereof, the opponents wishing the order to take its second reading and lie over under the rule, and the advocates desiring time to debate it at each stage.

Mr. Crocker, in reply to Mr. Reed's questions, said his position was not that the city could not spend in one section more than it received for taxes from that section; but this was an extraordinary case, when the city was asked to spend every year, for conveying the people of two wards into the city proper, more than the whole amount of taxes received from that part of the city. It shows that to be a very expensive part of the city, and we might almost wish to get rid of it. East Boston asks the city proper to pay for their police, for their schools, and for the lighting and paving of their streets, while the whole amount raised by taxation in East Boston itself will have to be applied solely to the one item of supporting the ferries. That is a very extraordinary step to be taken by an economical City Government. In reply to Mr. Mowry he said he had not figured up the cost of the bridges, but supposed it a pretty large sum. If the figures had been very favorable to Mr. Mowry's side he would probably have given them himself. It must be remembered, however, that the amount paid for bridges to South Boston has been accumulating for fifty years or more, while the expenses of the ferries have been accumulating only for seven years. Besides, when you compare the amounts which different sections contribute, South Boston last year contributed \$530,000, against \$242,000 from East Boston; and Charlestown \$420,000. There is much more reason in going to a larger expense for a large and wealthy suburb than for a small one. We must proportion the expenses of means of communication with the different sections of the city according to the size and importance of those sections.

Mr. Beeching of Ward 1 opposed an assignment as a vote might commit members to one side or the other before they had discussed the measure.

The motion to specially assign was declared carried. Mr. Burke of Ward 2 doubted the vote, and on his motion the yeas and nays were ordered. The motion to assign was lost—yeas 27, nays 38:

Yeas—Messrs. Barnard, Barry, Blanchard, Blodgett, Crocker, Danforth, Day, Felt, D. A. Flynn, Hiscock, Howes, Jackson, Mowry, J. H. Pierce, Pope, Pratt, J. B. Richardson, M. W. Richardson, Rufin, Sampson, Smardon, Stone, Thompson, Upham, G. E. Webster, Wilbur, Wolcott—27.

Nays—Messrs. Beeching, Brintnal, Brown, Burke, Clarke, Cox, Cross, Dee, Doherty, Duggan, Fernald, J. J. Flynn, Fraser, Ham, Hibbard, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mullane, Nugent, O'Connor, Pearl, Perham, Reed, Roach, Roberts, Shepard, Sibley, Souther, Spenceley, Thorndike, Vose, Warren, E. R. Webster—38.

Absent or not voting—Messrs. Cannon, Coe, Fagan, O'Donnell, O. H. Pierce—5.

The order was passed to a second reading and laid over.

## CHELSEA BRIDGE.

The order for the Mayor to procure certain releases and agreements from Oriental Coal Oil Company, on account of reconstruction of Chelsea Bridge, and to release said company from certain claims, was considered under unfinished business. Passed. Sent up.

## STEALING FLOWERS FROM PUBLIC GARDEN.

The order to pay N. W. Johnson \$25.00 for detection and conviction of George Warren, for stealing flowers from the Public Garden, was considered under unfinished business.

Mr. Ruffin of Ward 9 thought some means should be adopted to prevent such orders from coming in there, as the laws and ordinances were ample for such cases. He did not like the policy of paying a reward to the informant. In most cases the offenders were children. He read the penalty prescribed by the General Statutes for such offences, and argued that the reward should not be paid to policemen.

Mr. Howes of Ward 18 thought it would be well to give the Committee on Common authority to pay a reward for the conviction of persons for stealing flowers; but some such provision is necessary.

Mr. Mowry thought it unnecessary to pass the order, as the ordinance is ample.

The order was rejected in non-concurrence—9 for, 35 against.

## IMPROVED SEWERAGE.

The next subject in order was that of public parks, but on motion of Mr. Sampson of Ward 17 the rule was suspended to allow sundry important reports to be submitted.

Mr. Sampson submitted a report from the Joint Special Committee on Improved Sewerage. The committee, after referring to the subject in the several phases in which it has been before the City Government, believe that it is unnecessary to present any arguments to prove the necessity of adopting a comprehensive system of sewerage for this city. The ground has been fully covered by former reports upon the subject. In such matters great reliance must be placed upon the opinions of persons who have made sanitary science a study, and, if the mass of testimony which has been presented from time to time be reviewed, it will be seen that the evils arising from defective sewerage are discernible in this city to an alarming extent.

While it is not assumed that an improvement in the system of sewerage will secure to us complete immunity from disease, it is believed that it will remove a powerful agency for evil. Aside from questions of health, it is well known that great discomfort is occasioned to the residents of many parts of the city who are compelled to inhale the odors occasioned by the present method of discharging our sewage. It is believed that the necessity of the improvement will be admitted, whatever differences of opinion there may be as to the proper method of relief.

The plan for an improved system of sewerage which is now presented has the indorsement of the best engineering talent in the country. It is the result of a careful study of the different systems of sewerage now in practical operation, and an application of the best features of such systems to meet the present and future wants of Boston. It is unnecessary for your committee to attempt to explain the details of the proposed plan: for that they refer to reports and plans of the engineers. It will be seen that the plan agrees in all its essential features with that originally recommended by the commissioners.

Your committee have made a careful study of the scheme, and are convinced that it presents the only practical method of effectually removing the evils which are inseparable from our present system. It appears to be the only feasible method of securing the conditions demanded of a complete system of sewerage, viz., the immediate and uninterrupted removal of sewage from the vicinity of our dwellings to some point from whence it will not return.

The report is signed by Aldermen Burnham, Wilder and Slade, and Councilmen Sampson, J. Homer Pierce, Ham and Thorndike. Councilman Blodgett dissents from the recommendations of the majority.

The orders recommended by the majority of the committee authorize the City Treasurer to borrow \$3,712,700, to constitute a special appropriation for the construction of an improved system of sewerage, and authorizing the Committee on Improved Sewerage to contract for the construction of an

improved system of sewerage, having its pumping station located at Old Harbor Point and its outlet at Moon Head, with all the reservoirs, pumping works and other appliances essential to the proper operation of said system.

The report was ordered to be printed and the orders were referred to the Finance Committee. Sent up.

## WIDENING OF COMMERCIAL STREET.

Mr. Flynn of Ward 13 submitted the following: The Joint Committee on Streets, to whom was referred the communication of the Street Commissioners relating to the widening of Commercial street from Eastern avenue to Charles River Bridge, beg leave to submit the following report: The widening of this street so as to correspond substantially with Atlantic avenue, will make a continuous broad avenue from Summer street upon the mercantile water front of the city. The uses of such an avenue in developing the material interests of the city are too apparent to need argument. The necessity for communication by freight cars through any large city from the several depots, is of vital importance to prompt and efficient traffic, and it is equally so to and from the depots and large wharves, especially those that are used for foreign commerce. A wide street in the vicinity of wharves, where large amounts of goods have to be quickly handled in loading and unloading vessels, is also of great benefit to every one whose business it is to ship and receive goods. It is said that the wharves shorted by the laying out of Atlantic avenue can now handle more freight and with greater ease than was possible before, and this solely for the reason that it can be so quickly removed from the point of obstruction or delivery, a block now being an exception where before it was the rule. For these reasons and others the committee are in favor of the widening. The committee might recommend that the Street Commissioners be requested to make accurate surveys of the taking, and proceed to report an order to make the widening, submitting the same to the City Council for their concurrence; but this would involve a large expense and be entirely unnecessary, if after all the City Council should fail pass the necessary appropriation by the required two-thirds vote. It seems also to the committee that it is unwise to order the widening of a street by the Street Commissioners, involving so large an expenditure as this, without first providing the means for defraying the expense, and in this the Street Commissioners agree; in fact they have decided that they have no right to attempt to involve the city in any expenditure where the means have not been provided to meet the cost. They therefore present the accompanying order to provide means.

Ordered, That the Committee on Finance be requested to provide for an appropriation of \$1,000,000 for the widening of Commercial street in such manner as the Street Commissioners deem expedient, not exceeding one hundred feet, from Eastern avenue to Charles River Bridge; said sum to include the cost of repaving and grading said street, and suffice for the cost of such damages arising from such widening and grading.

Mr. Flynn moved that the report be printed and the orders referred to the Committee on Finance.

Mr. McGaragle asked what the Finance Committee are to provide \$1,000,000 for? Before doing so the Council should have the plan, know whose property is to be taken and what is to be paid for it.

Mr. Flynn of Ward 13—This has been before the Street Committee and Commissioners two or three years. The commissioners have estimated the cost for 100-foot and 80-foot streets, and made lines for both. The estimate for 100 feet is \$1,000,000, for eighty feet about \$900,500, and they think 100 feet the cheaper, as the buildings would be destroyed in any event and only the extra land would have to be paid for. They thought they ought not to pass this without first getting the consent of the City Council and an appropriation of money, as it will cost much for surveys and plans which will not be necessary unless the Council pass the order.

Mr. McGaragle said the explanation was mysterious, and asked if such a proceeding had ever been attempted before. He moved to table the report.

Mr. Flynn said it was the usual course, the same having been done with the improved-sewerage report.

The motion to table was lost—7 for, 44 against.

The report was ordered printed and the orders were referred to the Finance Committee. Sent up.

PUBLIC PARKS.

Mr. Thompson of Ward 9, from the Committee on Public Parks, to whom was referred an order to ascertain the cost of the proposed park on the Back Bay, reported that the 100 acres could be bought for \$450,000. The committee also submitted estimates of the City Engineer of the cost of filling, etc., in response to certain inquiries made of him by the committee. He estimates that the amount of filling required would be 155,000 squares, divided as follows: For the park, 121,000 squares, which at \$3.25 per square would be \$393,250; for the streets, 34,000 squares, which at \$3.25 per square would be \$110,500—making the total cost \$503,750. If the work is commenced at once and completed as soon as it can be, it can be done for \$3.25 per square, but if the work is delayed for three or four years the Engineer estimates that the cost will be \$4 per square. It is also estimated that if ashes are used for filling, the sum of \$471,000 will be saved; and that the cost of a fresh-water pond of thirty-five acres would be \$127,500.

The report was accepted. Sent up.

Mr. Thompson sent up and had read the following letters in connection with the subject:

CITY HALL, BOSTON, July 11, 1877.

*Joseph P. Davis, Esq., City Engineer:* Dear Sir—I asked you on or about June 26 for a rough estimate of the amount of filling required to fill to grade 17 100 acres in the Back Bay at the proposed park location, and you gave me 180,000 squares, if I am not mistaken.

I wish to ask you what the total cost of the 100 acres would be, filled and covered with loam to the depth of one foot, provided the filling could be done for \$3 per square, and the loaming at the rate of fifty cents for twenty cubic feet of loam. Yours truly,

[Signed]

JOHN T. CLARK.

BOSTON, July 12, 1877.

*Alderman John T. Clark:* Dear Sir—I gave you, as you state in your letter 180,000 squares as a rough approximation of the amount of filling required to fill to grade 17 one hundred acres in the Back Bay.

The cost of this filling and of the loaming at the prices you name in your note would be as follows:

180,000 squares of gravel @ \$3.....	\$540,000
Loaming 100 acres.....	108,000
Total.....	\$648,000

Yours respectfully,

JOSEPH P. DAVIS,

City Engineer.

Mr. Thompson of Ward 9—Mr. President, at the request of the gentleman whose name is mentioned in that letter I will state that the difference which appears in the cost of the park as stated in the report of the Joint Special Committee on Parks and as stated by the gentleman in the Board of Aldermen, arises from the difference and nature of the questions that were asked. He stated that he asked from the City Engineer a rough estimate of the cost of filling the entire hundred acres with clean gravel and covering with loam to the distance of one foot. The Joint Special Committee on Parks, desiring to know how far the ashes of the city could be utilized, introduced that question into it. They also felt that the plan as carried out by the Park Commissioners would approximate to the plan which they had estimated in their report. Believing that a fresh-water pond should be included in the estimate, they asked what would be the additional cost of making the pond. The order provides that this park shall be surrounded by public avenues or streets to be taken from the land; so they were obliged to include in the cost of this park the cost of sixteen and three-quarters acres of public streets. So that from the very different nature of the problems presented, necessarily the answers were different. But in order that there might be no misunderstanding in regard to the statement made by the Alderman, it was but fair that at the time this report was made this statement should accompany it. There is in fact no substantial difference in the estimated cost, because we include the cost of other and different improvements than those which he calculated upon. As the report does not give the total of the cost, I would say that the total cost of the park as given by the gentleman's figures in the Board of Aldermen, including the price of the land, would

be about one million and one hundred thousand dollars. The total cost, as given by the report of the joint special committee, allowing we do the greater part of the filling by ashes, would be \$900,000. So that the gentleman overstated the cost rather than understated it.

The amended order for a loan of \$450,000 for the purchase of land for a park and streets connected therewith, as in said order set forth, then came up as unfinished business, and Mr. Thompson of Ward 9 moved to amend the order by adding the following:

“And the further sum of \$225,000 for the purchase of not less than forty acres of land in the South Bay district.

“And the further sum of \$325,000 for the purchase of the land between Cambridge, Charles and Leverett streets and the Charles River.

“And the further sum of \$1,000,000 for the purchase of land in West Roxbury.

“And the said sum of \$2,000,000 is hereby appropriated for the purchase of land for public parks, to be expended by the Park Commissioners under the authority of the Statutes of 1875, chapter 185; and the Treasurer is hereby directed to negotiate said loan, only as the money may be needed by the Park Commissioners, and to issue therefor certificates of indebtedness for the longest time allowed by law, at the time of such issue, not to exceed thirty years.”

Mr. Howes of Ward 8—If it is in order, I have several petitions, signed by about 150 or 200 residents of Wards 17 and 18, in behalf of the Back Bay Park, which I would like to present.

The Chair—The petitions are not in order now, but if there is no objection the Chair will entertain them.

No objection was made, and Mr. Howes presented the petition of A. W. Beard and many others in favor of the proposed Back Bay Park.

The question was upon the amendment offered by Mr. Thompson of Ward 9.

Mr. Thompson of Ward 9—Mr. President. I am not going to make any apology for occupying your time and the time of the Council in stating my views upon the subject of parks. Being one of the Park Committee, the subject has been constantly in my mind ever since you did me the honor to appoint me upon that committee, and when I joined in our report, I did so because I was firmly convinced of the truth of every proposition we stated in that report; and I say here I cannot understand the condition of any man who, accepting or assenting to the truth of those propositions, can act otherwise than I do, or who would abstain from voting for and urging the laying out of a comprehensive system of parks.

The propositions which most materially relate to the amendment I have offered are those which state that public parks are necessary to the health and comfort of large cities, and that where any large and growing city undertakes to lay out public parks, it behooves them to look to the interests of the future as well as to those of the present; and lastly, and perhaps most important of all, in the temper of this City Government, that the city of Boston can well afford the expenditure necessary to give the parks called for by my amendment. And if I can convince any man tonight of the truth of the propositions that I have stated, I hope he will have the courage of his convictions and vote for these orders.

Taking up these points in their order, I want first to state to you briefly the arguments and reasons which convinced me of the truth of the first proposition, namely, public parks are necessary to the health and comfort of large cities. The discussion which has taken place in the Board of Aldermen, and which has been carried on for a number of years past, is no doubt perfectly familiar to all of you, and it has given you the facts involved in this discussion. It has shown you that all large cities of above 250,000 inhabitants, with scarcely an exception—Boston is almost the only exception—are provided with a suitable system of public parks. Now, if we found this to be true in only a few particular cases, in the cases of cities that were peculiarly situated, we could not draw any argument from it. But when we find in every country, in every clime and in every situation, wherever large hodies of men are congregated together into densely-populated cities, that a special provision has been made for public parks. It is, I say, a fair inference that there is something in the nature of things which makes it a necessity; and if we look for the cause which makes it so we can very easily find it.

I have here the words of a man with whose name you are all familiar, for whose judgment you all have respect. He has stated, more briefly and more succinctly than I am able to do, the point in question. Dr. Edward H. Clarke says—

"The first is the sanitary aspect of the park. The discussion of sewerage and drainage, and of the ventilation of sewers, drains and houses, with which our community have latterly been made familiar, has impressed upon our citizens, to some extent, the importance of introducing pure air into our houses, and of keeping foul air out of them. The importance of such ventilation cannot be overstated. But we are in danger of forgetting that the importance of ventilating a city is as great as that of ventilating all the houses in it, with this difference, that if a city is not well ventilated, so as to bring fresh air into it and to keep foul air and poisonous gases out of it, the ventilation of individual dwellings will be of little avail. The foul air of the streets will not only envelop those who pass through them, but will penetrate the houses that line them, visiting alike the sick and the well, increasing the danger of disease to the former, and diminishing the health and strength of the latter. In proportion as a city increases in size, large open spaces should be reserved. Parks are the lungs of the city. They are more than this; they are reservoirs of oxygen and fresh air. They produce atmospheric currents, which sweep through and purify the streets. Parks not only offer oxygen to all who visit them, but distribute a large amount of this prime necessity of life everywhere in their neighborhood. Without open spaces appropriately placed, it is impossible, in a large city, to have well-ventilated streets, and to keep the air of the houses sweet and clean. Let us remember, moreover, that bad ventilation means poisoned air, and that poisoned air is sure to be followed by a ghastly train of diseases, with an occasional pestilence to remind the inhabitants what a terrible thing it is to disregard sanitary laws."

Turning over a page he goes on to say—

"The carrying of little children who are pinched by cholera infantum, or spotted by scarlet fever, or of those who are paralyzed by diphtheria, or distorted by scrofula, or emaciated by consumption, for a few hours a day into the pure air and bright sunlight of an open square has saved many a life. Many a needless death has occurred, because the city afforded no such opportunity for escape. A few hours' exposure of a child on a mother's lap, or in a basket or carriage, to the freshness of a park, will produce a sleep that never follows opium, chloral or ether, and will yield a chance for health that no drug can give. For the last few years Philadelphia has shown a diminished death-rate."

Here is a book which will well repay the utmost study which you can give it. It is called "The Sanitary Condition of Boston." The commission who made the report consisted of Dr. Charles E. Buckingham, Dr. Calvin Ellis, Dr. Richard M. Hodges, Dr. Samuel A. Green and Dr. Thomas B. Curtis. I have heard this book referred to by gentlemen whose profession it was to understand this matter, and always with the greatest respect, as being the result of the most thorough and careful investigation. Now that book, after going very thoroughly into our sanitary existence of condition, gives as the result of that investigation that the one point in which Boston is the most deficient is that it permits the causes which result in an enormous death rate of children. The fact is, that of every thousand children born in this city 271 die before they are a year old—nearly three-tenths of the children born in this entire city. And that large proportion is caused by the death rate in a few crowded and badly ventilated districts. In these districts it is no exaggeration to say that fully one-half of the children born die before they are a year old.

I came upon this Park Committee as completely unprejudiced as I think any man could. I tried to prepare myself upon the facts which were involved in this debate; but when I came to examine the reports, the arguments, made upon this subject, I found no fact that made the same impression upon me that this did. I found it said, by men for whose opinion I had the utmost respect, that in certain portions of the city we were killing off the children at a rate which they called horrible. It seemed to me to be an imputation under which this city should not linger. I found it to be the opinion of these men that that death rate could be very materially lowered; that one

of its great causes was the absence of open squares and wide streets in the plague districts. I was told yesterday by a physician in this city that during last summer he sent during the heated period an average of four children a day out to different country and seaside resorts, fearing they could not live to reach them; they were so weak that it was necessary to remove them on stretchers; but as soon as they were taken out of the dismal places where they lived and given a chance to breathe pure air and sunshine they at once recovered. It seemed to me that this fact alone, if understood and brought home to the minds of members of this Council, must control their action, and prevent any long delay in alleviating this suffering. That is the argument which I am going to rest upon tonight, as a general argument in favor of parks. The evidence is from your scientific men. Your physicians of eminent standing all say, after having given this matter careful consideration, that there are districts in this city which especially need parks, and that the whole city needs them if it is to continue to be healthy and go on increasing in size.

Now, before going on to the particular subject of the parks included in the present order, let me touch upon my second point—the necessity of providing for the future. And I must meet here that spirit which feeling that something must be done, but having that conservatism which prevents them from facing and grappling with any great problem, and making full and sufficient preparation for its solution—wish now to give a little, and so put off the time when the much must be done.

I want these gentlemen to think for one moment of the law that regulates the growth of a large city. It grows by adding on to the already built up districts, and as it grows, pushes the country farther from the centre of the city. Many persons say, Why should a large country park be established now? we have beautiful suburbs; no other city has the equal of them? Well, grant it. What of it? Why, gentlemen, ten years ago you had beautiful suburbs, and ten years ago they were a mile and a half nearer the State House than they are now. Within ten years they have been built over until now we cannot take them for parks, they have become so expensive. But we still have beautiful suburbs. Are we still going to repeat the mistake of the past, and see the city growing and growing in all great interests, in population, in wealth, and I hope intelligence, and neglect this duty? If we do, the day will come, and come soon, when we cannot get a large reservation near the centre of the city which can be maintained in anything like its natural condition.

It seems to me clear beyond argument that it is very desirable to hold a large tract of country as near as possible to the centre of every large city. And, gentlemen, Boston is now a large city. I, for one, wish that she was not so large; but she is what she is, and she is to become larger. In time—in a few years, that space which is now country, where the air is pure, where grass and rocks and trees still abound, will be built over, and it will be too late to save it. And if it is, you will repent, and the people who come after you will repent infinitely more, if you neglect the opportunity you have now of taking some of this beautiful space in the heart of the city.

Admitting, then, that I have given you some slight evidence on my first point, that it is our duty to provide breathing spots for the population of the city; admitting also that it is profitable and desirable to have a system of parks which will meet the needs of the future; admitting these two points, there is only one question which can remain, and that is the question of the cost of the parks, the question whether the city can afford to enter into it. Now, gentlemen, there is something in the temper with which this question is met, something in the public mind—not in the public mind, I don't mean that—something in the mind of this Council of this City Government which is perfectly incomprehensible. I cannot understand how a man who has received a common New England education, who has the ability to cipher that is attributed to the Yankee character, can make the mistakes that are being made every day in this discussion about this addition to our debt. I state here, that if this order passes, the entire addition to our debt, for buying the lands and putting them in order, will be, as far as I can judge, inside of four millions of dollars. Now then the question is, Can the city of Boston afford the sum

of four millions of dollars for doing what? My amendment calls first for this land between Leverett, Charles and Cambridge streets and the Charles River. I have described that land because the Park Commissioners have already located a park there. There is in that district as described about seven acres. The present assessed value of that land, exclusive of what is owned by the city of Boston, is \$310,000. Across Charles street is the open space about the jail, about three acres, and around the Massachusetts General Hospital are about ten acres more, so that you have an open space, an air reservoir for pure air, of about twenty acres. This will cost you for the land and for putting it in order, that is, filling it up, removing the buildings, filling up the land, grading it, putting out your lamps and your seats, about \$400,000. Now, what will that accomplish for you? I take again the language of a man who has studied this question—

The Chair—The gentleman's time has expired.

On motion of Mr. Howes of Ward 8 Mr. Thompson was allowed to proceed.

Mr. Thompson—Gentlemen, I thank you. I turn to the language of a man whose whole life has been one long scientific study. His life has been passed in observation of things around him, and his words will have, and they are entitled to have, weight with you. Dr. Oliver Wendell Holmes, in speaking at a public meeting in Faneuil Hall, said—

"There is one particular region which I will mention as likely to be specially benefited by the plan referred to—a region which would get the advantages of the fresh air coming over the wide estuary of Charles River without the expense and trouble of taking boats. The narrow and crowded streets of the northern slope of Beacon Hill, and a wide region extending northward from it are inhabited by the very class most exposed to cholera infantum and diseases of that nature. Having lived for many years on Charles street, where I am no longer an owner, I had occasion to learn the incomparable comfort and delight to be got in a hot summer's day, when the wind is from the southwest, by turning the corner of Charles and Cambridge streets and getting into the current of air cooled by passing over the water. Some of the poor mothers with sick children had found out where to bring them for relief; and I often thought if there were an open green filling up that corner, with shade trees and seats, what a priceless sanatorium it would be to all that suffering quarter of the city. The proposed green margin, beginning at Leverett street and extending along the river will meet this very want."

Now, gentlemen, most of you are familiar with that district; you know just what that district is. You know how narrow the streets are; how many crowded lanes; how many blind courts are there. You know that these streets fairly teem with life; the children, wives and families of laboring men, who present the very food upon which this poison air loves to feed. You can at an expense of \$400,000 remove that. That \$400,000 you are not asked to pay by the taxation of one year. Suppose you borrow the money on ten years' time and pay the interest upon it, and establish the Sinking Fund required for it. I will tell you how you can get that without knowing it; that which Dr. Holmes has called a priceless sanatorium for those people there. You can just give up your privilege of eating dinners at the city's expense for ten years, and you pay every stiver of it. That shows how small it is. You do not think you are putting the city to any great expense by what you do; and for the sake of the comparison, I say that by giving up that one expense we will pay the entire cost of providing this priceless sanatorium for the thousands of men, women and children who live in that neighborhood. And remember that it is within five minutes' walk of every dwelling house in the North End and the old Wards 2 and 3, which this report says are among the most unhealthy in the city, especially the locality where cholera infantum prevails. In that section of the city one-half of the children died before they are one year old.

Passing to another point, leaving that—for I don't know that I can say any more about it—passing to the Back Bay district, I have here to start with an official communication addressed by the Board of Health to the Mayor. That district you all know—the district described in this order—is what is called the Back Bay Basin. It contains an area of 289 acres. It has always received the surface drainage of the adjoining land, and for years a sewer, perhaps the filthiest in the city,

has been discharging into it, and it has produced a nuisance, if ever there was a nuisance. Now, the Park Commissioners' plan proposes to take a strip at about the centre of that district, running from Boylston street to Huntington avenue, a distance of a little more than three-quarters of a mile, with a wide approach leading down to Beacon street and Charles River. They propose to fill up that hundred acres, the greater part of it, to grade seventeen; to leave thirty-five acres of it, filled at grade twelve, and to introduce into these acres fresh water, so that you will have a place for rowing in the summer time, and skating in the winter. Those who visit the Public Garden can form an idea of what would be the value of this as a rowing basin. And when winter time comes you will find you have a skating pond, two-thirds the size of the Common, where you can have thirty-five acres of good skating ice. A strong argument has been made in relation to this park, that it is a sanitary measure. Out of 289 acres it fills up a little more than one-third; it includes in that the bed and the mouth of Stony Brook; it leaves between the eastern line and the present filled land about ninety acres. That land we could depend upon private enterprise to fill, because the location of that park makes it valuable. It leaves you 100 acres which, without Stony Brook sewer, is not likely to be a nuisance. Right here, if there is no objection, I will read the official document I referred to.

Mr. Thompson then read the communication which was in reply to a note from the Mayor, saying that a water park in the proposed Back Bay would, to a large extent, destroy the present nuisance which exists there. Mr. Thompson continued—

That is official evidence. If it were in a court of law I think it would be prima facie evidence of the facts. This park, then, is valuable as a sanitary measure, and it is necessary for the health of the city now and in the future. For, remember, gentlemen, your decision affects not only your own interests, but those of the future. The life of a great city is not subject to the petty limitations which pen in the lives of men—long after we are laid in our graves this city will be here and growing. If you put that park there now, ten, twenty, thirty, forty, fifty years from now—what will you have? You have this great district which lies between Ruggles street and Columbus avenue, the great South End bordering on this park. A park which will be the great highway over which the people of Charlestown, East Boston and the North End will pass to the country parks, which must in time be located in West Roxbury; and again, as Dr. Clarke says, it will be a reservoir of oxygen and sunshine. It is stated in some report I have read that when this district is filled you will have a population of 150,000 people depending upon that area for sunshine and pure air. It is not only a reservoir, but it is a great conduit, to use the language with which we have become familiar by visiting the water works, carrying air, cooled and purified by the Charles River, up into what will then be the thickly-settled districts of the South End. If we neglect to make this improvement now, when we can make it for a million dollars, if we neglect to make it now and put it off until that district is covered with buildings, our descendants cannot do it, and they will suffer for and condemn our penury and want of foresight.

There is one point in connection with this district that I want to speak of. There is a certain prejudice against this particular project, because—I say it frankly—it is believed it is to lead to the peculiar benefit of a corporation which does not stand in very good odor with the city of Boston. Now, gentlemen, the Park Commissioners' report says that they take the land of between fifty and sixty individuals in going over that area. We are offered today this land, because the owners, or some of the largest owners, of the property cannot help themselves for a price one-half the price of what the city assessed upon it two years ago and upon which the city has collected taxes from the owners for years. Now, in connection with this park, I call your attention to the wording of the order. The order provides that this park shall be bounded on every side with wide avenues taken from the land purchased. The City Engineer's report says that one-sixth of the area will be devoted to public streets, so that in the cost of the park you have included the cost of sixteen acres of streets, about one-sixth

the entire cost. This expense the city must incur anyway. Whether you make this park or not, the time will come when these streets must be built. It is only a question whether we shall begin the payment today or in five or ten years hence, and give five or ten times as much for it? The chairman of the Street Commissioners told me that a portion of these streets they proposed to lay out soon, and in his opinion the city would have to pay fifty cents per foot for it, whereas, by taking this tract you get it for ten cents per foot on the average.

Passing to the third park included in my order—the South Bay Park. Here you have a playground at the present centre of population of the city—a field where a brigade or a division of militia may drill, a place for exhibitions so much better than the Common, because of its nearness to tide water and to the railroads, that the Common may consider itself safe from invasion from the day that this park is established.

Again, in this district you have a nuisance somewhat like the Back Bay, not differing in this—that while the Back Bay, as now laid out, will be covered by wide streets and the houses of the rich—this district will be the home of the poor, and if we allow it to be built upon we will repeat the mistake of the Church-street district, and finally under the pressure of disease and death do at an immense what we can do now for a trifling cost.

Passing over that, there is one other park I include in my order. I wanted myself to see the whole Park Commissioners' scheme carried out. I believed—and I say it here—that the city of Boston would be better off in every way by taking it up, commencing it and carrying it through. But, feeling the temper of the time, I abandoned that, and I believe what we are asking here will fairly answer the public need. If I impressed anything upon your minds in regard to the necessity of providing for the future you must feel that that provision must be made in West Roxbury. The Park Commissioners estimated that they wanted \$1,300,000. I think the city can get for \$1,000,000 what they then proposed to take. West Roxbury Park in itself needs no advocacy from me; it is its own best advocate, and if we are to have parks at all, we must have this one sooner or later.

And now, gentlemen, comes the important question—Can the city afford the expense of these parks? The lands will cost \$2,000,000, and it will take as much more to put them in order, in all \$4,000,000.

Now the difficulty with many in considering this question is that people think too much of the gross sum and do not know or think about the details of collecting or expending the money.

It will take a year or eighteen months to buy this land; it will be as much longer before the parks can all be put in order; three years will elapse before this loan, if you authorize it, will be negotiated; and thirty years before it is paid. Your connection with the payment of this money, gentlemen, will be to pay thirty-nine cents on every thousand dollars you are taxed for. If you are fortunate enough to be taxed for \$100,000, you will pay as rent for the use and enjoyment of these six hundred acres, \$39 a year.

And when you think, gentlemen, that this payment will, through the Charles River Park alone, save the lives of more than thirty-nine children every year, will you grudge it?

If you do, do you think you deserve to be intrusted with \$100,000?

Now, gentlemen, the subject of the effect of parks upon the city, judged by the increased value of property and the income from that increased value, has been discussed with great ability in the lower room, so it is not necessary for me to go into it, but there are two instances which I want to call your attention to. The first is the great Central Park in New York. The city of New York has spent upon that since its establishment over \$30,000,000. In the last report of the commissioners they say that that money has been returned, every dollar of it, by the taxes laid upon the increased valuation due to the establishment of the park, and that the city is now in possession of an income of about four or five millions per year due to that investment. The second is the square in this city, where stand the new Trinity and the new Old South churches, and the Art Museum. This year, while the valuation of all the rest of the Back Bay territory has been reduced twenty per cent. as compared with 1875, the valuation of the land on Boylston and Dartmouth streets and St. James avenue, adjoining this square, has been in-

creased, so that the money spent upon these buildings has been an investment for the city. And that is what this expenditure for parks will be. If it were not that I would be accused of figuring the cost of parks down to nothing, I could prove to you that the Back Bay Park alone would, in thirty years, pay the entire cost occasioned by this order; and any person walking along Charles street must see that the creation of a park there will take away the old sheds from the other side of the streets and put in their places substantial buildings of great value.

Now, gentlemen, there is the whole question. There are the arguments in favor of it. There will be some people here tonight who will vote against it, and there must be some reason why they will do it. I will tell you some of the reasons. There are some people who will not take the trouble to investigate a question which takes some little labor and work, and they have not got faith enough to accept the word of those who will. There are others who fear that if they vote for this order some man or some corporation may get a little special advantage. There are others who live in portions of the city that have plenty of fresh air and sunshine, and they think their portion of the city is not to be benefited, and they won't vote for it.

I beg of the gentlemen of the first class to have a little more faith in the scientific men of our city—men like Dr. Clarke and Dr. Holmes, like Dr. Buckingham, Dr. Ellis, Dr. Hodges, Dr. Green and Dr. Curtis, who tell you it is as necessary to have your streets ventilated as it is to have your houses ventilated. You have also the experience of New York, Brooklyn, Philadelphia, Baltimore, Chicago, St. Louis, Cincinnati and San Francisco in this country, and you have the experience of London, Paris, Berlin, Vienna, Madrid, Florence and St. Petersburg, and all the other large cities, representing every nation and every clime and every people. You see them spend millions where you are asked to spend thousands, in providing park accommodations for their population. If these cannot convince you I am sure I cannot.

For those other gentlemen who oppose it for fear some one will reap a special benefit I say, You cannot make a public improvement without taking private property, and if it is taken it must be paid for. To those gentlemen who think they will not receive any benefit, I say no improvement can be made which materially benefits the health and comfort of the city that will not benefit the entire city in some form or shape. One thing more. It is urged that no order but the one that passed the Board of Aldermen can pass that Board. I say let the Board of Aldermen stand or fall upon its own action. If there are men there who will refuse to vote for the health and comfort of the people of the North End of the city, I say let them go to the people on their record; and if the people approve them, I am very much mistaken.

I have occupied too much of your time; I beg your pardon for it. I am interested in the subject from the crown of my head to the sole of my foot, and I believe every word I have told you tonight. If I could by any word, if I could by any appeal, by any effort of mine add a single vote or one single chance to the passage of these amendments, I would be satisfied. I can take but one course. I shall vote, as long as I have a vote to give, in favor of parks until they are established, as they must be, if there is any intelligence, any progress, any public spirit in the city of Boston.

Mr. Ham of Ward 14 offered an amendment to the amendment—

“To take all land belonging to the city of Boston east of M street and north of Second street, and to purchase all land and flats east of M street and north of Second street, for public park purposes, the expense not to exceed \$300,000.”

Mr. Ham—I offer that amendment, in case we are to have public parks, in honesty and sincerity. The city owns a large amount of land in that location, and at present the price of the adjoining land is at a very low figure. It will cost nothing to take the city's land, and the adjoining land, being but very little built upon, can be bought at a low price. If public parks are to benefit the public as much as we have just heard represented, it seems to me that no part of the city should be unrepresented. I think I am correct in saying that no part of the city or the suburbs of the city is so much visited during eight or nine months in the



year as South Boston Point. I think that people visit no part of the city so much as that.

Mr. Stone of Ward 3—The gentleman from Ward 17 has presented a report asking for four millions of dollars; the order for the park and the amendments of the gentleman from Ward 9 will require two millions; and there are other projects which will require two millions more. I should like to know how we can get the money. The municipal indebtedness act of this State, passed in 1875, prohibits cities and towns from incurring debts, exclusive of those for water works, over the aggregate of three per cent. on their valuation of taxable property, less the amount of sinking funds. Section 7 of the same act also provides that cities and towns at the time of the act going into effect (June 14, 1875), indebted to an amount *not less than two per centum* on their valuation, may increase such indebtedness to the extent of an additional one per centum in their valuation, and no more. The indebtedness of the city of Boston, less water loans and sinking funds, June 14, 1875, was \$20,644,333.24, which was more than two per cent. of its valuation, therefore the city had a right to increase its indebtedness one per cent. The valuation May 1, 1875, was \$793,961,895, which gave the city the authority to increase the debt \$7,939,618. Since then we have funded loans amounting to \$993,000, leaving the amount we may increase today \$6,946,618. When we have exhausted this one per centum, the three per cent. clause goes into effect and where shall we stand then? Our indebtedness today, less the water loans and sinking funds, is \$17,182,936.73; add to this the amount we have a right to borrow, \$6,946,618, and our total debt will be \$24,129,554.73. Our total valuation today is not over \$680,000,000, three per cent. of that is \$20,400,000, the amount we are allowed to borrow under the three per cent. clause. It will therefore be seen, should we incur debt to the amount of this balance, \$6,946,618, we would exceed the three per cent. clause \$3,729,554.73, and no public improvements could be made except by *direct taxation* until the debt is reduced below \$20,400,000. We shall soon be called upon to appropriate nearly four million dollars for the new sewer to Moon Island. We have been petitioned to widen Commercial street at an estimated expense of \$1,000,000, and to have free ferries, which will deprive us of an income of about \$175,000. It would seem in the face and eyes of these facts that the gentlemen who advocate parks at this time are bound to have them at *any cost*, even though it ruins the city financially.

Mr. Thompson—I am very much obliged to the gentleman from Ward 3 for asking the question, for a minute after sitting down I said I had forgotten the most important point in my speech; and the gentleman has given me an opportunity to make it. The one great bugbear raised against this is that this loan may affect business and drive it off. How can taxes that do not oppress the taxpayers oppress business? A tax of thirty-nine cents on \$1000 does not hurt any business man. Now, the gentleman asks how can we get this \$4,000,000? When the Sinking Fund was under debate, I took some trouble and tried to post myself upon the finances of the city, and I think I can maintain what I say. I will tell the gentleman what he can borrow within the next ten years. He can borrow \$16,000,000. If he knows of improvements required in the next ten years that will cost more than \$16,000,000, I do not. I am not prepared to give the figures, but I can get them from the Auditor before this matter comes to a final vote. I can assure you that the city has a borrowing power of \$16,000,000.

Mr. Stone—I got my figures from the Auditor, and he and I went over them very carefully. I don't believe he gave me one set and the gentleman another.

Mr. Thompson—I got mine from the Auditor.

Mr. Flynn of Ward 13—I certainly hope the amendment of the gentleman from Ward 9 will not prevail. I am as anxious as any one that the plan of parks laid out by the commissioners shall be adopted, but I do not think this is just the time to offer amendments, because they will have a tendency to kill the order as it came from the Board of Aldermen; and in my judgment the thing to do is to pass this order, and then I will join hands with the gentlemen from Wards 14 and 9 and ask that the series of parks laid out by the commissioners shall be adopted. I hope no amendments will be adopted.

Mr. Howes of Ward 18 moved that the subject

be especially assigned to the next meeting at eight o'clock. Lost by a division—25 for, 41 against.

Mr. Ham's amendment was lost and the question came on Mr. Thompson's amendment.

Mr. Howes—It has been my fortune, in the three years that I have been in the Council, to vote against any project for park improvements that has been introduced. The reason has been that all the projects introduced have been of a character to demand such an expenditure that in my judgment the city could not afford to carry them out. I am not opposed to parks in the abstract, and possibly not in the concrete in certain directions. But I have in mind always the interests of the city and the taxpayers, as I understand them. If a scheme of public parks could be carried out in the outskirts of the city, somewhat similar to that proposed by the commissioners for West Roxbury, I should certainly vote in favor of it, on the ground that it is adapted by nature for the purposes of a park for Boston. It has been said, over and over again, that we need no parks for Boston, that our suburbs are a series of parks. A gentleman has stated this evening—what is undeniably a fact—that these suburbs are being fast approached by the city proper, and in a few years, when we need a park, we shall have nothing except by going beyond them. This land in West Roxbury is peculiarly adapted for a park, on account of the diversity of the grounds and its thick woodland. If that measure could be acted upon separately, I should be in favor of adopting it; but beyond that I could not see my way clear to vote in favor of any of the propositions. The measure which comes from the Board of Aldermen includes a park scheme on the Back Bay. I am, possibly, as much interested in that section as any other member of the Council. From my back windows I overlook that section and am well acquainted with its odors, from having them constantly wafted into my windows. But I cannot conceive of a place on the face of the globe more unsuitable for park purposes. A park, to be a park, should have some sort of diversity. This can be nothing but a flat park, for some years to come at least, because the putting of it in order for park purposes would occupy a very long time before it could be of any actual worth to the city. Who believes that for ten years, at least, any one will go out on the Back Bay for the enjoyment of a park when there is merely a little scrub of trees growing? And ten years will be a very short time for them to grow into sufficient size to answer for shade purposes. More than that, it will be nothing more than a flat park at best, which might answer very well for a parade and play ground; but it is in no way fitted for park purposes. The only way it can be utilized to any extent would be to convert it into something similar to the Public Garden, which is a tract of analogous character. This park would have to be laid out in flower gardens, without the city wanting the expense of building artificial hills, as on the Common; and to support those flower gardens would entail a large annual expense. It costs in the neighborhood of \$40,000 a year to keep up the Public Garden; and now we are asked to keep up a tract of land in the same way of six to ten times the area, and the reason urged for all this is that it will abate a nuisance that is there. I have not been able to discover, from any evidence introduced by those in favor of this, or from anything said this evening, that will lead me to believe that the nuisance will be abated by making a park there. The nuisance is caused by the imperfect sewerage of the district, and can only be corrected by improving the sewerage. By the orders submitted by the chairman of the Committee on Improved Sewerage this evening, and by private enterprise, this district can be put in as good condition, and better, than any other section of the Back Bay at the present time, from the fact that even the habitable part of the Back Bay is troubled by imperfect sewerage. Speaking as I do, I am aware that I am in opposition to several petitions I have presented this evening from a large number of the residents of my ward; and I have been told repeatedly, today and several days past, that a majority of the residents of my ward are in favor of this Back Bay Park. But, in spite of that, I cannot prepare myself to vote in favor of a measure which, under my oath of office, I consider I am bound to oppose, and for that reason I shall vote against it.

Mr. Pratt of Ward 21—I think the gentleman from Ward 9 has struck the right tone in his very

able presentment of the matters relating to this park question. There is an old line of Horace, of which I have been reminded so often that it is quite familiar to me, "*Parturiant montes, nascetur ridiculus mus.*" The aldermanic mountains have labored and brought forth a ridiculous mouse. I say it with all due respect to the mouse. The truth is, Mr. President, that a majority of the citizens of Boston are in favor of the park scheme exactly as it was reported by the able Board of Park Commissioners, and we are working towards it. Now I only want to say a word, because the gentleman from Ward 9 has taken away all my thunder and left me out of breath in following him, and I don't intend to make a speech, but just to answer a point suggested by the gentleman opposite, from Ward 13, that we ought to pass the order as it came from the Board of Alderman. In order to make a beginning, I want to express my firm conviction—which I may not now have time to back up with my reason, and may not find it expedient to relate them all,—that if we pass this scheme we have done with parks for years. This is what may, perhaps, be termed an entering wedge; but it happens to be a wedge with the square end first. I state this as one of the practical reasons for going for the amendment of the gentleman from Ward 9. While we have such strong petitions and recommendations, and evidence of real, live earnest work, all directed toward this Back Bay Park, let us hold on, and let the Back Bay matter rest. I am not one who believes in this eternal croaking about ill times, which are so much dwelt upon by some gentlemen in this City Government. I believe in the future of Boston; that it is bound to be one of the most prosperous cities in the country in years to come, and I believe we shall do a better thing than has been done for years in Boston if we pass such a park bill through this City Government as will indicate to the people outside that Bostonians themselves have not lost all faith in their future; something that will say to the people outside that we have confidence in the resources and business energy of Boston; that will show that we have a future before us, and invite mercantile and manufacturing interests to our limits. While I feel in this way in regard to the interest of the city, I feel it my duty to vote for the amendment offered by the gentleman from Ward 9. I seriously question whether I can vote for any scheme less than that. Indeed, I hope some gentleman will be brave and sanguine enough to offer one or two more amendments until we can get nearer the scheme proposed by the Park Commissioners.

Mr. Ruffin of Ward 9—I desire to say a few words in support of that portion of the amendment of the gentleman of Ward 9, which provides for taking lands between Leverett and Cambridge streets for a park on Charles River. I am in favor of what is known as a water park for Boston, and as this amendment looks in that direction I shall support it. Parks, to be useful, should be near the people. The great beauty of Boston Common is that it is in the heart of the city; and that small area is worth more to the people of Boston, is a better park, more serviceable, does more sanitary work, and is more pleasant to the eye than the large parks of New York; and the reason is that the people can get at it. A person in the heat of the day can turn away from the crowded streets, and from the walls of brick, and in a moment be upon that park, and enjoy the green grass, beautiful trees and fountains playing, and everything that is pleasant. Now this water park will be easy of access. The place is now mostly used for boating; it is known to the people of Boston, and has been set apart as a place where we have boat races and where people can take pleasure. I say keep that open. Unless we take some step in that direction, that wide expanse of water will soon be a narrow canal. Hungry capitalists have been looking at those flats for a long time, it is so easy to encroach upon the sea and make land, and, consequently, to make money. Gentlemen must remember that where the Public Garden and the palatial residences on the Back Bay are now was once water. We have encroached upon the sea, and are gradually narrowing the channel. People have been before the Legislature time and again to get authority to build out on those flats. I say keep it open; and the best way to keep it open is to devote it to the uses of a public park. That wide expanse of water ought always to remain there

far the sanitary reasons which have been shown here tonight, if for no other. The winds which pass over that water are cool, and come to us fresh and invigorating. We know how grateful the east wind is on a hot day. Now, let us always keep that space on the west side open, and we shall always have a current of air; and whether it be from the west, the east, the north or the south, we shall always have plenty of it coming through our streets. Now, I said that this spot is accessible. You know that the lower part of the city has changed very much. The removal of Fort Hill has sent people in other directions. I remember when Poplar, Allen and all the other streets at the West End were occupied by rich merchants, and when one family occupied each house. Those houses are gradually being filled up by poor people, and they are gradually encroaching up and past Cambridge street. The majority of the people of Boston would receive benefit from this park. They can go there in a few moments and get those healthful breezes. The proposition, as I understand, is to have on either side of Charles River an esplanade, tear away the woodsheds and coal wharves, set out trees and plants, put benches on either side of the river, so that people can have either a driveway or a walkway, if they choose, and go there and look out upon the blue waters, and walk along Beacon street until they get out of town, as it were. It will give people a chance to enjoy fresh air and see the blue sky. In some of those streets you cannot see the sun set; but on the banks of this river you can see the glorious sun set in the west, look upon nature, and be invigorated. For these reasons I am in favor of keeping that basin always filled and covered with fresh water, so that people can always enjoy it. Now, I understand this is to be a very cheap park; and from the figures shown here tonight it is very cheap indeed. It is something which ought to be done, and I hope more will be done in that direction. It will accommodate a large number of people, and we can have sufficient land on either side of the river for all people who go there. You want ample room to accommodate all the people in that section of the city. For these reasons I have been induced to make these remarks in support of that portion of the amendment offered by my colleague from Ward 9; for I think it is something which appeals to the good sense of all the citizens of Boston.

Mr. Thompson's amendment was put, and the President was in doubt. On motion of Mr. Thompson the yeas and nays were ordered, and the amendment was lost—yeas 15, nays 51:

Yeas—Messrs. Crocker, Cross, Fraser, Hiscock, McDonald, McGaragle, Pearl, Perham, J. H. Pierce, Pratt, Ruffin, Thompson, Upham, Vose, Wolcott—15.

Nays—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Burke, Cannon, Clarke, Cox, Danforth, Day, Dce, Doherty, Duggan, Fagan, Felt, Feruall, D. A. Flynn, J. J. Flynn, Ham, Hibbard, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClusky, Morrill, Mowry, Mullane, Nugent, O'Connor, O'Donnell, Reed, J. B. Richardson, M. W. Richardson, Roach, Roberts, Shepard, Sibley, Swardon, Souther, Spenceley, Stone, Thorndike, Warren, E. R. Webster, G. B. Webster, Wilbur—51.

Absent or not voting—Messrs. Coe, Loughlin, O. H. Pierce, Pope, Sampson—5.

Mr. Brown of Ward 23—I hold in my hand an amendment which I propose to offer, and which I think will meet the approbation and pleasure of every member of this Council; and, Mr. President, in behalf of every man, woman and child in the city, and in their interest, I present this amendment—

Substitute the words "\$1,650,000," for the words "\$450,000"; strike out the words "a park and streets connected therewith," and insert in place thereof the words "park purposes"; insert after the word "purposes" the words "\$450,000 of said amount"; after the words "superficial foot," the words "and \$1,200,000 of said amount to be expended by the Park Commissioners in the purchase of land for a park in West Roxbury, substantially in accordance with the plan recommended in City Doc. No. 42 of 1876."

Mr. Brown moved that the subject be specially assigned to next Thursday evening at eight o'clock. Declared carried. Mr. Flynn of Ward 13 doubted the vote; the Council divided—19 for, 41 against—and the motion to assign was lost.

Mr. Brintnall of Ward 5 offered the following as a substitute for the original order:

Ordered, That the Park Commissioners be and they are hereby authorized to take possession of and prepare for use not less than 100 acres of land or flats, situated within the area bounded by Parker street, Huntington avenue extended in the direction of Tremont and Francis streets; Longwood avenue, Brookline avenue and the Boston & Albany Railroad, with approaches from Beacon street west of Chester park; Boylston street extended from Chester park, westerly, and Huntington avenue extended; said park to be of such shape as not to require other adjoining lands to make it symmetrical and to be bounded on all sides by public avenues to be taken from the land. Provided that the owners of this area will donate without cost or price to the city of Boston one hundred acres of said area, and in consideration of said gift or donation the city of Boston will hold itself firmly bound to said owners to improve the same in such a manner as will be necessary in order that said gift or donation shall be suitable for use as a public park for the citizens of Boston, and to complete the same within three years from the 1st day of June, 1878; the expense of the same to be charged to the appropriation for Incidentals.

Mr. Brintnall—Being a friend of parks, it has seemed to me, in listening to the remarks of the gentlemen, not only before the Council this evening, but before the Board of Aldermen, that this 289 acres on the Back Bay, of which 100 acres is proposed to be taken for a park, is so situated that by the city putting a park there, the balance of the 189 acres will be benefited to such an extent that the owners could well afford to donate this 100 acres to the city. The city will make avenues and streets in all directions across this 100 acres, and they will also have to make streets across the balance of the land. If, as was stated by the gentleman from Ward 9, a great portion of this 100 acres will sell for two or three cents a foot, if the park is located there the outside land would bring \$1.50 to \$2 a foot, I should like to know if it would n't be for the interest of owners of the land to donate this property to the city for a park? The gentleman from Ward 10 bases his argument upon the sanitary condition of the city and the great benefit to be derived from parks. If he had mentioned sewers in his speech, where he said parks, I think he would have hit the nail upon the head better than he did, for to get rid of this nuisance I think we shall have to build sewers instead of laying out parks. For that reason, and because it will be a great saving to the city, I think this land ought to be donated.

Mr. Thompson—I happen to have with me the map used by the committee in their discussions, and I think it will answer the question raised by the amendment of the gentleman from Ward 5. [Pointing to the map.] The different colored lines show the different owners. The Water Power Company own the large part, which is red, so that it is impossible to lay out a park without wiping out a number of owners, and it is pretty hard to ask a man to give land when he will have nothing left. The park proposed by the Commissioners takes about fifty acres of the Water Power's land and fifty acres from other owners, and it generally wipes out the land of other people, so that nothing will be left to be benefited by giving it.

Mr. Brintnall—I understood it differently, and that this 100 acres took a certain portion from each owner's land.

Mr. Brintnall's amendment was lost.

Mr. Richardson of Ward 10 moved to amend by inserting after the words "Huntington avenue extended" the words "the land or flats so purchased shall be located with special reference to the improvement of the sewerage of the city."

Mr. Richardson of Ward 10—I understand that the arguments in favor of this order, instead of being for parks as such, are simply in regard to the health and sanitary improvement of the city. But while it is a little singular that while members of the other branch opposed the park scheme for reasons given, and voted for the order as a sanitary measure, no provision whatever was made with any reference to improving the sewerage of the city, although those were the reasons which have been assigned; and I believe it is upon those reasons only that it can pass this branch. I certainly am not prepared to say I shall vote for this park regardless of the improvement of sewerage, and if this Back Bay park does not affect the sewerage of the city I

doubt if I am prepared to vote for it. If it does tend to promote the health of the city I am prepared to vote for it. While my amendment does not put absolute limitations upon the commissioners, it is certainly an instruction to them that the location shall be made with reference to the improvement of the sewerage. I understand from the statute that the City Government have no power to fix a location, although the order provides that it shall be within certain limits, and that it shall be of such shape as to be symmetrical. If we can say what shape it shall be, we have a right to say where it shall be located. If it is not possible to locate the park so as to improve our sewerage, I am not willing to vote for it in our present financial condition, and from the calls for large expenditures that will be made for purposes that seem absolutely necessary. If I am convinced that this park will improve the sewerage and health of the city, I shall vote for it. It is to be certain that an effort will be made to accomplish that end that I have offered the amendment, which I do not think can be seriously objected to.

Mr. Spenceley—I believe I am in favor of a park on the Back Bay, and I know I am in favor of the amendment of the gentleman from Ward 23; but I am pretty well convinced that we cannot carry more than one park tonight. If any more amendments are put upon this little "horse" I don't believe there will be any horse left pretty soon.

On motion of Mr. Spenceley, the main question was ordered.

Mr. Richardson's amendment was lost—16 for, 31 against.

Mr. Brown's amendment was lost.

On motion of Mr. Spenceley of Ward 19, the yeas and nays were ordered on the passage of the original order as it came from the Board of Aldermen, and the roll was called, yeas 43, nays 23, and the order was declared rejected, two-thirds (48) being necessary:

Yeas—Messrs. Barry, Blanchard, Blodgett, Brintnall, Burke, Clarke, Cox, Crocker, Cross, Danforth, Day, Dee, Doherty, Duggan, Fagan, Felt, Fernald, J. J. Flynn, Ham, Hiscock, Jackson, Kelley (Ward 6), Kidney, McClusky, McDonald, Mowry, Mullane, Nugent, O'Connor, Pearl, M. W. Richardson, Ruffin, Shepard, Smardon, Souther, Spenceley, Thompson, Thorndike, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—43.

Nays—Messrs. Barnard, Beeching, Brown, Cannon, D. A. Flynn, Fraser, Hibbard, Howes, Kelley (Ward 3), McGaragle, Morrill, O'Donnell, Perham, J. H. Pierce, Pratt, Reed, J. B. Richardson, Roach, Roberts, Sibley, Stone, Upham, Vose—23.

Absent or not voting—Messrs. Coe, Loughlin, O. H. Pierce, R. Pope, Sampson—5.

On motion of Mr. Flynn of Ward 13, the rule was suspended and Mr. Flynn moved a reconsideration of the vote whereby the order was rejected; and on motion of the same gentleman the motion to reconsider was laid upon the table.

#### MYSTIC-VALLEY SEWER.

Mr. Mowry of Ward 11 submitted a report from the Committee on the Judiciary on the order to ascertain the legality of the order in relation to constructing the Mystic Valley sewer by days' labor. The committee report that in the opinion of the City Solicitor "the order referred to contravenes no principle of law, and may be passed." Accepted.

#### CHARLES RIVER BRIDGE.

Mr. Stone of Ward 3 offered an order—That the City Engineer be instructed to examine the condition of the draw of Charles River Bridge and report what action is necessary to prevent the frequent interruption to travel caused by the defective working of said draw. Read twice and passed. Sent up.

#### COMMON COUNCIL EXCURSION.

Mr. McGaragle of Ward 8 moved a reconsideration of the vote whereby was rejected the order for a special committee to arrange for an excursion of members of the Council, stating that he opposed the order under a misapprehension, and the object of the order was to enable the committee to act authoritatively.

The reconsideration prevailed, and the question was on the passage of the order.

Mr. Felt of Ward 18 moved to adjourn.

Mr. Howes of Ward 18 asked if a quorum were present, and a count showing there was not, the President declared the Council adjourned.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JULY 16, 1877.

Regular meeting at 4 o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE NOMINATIONS.

Coal Weighers—Freeman Haskell, Gardner Prouty.

Police Officers Without Pay—Nathan J. Cottle and six others.

Severally confirmed.

Later in the session the Mayor read a communication nominating Lieutenant William H. Ham to be a Captain of Police, vice Captain Nathaniel Emerson, appointed to be keeper of the city lock-up. Referred to Committee on Police.

Alderman Robinson—Has Captain Emerson signified his acceptance of the office?

The Mayor—He has.

Alderman Viles—This is new to me. I have known Captain Emerson for many years to be a faithful officer, and for that matter I have also known Lieutenant Ham. I should like to have time to ascertain the reason for this change and why it is required.

Alderman Robinson—I knew nothing about it until told by some outside parties that Captain Emerson had been appointed keeper of the lock-up.

Alderman Viles—I know Captain Emerson to be one of the most faithful officers. If he has accepted the position, I have nothing to say.

The Mayor—The Chair would state that he has his written acceptance of the appointment.

Alderman Fitzgerald—The chairman of the Committee on Police [Alderman Robinson] can find out by next Monday why one captain has been appointed keeper of the lockup, and why one lieutenant is promoted to captain, and I have no doubt, after he finds out the reason, will exercise the prerogative he has always exercised.

## PETITIONS REFERRED.

*To the Committee on Paving.* Petitions for edgestones and brick sidewalk in front of estate of Joseph Blundell on Lamartine and Boylston streets.

Jeremiah M. Swett *et al.*, that edgestones be set in front of their estates on West Cottage street; Charles Soule *et al.*, that Dix street be graded and put in order; F. A. Noyes *et al.*, for a street crossing at the junction of Blue Hill avenue and Washington street, Ward 24.

Petitions for leave to move wooden buildings by C. S. Packard, from 24 Newton street, Brighton, to rear of Gerrish street; by M. Ellis & Co., from Putnam, through Condor street, to Condor street opposite Brooks street.

F. A. Collins *et al.*, for sidewalks on Gates street and a portion of Eighth street; Clement Willis *et al.*, that Northampton street, between Washington street and Harrison avenue, be paved with granite blocks.

Petitions for brick sidewalks in front of estates of F. S. Fay, Commonwealth avenue; S. E. Westcott, do; Theresa Gantern, Boylston street, near Lamartine.

Petitions for edgestones in front of estates of Highland Railway Company, on Blue Hill avenue.

John Egan, to be paid for grade damage to his estate on Terrace street.

*To the Committee on Health on the part of the Board.* Petition for leave to occupy new wooden stable for one horse by John H. Ailman, on Chauncy place, Ward 23.

*To the Committee on Licenses.* William Burnett, for leave to run a passenger wagon from Winthrop to the South Ferry.

*To the Joint Committee on Streets.* Patrick Mulvey, for deed of release of certain land affected by street widening.

*To the Committee on Market.* Francis Krogman, for leave to transfer his interest in Stall 32 and cellar of New Faneuil Hall Market to Samuel B. Krogman.

*To the Committee on Bridges.* John Dyer, lessee, for a reduction of rent of premises on Charles River Bridge.

*To the Committee on Lamps.* William B. Blake-more *et al.*, for lamps on Bellevue avenue; W. S. Fallon, that a lamp be placed in front of his estate on White avenue, Ward 23.

*To the Committee on Sewers.* E. Worthen James *et al.*, that a sewer be laid in Auburn street, Ward 8; S. Ormsby *et al.*, for a sewer in Bowen street, between E and F streets; William Glover *et al.*, against the construction of a sewer in Commercial street, Dorchester.

## THE FOURTH OF JULY REGATTA.

A petition was received from F. H. Peabody, Benjamin Dean and 500 others, that the decision of the sub-committee on the Fourth of July sailing regatta (not to have a second regatta) may be reconsidered, and representing that the yachtsmen were anxious to have another opportunity to contest for the prizes offered on said occasion.

Alderman O'Brien—I would state in connection with that petition that the Sub-Committee on the Sailing Regatta had a meeting a few days ago and came to the conclusion that as the different yachts are now all over New England they would hardly be able to get up a race. It appears that there were mistakes, and I presume that if they took the matter up again they would favorably consider it.

On motion of Alderman O'Brien the petition was referred to the Joint Special Committee on the Fourth of July Celebration. Sent down.

## HEARINGS ON ORDERS OF NOTICE.

The following sewer matters were considered on orders of notice for hearings: On taking land of Philip Sowdon, Jr., and Old Colony Railroad Company for sewer purposes; on taking land of Rush R. Shippen, Charles E. Jackson, Henry T. Hogan, James Nugent, Robert Scott and Harriet F. Coffin for sewer purposes; on taking land of Cynthia A. Richmond and others for sewer through Short and Tuckerman streets; on proposed construction of sewer in Walnut street, West Roxbury, southerly from School street; on proposed construction of a sewer in Garden street, between Phillips and Myrtle streets.

Mr. Nugent appeared and objected to be assessed for the Cedar-avenue sewer, as he had paid one assessment for a sewer on the other side of his property.

The orders were recommitted to the Committee on Sewers.

## ALLEGED NUISANCE AT THE HIGHLANDS.

Alderman O'Brien presented a petition signed by Edward E. Rice, F. A. Howard, William V. Hutchings, C. G. Boardman, E. B. Reynolds, James E. Swan, H. B. Williams, George B. Topliff, Thomas H. Smith, George Woods Rice, J. W. Howard, G. E. Foster, George H. Quincy, Charles Davis, Stephen Bowen, residents of the Highlands, requesting that the nuisance of putting night soil on the Williams Farm, Highlands, be stopped, as it endangers life and injures property. The contractor and the Board of Health have been repeatedly requested to stop the nuisance, and the petitioners request that said board be made to do their duty or be removed from office.

Alderman Viles moved that the petition be referred to the Joint Committee on Health.

Alderman O'Brien—On the evening of July 10 night soil was spread over that farm, and it was an intolerable nuisance in that neighborhood. People were compelled to close their windows. It is clearly in violation of the ordinance. I presume it will be stopped after attention is called to it in this public manner.

The petition was referred to the Joint Committee on Health. Sent down.

## THE PROPOSED VISIT OF THE GOVERNORS.

The Mayor read the following:

PARKER HOUSE, July 3d, 1877.

*Hon. F. O. Prince:* Dear Sir—The Exhibitors' Association of the Permanent International Exhibition, Fairmount Park, Philadelphia, in which the industrial interests of thirty-eight of the States and territories are well represented, invite the governors of all the States to visit and inspect the exhibition during the last week in the month of August next. They will be invited to extend their visit to the city of New York to inspect the commerce and public institutions and matters of general interest connected with that great metropolis. It has been suggested that it would be of material interest to the distinguished gentlemen and the people of Boston and vicinity to have them also visit this city, and whilst here to inspect some of the large and important manufacturing establishments in it and vicinity. If it is the pleasure of your honor to extend such an invitation, your pleasure will be forwarded to the Exhibitors' Association. Many of the governors have already been seen, and all

have indicated that it is their purpose to be present. I will be pleased to hear from you at an early day, my address being Continental Hotel, Philadelphia, Pa. All of which is respectfully submitted. Your ob't servant,

J. E. PEYTON.

On motion of Alderman Clark the communication was referred to a joint special committee consisting of his Honor the Mayor, two Aldermen and such as the Common Council may join, and Aldermen Clark and Wilder were appointed on behalf of the Board. Sent down.

#### INVESTIGATION.

The Mayor read the following:

OFFICE OF THE SUPERINTENDENT OF  
PAWNBROKERAGE, ETC., }  
CITY HALL, BOSTON, July 12, 1877. }

To His Honor Mayor Prince: Dear Sir—Seeing in the issue of the Boston Transcript of the 10th inst. a letter over the signature of Mr. Thomas Gaffield, charging me with practices which, if true, unfit me to be retained one day a Superintendent of Pawnbrokerage, I hereby respectfully request that a committee be appointed to investigate said charges immediately.

I remain very truly yours,

JAMES K. CROWLEY,

Superintendent of Pawnbrokerage.

The Mayor—What action is it the pleasure of the Board to take with respect to this communication?

Alderman Fitzgerald—I move that a special committee be appointed to investigate this matter, and I ask that I be not placed upon the committee. I also ask that the committee be requested to report before next Monday. I think this is a matter that requires immediate investigation. I know all about it myself and I think it but justice to the person implicated that an investigation should be had immediately.

The motion prevailed, and Aldermen O'Brien, Dunbar and Breck were appointed on said committee. Subsequently Alderman Breck declined on account of having to be absent from the city, and Alderman Burnham was appointed in his place.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Order for City Engineer to examine the draw of Charles River Bridge, to see if the working of the same cannot be improved. Passed in concurrence.

Order, in a new draft, for the Mayor to procure certain releases and agreements from the Oriental Coal Oil Company, on account of reconstruction of Chelsea Bridge, and to release said company from certain claims.

Alderman Thompson said there was no objection to concurring in the passage of the order, but the Mayor, under an order passed some time ago, already has power to do the same thing.

The order was passed in concurrence.

Report of Committee on Public Parks, covering estimates of cost of land, etc., in proposed Back Bay Park, viz.: Purchase of land, \$450,000; cost of filling with gravel, \$503,750, with ashes, \$471,000; subsoiling, etc., \$295,400; fresh-water lake of 35 acres, \$127,500. Accepted in concurrence.

Report of special committee in favor of an improved system of sewerage, with pumping station at "Old Harbor" Point, and outlet at Moon Island, at an estimated expense of \$3,712,700. Referred to Committee on Finance in concurrence.

#### VACATION OF FIREMEN.

The order to allow two weeks' vacation to employes of Fire Alarm Department, without loss of pay, came up with an amendment to allow a similar vacation to the members of the permanent force of the Fire Department.

Alderman Burnham—This matter has once before been under consideration by the Board on a report and resolve which came up from the other branch that the firemen should receive a vacation without loss of pay—and it then received a negative vote. At the request of the fire-alarm employes, I had the honor to present this order which passed at our last session and now comes to us amended. In a communication to me on the subject, they say they make the request because

"1. In answer to our application for our annual vacation of two weeks, which has always been granted in previous years, we are now informed by the Board of Fire Commissioners that the only condition under which we can take a vacation is by furnishing a substitute at our own expense. They do this on

account of the clause in the report of the Committee on Retrenchment which says that the employes in this department shall be paid for each day's service actually rendered.

"2. Our duties are continuous—covering every Sunday and holiday, night and day.

"3. No substitute can be obtained competent to perform our duties, and with one such as we should be obliged to provide, we should have to divide the work as usual in previous cases amongst ourselves.

Yours truly,

CYRUS A. GEORGE,

For the Employes Fire Alarm Department."

It seems but just that we should pass the order and grant the request. And I cannot see why this amendment should be connected with it. Indeed, I think, had the Council more fully considered the case, we should not have had it. As the Fire Alarm employes explain it to us, the order asks for them, as a simple matter of justice, that they may have their usual vacation. And it seems proper they should be relieved from this restriction that the Retrenchment Committee have unintentionally put on them. But this amendment is quite another thing, and if we pass it we greatly increase the expenses of the Fire Department. The firemen now have twenty-four days' vacation, that is, they are off duty twenty-four days in a year, for which days they draw pay. The firemen now can have the benefit this amendment seeks to give by application to the commissioners and supplying a substitute that shall be acceptable to them; and this is a simple and easy thing to do. But the point is, the fireman must pay his substitute. And the question on this amendment simply is, Shall we allow the firemen fourteen days more off duty, and draw their full pay. The fireman accepts his place in the employment of the city with a knowledge of the confinement that attaches to the place. Like a man on board ship he gives by contract his whole time—knowing that his only furlough is twenty-four days in a year, or one day in two weeks, and that his vacation time differs from others in that he must be within call of the department in case of fire; and he understands that the Fire Department has not a sufficient number of men to allow a vacation on any other terms. Were there a sufficient number of men in the Fire Department to allow this amendment without increase of force the case would be different; then the duty of those on vacation would in case of fire be performed by those on duty, and the arrangement for vacation could be such as now prevails in the Police Department, viz., those remaining perform the duty of those off. Therefore if we vote this amendment, a larger force must be employed. A change must be made that will cost, as I said, a large sum. For one I would be glad to give to the members of the Fire Department any vacation they desire, if it can be done without detriment to the service; but it seems to me we have already made provisions that should be acceptable, especially as the commissioners feel it would not be for the best interest of the force. In looking over this matter I have asked the Chairman of the Fire Commission to furnish me the exact amount it will cost the city, provided the amendment should prevail, and I received this communication:

"Alderman Burnham: Dear Sir—Should the order for vacation to the permanent men be concurred in, to give each one fourteen days and fill his place with a substitute will cost \$9772.56."

Under these circumstances, Mr. Mayor, it seems to me that it is hardly the thing for this Board to concur in the amendment.

Alderman O'Brien—When this matter was before us some weeks ago, I thought a different system might be arranged; that instead of giving the firemen a vacation of two days every month, it might be arranged so as to give them a vacation of two weeks every six months. But, in consulting with the firemen themselves, that I have been able to see, I find that they would prefer their two days' vacation every month, rather than to have a two-weeks' vacation every six months. For my part, I should like to see some arrangement made whereby these firemen would have a vacation of one, two or three weeks in the year. Their duties are not arduous most of the time; but when you imagine that they are confined in that engine house without interruption every day in the month except two, it appears to me that some system might be devised—not very expensive to the city—by which they might have a continuous vacation of

a week or two weeks during the year. I should like to have this matter referred back to the Fire Commissioners to see if some arrangement cannot be made whereby the firemen can have a continuous vacation for one or two weeks; and I move it be so referred. If they all have two days' vacation in a month there certainly must be a considerable number of the force off duty two days in the month. I believe it might be arranged, without additional expense, to give them a continuous vacation of one or two weeks; and I move to refer the order to the Fire Commissioners with a request to consider that point, and if it could not be done without any increased expenditure.

Alderman Burnham—We already have the opinion of the Fire Commissioners so definitely that I cannot see anything to be gained by referring it to them. So far as I have had a conference with them, their view is that it cannot be done without increased expense. The force is reduced to its minimum, and the commissioners do not see their way clear to allow a larger number of days to be given for vacations. Were the force sufficiently large it might be done with some such system as prevails in the other departments; but the commissioners say that, without an increased force, it is not compatible with their duty. But I have no objection to requesting them to consider it.

Alderman Wilder—I cannot see what good is to come to the firemen or anybody else by referring it, though it may do no harm. The order provides that a certain vacation be allowed, provided it can be done without detriment to the service. Who is to be the judge? The Fire Commissioners. If we passed the order, and the commissioners thought it would be detrimental to the public service to grant such vacations, they would not grant them. I have no objection to referring it, but we simply refer to them a matter which is in their own hands, and upon which they are the judges of what is best to be done for the interest of the service.

Alderman O'Brien—The Alderman from South Boston advocates rejecting the amendment giving a vacation to the firemen, if not detrimental to the service, and wants to pass the order giving a vacation to the fire-alarm employes. I am willing to vote for the amendment.

Alderman Clark—If I should act upon the information given by the Alderman last up I should vote against the amendment, for I understand from him that the firemen prefer a vacation of two days in the month rather than two weeks in the year. If that information was obtained from the firemen, why try to force a vacation upon them? Furthermore, the commissioners say it will cost between nine and ten thousand dollars. If the firemen are satisfied with two days in a month, it is not proper to force upon them what they don't ask for.

Alderman O'Brien—The Alderman did not exactly understand me. I meant that the firemen would rather have their two days' vacation every month, rather than have it taken away and be given two weeks every six months. They would like a vacation of two days in the month and also a continuous vacation two or three weeks, as the commissioners might determine. The gentleman said the commissioners think so and so; but I believe we ought to have them look into it and give us official information upon the subject.

Alderman Gibson—I do not understand that the firemen are confined in the engine houses all the time. They patrol the streets and are allowed plenty of out-door exercise. They are allowed two days in a month and draw pay, and the question comes whether we shall pay them for fourteen more days without service, or whether they shall lose pay if they take a vacation. The Fire Commissioners should be the judge of that. They are different from clerks, who have little time for out-door exercise.

Alderman Burnham—It is merely a question of dollars and cents. The firemen can easily obtain a vacation provided they furnish a substitute; but the question is, shall they or the city pay for the substitute? The commissioners throw no obstacle in the way of a vacation, provided a substitute is furnished. By adopting this amendment we will say we are willing to increase the expense of the department \$9772.56. It is not that we are depriving the firemen of a vacation, but whether we will give them two weeks in addition to the twenty-four days they now have without loss of pay.

The order was referred to the Fire Commissioners to consider whether a vacation cannot be given the firemen without loss of pay. Sent down.

## WIDENING OF COMMERCIAL STREET.

A report came up in favor of widening Commercial street at an estimated cost of \$1,000,000; with a request that the Committee on Finance provide the means.

Alderman Fitzgerald—This is rather an extraordinary way of acting upon a matter of this kind. Before we have decided to widen this street, an order is introduced requesting the Finance Committee to provide the ways and means for widening the street. Why give the committee so much trouble until we make up our minds that public necessity requires the widening of the street? Why not discuss the question whether the widening is necessary. The usual course is to determine the necessity of a thing before asking the committee to provide the ways and means; and that is the proper course in this matter. If we have made up our minds to widen the street let us say so, and then pass an order to appropriate \$1,000,000, or for the Treasurer to issue scrip. I should much prefer to give an expression of opinion before we refer it to the Finance Committee to provide the means. If we determine that the widening is unnecessary, it will be unnecessary to give the committee so much trouble.

Alderman O'Brien—I happened to be present at the last meeting of the Council when two important reports were submitted, interrupting the regular business of the session. First was the report on improved sewerage, which was referred, without discussion, to the Finance Committee to provide the means; next was the report on widening Commercial street, which took the same course as the report on improved sewerage. The precedent was made on the improved sewerage report. This question can be discussed after the Finance Committee make their report. It will not be a very arduous duty to provide a million dollars or so, and we can discuss both reports at one meeting.

Alderman Fitzgerald—If that is the only precedent, the sooner we stop the better. If we pass this order it will be a second precedent. Before I ask the committee to provide the means we ought to decide whether we want the street widened. If the improved sewerage report went out of the usual course and made a bad precedent, we ought not to make another one. There is no difference of opinion about the improved sewerage, and I think it will pass both branches unanimously; so no harm can be done by that. But we ought first to make up our minds whether we are going to widen streets this year. No one was more strongly opposed to widening streets than my friend to the right [Alderman O'Brien], and no one also has stood up so often in opposition to this extravagance. The proper course is to determine whether we want to widen this street, and then ask the committee to provide the means. For my part I shall vote against any such expenditures this year. We have spent money enough. There will be three millions for sewers, and a million and a half which I think we will have to spend for parks. I think street widenings should remain in abeyance for a year at least. That is my opinion so far as Commercial street is concerned. I don't know whether it will get a two-thirds vote in the Council; but I hope my friend will keep up his old fervor against widening streets.

Alderman Clark—The committee thought it desirable to send this to the Finance Committee before asking the Street Commissioners to make an accurate survey and estimate of the widening, which will involve an expenditure of from \$2000 to \$3000, and the committee thought it hardly judicious to do that unless the City Council decided that the work should be done. It may be something unusual. I believe all orders should be passed upon before being referred to the Finance Committee, whose province is simply to provide the ways and means after measures have been passed upon by the City Council. But several measures have been referred to that committee before being passed upon by the City Council. I am much surprised to hear the Alderman say he has doubts about the expediency of widening Commercial street. I know he is strongly opposed to widening streets generally; but it seems to me that, if we are to do anything for people who are attempting to do business in a street, something should be done towards widening Commercial street. I believe that public necessity and convenience requires it, and if I have the opportunity I shall vote for it

independent of the widening of any other business street. The report explains the necessity for it, and there is no occasion to make an argument upon it, unless the Alderman proposes to make a motion for some other disposition of it instead of letting it go to the Finance Committee.

Alderman Viles—Whether this is referred to the Finance Committee, discussed today, or specially assigned to next Monday, it certainly is an improvement which was commenced years ago and should have been finished ere this. The deep water lies along that street; the railroads are doing all they can to bring business to Boston, and we should do all we can to give them facilities for utilizing the wharves along that deep water. There is not room for the cars to pass in the streets, and everything is cluttered and jammed from morning to night. It is a great imposition upon people to begin an improvement of that kind and leave it four or five years. We are laying out streets in the southern section and in the outlying wards; this is in a crowded business section, and we ought to do something for it. If this Board would visit that section, I think they would vote for the widening without hesitation.

Alderman Thompson—I was not in the city when this report was made, and if I had been I should not have voted in committee for this report. In my judgment it means nothing—a kind of wash to get rid of doing anything in this direction. I think it is the duty of the Street Committee to recommend a definite plan for a widening of 80 or 100 feet. This is in an indefinite form, and seems to be a perfect absurdity. We know that if the City Council desire to appropriate the money the Finance Committee will devise the means. All they can say is that the City Council can have the money if they desire it. I was surprised when I saw this report, because it means just nothing at all. The proper disposition of the report would be to recommit it, for the committee to make a definite plan for the City Council to act upon.

Alderman Clark—The report does not mean just nothing at all. It means that the Committee on Streets were unanimously in favor of widening this street. Two of the Aldermen were not present. The committee think it has been delayed altogether too long this year.

Alderman O'Brien called attention to the seventeenth joint rule providing that applications for additional appropriations shall be referred to the Finance Committee before they are acted upon, and held that the reference was perfectly in order.

Alderman Thompson—The committee had two plans before them, one on the land and one on the water side, and before the Board is competent to act they should have a recommendation from the committee. I am willing to vote for the reference, but I see no good to come from it; but the proper disposition is to recommit it.

Alderman Viles—I hope the idea will never be entertained of cutting it on the water side, as the wharf property is too valuable. Rather than that I believe the abutters would rather have it remain as it is. They want all the wharf accommodations they can have. If I am rightly informed, the Fitchburg Railroad contemplate buying a piece of wharf property there, and to shorten it would cut them off.

Alderman Thompson—The plan takes a portion of the water side near Atlantic avenue, and then it crosses over on to the land side and takes some of the gas company's wharves rather than their works. The City Council should view the premises before they decide upon the matter. Everybody concurs in the view that there should be some widening; but whether it should be done this year is another thing.

Alderman Fitzgerald—Have the Street Commissioners estimated and reported upon this?

Alderman Clark—They have made no report to the City Council; they have made a rough but not a careful estimate.

Alderman Fitzgerald—Section 3 of the act creating the Street Commissioners says—

"Whenever said Board of Street Commissioners shall adjudge that the public safety and convenience require that any street, lane or alley in the said city shall be laid out, altered or discontinued, they shall make and record an estimate of the expense thereof; and if such estimate shall exceed the sum of \$10,000, or if such estimate with the estimates of any previous alteration or discontinuance of any part of said street, lane or alley, during the municipal year, shall exceed the sum of \$10,000, the order for such laying out, alteration or discontinuance, together with an esti-

mate of the expense thereof, shall be sent to the City Clerk, who shall forthwith lay the same before the City Council for their concurrence or rejection; and such act shall not take effect or be in force until said City Council shall concur therein; and whenever the City Council shall request the Board of Street Commissioners to furnish the estimated cost of laying out, altering or discontinuing any street, lane or alley in said city, said board shall furnish such estimates within sixty days thereafter; and whenever the City Council shall adjudge that the public safety and convenience require that any street, lane or alley in the said city shall be laid out, altered or discontinued, and shall by a two-thirds vote of the members of each branch thereof direct the said Board of Street Commissioners to lay out, alter or discontinue any such street, lane or alley, said board shall forthwith proceed so to lay out, alter or discontinue such street, lane or alley under the provisions of this act."

The Street Commissioners should first report to the City Council on the necessity of laying out streets, with estimates or plans, and if the City Council concur, then the street should be laid out. As the act originally passed, the City Council could do nothing; but in 1872-3 or 4, owing to the refusal of the commissioners to act in the Wendell-street case, the act was amended so that the City Council could direct them by a two-thirds vote. The City Council has chosen to take the initiative, but they have not directed the city Street Commissioners by a two-thirds vote to prepare the plans. It seems to me that this order is in defiance of the act creating the Street Commissioners. But that is not my principal objection. I think that Commercial street should be widened in the future; but this is not the time or the year, and I shall vote against it. We have already appropriated and shall be called upon to appropriate for matters amounting to seven millions of dollars, and it is time for us to stop and allow some other City Government to widen streets. I would ask if the Street Commissioners have been asked to send in their plans and estimates?

Alderman Clark—Their estimates are not sufficiently accurate to send in. They have two plans, one for eighty and the other for one hundred feet. Accurate estimates will involve an expenditure of two or three thousand dollars; but they thought it hardly worth while to go to that expense without a probability of the street being widened. Petitions for this widening came before them last year, and the necessity for it has been constantly increasing. A large elevator has been erected there and the owners are attempting to do a large business.

Alderman Fitzgerald read the latter part of section 3 (above printed), and said, We must request the commissioners, by a two-thirds vote, to furnish us the estimates. We have not complied with the act which gives us power to initiate street widenings.

Alderman Viles inquired how long it would take the commissioners to make an estimate.

Alderman Clark thought it would take two or three weeks.

Alderman Viles moved to refer the matter to the Street Commissioners with, a request to make estimates.

Alderman Fitzgerald moved, as a substitute, to test the sense of the Board, that the commissioners be directed to widen Commercial street to a width not exceeding 100 feet.

Alderman Viles thought they were not ready to vote on that question, and Alderman Robinson expressed the same view for himself.

Alderman Clark thought some members did not understand the importance of the widening.

Alderman O'Brien was ready to vote, but thought they should have the estimates first.

Alderman Fitzgerald withdrew his motion, and Alderman Viles's motion was adopted in the following form:

Ordered, That the report of the Joint Committee on Streets on the subject of the widening of Commercial street be referred to the Board of Street Commissioners, with the request that they furnish the City Council with estimates of the cost of widening said street to the width of eighty feet; also to the width of one hundred feet.

Sent down.

#### URINALS.

A request was received from the Board of Health for leave to establish urinals at the following points:



Washington street, foot of Cornhill.  
 " " corner of Boylston.  
 Franklin square.  
 Washington street, corner Eustis street.  
 Tremont street, corner Park street, on Common.  
 " " Shawmut avenue.  
 " " at railroad bridge.  
 " " corner Montgomery street.  
 " " Cabot street.  
 Harrison avenue, at railroad bridge.  
 " " opposite City Hospital.  
 North street, corner North square.  
 Merrimac, near Cambridge street.  
 North street, in alley opposite Jefferson House.  
 Federal-street Bridge.  
 Mount Washington-avenue Bridge.  
 Charlestown and Cambridge bridges.  
 Referred to Joint Committee on Health. Sent down.

MARKET.

Alderman Slade submitted a report from the Committee on Market, That leave be granted J. W. Merriam to transfer his interest in Stall 2 and Cellar 11, New Fanueil Hall Market to George H. Philbrook. Accepted.

LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:  
 Wagon Licenses Granted—George L. Mitchell, India street; J. Clark Smith, express wagon; W. C. Withington, Dorchester Express.  
 Dealers in Second-hand Articles Licensed—Jonathan Kerrigan and four others.  
 Victualler Licensed—Church & Pierce, 36 Portland street.  
 Billiard License Granted—John H. Nutter, Charles River Hotel, corner Western avenue and Market street, Ward 25.  
 Severally accepted.  
 Ordered, That leave be granted to Currier & Sanders to run one passenger wagon from Hancock square, Charlestown, through Main, Haverhill, Union streets, Faneuil Hall square, Merchants' row, State and Broad streets to Rowe's wharf, and return by the same route; the rate of fare per passenger each way not to exceed ten cents. This license to be in force until Oct. 1, 1877, unless sooner revoked. Read twice and passed.

OLD ATHERTON SCHOOLHOUSE.

Alderman Fitzgerald offered an order—That the Committee on Public Buildings be and they are hereby authorized, if they deem it expedient, to sell the land and building belonging to the city situated on Columbia street, Ward 24, and known as the old Atherton Schoolhouse, there being no further use for the same; the sale to be by auction and the proceeds of the same to be paid the City Collector. Read twice and passed. Sent down.

FIREMEN'S CHARITABLE FUND.

Alderman Burnham submitted a report from the Joint Committee on Fire Department, that it is inexpedient to pass an ordinance providing for the payment of money received for fines from members of said department to the treasurer of the Firemen's Charitable Association, as the City Solicitor is of opinion that the City Council is not legally authorized to direct the payment of fines to said association. Accepted. Sent down.

GRADE OF B STREET.

Alderman Clark offered an order—That the Joint Committee on Streets of the City Council be requested to consult with the Boards of Harbor and Land Commissioners of the Commonwealth with regard to the grading forthwith by the State of B street, across its lands from First street to Eastern avenue, that Eastern-avenue Bridge, built at great expense by the city, across Fort Point Channel, may be utilized in the connection of South Boston with the city proper. Read twice and passed. Sent down.

BOSTON WATER BOARD.

Alderman Clark presented the first annual report of the Boston Water Board, for the year ending April 30, 1877, and with it a communication from said board calling particular attention to the recommendation of appropriations of \$20,000 for a new pump for the Cochituate high-service, and \$27,000 for a new pump for the Mystic supply. Referred to Committee on Water. Sent down.  
 The total receipts of the Cochituate Water Works, from all sources, for the year ending April 30, 1877, are as follows, viz.:

From sales of water.....	\$1,029,109.39
From turning off and on water, and fees	4,857.25
Sundry receipts by Water Board.....	62,206.69
Instalment on bond for land sold, with interest, received by Collector and paid to Treasurer.....	629.18
	<u>\$1,096,802.51</u>

The total amount charged to water works for the year ending April 30, 1877, is as follows, viz.:

To current expenses.....	\$209,902.30
To interest and premium on water debt.....	747,624.77
Amount paid Mystic Water Works for water furnished East Boston.....	66,934.60
	<u>1,024,461.67</u>
Excess of income over expenditures.....	<u>\$72,340.84</u>

The total amount charged to construction during the year ending April 30, 1877, is.....\$2,129,779.73

From the report of the Superintendent of the Eastern Division it will be seen that during the past year nearly twenty-three miles of pipe have been laid, the length and sizes of which were as follows:

120 feet of 48-inch,	1,027 feet of 16-inch,
44,503 " 12-inch,	27,789 " 8-inch,
42,322 " 6-inch,	1,608 " 4-inch,

and 213 stopcocks have been put in during the same time.

The total length of pipe laid from the commencement of the work to May 1, 1877, is 341 miles, 4800 feet. The total number of stopcocks is 3652, and the total number of hydrants 3874.

The number of service pipes laid during the year is 1149, which makes a total to May 1, 1877, of 42,744.

The average daily consumption in 1876 has been 20,237,700 gallons, an increase of five per cent. above that of 1875.

No water has been supplied to East Boston from the Cochituate works during the past year.

The board are happy to state that the general condition of the main pipes, at the present time, is very good. In a few localities, where the pipes were originally laid in the dock mud, and the streets have been raised without changing them, they are unquestionably so much weakened that they should from time to time be taken out and their places supplied with new pipes properly laid.

The report of the Water Registrar will show that the number of water takers entered for the year 1877 is 48,328, which is an increase over 1876 of 1443. The total amount of water rates received for the year ending May 1, 1877, was \$1,029,109.39. This includes \$66,934.60 received from East Boston and afterwards paid to the Mystic Water Department, the water having been supplied by the Mystic Water Works.

The average daily consumption of Mystic water in the year 1876 was 8,825,808 gallons. The whole quantity drawn from the reservoir between May 1, 1876, and May 1, 1877, was 3,201,036,135 gallons, or a daily average of 8,769,961 gallons, an increase of about 16½ per cent. over the year ending May 1, 1876. This includes the supply for East Boston, which has been taken wholly from the Mystic during this period. The amount collected for water rates during the year ending May 1, 1877, as shown by the report of the Registrar, was \$289,819.11. The maintenance account for the year ending May 1, 1877, amounts to \$88,157.86. Bonds amounting to \$90,000 have been paid during the year, which leaves the amount outstanding, including the sums borrowed for the construction of the Mystic Valley sewer, \$1,228,000. The amount of the sinking fund, May 1, 1877, was \$96,701.18. The total amount of interest paid during the year was \$66,290.

The settlement of claims growing out of the takings by the Sudbury River supply has occupied much the largest portion of the time of the board, and will continue to do so for some time to come. Indeed, the difficulties attending these settlements can hardly be realized except by those who have had similar duties to perform. The board understand fully, they think, the provisions in the act authorizing the taking of lands, which makes the city liable to pay all damage that shall be sustained by any persons in their property by such taking; and they have acted upon the ground that the city not only expected, but was desirous of making full compensation for the injury sus-

tained by individuals in the construction of a necessary public work.

They have met the claimants in this spirit, not to drive sharp bargains with them, but to form a fair judgment, after careful examination and consideration, of the actual damage done, and to make awards to cover it. It has been extremely difficult to estimate the damage done to some of the more valuable estates through which the conduit has been built, or from which land has been taken, and in some of these cases there is a wide difference between the amounts claimed and the offers of the board. But this fact alone, with the experience of the board in the settlement of other cases, is not discouraging, and they are hopeful that litigation will be avoided with most of the claims. But few have as yet been entered in court, and commissioners have been appointed but for three. Seventy-eight claims have been settled, amounting in the aggregate to \$270,520.10.

The report of the commissioners appointed to estimate the damages to mill-owners and others, occasioned by the taking of the waters of Sudbury River and its tributaries was made at the December session of the Superior Court. By advice of the counsel for the city, in each of the cases a jury has been asked for, as provided by the statutes, before whom the cases are to be tried, that being the only way by which the questions of law raised can be determined by the court.

The board has been considering a plan for the reorganization of the Water Department, that they hope after a while to be able to carry out, and which they believe will be an improvement, at least so far as the division of labor is concerned, and the equalization of compensation for the services of employes. They desire also to make such a change in the manner of keeping accounts as will enable them at all times to know, by books kept at their office at city hall, very nearly the condition of all work done or being done in any branch of the department. Under the present system the accounts are kept in books at the various offices, but they are not reported daily, and made a part of a system such as it seems to the board is needful to keep them properly informed of the daily operations of the working force, and cost of the work it may be engaged upon. The distribution of materials, the labor expended upon any particular piece of work, the cost and disposal of tools, as well as the gross amount of expenditure, should, in the judgment of the board, be shown in a set of regularly balanced books kept by an experienced accountant at their office.

In suggesting such changes the board have not forgotten that the present organization and the system of doing the work are the result of many years' experience, or that the department has been under the charge of intelligent and faithful men; but the establishment of a paid Water Board seems naturally to demand a closer and more direct oversight of the operations and business of the department than could have been expected under the former system.

The orders adopted by the City Council establishing officers in the Water Department, and fixing their salaries, have interfered somewhat with the plans of the board in relation to reorganization, and put it out of their power to effect certain changes contemplated by them. They can now only mature these plans and present them at some future time for the consideration of the Council.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Report and order of notice of hearing on Monday next on expediency of constructing a sewer in Adams street, between Arcadia and Robinson streets. Order passed.

Order of notice of intention to take land of Emma L. Forbes and others, for sewer purposes, and for a hearing thereon on Monday, July 30, at four o'clock P. M. Passed.

Orders for the construction of sewers in Burr street, at northerly end; in Avon place, Roxbury; in India street, between Export street and Atlantic avenue; in Garden street, between Phillips and Myrtle streets. Severally read twice and passed.

#### STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted to occupy stables

by George F. Parker, on Gerrish street; Thomas Harmon, on Ashmont street; H. C. Derby on Winship avenue.

Report (of leave to withdraw as per request) on petition of Samuel G. Reed, for leave to occupy stable on lot 29, Phillips street.

Severally accepted.

#### REPAIRS ON WARREN BRIDGE.

Alderman Thompson offered an order—That the order passed by this Board July 2, 1877, directing that Warren Bridge be closed to the passage of all vehicles Monday, July 16, and remain closed until the repairs thereon are completed, be amended by striking out "July 16" and inserting in place thereof "July 13." Read twice and passed.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports and orders for brick sidewalks in front of estate of Richard Lonergan, 214 K street, in front of estates on Akron and on Regent street. Orders read twice and passed.

Report and order to pay N. C. Decker \$325 for grade damages on Swett street. Order read twice and passed.

Report in favor of a crosswalk across Marginal street in East Boston. Accepted.

Report that leave be granted to M. Ellis & Co. to move a wooden building from Webster street to Maverick street, Ward 2. Accepted.

Order to abate \$20.09 of amount assessed Trinity Church for sidewalk assessment, on account of error in measurement. Read twice and passed.

Orders to grade and gravel Holbrook street at an estimated cost of \$1000; to furnish and set edgestones and pave gutters and sidewalks of Miller street, Charlestown, and to macadamize the roadway of said street. Severally read twice and passed.

#### POLICE.

Alderman Robinson submitted the following from the Committee on Police:

Report recommending that the Executive nomination of Matthew Culley to be a police officer be confirmed. Accepted, and said nomination confirmed.

Ordered, That the Treasurer be authorized to refund to Thomas Donnelly the sum of \$38.78 to compensate him for the loss of certain fowls which were killed by a dog on the 27th day of May last; said sum to be deducted from the amount received by the Treasurer for dog licenses. Read twice and passed.

Reports granting leave to George Burwell to project an apothecary's mortar at corner Church street and Granville place, and Thomas H. Plant to project a lantern at 493 Tremont street. Severally accepted.

#### SALARIES OF DEPUTY SEALERS OF WEIGHTS AND MEASURES.

Alderman Clark submitted a report from the committee recommending that if the order to allow each deputy sealer of weights and measures \$3 per day for each working day's service be passed, it should be amended by adding "That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund to the appropriation for Sealers of Weights and Measures the sum of \$2000 to meet the foregoing expenditure."

Alderman Wilder moved that the order take its second reading.

Alderman Clark—This is to make an amendment in case the order passes. Three dollars a day is over \$1000 a year. I think \$800 is sufficient.

Alderman Viles—It includes only for working days—six days in the week.

The amendment reported by the committee was adopted, and the order as amended was put upon its passage.

Alderman Clark moved to strike out "\$3 per day" and insert "\$800 per annum."

Alderman Wilder—I hope that will not pass. I understand we have really got some good, competent men, who are performing their duties to the satisfaction of the sealer, and, so far as I can learn, to the satisfaction of the public. Three dollars a day is no more than a fair price for such work.

Alderman Fitzgerald—As one of the Retrenchment Committee I don't see how I can vote for any higher salary than was paid the former assistant sealer, who was considered to carry in his noddle all knowledge of the way in which scales were adjusted; and the chairman of the commit-

tee said they could not get along without him. We now have four men where one was supposed to do all the work of the department. We ought to stop somewhere, and as one of the Retrenchment Committee I must raise my voice and ask this board to spare at least some portion of that committee's report. I am afraid before we get through we shall lose the whole of it. When one man received \$800 a year after twenty-one years' service, it seems that we cannot consistently pay each of four men more than one man received for doing the same work.

Alderman Slade—I did not mean to say we could not get along without Mr. Hunt. We put four green men to sealing weights and measures; but they were intelligent and could learn readily. My object was to have Mr. Hunt remain a few days until these men learned their duty. By frequently visiting the office, I learn that they are pretty hard at work at the present time from early morning until five or six o'clock in the afternoon. I don't think \$3 a day too much for a person capable of filling that place. The four we elected are deputies, and have the same power to seal scales that the chief has.

Alderman Clark—The Alderman was a member of the Retrenchment Committee who reported \$800 sufficient to pay a man of twenty years' experience in doing this work, and it is a little rough on him to pay four new men \$900 each. It is rather a poor way of economizing.

Alderman Slade—The Retrenchment Committee found Mr. Hunt's salary at \$800 and let it alone. I think it is consistent for the committee to pay these men a little more than was paid last year.

Alderman O'Brien—The committee found the sealer with one assistant. Since then the Legislature have not only given us one principal sealer, but four deputies; and we are voting salaries to men whom the Massachusetts Legislature has dignified by giving them the title of deputy sealers. Therefore I feel that it is not inconsistent to vote them \$3 a day. I always believed that this department was a sinecure, and I would now vote to wipe it out. I don't believe that the benefit the city derives from the sealing of weights and measures would pay the salary of one man in that department. We have gentlemen who give their whole time to the city, and if their services are worth anything they are worth three dollars a day.

Alderman Gibson—These men are apprentices and should not receive more than experienced men. I also would be glad to abolish the whole thing, because I think the office not worth a single cent to the citizens.

Alderman Clark called for the yeas and nays, and the amendment \$(800) was lost—yeas 6, nays 5.

Yeas—Aldermen Burnham, Clark, Fitzgerald, Gibson, Robinson, Viles—6.

Nays—Aldermen Breck, Dunbar, O'Brien, Slade, Thompson—5.

Alderman Clark moved to amend by making the salary \$825 a year, saying he did not believe in paying for dignity without labor. The Board were not obliged to appoint those men.

Alderman Slade said the law had been changed. The committee thought four would be sufficient. He did not believe it necessary to seal all the scales every year.

Alderman Viles said that if all the scales are to be sealed, four deputies are not too many.

Alderman Wilder was glad to see Alderman Clark in the line of retrenchment, as he had already established his reputation as a rigid economist.

Alderman Clark said he made no pretensions to being a rigid economist. He believed in paying men fair salaries, but not in paying incompetent men more than was paid a competent man.

Alderman Fitzgerald said the Retrenchment Committee's business was to reduce salaries; and where they found a salary low enough they let it alone. He agreed that the city could get along without the department.

Alderman Gibson said everything was cheaper now than in 1861, and salaries should be as low now as then.

Alderman O'Brien said the Retrenchment Committee were not enlightened about the distinguished services of Mr. Hunt until it was tried to force him upon the Board. There are very distinguished apprentices in the city's service receiving as high as \$3000 a year. There is an apprentice whom the Superintendent of Fire Alarms is teaching all about the fire-alarm telegraph. These deputy sealers are capable men,

and as the Legislature has dignified their office, he should vote for the order.

Alderman Viles said the Market Committee nominated Mr. Hunt the first one, and the speaker called the attention of every member to his election as a necessity.

The amendment was adopted—yeas 6, nays 5:

Yeas—Aldermen Burnham, Clark, Fitzgerald, Gibson, Robinson, Viles—6.

Nays—Aldermen Breck, Dunbar, O'Brien, Slade, Wilder—5.

Absent—Alderman Thompson.

The order as amended was passed—yeas 11, nays 0.

A motion to reconsider, by Alderman Clark, was lost. Sent down.

#### HORSE RAILROAD LOCATIONS.

Alderman Robinson submitted the following from the Committee on Paving:

Report of leave to withdraw on petition of Highland Street Railway Company, for a location of tracks in Dartmouth street. Accepted.

Report of leave to withdraw on petition of Middlesex Railroad Company, for additional tracks in Haymarket square. Accepted.

Report and order of location for Middlesex Railroad Company for a turn-out track not exceeding 200 feet in length, on Alford street, Charlestown, on the northerly end of Malden Bridge. [Appended to the order are the usual conditions.] Order read twice and passed.

Report of leave to withdraw on petition of Metropolitan Railroad Company for a location of tracks in Dartmouth street. Accepted.

Report and order of notice for a hearing on Monday, August 6, on petition of Metropolitan Railroad Company, for leave to lay down tracks from those already located on Eliot square, through Centre street to Cedar street. Order passed.

Report and order granting a location to the Metropolitan Railroad to lay down an additional track on Marlborough street, so to form a double track on said street from Clarendon street to West Chester park; also to lay down curve tracks to connect the stables of said company on Marlborough street near Parker street with said double track. [Appended to the order are the usual conditions.]

Alderman Thompson moved to amend by adding "Provided the Surveyors of Highways have free access to all the cars of this road at all times."

Alderman Thompson—I do it as a matter of principle. I presume that all the members have received free tickets. These passes come when favors are asked; but I do not propose to receive them as a favor. We don't ask it for ourselves personally, but as Surveyors of Highways, and I propose to put that condition in all such orders.

Alderman Clark—I don't know but the amendment is perfectly proper, but it looks as if we are demanding what we have no right to demand. It looks as if we are demanding free passes.

Alderman Thompson—Is it not right and proper for this Board to ask for free passes when the corporations are asking for privileges from this city? I have received passes from different railroads which I have never used. If the duties of Aldermen call them in any direction, I want them to have the right to ride free. We are not asking favors, but demanding a right.

Alderman Fitzgerald—The reason the Alderman gives would be why I should vote against the amendment. The railroads have the right to come here, and the Legislature has imposed upon us the sad duty of listening Monday after Monday about the extension of horse railroads from one end of the city to the other. I know it is somewhat shocking to the sense of certain Aldermen to receive a lot of tickets at one time and not receive any at another time. It looks as though the companies were trying to curry favor, and it grates upon the feelings and manliness of Aldermen. I agree that it is rather bad, but I should hesitate before voting to make the issuing of free tickets to Aldermen a condition for granting a location. We should grant them locations because public convenience demands it, and not because we are to ride free in the cars. I appreciate his feelings, but think we shall go to the other extreme if we add the amendment.

Alderman O'Brien—I do not understand that the Aldermen have received free passes. A few tickets may have been left on the Aldermen's desks about the first of January; but that is all I have seen in the way of passes. We do not have passes, as we go into a place of public amuse-

ment. I do not feel like putting an amendment of that kind upon the order, but I do think that it would be but gentlemanly for the horse-railroad companies, after calling us to localities in different sections of the city, to recognize the badge of an Alderman and permit us to ride free. I have never received passes in any shape except as the Alderman has described, in a few tickets when they have some matter before the Board.

Alderman Thompson withdrew the amendment, and the order was passed.

OCCUPATION OF STREETS FOR BUILDING PURPOSES.

On motion of Alderman Breck, the ordinance in relation to the occupation of streets for building purposes, etc., (City Doc. No. 69), was taken from the table.

On motion of Alderman Fitzgerald the ordinance was amended in the third and sixth sections, so as to provide that the appointment of the officer named therein shall be made by the Mayor, subject to confirmation by the Board of Aldermen, instead of by the Inspector of Buildings with the approval of the Mayor, and as so amended was passed. Sent down.

Adjourned on motion of Alderman O'Brien.



## CITY OF BOSTON.

## Proceedings of the Common Council,

JULY 19, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

Petitions and reports of city officers were referred in concurrence.

Executive communication in regard to visit of the governors of other States. Referred to a joint special committee in concurrence, and Messrs. Sampson of Ward 17, Blanchard of Ward 21, and Warren of Ward 25 were appointed on said committee. On motion of Mr. Thompson, the President was added to the committee.

Order to refer the report on widening of Commercial street to Street Commissioners to furnish estimates of cost of widening to eighty feet, and also to 100 feet.

Mr. Fraser of Ward 6—I don't know but that order is all right enough, but the Street Committee have already given an estimate, and where did they get the information that it would cost a million dollars, unless from the Street Commissioners? If one estimate has been made, I cannot see the necessity of sending it back, unless it be to kill time. I think Commercial street should be widened; but I would sooner see it defeated in the Board of Aldermen than have it put off this way, so that the inhabitants may know where it was killed. I hope we will not concur.

The order was read twice and passed in concurrence.

Report inexpedient to pass an ordinance to provide for payment of fines of members of Fire Department to Treasurer of Firemen's Charitable Association. Accepted in concurrence.

Order to authorize sale by auction of land and building of Atherton School, Ward 24.

The order was read a second time and put upon its passage.

Mr. Clarke of Ward 22 asked the reason for selling this property while real estate is so depressed.

Mr. Wilbur of Ward 20 said it is an expense, there is no use for it, and it is for the interest of the city to sell it.

Mr. Mowry of Ward 11 thought Mr. Clarke's reasons were good ones, and he opposed selling unless the intrinsic value of the property could be obtained.

Mr. Spenceley of Ward 19 said people in that vicinity want to buy it, and it cannot be sold until the committee have authority. If it is desirable to sell it, the committee will do so.

Mr. Vose of Ward 24 was familiar with the property and believed now is as good a time to sell as will ever occur again, as two or three parties have been trying to buy it for some time.

The order was passed in concurrence.

Order for consultation with Harbor and Land Commissioners relative to grading, by the State, of B street, as in said order set forth. Read twice and passed in concurrence.

Report and amended ordinance for the occupancy of streets for building purposes. (City Doc. No. 69, amended).

Mr. Spenceley of Ward 19 thought it important to have this officer appointed at once, and moved to suspend the rules, that the ordinance may take its second reading tonight.

Mr. McGaragle of Ward 8 said it referred to the survey and inspection of buildings, and as it was new to the committee, he moved its reference to them.

Mr. Mowry of Ward 11 hoped the rule would not be suspended, for there is considerable to be said about the amendment in the other branch, that this officer be appointed by the Mayor. There is no hurry about it.

Mr. Spenceley explained that the duty had been performed by a man detailed from the police, and it is proposed to have it done under the Inspector.

Mr. Richardson of Ward 10 was a sub-committee to draft the ordinance; it led to many inquiries at the departments and all concurred that the labor belonged in the Department for Survey and Inspection of Buildings. It is desirable that the appointment be made at once.

Mr. McGaragle reiterated his statement that it was new to the committee and urged the reference.

Mr. Thompson of Ward 9 agreed with the last speaker. The duties are simply clerical and can

be performed by a clerk in that office, and the Inspector can pass upon all disputed questions.

The Council refused to suspend the rule, and on motion of Mr. McGaragle the matter was referred to the Joint Committee on Survey and Inspection of Buildings. Sent up.

Reference to Fire Commissioners of the order concerning the vacations of the employes of the Fire-alarm Department, and the permanent members of the Fire Department. Concurred.

## SEALERS OF WEIGHTS AND MEASURES.

A report and order came down for a transfer of \$2000 from Reserved Fund to appropriation for Sealers of Weights and Measures, for purpose of allowing each Deputy Sealer of Weights and Measures, as compensation for his services, \$825 per annum.

Mr. Jackson of Ward 16—I move to amend by making it \$1000. I think we have competent and intelligent men to perform that duty, and \$1000 is little enough. If times were good I would not hesitate to make it \$1200. It is well known that the weights and measures have been but half sealed for years. They never visited my place, and I can mention scores of others that have not been visited. If you want the work done by competent men we ought to be willing to pay them a reasonable salary. My opinion is that \$825 is too little.

Mr. Sampson of Ward 17—I trust the amendment will not be passed. The number in that department has been increased by four. Last year the salary of one person in particular, who has been in the service twenty years, and who was asked to be retained and instruct the present deputies in their duties, was \$800, and the Retrenchment Committee reported the same salary. Now that we have new men, it seems unreasonable to increase their salaries over that paid last year.

Mr. Howes of Ward 17—I should like to say in addition that it seems to be currently reported that this office is entirely a sinecure, that its duties never will be performed, and it is merely kept up to comply with the statute. If that is the case the less we pay the better. The city should not pay high salaries merely for the sake of keeping up an office.

Mr. Jackson—If it has been a mere sinecure in the past, I hope it won't be so in the future. I think the gentlemen now in office mean business. I am satisfied they have done more in the past two months to remedy the evil than was done by those who formerly occupied the position. If the work is properly done it will take more men than are now employed. There are thousands of places in Boston which have not been visited in years, and they ought to be visited by competent parties. I believe that thousands of dollars are lost every year in weights and measures through the ignorance of parties carrying on business. In many instances the weights are against the dealers, and possibly they are against the buyer. If it is worth doing at all it is worth doing well, and we ought to have competent parties to do it and pay them a reasonable salary.

Mr. Danforth moved to amend by providing—“That the Deputy Sealers of Weights and Measures shall receive for compensation the fees as set forth in section 14, chapter 51, of the General Statutes; and when the amount of fees which each Deputy Sealer shall receive exceeds the sum of \$1000 per annum, such excess shall be paid into the City Treasury.”

Mr. Danforth—Last year there were only about 1600 scales sealed in Boston, and there are 20,000 in use. There is no more reason why the public should pay for sealing scales by which men do business than there is for paying for sharpening the tools of a carpenter. If we pay by fees the work will be done well.

Mr. Webster of Ward 3—Last year the Sealer had one or two assistants, and they were cut down to \$800 apiece. The incumbents last year were men of experience who filled the office satisfactorily. The Board of Aldermen have seen fit to increase the number of assistants to four, and I don't believe there is a member in either branch who really believes that the force today, with the entire number, is any better than it was last year. Even the chairman of the committee in the Board of Aldermen himself admitted that the new officers were incompetent to perform the duties, and he wanted one of the assistants employed temporarily to give instruction to the new employes. I concur with the chairman of the Retrenchment Committee that if anything under heaven is to be left of our work,

here is the place to stick in a peg. I don't believe the money expended in that department will be of any benefit to the city, and I don't believe an increase of salary can be justified on the grounds of expediency.

Mr. Danforth's amendment was adopted, and the Council non-concurred in the amendment of the Finance Committee authorizing a transfer of \$2000.

The order, as amended by Mr. Danforth, was read a second time and passed. Sent up.

#### FREE FERRIES.

The report and order that on and after January, 1878, the tolls on East Boston ferries be abolished and the ferries run free (City Document No. 64), was considered under unfinished business.

Mr. Webster of Ward 3 moved to amend by adding—

"Provided, however, that this order shall not take effect unless ratified and approved by a majority of the legal voters of the city of Boston, present and voting thereon at meetings held for that purpose in the several ward rooms on the day of the next municipal election, the calling of such meetings and the manner of voting thereon to be hereafter provided for."

Mr. Webster—It seems to me that this is so eminently fair and reasonable that I fail to see how any candid-minded man, having the interest of the city at heart, can possibly avoid it. We cannot vote a few thousand dollars for a Fourth of July celebration; we cannot transfer a small amount from one appropriation to another, and we cannot vote a dollar for parks, without a two-thirds vote. But in this matter there is no such safeguard. This is equivalent to voting away two or three hundred thousand dollars income, after a brief consideration, by a simple majority. The question of parks has been ratified time and again by the people, and I believe the majority has been in favor of parks every time a vote has been taken; and the Legislature required a vote of the people before the act went into effect. This matter has never been submitted to the people. With this amendment I am willing to waive my own opposition and vote for the order; and if the majority of the entire people are really in favor of free ferries it is not for me to stand in the way. I do believe this proposition is fair and reasonable in a matter of this kind, and I should like to know if any gentleman here can oppose it.

Mr. Pratt offered the following amendment in the form of a substitute for the original order and amendment:

"Ordered, That on and after the first day of August, 1877, the tolls on the East Boston ferries be abolished and the ferries be run free until the first day of October, 1877, and no longer."

Mr. Pratt—I offer this substitute for the purpose of presenting the free-ferry question, for a time at least, in the form of an experiment. If the substitute be passed, it will give us an experiment of sixty days of free ferries, and in that time I think we can determine whether or not certain alleged practical reasons against the measure are sound. I have given this matter very careful consideration for some time past. I came to the subject, as probably a large portion of the citizens of Boston would come to it, if it were presented to them directly, with feelings of hostility—that this was something sprung up for the interest of East Boston, which will be a very expensive matter for the whole city, and which would prove more expensive as the years go on, and which would be of doubtful expediency, even for East Boston. I must confess the more I study this question the more my judgment is led to favor it. At the same time I recognize the fact that in passing such an order as the original one before us, we are starting out on an untrodden track. We have no precedent anywhere of a ferry over any arm of the ocean having been made a free highway by means of a floating bridge, as this is sometimes euphoniouly called. When gentlemen consider this matter, they say we shall have to transport from East Boston to Boston proper the inhabitants of Essex County and the dwellers in Chelsea, Revere, Winthrop and the other towns that way; so long as the ferries are free, the boats will be overrun by teams; that travel that would have gone over Chelsea Bridge and Ferry will come by the East Boston ferries. That is a practical question; it is alleged, and of course it cannot be demonstrated without experiment. There is another practical question, and that is, if the ferries are made free,

the boats will be convenient loafing places and vehicles for evening rides by the dwellers of the North End and the regions about the ferries with their pipes and babies, who will fill them from sunset till ten or eleven o'clock at night, and so make a great practical difficulty. It is also alleged that there will be an immediate rise in rents, which will counteract all the benefit to the East Boston people from freeing the ferries; that there will be no appreciable benefit to East Boston (and therefore to the city) from the increased temptations to manufacturers and others to locate there and give employment to large numbers of people; that there will be no perceptible increase in the taxable value of the lots and places of residence there. Now, sir, this matter has been looming upon us for some months like a cloud; but it has not been in such close proximity as to demand immediate attention. If this order passés, so as to give us sixty days in which to watch free ferries and educate ourselves where we have no historical precedents from which to draw our conclusions, I think we shall gain an advantage; and meantime we shall have an opportunity to canvass the question in all its bearings and learn the sentiment of the people in and outside of East Boston, and shall gain all the advantages which come from putting over an important question for further consideration. In offering this substitute I do not do it in any spirit of hostility to the measure as it is before us. As I said before, I have learned, by a study of the question, to treat it with great respect. I cannot say I would vote for the original order tonight. I can vote for such an order as this substitute, and I do not see why the representatives of East Boston cannot vote for it. If all the advantages which they claim for it shall arise in sixty days, we shall see it. If sixty days are not enough we can take a longer time. I should not object to experimenting for a year. The reason I make it sixty days is, that the experiment may come within the year; so that we can profit by the fruits of it. Having offered it in good faith, I shall not attempt to sustain it with a speech; nor shall I attempt to state in full the reasons upon which I have found my judgment to rest in nearly giving my assent to freeing the ferries. I must say that some of the arguments which have been made in this Council, and which have been published in some of the papers of the city, appear to me, upon close examination, to be groundless. I cannot see—I am now stating general principles which I think it well to bear in mind in the consideration of this question—why the general reasoning which underlies all our American system of making free highways does not apply to the freeing of the ferries to East Boston. The idea—stated generally, and somewhat loosely, perhaps—is this: That every citizen shall have the right to travel on his feet, or with his horse, through any highway from any section of his town to any other section, and from any section of his county or State to any other section. To that end we lay out highways, free turnpikes of tolls, free bridges where they have been subject to tolls, or lay out new ways to take the place of old ones, and go to an enormous expense for the purpose of making direct and easy access from one district of the country to another. All these seem to me to apply in the direction of freeing the ferries to East Boston; and they apply to East Boston peculiarly where they would not perhaps apply to remoter distances, because East Boston is within bridging distance, and would have a bridge if it were not that the interest of the remaining part of the city and State would suffer from cutting off navigation. We say to them, virtually, You cannot have a bridge, because it will injure our interests. The representatives of East Boston have said to me, That being the case, give us the next best thing—gives us a floating bridge. I cannot but admit that that is an argument of considerable weight. But passing by these general considerations, which, it seems to me, should apply, there is this general proposition; that when we do anything to materially benefit one section of the city we benefit the whole; and those who talk most strenuously in opposition to freeing the ferries admit that it would be for the interest of East Boston to free them. If that is so I cannot at present see why it should not be for the interest of the whole city. I cannot see why if freeing the ferries will cause the vacant wharves and land in East Boston to be the sooner occupied for business and dwellings; that the deep-water front will be the sooner occupied

for wharfage, and that we should have saved to us the manufacturers who would otherwise go to adjoining towns; if that be so, I cannot see why it will not be for the interest of the whole city to free the ferries. Now, so far as I have been able to ascertain in the length of time I have had to give attention to it, I find that those things are true. It is a fact substantiated to me that several manufacturers, investing large capital and employing a large number of people, who have sought location adjacent to Boston have decided against East Boston for the simple reason that the tolls on the ferries made an additional tax that was sufficient to change them, consequently we have seen East Cambridge, Cambridgeport and Chelsea filled up with manufactories that might have been located in East Boston. Having traced ten of these instances, I think that is sufficient to appeal to my judgment as a reason why the ferries should be free. On the other hand, I am aware that freeing the ferries involves an annual expenditure, as stated at the last meeting, by the gentleman from Ward 9 [Mr. Crocker] with a great deal of force—of an amount which is equal to the income from a large plant. I think he has been very liberal in his figures, and they should be taken with considerable reduction; but at the same time the main argument—that it is a large undertaking—is good. That, together with some other considerations, makes it desirable that this matter should not be pushed through in a night; that we might take sixty days at least to consider it, regardless of any experiment; and further, that we might try this experiment and see if it will not brush away some of the practical objections. Having said thus much, I hope the amendment will not be lightly pushed aside.

Mr. Wolcott of Ward 11—I trust the substitute of the gentleman from Ward 21 will not pass. I am opposed to that, as I am opposed to the original order, and the same reasons which I propose to submit to the Council for my opposition to the original order will have the same force in opposition to the substitute. It is not an agreeable duty, Mr. President, to place one's self in opposition to a project which has so large and earnest a support as this, and the task becomes a particularly ungracious one when that support is so largely centred in a certain portion of the city, as is the case in the measure now before us. But where the amount involved is so considerable a sum, it becomes our duty closely to scrutinize the reasons which are brought forward in its favor, and the number and weight of the names of those by whom it is urged; and unless we are convinced that by so benefiting that one locality we shall confer upon the city at large, it not a proportional advantage, at least an advantage having *some* relation to the cost, we may well refuse to saddle upon the city in the future as well as in the present so enormous an expenditure—an expenditure in regard to which this only can with any certainty be foretold—that whatever it may be for the first or second year, and opinions vary widely as to that, it must inevitably always increase. Now, Mr. President, I have read with some care, and I hope with candor and a willingness to be convinced, all that has come to my hands in support of the case of these petitioners, and I say in the most emphatic manner possible, that all this mass of fact and argument, of lamentation over the present of East Boston and golden prophecy of its future if only the evil dragon which bars the way to that fair and healthful garden be removed, have entirely failed to convince me that the measure so earnestly advocated is one which this Council ought to pass. Mr. President, the gentlemen who have been most active in this project through its various stages until it has come before us tonight on its passage, are not personally known to me. But I entertain the most exalted opinion of their earnestness, their tenacity of purpose, their ability and their high and hopeful courage. And, knowing as I do, that what has been done in this cause has not been done in a corner nor in a hurry, I am compelled to assume that these years of preparation have been turned to some good account, and that these earnest and persevering workers have now omitted no argument, have left unsolicited no name and left untouched no dollar's worth of capital which in their opinion could help to forward the cause which they have so much at heart. I assume, then, that we have in this formidable-looking volume their entire case, presented in the most perfect and complete form possible.

Let us examine first their arguments, and then

the numerous petitions which are laid before us in support of those arguments. Mr. President, this freeing of the ferries is either claimed as a *right* or sued for as a *favor*. They say either we are entitled to this at the hands of the city of Boston as a right, just as the humblest citizen is entitled to security in life and limb even though it take a squad of police, or a file or a whole regiment of soldiers to afford it; or else they say we ask this favor at your hands, just as the abutters on a street ask for a wider street or a better paved or a better lighted street. If it be a right which they demand, we must grant it; if, on the other hand, it be simply a favor which is asked for; we must, as in other cases, count the cost, look carefully at the present accommodation, and finally cast up a rude sort of sum, which shall show us whether or not the city can afford to do what it is asked to do, whether the expenditure is necessary and proper, and, if so, whether it is more necessary and proper than other similar needs in the same or other portions of the city.

First—Let us see whether this free passage by ferries can be claimed as a right. I deny that any such right exists; nor do I think that it is seriously put forward here as a right based upon either written or unwritten law, but rather as a strong and useful figure of speech which cannot, indeed, bear very close examination, but which, in the absence of any such close examination, will pass current enough, and perhaps be allowed to influence some minds; for we, none of us, like even to appear to be unfair, and if a man boldly founds his claim upon an alleged right, we are half inclined to listen to him. No, Mr. President, it is no part of the duty of the City Government to equalize values of real estate at equal distances from the City Hall, and that is very nearly what this demand seems to me to amount to; for is it *free* access to the city which is demanded? The citizens of East Boston have that already, at a distance much less than that which must be traversed by a citizen of a very large part of Dorchester and West Roxbury. Is it *speedy* access? The citizens of East Boston already have that. They can come to the City Hall in a less time and at a less expense than citizens of a very large part of our outlying territory. It seems to be that they claim *both* free passage and quick passage, and that is what has never to my knowledge been claimed by any other part of our territory. The fact is that East Boston is by nature blessed with certain very great advantages over the rest of the city—such as its wide and deep water front; and it is also burdened by nature with one great disadvantage—it is separated from the business centre by a river, which tends to retard its growth.

Now if this be advanced as a claim to a right, it amounts to this: we call upon you to remove our disability and so put us on a par with South Boston, which has grown more rapidly than we. It seems to me to be as if the owners of flats somewhere should say, "We are very advantageously placed for wharf privileges, being as near City Hall as a great deal of the valuable wharf property of Boston; all we want is deep water; we therefore call upon the city to dredge us out." One locality has one advantage, another has another, and it is not the duty of the city to equalize values, nor can it be demanded as a right that she should do so. Now let us look upon the matter simply as a petition for a favor, just as one ward wants a new schoolhouse and another wants some paving or street-widening done. This simplifies the question very much. It becomes merely a question of how much the improvement is needed and how much it will cost. First—How much is it needed? Who wants it? In this connection let us ask how much has the city already expended on account of the East Boston ferries? This sum, after the deduction of all receipts, as appears from the Auditor's Report, stands May 1, 1877, \$1,077,190.39. At the hearing before a committee of the Council in 1871, when this question was under discussion, the universal testimony of witnesses was that under the city's administration the accommodation had very greatly improved. This is a large sum, and in running the ferries no attempt is made to pay interest on this sum from the tolls collected—they are based simply to approximate more or less closely to the running expenses. This looks as if the city had not been illiberal to the East Boston wards in providing them with better and cheaper ferriage than they had previously enjoyed. But in addition to this sum of a million dollars, which stands a permanent charge against the East Boston fer-



ries, let us see what the account current of the Island wards has been during the past financial year. The expenditures on account of East Boston in 1876-1877 have been \$519,906.17. From this deduct amount received from taxes (\$253,826.32), from ferry tolls (\$176,032), and from East Boston court fees (\$2861), and we have \$87,186.85 as the surplus of expenditures over receipts. In other words, there has been expended in East Boston during the past year the whole of the East Boston tax and thirty-four per cent., or more than one-third more—and this without taking into the account the interest on the million dollars already standing a charge against that account. In the face of these figures I challenge any one to say that the city has not been liberal in its treatment of East Boston. Now, Mr. President, what additional expenditure is asked for by these petitioners? I may say here that the estimates of the cost of freeing the ferries vary within very wide limits. Whatever it is, it must increase; that only is certain. But I am willing to take their own figures, and to make no allowance for additional boats, new landings, etc., which within a very few years the increased travel pouring in from Essex County, as well as from East Boston itself, must inevitably necessitate. The estimated deficit for 1877-1878, as reported by the Committee on East Boston Ferries, is \$11,300. To this add estimated receipts from tolls, which, if the ferries are to be run free, would of course not be received, \$170,000, and we have \$181,300. From this deduct for discharged tollmen, etc., \$11,300, a liberal deduction, being more than their own report shows, and we have \$170,000, and to this add ten per cent. for depreciation, \$17,000, a percentage stated by their own witnesses in the hearing of 1871 to be necessary, and we have \$187,000 as the additional cost to the city of running free ferries *the first year*. Or, to recapitulate, East Boston receiving already back from the city the whole amount of its taxes and thirty-four per cent. more, now asks for an additional sum equal to seventy-four per cent. of its taxes—making in all an outlay of eight per cent., more than double the amount of its taxes. Mr. President, I have no hesitation in calling that an extraordinary demand; nor do I hesitate to say that, in my opinion, it would result in no such general benefit to the city of Boston as would justify us in laying upon her citizens so large an additional burden of taxation. Let us glance for a moment at the petitions which are brought forward to support this request. Now, Mr. President, I willingly admit that at first sight I was very much surprised at the number of names and the amount of capital claimed to be represented on these petitions. Even the hurried examination, however, which I have been able to give them has removed a large part of my surprise. I have been to the Registrar of Voters, and have ascertained from him that the number of registered voters in East Boston at the last municipal election was 4077; this number being an increase of more than thirty per cent. upon the year before. The number of votes cast in East Boston was 2514, and they bring forward on their petitions 128 per cent. of their registered voters, and 204 per cent., or more than the number of their actual voters at the last election, when the vote was an unusually full one. In the rest of the city the number of signatures is 5 4-10 per cent. of the registered voters, and 8 6-10 per cent. of the actual voters. As to the \$100,000,000 of capital which is said to be represented on these petitions, I have ascertained from the Assessors' office that the figures furnished by them were \$90,590,000, and that to make this sum the capital stock of banks was counted in to the extent of \$30,800,000. Now, Mr. President, I emphatically deny that that is a fair computation. I deny the power of any bank president by simply signing his name to a petition of this sort to involve the capital stock of his bank in support of a measure, unless he does so in obedience to a vote of the stockholders, or at least of the Board of Directors. It appears to me completely beyond his powers, nor do I believe that these gentlemen who have signed as presidents of banks intended so to pledge the capital stock of their banks. Mr. President, I have reason to doubt altogether the figures thus presented. It has been impossible for me to scrutinize them in detail, but a two minutes' conversation with the clerk in the Assessors' Department revealed the fact that the figures he had furnished were \$90,000,000, instead of the round sum \$100,000,000, and that \$30,000,000 of that was capital stock of banks. Mr. President, I assert boldly

that I have no faith in these figures, and until I can see the details of the manner in which they are made up, I shall refuse to be convinced of their fairness and accuracy. If we deduct the amounts above specified, which I have no hesitation in doing, and also the whole valuation of East Boston, for I am willing to assume that the property of East Boston can be wholly reckoned in advocacy of this measure, the remainder is but 5 6-10 per cent. of the assessed valuation of Boston, less the valuation of the East Boston wards and this is taking for the balance of the calculation their figures, the accuracy of which I deny. Mr. President, I have taken a great deal of your time, and I thank the Council for the courtesy with which I have been listened to. I have tried to show that this freeing of the ferries cannot be claimed as a right; nor can it be claimed as a favor, for the city has been more than liberal already in the treatment of East Boston; that in this very matter of ferries she has already incurred an enormous expenditure to provide the people with good and liberal accommodation, and finally that this demand now made is exorbitant and unreasonable and out of all proportion to the benefit to the city at large. Mr. President, I am in favor always of a wise and liberal system of improvements, nor would I be too exact in having the expenditure in any locality upon the amount received thence in taxes. But our duty is to the whole city, the burden of taxation upon our citizens is already a heavy one, and I for one am very far from being convinced that this is a measure which would justify us in adding so largely to that burden. Mr. President, in our list of wards the East Boston wards stand at the head. Let them take care that in the estimation of the city at large they do not also stand at the head in unreasonable demands upon the city's purse and exorbitant self-seeking.

Mr. Webster of Ward 3—I have no wish to make any lengthy remarks on this subject until I see the fate of my amendment. If that amendment can be adopted, I shall make no opposition to the order. In fact, the gentleman who has last spoken has stolen a certain part of my thunder. But in regard to the amendment of the gentleman from Ward 21, it is very seldom I raise a question of law with a member of the bar; but if he will look at section 3, page 293, he will see that there is an express provision of law against freeing the ferries for a less term than ten years.

Mr. Mowry of Ward 11—I was about ready to make the same objection that the gentleman has already made. It is certainly an unlawful act which the amendment of the gentleman on my right [Mr. Pratt] contemplates. I should object to it not only upon legal grounds, but also upon the ground of time. If we make the experiment which he proposes, it is unfair to make it in so short a period as sixty days. It seems to me that there should be a longer time than sixty days to experiment in.

Mr. Reed of Ward 17—The subject now awaiting our action is no new one. Six years ago, the question of the removal of all tolls on the ferries plying between the city proper and East Boston was duly considered. At that time there was an extensive hearing on the petition of the remonstrants. Their arguments were based on the theory that East Boston was not *then* and there was no prospect that that section of the city ever would be able to remunerate the entire city for this additional expense; *that* by the removal of tolls, the value of property outside the city beyond East Boston would be increased in a larger ratio than *then*, *that* the city would be obliged to furnish free transportation to the teaming interests of Essex County, *and that* the right of the citizens of East Boston to this free means of communication with the city proper was not able of proof. On the other hand, those favorable to the project argued that the interests of East Boston demanded it as an assistance in the development of their resources in that section. And that the city proper would also receive a like benefit in the removal of restrictions from our commercial interests which would add greatly to the advantages then possessed. And that as every other avenue was free, so also should this be made free. One important fact to be noted is that the question was not then brought before the City Council by petitioners. As all are aware, the order failed to pass. It has been my fortune to be placed on the Committee of East Boston Ferries for the present year, and as such to consider the claims of the petitioners who now ask for the removal these tolls. The argument is based, first, on the

importance of this step as regards the advancement of the business interests of the entire city. Second, on the additional advantages which will accrue to those which we now possess as a forwarding point in the foreign trade. And lastly, that it is an act of justice. In favor of the first two, we have the voice of merchants, bankers and others, who represent nearly one-sixth of the entire valuation of the city; and of the last, the voice of citizens of all sections. To my mind the value of East Boston in a commercial point of view is not fully appreciated. With the other outlying sections it compares more than favorably in point of distance from the centres of trade. If we take this hall for a central point, we find Central square, East Boston, Franklin square at the South End, and Broadway, near F street, South Boston, equidistant. It is, therefore, we might say, a portion of the central section of the city; and distance, therefore, is no objection to the passage of the order. The water front of East Boston is of great value to our shipping interests. The close proximity of the channel to the shores and strength of the current do for it what dredging does for a large portion of the water front of the city proper. Accommodations, which are naturally so, for vessels of the largest capacity cannot be over-valued. Its wharves are of the easiest access, and are so situated that vessels lying there are protected from the northeasterly storms which visit our harbor. And shipowners will assure you that this is also a point of much value. Then again, East Boston possesses resources which, to a large extent, are undeveloped. There is not only an opportunity of furnishing much available wharf-room and many warehouses, both of easy access, but also there is offered to manufacturers a desirable place for their location. There is afforded by both rail and water facilities for receiving the raw material and its necessary accompaniments for manufacture; and then by the same agents spreading the result over this country and abroad. Boston makes a claim for a portion of the large foreign trade of the States. We desire as large a portion as possible of that steadily increasing trade between the West and abroad; and we also desire to render to our local importing and exporting interests such facilities as will increase the volume of the same and prosper it accordingly. Let us bear in mind our lines of railroad, the millions invested in these enterprises, and last of all, that great success of engineering, the Hoosac Tunnel. Now, in view of all these exterior acquisitions to our commercial importance it certainly becomes our duty to render to our local interests such easy and simple means of communication as are reasonable; and in view of the same I believe after that the plea of the petitioners, especially the merchants, is well founded, that it is for the public interest that all tolls should be removed from these ferries, and that the city should maintain a means of communication between its business centres and the warehouses and wharves of East Boston free of individual exaction. In considering the second reason given by the petitioners, viz., the act of justice to the citizens of East Boston, let us bear in mind that it is not a simple question of free transportation; it is an expression of belief that they are entitled to facilities equal, if possible, to those enjoyed by other outlying sections of the city. That there is a reason worthy of regard in this claim, the strongest opponent cannot deny. The Alderman from the Highland District has ably covered this point in his late remarks in that Board. His clear and concise argument fully meets the question. At the last meeting of the Council it was stated as one of the chief objections that the larger part of the travel which now comes in over the Chelsea Ferry and Chelsea Bridge would then come over the East Boston ferries, and to use the gentleman's own words, "In fact, all the people of Essex County, whether they come on wheels or on foot, will seek that route to Boston, and the city of Boston will have to bring them free." Now, it seems to me this is a very broad statement. If there should prove to be any unreasonable demands from this quarter, the act under which the city was allowed to assume the ownership of the ferries and empowers us to abolish the tolls fully covers the point. I refer to section 12 of the same, which is as follows:

"The said Board of Aldermen shall have power at all times, notwithstanding any of the provisions of this act, or anything done by said city in

pursuance thereof, to levy and collect such rates of ferriage as they shall judge expedient, for and upon all teams and vehicles passing over said ferry to or from any place beyond the limits of said city."

It has also been claimed that we have no precedent for this action. I would call to mind the fact that the city of New York own the piers of the Union Ferry Company, whose boats ply to and from Brooklyn. I have obtained the document in New York. The rent which was paid under the old lease for the Fulton Ferry, the South Ferry, the Hamilton-avenue Ferry, the Wall-street Ferry and the Catharine Ferry, by the Union Ferry Company was \$103,000. This lease terminated on May 1, 1871. In 1870 a lease was executed to commence May 1, 1871, whereby all of these ferries were let for \$1 per annum. One of the conditions was that between five o'clock and 7½ o'clock in the morning and afternoon of each day the charge for foot passengers should be one cent, at all other hours two cents each. Does it not furnish us a strong precedent when a city will furnish over \$100,000 annually towards reducing tolls to citizens of other cities as well as its own? And is it not especially an act of justice, in that it favors that portion of the community upon whose efforts our prosperity in a large measure depends? It is a move for which the city of New York deserves much credit. I believe that this movement is in the interest of the entire city, and that to call the citizens of East Boston the only parties who are benefited is unjust. If you will look at the last report of the Directors of East Boston Ferries for the year ending April 30, 1877, you will notice the receipts from tolls were \$168,983.75, of which \$104,902.16 were from foot passengers, and \$64,081.59 were from teaming. Of this teaming, a large portion is paid for directly or indirectly by the merchants of the city proper. And besides, there are hundreds of foot passengers each day who are called from the city proper to East Boston on business. It certainly would not then be fair to charge all the expense to East Boston. This is a very open point for debate and proof, viz., to what extent each will receive the direct benefit by the sub-division. I also believe that the abolition of tolls will in the near future add to the valuation of East Boston. The able counsel for the remonstrants, in 1871, in argument made the following remarks: "Boston lost, as I find upon an examination of Hon. David A. Wells's report upon taxation to the Legislature of New York, \$6,000,000 in 1870."

And again—

"Six millions of dollars is a considerable sum for any municipality to lose, and it will take wise and careful legislation on the part of the City Government of Boston to increase the taxable property of the city in any one year by that sum."

The gentleman here referred to personal estate. But to my mind this was a very one-sided view, for in that year our valuation of real estate increased about \$20,000,000, leaving a net increase of about \$14,000,000. During the following six years our valuation increased over \$150,000,000, in spite of our then unforeseen calamity and the late business depression. Our taxes last year under a system of free ferries would not have been over \$13 per \$1000, against \$15.30 per \$1000 in 1870. And this permits of an increase of \$50,000 over the running expenses of the ferries for the last year. From 1870 to 1876 the valuation of the entire city increased about 28 per cent., and this included the acquisitions of Charlestown, West Roxbury and Brighton; while in the same period the valuation of East Boston increased about 42 per cent. The annexations of 1873 added about 10 per cent. to the entire valuation, and therefore you will observe that East Boston has more than doubled in percentage of increase over the entire city. It is evident, therefore, that East Boston is not dead, and that the prospects of an increased return to our city treasury, under a system of free ferries, is almost certain. The removal of restrictions, other circumstances being equal, always in all business acts as a stimulant. And how much more reasonable it is to suppose that when circumstances so largely favor East Boston a greatly increased benefit will accrue to the city treasury. After carefully considering the subject I have thus endeavored to present the reasons which to me seem to call for the passage of this order. I believe the removal of these tolls is sure to come, if not now at a time not far distant. It includes that sense of justice to the citizen so in-

terwoven with the advancement of business interest that doubly claims attention. I believe it should pass tonight, and I trust that it may do so by a decided majority, if not unanimously.

Mr. Thompson of Ward 9—Mr. President, I have here a few figures which I think may be added to those given by the gentleman from Ward 11, as bearing upon one argument that has been made use of by the advocates of free ferries. They claim that as the city has expended large sums of money to provide bridges for other sections of the city, it is only fair that something should be done to give them an equivalent. In the course of the debate in the Board of Aldermen, Alderman O'Brien gave the total cost to the city for the past twenty-five years for all expenditures upon bridges as being some two millions and a quarter—\$2,435,408. Seeing that statement of his, I had the curiosity to go to the Auditor's office and find the items on which that computation was made. It seemed to me that it might be of value to have here a comparison between the money that has been expended for South Boston and what has already been expended for East Boston. Now, South Boston has four bridges. Broadway Bridge was built in 1869, and in the seven years to 1876 the total cost has been \$1,052,540.10; that is the total expenditure on that bridge, so I am informed, for the construction and repairs, care and providing the approaches. Federal-street Bridge has cost \$235,732.19; Dover-street Bridge, \$148,802.39; and the Washington-avenue Bridge, \$201,542.78, making a total of \$1,638,617.41—in round numbers, \$1,600,000 is the total amount that has been expended upon the bridges to South Boston from the time they were built until now, or rather until the end of the fiscal year of 1876. On the question, Has East Boston been dealt with justly, simply upon this one point of approaches to the city? the gentleman from Ward 11 has given the cost to the city at large of the plant of the East Boston ferries as having been \$1,077,000. But it must be remembered that East Boston has three bridges of its own—Meridian-street Bridge, Chelsea Bridge and Point Snirley and Winthrop Bridge. Upon these bridges, from the time of their construction until the end of the fiscal year 1876, has been expended \$249,444.30, which makes, with the expenditures upon East Boston ferries, a total of \$1,326,444.30 as the amount which the city has contributed to provide facilities for the inhabitants of East Boston to get from their island home to the city proper. I think that even the most ardent advocate of free ferries cannot claim that the city has done any injustice to East Boston as compared with South Boston. I have no intension of going into this question at large; I merely wished to give that one point.

The gentleman from Ward 17 who was last on his feet gave as one argument, or perhaps as an illustration, the course of New York. Now, within a very few days the question of the right of the city of New York to do just what they did—doing it in the days when New York government was perhaps somewhat more corrupt than it is now, and before they felt all the purifying influences of reform which have been brought to bear upon them—they made this lease, and the question was brought by the proper authorities before the courts of New York, and it was there held that the lease could not be made; it was a lease the city had no right to make. I have not the fact itself, but I have seen the statement in a paper, and they have put an end to it; so that it is not a fair argument to be made use of here.

There is one question which I want to refer to—and perhaps I had better ask a question about it before I go on, for it may have been touched upon—and that is whether the committee of gentlemen who recommend free ferries have considered and taken the opinion of the City Solicitor as to their right to pass this order. I have been looking over the law with some care for the past twenty-four hours, and while I am not prepared to say that we have not the right to do this, it seems to me there is room for a very grave doubt, to say the least. The statute is a peculiar one. I do not know the circumstances under which it was passed, but it was naturally considered a peculiar one. The city of Boston as a corporation had no right to go into the business of running ferries; it was not created a corporation for carrying on any such business, and when it was deemed for the best interest of the citizens that it should undertake this business they were forced to go to the Legislature for their power.

Now, it is a familiar law that an act of this kind must be limited. It is giving power which a corporation does not have of itself, and it is not intended to give any more than its wording gives. Now, it provides that the city of Boston may take these ferries, and then it goes on to say, in section 2 of the act—

“Upon the completion of said purchase the City Council shall consider and determine whether the interests of said city will be best promoted by maintaining the said ferry thereafter free of toll.”

Then it goes on to provide for betterments; that certain betterments shall be assessed upon any district which may be peculiarly benefited by using the ferry free of tolls, and it is made the duty of the Board of Aldermen to lay these betterments. Now, the City Council of Boston at that time met and decided it was not expedient to establish a system of free ferries, and they passed an order regulating the tolls. The law now goes on and says in section 5—

“If the said City Council on the completion of said purchase shall adjudge and determine that instead of maintaining said ferry free of all tolls, it is for the best interests of said city that the said ferry shall be thereafter operated with more boats and greater facilities for travel and business than are now furnished by said company, and at one cent ferriage for a foot passenger instead of two cents, as heretofore charged, and with the other rates of ferriage thereon so reduced that the receipts of said ferry annually shall not exceed the cost of operating the same, instead of paying, as provided by the charter of said company, at least eight per cent. annual dividends, then, and in such case, the said city shall thereafter maintain and operate, or cause to be maintained and operated, the said ferry, with such greater accommodations and at such reduced rates of ferriage as aforesaid, or with such other and still greater accommodations and at such more reduced rates of ferriage as the said Board of Aldermen may from time to time judge expedient for the purposes mentioned in the first section of this act.”

Now I do not know what that means if it does not mean that after we once establish the rate of tolls, the whole thing is taken out of the hands of the City Council and put into the hands of the Board of Aldermen, and we are discussing a thing down here that we have no business to discuss. The act provides that the Board of Aldermen have the right to reduce the rates of ferriage, but they have no right to destroy them altogether. “At such reduced rates” does not mean at no rate at all. I am looking alone to the future; but looking back, it is then made the duty of the Board of Aldermen to go ahead and lay the betterments. Now, here we find the question to be this: Whether all the power that is given us by that act—and that, gentlemen, is all the power we have—whether the power given us by that act to establish the ferries free, whether having once passed an order establishing fixed rates, we can go on and provide that we will have no tolls; whether, when we have the right to reduce the rates of toll, it can be considered a right not to have any tolls. I say frankly I have not examined this law with care enough to give an opinion upon which I would advise anybody to act; but it does seem to me there is question enough there to have it properly passed upon by the proper authority. I have not heard whether the City Solicitor has given his opinion upon this subject; if he has I hope somebody will interrupt me and not let me go on taking up the time of the Council; if he has not, I think the proper place for it to go is to the Committee on the Judiciary and let them take his opinion upon it, for we would be in rather an absurd condition if we should pass an order undertaking to do a certain thing and then have some citizen of Boston go into the courts and say we have exceeded our authority. Unless the City Solicitor has given an opinion upon it, I shall move that the whole matter be referred to the Committee on the Judiciary, with instructions to ask the opinion of the City Solicitor as to our right to pass this order.

Mr. Pratt of Ward 21—The Council will please bear in mind I am not advocating the original order, but the substitute which I offered; but while advocating the substitute, I am unwilling to see anything but fair arguments used against the original order, because it has a certain bearing on this subject. I propose at this time to take two or three moments to answer three

propositions that have been made by other gentlemen. The gentlemen from Ward 3 [Mr. Webster] suggested that we could not release the tolls for a time, because we were under certain statute limitations. In answer to that I have to say that the city was bound, acting under the statute, to do one of two things. It elected to do one thing, and therefore it passed from its power to do it—passed from its operation of the statute. The City Council has full control of the tolls of the ferries. It may release them for a time, it may forbear to collect them for a time and then resume them when it chooses to collect them. It requires no peculiar argument to show that the city may run the ferries for a time as a railroad may run a train, free, without forfeiting its right to collect fares afterwards. In reply to the gentleman from Ward 11 [Mr. Wolcott], I must say that while I have great admiration for the carefulness and eloquence of his speech and the general correctness of his propositions, this is to be said concerning it, that his whole speech is based, so far as it operates against free ferries, upon two propositions; namely, first, that the freeing of the ferries is wholly for the interest of East Boston. In answer to that I simply want to make one point, and that is that if there were 350,000 inhabitants in the city of Boston, of which 30,000 lived in East Boston and the remaining 320,000 in other parts of the city, the 30,000 in East Boston may want to travel on these ferries oftener than any of the other citizens of the city, but we have to take into consideration the fact that their number is smaller and therefore they must travel a greatly increased number of times before they travel as much as the 320,000. I do not believe as a proposition that it is true that the East Boston men use the ferries more in the aggregate than the inhabitants of the city proper use them, taking into account the disparity of numbers and the consequent less frequency of times that the Boston people travel to make up the number of times the East Boston people travel.

The other proposition upon which the gentleman's speech rests is something like this: That no improvement must be made in a section of the city which already has improvements enough to take up the amount of its taxation. Now, sir, if we once made that a rule it would put us in a queer position. If we want to make an improvement on Commercial street we must first see whether that part of the city which surrounds Commercial street has had sufficient benefit from the City Government to take up the amount it pays into the treasury in taxes. If we want to build a park on the Back Bay, we must consider whether that part of the city right around that park has contributed enough to the city treasury to take up its proportion of taxation. You will readily see we never can stop to answer that question. The city itself is a unit, it is an integer; and when we make an improvement in one part of the city we make an improvement in the city; it is so evident it does not need any further argument. It is true that the whole city takes out in improvements every year the amount that it pays in in taxes, and if East Boston, for example, took every year the amount it paid in in taxes it would have no more than its fair proportion; and if East Boston and the North End, or that part of the city which may more fairly than East Boston be considered to be the part of the city which uses the ferries and which would be improved by freeing of the ferries, be taken altogether, and it be found that the freeing of the ferries will cost more than the amount these parts of the city pay in taxes, taken with the other expenses incurred on their account, still, I say it is no argument. The question is whether it is for the benefit of the city of Boston, not for East Boston, not for any part of the city, but whether it is for the benefit of the city of Boston. Therefore I say, without arguing it further, that we should all bear in mind, in hearing the careful and eloquent argument of the gentleman from Ward 11, that his whole argument rests upon two propositions which he assumes, which he did not prove, and which I doubt. Now, then, the gentleman from Ward 9 [Mr. Thompson] has given us some figures. Well, they say figures never lie, therefore I suppose Councilmen who use figures never state anything false. But the gentleman has said the bridges to South Boston have cost in the last twenty years—he will correct me if I am wrong—

Mr. Thompson of Ward 9—Twenty-five years.

Mr. Pratt of Ward 21—About \$1,600,000 or \$1,633,000. Now, sir, I have my pocket nearly full of figures, but I do not happen to have just the right figures to complete my answer to this point; but I have these figures, that the cost of the Federal-street bridge, the rebuilding in 1856-7, was \$50,971.95; the cost of rebuilding and widening in 1871-2 and 1872-3 was \$90,558.11. The cost of building the Broadway Bridge was \$919,319.79; the cost of rebuilding the foundations in 1873-4-5 was \$100,350.67; making a total of \$1,163,020.92 on account of two bridges out of four to be added to the figures given by the gentleman from Ward 9. I have not given the cost of Dover-street Bridge, nor the Congress-street Bridge.

Mr. Thompson of Ward 9—If the gentleman will excuse me, that is rather a serious discrepancy between my figures and his, and I hope he will do me the kindness to state wherein the difference exists. I gave merely the figures that were given me by the City Auditor as his official statement prepared by him and put on his record as the total cost of all these bridges. The Federal-street Bridge, to which we have referred, he gives the total cost as \$235,000, and the total cost of the Broadway Bridge \$1,105,200, and the others as I have stated them. I hope the gentleman will explain the discrepancy; I cannot.

Mr. Pratt of Ward 21—It is very easily explained. The figures which the gentleman has stated correspond to a cent with the figures which I have for the annual expenditure aside from building and rebuilding the bridges. The cost is just as he states it. But, sir, when we take into account the cost of the bridges as the gentleman computes the cost of the ferries, we must take into the account not only the annual outlay but even the *interest* on the plant, which would make the figures still larger than they are. Therefore, the gentleman was right in his figures, if he wished to state the annual expenditure on these bridges; but the figures which I have given in addition represent the cost of building, rebuilding and widening the bridges—widening one and building and rebuilding the foundations of another; and that of only two of the South Boston bridges. The other two have been very expensive—both of them more expensive than the Federal-street Bridge—but I have not the figures with me.

Mr. Wolcott of Ward 11—I have said all I desire to say on this subject, and am perfectly content to allow my reasons to stand as I have already expressed them. The gentleman from Ward 21 has fixed upon two points to which I am compelled to reply. The first point which he makes seems to be in regard to what I have said about the relative numbers petitioning for free ferries from East Boston and the city. I will say that whatever I have said is based upon the figures which are given by the petitioners, by which it appears that the citizens of East Boston petitioning for free ferries was 5150; the number from the rest of Boston was less than 2500, less than half. I am content to let that remain there. In regard to the other point I will say that he has entirely misquoted me. I distinctly and in words denied that I would oppose the expenditure on any locality upon the sum raised for taxation in that locality; I would not look too closely to that. I said, however, that when the amount expended on one locality was thirty-four per cent. more than the amount received by taxation, I considered that liberal, and I said that when an attempt was made that the amount expended should be eight per cent. more than double the amount received, I considered that to be wrong. The gentleman has entirely misquoted me.

Mr. Mowry of Ward 11—I wish to give a few reasons why I shall vote to absolve the tolls on these ferries. In the first place it seems to me we do not give importance enough to the petitions which have been presented in favor of this order. Here are petitions, sir, which have never been equalled in the petitions presented upon any topic discussed in City Hall, either in respect to numbers or in respect to the character which they represent. It certainly seems to me they are entitled to more than ordinary weight in connection with this question. They should certainly interest us to a certain degree. In the objections to this scheme put forth by the remonstrants in the first place they say that this is unjust, that it is impolitic and of doubtful legality. These are the three kinds of opposition, I understand, which are embodied in the remonstrance itself. Now, as

regards the injustice in the treatment of this topic, I think I do not differ materially from the gentleman on my right; at the same time I do really differ with him somewhat. In regard to these figures permit me to say they were presented to me from the Auditor's department. In regard to the Broadway extension, as I understand the expense of the bridge built was \$1,061,564.85. The expense of the Dover-street Bridge has been \$239,386.26; the expenses of the Federal-street Bridge have been \$241,166.67; the expenses of the Mt. Washington-avenue Bridge have been \$205,057.72. That makes a total of \$1,747,115.50 as the amount of money expended on the four avenues leading to South Boston. Now, just consider what the interest on this amount would be—\$105,226.93. I claim, Mr. President, that if this amount has been expended upon the highways leading to South Boston, certainly it is no more than just that these ferries should be free, and that an equivalent amount should be expended in favor of East Boston.

But, Mr. President. I will not stop here. Here are the expenses which have been incurred in connection with Charlestown Bridge and in connection with Cambridge Bridge. In connection with Cambridge Bridge there has been expended \$162,612.92, less \$65,048.50, which was paid from the fund received from the State; that leaves a balance of nearly \$100,000. In connection with the Charlestown bridges there has been expended \$115,760.44, less \$4051.57; thus showing we have certainly expended a large amount, to say the least, upon the avenues leading to Charlestown and also upon the avenues leading to Cambridge. Now, is it unjust that we should expend a certain equivalent amount on the highways leading to East Boston? I do not offer this upon any sectional ground, nor in the interest of East Boston. I present it in the interest of the city proper, and in the interest of the commerce of Boston. When we consider that two-thirds of the exports and imports of Boston are landed in East Boston, is it not reasonable enough that we should be asked to remove these barriers to our commerce? I claim that it is. It is certainly a barrier to the commerce of Boston, and anything which tends to remove it must certainly increase and enhance the interests of Boston.

Now, sir, it has been suggested by the gentleman at my right [Mr. Thompson], in connection with this matter in New York, that it had some weight in this case. But, sir, that does not for a moment change the status of the feeling of the people of New York upon the subject. They disclosed their feeling upon the matter that it was for their interest to remove entirely all the tolls. As regards the doubtful legality of this abolition of the tolls, we have merely to refer to the opinion of Judge Curtis, who declared it to be by implication, to say the least, within the province of this City Government to abolish these tolls. Therefore I have nothing more to say on the legality of this question, and upon the injustice I certainly think the opponents of this measure can rest their case as well as upon their arguments.

Mr. Howes of Ward 18—The gentlemen from Wards 11 and 21 have shown very clearly the true inwardness of this question. Whenever an opponent of the free-ferry measure gets up and says anything about sectional expenditures they instantly reply that the taxation of a particular locality should not limit the expenditures for it; and when they wish to argue on the other side they instantly begin to produce the expenditures for South Boston, and say, "See, you have spent so much for South Boston, therefore you ought to spend so much in East Boston." If the argument is right in one direction it is in the other. But I think that the argument on either side amounts to very little. In a matter of this kind it is a matter of expediency only. We might be situated in Boston as the citizens of San Francisco are, and have a large mountain in the centre of the city, and it might be very wise, under certain circumstances, to tunnel under this mountain. For instance, a mountain might lie between this part of the city and Roxbury, and I can conceive that it might be very nice to have a straight tunnel through it, and it might cost fifty millions of dollars, more or less. But should a city which has a capital of about \$700,000,000 go to the expense of putting this tunnel through merely because it might be of some advantage at some future time? Sir, I think that any city leg-

islator who took that ground would instantly be driven from his seat at the next election. The same way with East Boston. East Boston has now 30,000 inhabitants. Suppose it had but 10,000, would the citizens then come here and ask the city to run the ferries free? And if not for 10,000, why for 30,000? It will probably be said that 30,000 people are enough to make it advantageous to the city. I hold it is not. You should have 50,000 or 100,000 people in East Boston to have it profitable for the city at large to run the ferries free. The gentleman who last sat down took exceptions to some statements made in reference to ferries in New York. He evidently labored under a mistake. The Union Ferry Company of New York is one of the wealthiest corporations in New York city. It is, moreover, a close corporation, so much so that its stock never gets into the market. The lease which they succeeded in making with the city of New York was effected by unfair means. It was not the feeling of the citizens there, and never has been so. I speak this from knowledge, because I was a resident of New York at that time, and understood the matter thoroughly. In connection with New York, I want to say that it always struck me that the situation of Brooklyn was very much analogous with East Boston. Almost all the warehouses of the port of New York are in Brooklyn, and their short piers in New York city do not allow facilities for discharging cargoes, only for loading. The mere pittance that is charged for tolls over the ferry will not influence freight in that direction, provided the facilities exist. The difficulty is just here: that the depression in foreign trade is so great that we are not likely to get any in Boston for a good many years to come, no matter whether we have free ferries or not. Indeed, we can only expect to get a certain amount, and if it goes to East Boston it merely takes it from Union wharf and the various wharves on this side of the harbor.

Now, as to the matter of petitions. A great deal has been said about that; that this is a petition that comes into the City Government more formidable than any that has ever come yet. Now, I had my attention called particularly to that, because I was influenced to sign it, and therefore took some little interest to find out how my name came so near to getting on there. I was told that it was signed; that the gentleman who signed it signed it at the request of a friend, and that afterwards thought he made a mistake, and wished that he had not. That led me to inquire further. I did not look the subject up thoroughly, but I found five or six that had done the same thing, and now said they were sorry they did. Now, that is merely my experience for a few hours only. I should be willing to have this measure go through, if it is the desire of a majority of the citizens of the city of Boston to have it done. I shall certainly vote for the amendment of the gentleman from Charlestown, and if the majority of the taxpayers or voters of the city are in favor of the measure at the next election, why I am willing to have it put into execution. But I do not believe in forcing this through against what I think is the wish of three-fourths or four-fifths of the taxpayers and residents of the city.

Mr. Beeching of Ward 1—I do not intend, Mr. President, to detain the Council but a very few moments. The subject has been thoroughly discussed, and I judge from the empty seats that the Council are already tired of discussion. It has been ably discussed, much better than I feared the representatives from East Boston could have discussed it. I merely wish to say, Mr. President, that this is not an East Boston measure alone. Although attempts have been made here to belittle the petition and the signers, it stands, Mr. President, and on that list are some of the largest merchants of the city of Boston. They certainly regard it as a Boston interest and not merely an East Boston matter. And it is a matter in which all the city of Boston is interested. So I think, although an attempt has been made to belittle the signers of the petition, I think that must fail, from the very fact that the names are upon the petition; and although there may be one case cited where a gentleman thought he had made a mistake, I think that is perhaps the only case. I believe the shrewd business men of Boston do not generally put their names to a paper unless they know what they are doing; unless they know the effect it will have and the responsibility they are

taking in putting their names to a paper, no matter what it may be. I think they have put their names to it regarding it as an important matter in connection with the business interests of the city of Boston. Now, Mr. President, what is this great question we are led to support? The question is simply this, Whether the parties that patronize that ferry shall pay the toll, or whether the city of Boston and every taxpayer of the city of Boston shall pay his proportion of it. I say that if it is a matter connected with the interests of the city of Boston, every taxpayer ought to be willing to pay his proportion. What is the amount, this enormous amount, that seems to frighten some gentlemen? It is somewhere from \$150,000 to \$175,000 a year; that is the amount that alarms these gentlemen. No one will lose anything; the city of Boston is not going to throw her money away; she is not going to enter into any questionable enterprise not knowing whether it will be advantageous to the city or not; but it is simply, Can the city of Boston pay that toll without suffering great harm? We think they can. We are so situated, Mr. President, that we cannot have a bridge or bridges between the city proper and East Boston; but the city of Boston has admitted that we are entitled to it, and it is simply to preserve the harbor that we are deprived of a bridge. They have given us bridges on the other side of East Boston so that we can go back into the interior of the country, and they ask us no toll; but when we come to the centre of the city, the very part of the city that the most of our citizens are likely to come to, we are asked to pay toll and we regard it as unjust; we think we are not treated fairly. Now, I do not question what the gentleman has said on the other side of the chamber, that the city of Boston has expended large sums for the ferries to East Boston. We admit that. She has spent large sums for our section of the city, and from the citations of the gentlemen opposite, our neighbors on the other side. We are glad the city has done what she has for South Boston, and all we ask is that the city shall deal fairly with East Boston. I think, Mr. President, that the members of the Council understand this question, and it is not necessary to debate it further. The figures have been stated here, and a great array of figures has been presented, but I think the Council are ready to vote upon this question, and so I will not detain you with any further remarks.

Mr. Danforth of Ward 10—I only want to say a few words, sir, in relation to the petitioners. I spent a little time last evening in analyzing the petitions, and I found there were 2312 signers outside of East Boston. There are put down here as the signatures of merchants, 257; according to the Directory 84 of them do not reside in Boston. There are put down here as the signatures of commission merchants, 81; 41 do not reside in Boston, 1 is an architect and 3 are clerks. They have put down here the names of boot, shoe and rubber merchants, 119; 57 do not reside in Boston, 3 are clerks; they reside in Cambridge, Malden, Brockton, Milford, and some in places even farther away than that. In regard to the banks, I went myself to quite a number of banks this morning, and every president whom I visited said that he had no idea of signing for the bank, and had no right to sign for it, and one or two of them asked me to say so. There are twenty-three or more banks, representing \$30,000,000, and they say they are not here as banks. Then I find here the signatures of the Pennsylvania Railroad, the Erie Railroad, the Chicago & Rock Island Railroad, the Kansas Pacific Railroad, and the Chicago, Milwaukee & St. Paul Railroad; I do not know what they have to do with the East Boston ferries. If I had time I should have gone through all these three lists; I feel quite sure that forty per cent. are not representatives of Boston, not voters, not taxpayers, and none of the firm reside in Boston.

Mr. Richardson of Ward 10—I do not propose, Mr. President, to go into a general discussion of this question at any length at this time, but here appears a most novel undertaking—an undertaking which, so far as I have been able to get information, has never been undertaken by any municipal corporation anywhere in the world before, certainly not in Massachusetts, and if it ever was undertaken it is not now existing anywhere. It is a proposition by statute for the city of Boston to run a line of steamboats, with the usual responsibilities and liabilities of car-

riers of passengers and freights. The argument upon the surface, however, the first argument, is that it resembles a bridge or highway, and this is the great argument which is used by the friends of free ferries why the tolls should be abolished. I think that examination and reflection will show that these ferries do not resemble bridges and highways, and the arguments which they found upon that are wholly fallacious. Nobody ever supposed or believed or contended that it was the duty of Boston to establish a bridge where it could not be done. If that is so, it is absurd to suppose that it was the duty of the municipal government to establish a substitute for a bridge. If it is impossible to maintain a highway, in the very nature of things I say it is absurd to ask the Government to assume the greater and different responsibilities not resting on the principle of highways and bridges, and maintain a system of ferries for that purpose. Now, I say that a government has nowhere undertaken to maintain ferries where it is impossible to establish bridges. This proposition not only undertakes to provide a way—and thus it is essentially and inherently different from a highway—this proposition undertakes not only to provide a way in which parties may go and come over it, but it undertakes at the expense of the Government to transport them and merchandise and protect them on the way, and in fact to carry them—to do the labor which in all other places they are required and expected to do themselves; and further, if they go upon the principles of highways and carry it out, it will impose upon the city the duty of maintaining ferries at all times of day and at all times of night, because highways and bridges are open at all times of day and night. It undertakes also to employ servants to help transportation, which no man has ever undertaken to do upon any highway, so far as I have been able to get information. So I say that if by the nature of things the obstacles are so great or of such a character that the city cannot build a bridge or lay out a highway, then the argument that they resemble highways, and the argument drawn from the analogy of the accommodations which governments are supposed to be bound to furnish and citizens claim to be their natural privileges, are fallacious because they are unlike, they are dissimilar, they are not founded upon the same principles of law or government. I have no doubt, and it has been stated by those who are opposed to this order, and those who are the friends of this order to make these ferries free, that the true basis upon which to place legislation of this kind is that which is established in laying out highways, whether the expense is proportionate or disproportionate to the benefits received. I say in view of the arguments that have been adduced here in its favor that it will increase the taxable property of East Boston, as no doubt it would—I say if there ever was a proposition of which we could say that it will make the rich man richer and the poor man poorer, it is the adoption of this order. Because it is plain to be seen that inasmuch as it increases the value of real estate, by so much will it increase the burden of the rent-paying citizens; and, therefore, if there are any friends of this order who are putting it on the ground that it will be of advantage to the poor man, they are deceiving themselves very grossly. I believe that it will not conduce to the benefit of the whole city in the proportion that it would increase taxation; for we must remember that these expenses of running these boats which have been estimated all the way from \$300,000 to \$500,000 per year have got to be met year by year as we go along; it is taxation to be made up. Now, it seems to me that no friend of the city of Boston, in view of what we see going on every day, without the strongest and most cogent reasons, can vote to go on and increase taxation in this way. If it is put on the ground that it is to increase the tax-paying wealth of the city, I would call the attention of those who advocate it on that ground to what they see going on every day—the wealthiest tax-paying people in this metropolis being driven out of the city day by day by the increase of the hard burden of taxation which you put upon them.

Instead of bringing taxable property into the city; instead of inducing—I don't care by what means—wealthy men from other parts of New England or the United States to come here and settle, you will drive them out of it to escape the burdens of a taxation almost too grievous to bear now. I think the proposition introduced in the

amendment of the gentleman from Ward 3 is perfectly fair; and I do not see how any friend of free ferries, if he means to meet the question fairly, can refuse to vote for it. Ever since I can remember—and I have not any histories here to go back for more than fifteen or twenty years—all the great matters of public interest like this have been submitted to the vote of the people. I have a book before me, in which I find that the introduction of water to the city of Boston was submitted to the vote of the people. I read from page 185 of the ordinances, in the margin—

“An act for supplying the city of Boston with pure water was passed March 25, 1845, containing a provision that the act should be void unless accepted by a majority of the legal voters of the city.”

I also refer to the park act, within the recollection of all of us, in which it was provided that it should be submitted to the vote of the city at the then next municipal election, and as you, Mr. President, and all of us remember, that it should be voted upon by a separate ballot, yes or no. If they desire, gentlemen will find that upon page 586 of the ordinances. I am unable, at this moment to refer to other matters; but certainly, within my recollection and residence of over twenty years in the city, I have not known a question of anywhere near the importance of this being pressed through and irreversibly passed upon—because if it is once done it cannot be undone not only practically but legally; if this order once passes that is the end of it; it is irrevocable and irreversible—without a vote of the people. In view of this critical question, and in view of the importance of it; in view of the fairness of the amendment, I do not see how any gentleman here—if he is ever so staunch a friend of free ferries—can refuse to submit it to the voice and vote of the people. If the people—after investigating and studying the reasons for and against it which require study and investigation—vote for it intelligently, I am perfectly content, as I am on all occasions when I am voted down. I do think it would be the best thing for the friends of the measure to do, to show their honesty and fairness, to adopt the amendment of the gentleman from Ward 3, the effect of which is to let this be passed upon by the people at the polls.

Mr. Burke of Ward 2—As a member of the Committee on the Ferries, I desire to say a few words. I know that any lengthy argument is unnecessary, for all the points that the committee intended to present are contained in the report. The committee gave this question careful and lengthy consideration. It has not been hurried upon the people of Boston, and no traps have been sprung. The people have had ample time to come forward and present remonstrances if they had any, while the subject was in the hands of the committee. Furthermore, the committee, by a vote passed while in session, had printed in the daily papers a notice that the ferry question was being considered by them, and that they would perhaps report in a few days. We did not report in a few days; we did not report, in fact, for nearly three weeks; and yet no one appeared and asked to be heard on this question. Now, I believe that every member has perhaps had, or an opportunity to have, a copy of the petitions, the report of the committee and the argument. I think they all know what we claim and look for; but there are one or two points to which I would like to call their attention. The argument brought forward by some gentlemen would lead me to believe that East Boston, where I happen to live, is not a part of the city of Boston. If we are not a part of Boston, perhaps we can make some special arrangement and get along for ourselves. Another question is, we don't pay as much in taxes as is expended upon East Boston. We do not bring that up as an argument. We are a part of this city, and I ask these gentlemen what more do they give than we? I am a citizen of Boston and have a right to have my child educated if I pay no more than a poll tax. Whenever this City Council shall say so, I have a right to have my street paved; and I believe we have very poor streets in East Boston. Now, the running of these ferries free is only equivalent to bridges, and we simply ask for a pass so that we can travel through the city of Boston. Some parties have brought up the argument that if we give East Boston free ferries, Chelsea people will ask for free ferries too. That is not an argument. We simply ask for a pass. We pay

our *pro rata* of taxes the same as any other portion of the city. It is a question simply whether we shall have highways; and whether, in fact, we shall receive as much as we need. If this question is going to be decided upon the question of the amount of taxes that each district of the city pays, certain districts would be no better within the city than out of it. If the people of East Boston had asked for something, that was a luxury, although I might like it, I do not think I could go for it conscientiously myself. We have not asked for a public park, although some of our friends who are pressing the park measure have gone so far as to say that they will give us a park there. We do not care for anything of that kind; but what we do ask for is a public necessity, and that is a public highway. Some gentlemen here are certainly well educated, and we have some fine lawyers who can make fine speeches; and I am surprised to hear them say it is going to almost engulf the city of Boston in debt, and is going to put a great burden upon the taxpayers of the city. Now, if I can figure right, it is the people of Boston who support those ferries. Now, if we have parties coming from some other town outside of the city of Boston, and we charged them toll for coming here, then it would seem to be a money-making institution. It don't seem to make much difference in whose pockets the money is. I am certain a great deal of it is not in East Boston. But I am also certain that we pay a large portion of it when we pay our taxes. We are charged just the same amount for a thousand dollars as any other part of the city is, and we support the ferries independent of that. Now, the gentleman from Ward 3 has offered an amendment to submit the matter to the votes of the people. I never saw a measure of any importance come into this Council but what an amendment was offered to it, and I believe that if Daniel Webster were living, and a member of this Council, he could not offer an order here without seeing an amendment tacked on to it, or attempted to be. Now, they ask that the citizens of Boston have an opportunity to vote for this thing. I do not propose to put this question before the citizens of Boston. They urge it in the interest of capitalists and all others who are opposed to public measures. The gentleman says that the statute in relation to water provided that it should be adopted by a vote of yea and nay. Everybody in Boston drinks water, but everybody does not use the ferries. When the Legislature made the provision giving this power to the City Council in relation to ferries, I believe that is sufficient. The Legislature delegated the power of freeing the ferries to the City Council. Now these men raise their hands in holy horror and say it is a great burden. It reflects harshly upon the characters of our legislators. If those men did not see the necessity for it, why did they make provision for it? They have made no provision whatever for freeing the Chelsea ferries; but they made liberal provisions for freeing the East Boston ferries,—free of all toll for a period of time not less than ten years,—and in order to satisfy the gentlemen who are so much afraid that the people of Essex County will come here and monopolize the East Boston ferries, the Legislature did have wisdom enough to make a provision for those gentlemen. I think it will be found, by looking at the statutes, that the Board of Aldermen have the right to place a toll upon the ferries, and charge all parties outside of the city limits. I have a little information in relation to the real cost of running the ferries, and perhaps I might as well read it while I am up. I inquired of what I thought might be a proper source—the Directors of the East Boston Ferries—and received this answer:

“Dear Sir—In answer to your inquiry as to what the additional expense would be from the larger influx by travel from foot passengers, etc., increase of the force, etc., I am fully of the opinion that we could accommodate double the number of teams, and five times the amount of foot travel, which, at this time, is six millions per year, or a little over; that with the same accommodation as at present, I think the expense, since the ferries were owned by the city, for running them has been about \$200,000 per annum, and out of that we have built six new drops and tanks, thoroughly repaired the drops, built two new toll houses entire, and a new set of head buildings and some necessary repairs on the slips, as all the property was run out; also three new large boats and heavy repairs on the house and machinery. The fair running expense is about

\$100,000 per annum, and if the ferries should become free I would most gladly take a contract with five others to run the boats for five years at \$170,000 to \$175,000 per annum.

[Signed] D. D. KELLY,  
Director East Boston Ferries.

Mr. Mowry—I merely wish to say a word in regard to the legality of the amendment offered by the gentleman from Ward 3. It seems to me it is illegal. The act provides that the question shall be decided by the City Council, and there is no provision for submitting the question to the people.

Mr. Thompson—I rise to a point of order. The question before the house is on my motion to refer to the Committee on the Judiciary, and I should like to see it settled. While the discussion was going on I looked at the law again and I am convinced that it is a matter with which we have nothing to do. The first section, giving the power under which the city may take the ferries, provides that the city of Boston may—

“Cause the said ferry to be maintained thereon in such manner and upon such rates of ferriage as the Board of Aldermen in said city may from time to time judge for the best interest of said city and upon the terms which may be hereinafter provided.”

Now the “hereinafter provided” provides for three different exceptions. It provides that those exceptions shall be acted upon immediately after the purchase. First, the City Council may decide that the tolls may be entirely free; second, the City Council may decree that more accommodations may be furnished, and also the rate of charge; third, that for ten years the ferries shall be free. Those are the only exceptions, and with those exceptions the power rests in the hands of the Board of Aldermen, and we have nothing to do with it. If you don't take my word for it, the better way will be to take the advice of the City Solicitor. I hope the motion to refer will prevail.

Mr. Clarke of Ward 22—If the main question is debatable, I would like to say a few words upon that. I trust the order as it came from the Board of Aldermen will be passed without any amendment. Two years ago I had occasion to make some remarks in this Council on another matter, and I then expressed my views in relation to free ferries. I have thought the matter over since and am of the same opinion today—that it is not only for the interest of East Boston, but for the whole people of Boston, that the ferries shall be made free. I don't know of a single city in these United States where one portion taxes another portion for its passage from one section to the other.

Mr. Thompson called Mr. Clarke to order, as the main question was not debatable.

Mr. Flynn of Ward 13 moved the previous question, thinking the opponents did not want to hear the friends of free ferries.

Mr. Thompson explained the issue involved on the legal point raised by him, and desired the reference.

The main question was ordered—31 for, 25 against.

On motion of Mr. Crocker of Ward 9, the yeas and nays were ordered on Mr. Webster's amendment and it was lost—yeas 30, nays 36:

Yeas—Messrs. Barnard, Barry, Blanchard, Blodgett, Brown, Coe, Crocker, Danforth, Day, Fagan, Felt, D. A. Flynn, Hibbard, Howes, Kelley (Ward 3), Morrill, J. H. Pierce, Pratt, J. B. Richardson, Ruffin, Sampson, Shepard, Souther, Spenceley, Stoue, Thompson, Upham, G. B. Webster, Wilbur, Wolcott—30.

Nays—Messrs. Beeching, Brintnall, Burke, Clarke, Cox, Cross, Dee, Doherty, Duggan, Fernald, J. J. Flynn, Fraser, Ham, Hiscock, Jackson, Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mowry, Mullane, Nugent, O'Connor, Pearl, Perham, R. Pope, Reed, Roach, Roberts, Sibley, Thorndike, Vose, Warren, E. R. Webster—36.

Absent or not voting—Cauon, O'Donnell, O. H. Pierce, M. W. Richardson, Smardon—5.

Mr. Pratt's substitute was rejected.

Mr. Webster of Ward 3 moved to lay the subject on the table. Declared lost. Mr. Thompson doubted the votes, and the Council divided—24 for, 38 against.

On motion of Mr. Richardson of Ward 10, the yeas and nays were ordered on the passage of the original order.

Mr. Brown of Ward 23 asked to be excused from voting on the ground of personal interest, his

firm being large importers and having signed the petition for free ferries.

Mr. Beeching said any business man might ask to be excused for the same reason, which he did not think was sufficient.

The Council refused to excuse Mr. Brown—23 for, 33 against.

The roll was called on the passage of the order freeing the ferries after Jan. 1, 1878.

Before the vote was declared, Mr. Webster of Ward 3 raised the point that Mr. Pratt had not voted when his name was called.

Mr. Pratt explained the cause of his silence to be that his own judgment led him to vote yes, while the ward he represented, so far as he had come in contact with the residents, remonstrated against freeing the ferries, so he chose not to vote where his vote would not count. If pressed to vote he should vote yes.

Mr. McGaragle raised the point that Mr. Pratt could not be excused after the roll had been called.

The Clerk called Mr. Pratt's name, and he voted yes.

The order was passed—yeas 40, nays 25:

Yeas—Messrs. Barry, Beeching, Brintnall, Brown, Burke, Clarke, Cox, Cross, Dee, Doherty, Duggan, Fernald, J. J. Flynn, Fraser, Ham, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDouald, McGaragle, Mowry, Mullane, Nugent, O'Connor, Pearl, Perham, Reed, Roach, Roberts, Shepard, Sibley, Spenceley, Thorndike, Vose, Warren—40.

Nays—Messrs. Barnard, Blanchard, Blodgett, Coe, Crocker, Danforth, Day, Fagan, Felt, D. A. Flynn, Hibbard, Howes, Morrill, J. H. Pierce, Pope, J. B. Richardson, Ruffin, Sampson, Souther, Stone, Thompsou, Upham, G. B. Webster, Wilbur, Wolcott—25.

Absent or not voting—Messrs. Cannon, O'Donnell, O. H. Pierce, Pratt, M. W. Richardson, Smardon, E. R. Webster—7.

#### A PERSONAL EXPLANATION.

Mr. Thompson of Ward 9—I have a personal explanation to make, if the Council will pardon me for a moment. In the course of the debate last Thursday evening, the gentleman from Ward 3 [Mr. Stoue] gave certain figures as representing the total borrowing power of the city of Boston, to a certain extent, and asked me the question, “Where can we ‘get the money’ for the system of parks which I advocated?” In reply, I stated that during the next ten years we could borrow a certain sum. To that, as appears by the report, he replied, “I got my figures from the Auditor, and I don't believe he would give two sets of figures.” I did not hear at the time what the gentleman said in regard to giving two sets of figures; and I answered I got mine from the Auditor. I find that some gentlemen, especially those who called upon the Auditor, thought I intended it to be understood that the Auditor had given two sets of figures. I did not intend to convey any such idea. At the time I made the inquiries of the Auditor, he gave me the same figures which he gave to Mr. Stone. To that I added, I had presented to myself a different problem—not the question of how much we could borrow today, but the question of how much we could borrow in the next ten years, and I started upon the same basis that the gentleman from Ward 3 did; and, making an allowance for our Sinking Fund, I produced the result which I gave. I do not wish to place the Auditor in a false light. Unfortunately, something of the same nature has occurred tonight. Two other gentlemen [Mr. Mowry and Mr. Pratt] have presented figures, both claiming to have received them from the Auditor, and all claiming to represent the same thing, and yet all differing considerably; and as that will appear again in the report as a collision—or having received different figures from the Auditor—I wish to explain my connection with them now. I find, on consulting the figures of the gentleman from Ward 11 [Mr. Mowry] that they were made up to June 11, 1876; mine were made up to the first of May, 1876, and were the same figures given by Alderman O'Brien, and which is the difference given in that year. My friend from Ward 21 [Mr. Pratt] put a construction of his own, and added a couple of millions to the cost of constructing the bridges, which I was unable to find.

#### PUBLIC PARKS.

On motion of Mr. Flynn of Ward 13 the rule was suspended, and on motion of the same gentleman the motion to reconsider the vote whereby



was rejected the order for a loan of \$450,000 for the purchase of land on the Back Bay for a park and streets connected therewith was taken from the table. The question was upon reconsideration.

Mr. Flynn of Ward 13—I understand the gentleman from Ward 10 [Mr. Richardson] is about to renew the amendment he offered at the last meeting, and if that is done I will accept it.

Mr. McGaragle of Ward 8—I hope gentlemen will not push this to a vote tonight. If they let it lie upon the table another week, I think, from the number of converts that have been made, we shall have a unanimous vote. It is the most natural thing in the world.

The reconsideration prevailed, and the question came upon the passage of the order as it came from the Board of Aldermen.

Mr. Perham of Ward 23—I hope, sir, that this vote will be reconsidered, and as I desire to make a few remarks upon the same subject, I think perhaps I had better do so upon the reconsideration. Mr. President, believing as I do that Boston demands in her own interest a system of parks, and believing that now is the time to take decisive steps to inaugurate that system, I am naturally disappointed at the meagre step proposed by the other branch of the City Council. I have found myself beset with difficulties in an honest effort to see my way clear to give this measure my approval. Even now, sir, as purely a park project, it does not commend itself to my judgment. As a provision for a quarter of a century hence it has claims to our consideration. As a provision for the present generation it has none whatever. Admitting that the territory it is proposed to purchase can be filled to the required grade in a few years, it must be expected that the filling will settle and require regrading a year or two afterwards. Then the loam can be put on and the work of ornamentation begun. Trees do not grow like mushrooms. "There is a frightful interval between the seed and the timber." Taking strictly a park view, I am more nearly right in characterizing it as something for a quarter of a century hence, than the ardent friends of the measure will be willing to admit. It may then become what to Boston the Public Garden and Common now are, and that I admit is desirable. But this as a park matter does not meet the question which faces us today. The real question should not be lost sight of. It is one of parks for the people of today, for *our* people and not those who shall occupy our places when we shall have passed on to the unknown parks of the Great Elsewhere. Mr. President, it seems to be the opinion of some of our friends here that those are the parks we had better all wait for. I do not agree to the proposition. The individual takes liberally from his income to make his home attractive and healthful. Great cities should be kept healthful and made beautiful by like liberal expenditures, and it is no true economy either in the individual or the city to neglect these things. I had hoped that something more practicable, more in harmony with the prevailing park sentiment, should have been accomplished; that the park for *now* should have been the first in the series to receive our attention; that we should have sought it where the simple purchase of lands would give the magnificent groves, the running streams, the graceful lawns, the hills and rocks, the great shades and nooks, the fragrance and pure air of open country, and all those natural elements which go to make up a park in its truest sense. Referring to a park like this, an eminent advocate of Back Bay projects has said, "*That can wait.*" So *it* can. But Boston cannot, if there be any wisdom in the Park Commissioners' report, or if there be any true reason why parks should be had at all. I believe in Boston. I do not think she is impoverished. I do not think she is in a decline. Boston has many lost opportunities to regret and to teach her wisdom. But in her experience there is nothing to teach her to halt in the direction of necessary public improvements. Her mistakes have been of the hesitating kind. Boston, contemplating the investment of her capital in Western railroads and in Western cities, and seeing no line of railroad under her control to those cities, wonders at her own shortsightedness. Boston, seeing what rival commercial cities have done in establishing parks, and the benefits they have derived from them, bids her representatives act. She will not sustain the course of him who hesitates.

Mr. President, it must be clear to you that I believe in parks, and that, holding the views I have expressed, it has been very hard for me to agree to this order. But, sir, I do not hold that all the wisdom in the City Council is centred in any opinion of mine. A large majority have taken the opposite view in regard to the Back Bay territory. At our last meeting this matter came up for discussion for the first time in the Council. I was not prepared to vote for it. It was pushed to a vote, as it appeared to me, unwisely and in undue haste, and I was therefore forced to record my vote against it. Since then I have investigated the matter earnestly, and intend to vote for it in some form. I prefer the substitute of the gentleman from Ward 10. I cannot controvert the testimony that the purchase by the city of these Back Bay lands, and the consequent improvement of the adjacent territory, will abate a public nuisance—a nuisance which my ward, through Stony Brook, bears her share in creating. I am convinced that the proposed improvement of Stony Brook and the filling of these lands, in connection with the system of improved sewerage, and possibly the filling of Roxbury Canal, will give relief to the entire South End territory, and that these improvements will forever remedy the evils which now exist and endanger the health and lives of a thickly settled district of this city. The separation of the vexed question of how to improve the sanitary condition of Back Bay from the park question proper, will relieve the latter of an incubus, and hereafter proposed parks can be fairly treated on their merits. They have never been so treated yet.

Mr. Coe of Ward 13—I have some hesitation in speaking tonight, as I feel that the Council are hardly in the mood to listen to any more speeches on the general subject of parks. That question seems practically decided for this year, and the whole matter narrowed down to abating a nuisance on the Back Bay. I suppose the votes are secured, and the order will pass. Being necessarily absent last week in the fulfilment of an engagement made some time since, I was unable to speak then on the general subject. Furthermore, I did not suppose, that after being discussed for so many weeks by twelve men in the other branch, it would be pressed to a vote with such undue haste in this body. As I am, unfortunately, a member of the Committee on Parks, and being unable to agree fully with any other member of that committee, I feel obliged to state some of the reasons which influenced my own mind in presenting a minority report, and which time and further reflection have only confirmed and strengthened. I am a believer in parks—they seem to me a necessity for any large city. But it is useless to close our eyes to the fact that they will cost something. We cannot have parks any more than we can have pure water or improved sewerage without paying for them. If we were to believe some of those who advocate them, the city has only to locate parks of a few hundred acres (more or less) and spend a few millions (more or less) upon them, and instead of an outlay, lo! it becomes a source of *income* and a money-making operation. As an instance of this kind of advocacy, I will quote from the very able and exhaustive speech of the chairman of the Committee on Parks, made in the other branch on the 21st May of the present year.

In referring to the writer of the second minority report, he says—

"He also appears to be alarmed at the possible expenditure covering a period of thirty years; but the adoption of the scheme he recommends would destroy a well-considered plan. \* \* \*

"I am satisfied he believes this as much as any of the majority, but fails to see that these parks will cost the city *scarcely a dollar*, if we take the experience of the creation of parks in other cities as a criterion or a basis. This has been demonstrated fully. I plant myself on the experience of other cities in the creation of parks, and this experience is far safer than his imaginary figures."

And then he gives the following statement of the experience of New York with Central Park, to bear out his assertion that parks will cost the city "*scarcely a dollar*":

On the 31st December, 1875, the city of New York had expended on Central Park.....	\$30,779,636
Received from increase of taxation due to the park, Dec. 31, 1874.....	24,994,731
Net amount of outlay.....	<u>\$5,784,905</u>

In 1875 the city received in taxes in excess of actual valuation before park was created.....	\$5,182,658
In 1876, same.....	5,042,029—\$10,224,687
Deduct net amount of outlay.....	5,784,905

Balance in favor of the city..... \$4,439,782

It will be seen that while he credits the park with \$5,000,000 for taxes received in 1876, he fails to charge it with any expenditures incurred after Dec. 31, 1875. This would somewhat change the result. In selecting as an illustration Central Park, he has probably taken the one which will come the nearest to confirming his theory that the park will cost "scarcely a dollar." Let us look into this statement a moment. I do not know where he gets these figures, neither do I care, as in quoting them he makes them his own, but presume that the sum of about \$30,000,000 as the cost of Central Park is correct. But when he attempts to prove that this amount has been returned to the city and \$4,000,000 more by taxes received from increased valuation in consequence of the park, we shall have to scrutinize his figures somewhat closely and see how correct they are. He would have us believe that the city received in 1875 and 1876 more than \$10,000,000 in taxes *due solely* to the park. The rate of taxation in New York was in 1875 \$29.40 and in 1876 \$28 on a thousand. Figured on this basis, we shall see that he claims an increase of valuation *due solely* to Central Park, of about \$180,000,000. As the assessed value of real estate in New York is supposed to be about sixty per cent. of its real or market value, it follows that the real value on a basis of \$180,000,000 of taxable value would be \$300,000,000, and all of this immense sum he claims as due solely to the creation of Central Park. In other words, if New York had not created Central Park, the actual value of her real estate would have been \$300,000,000 less than it is today; or, putting it in still another way—establishing Central Park has added to New York a sum equivalent to nearly two-thirds of the entire real-estate valuation of Boston. Does any sane man believe this? The absurdity of his statement is manifest when we know that the entire assessed real-estate valuation of New York city, including all its magnificent buildings erected for commercial purposes, is only \$895,000,000. The Park Commissioners of Boston in their report are much more moderate. They only claim an increase of taxable property, up to 1868, due to the park, of \$45,000,000. The fact is, New York, if it grew at all, was compelled to grow around Central Park. Had there been no park there the *increase* of valuation would still have been much greater in proportion in the upper wards than in the lower ones, which were already built upon. *How much* of the increase was due to the park cannot be put into figures. Doubtless it had a very considerable influence upon the growth of New York. The Alderman speaks of my imaginary figures—referring to the statement that the whole cost of parks and parkways by the Park Commissioners' plan would be, *when completed*, \$15,000,000. As the majority of the committee asked for nearly \$10,000,000, and did not provide for the spending of a dollar on the outlying parks and parkways, the "imaginary figures" would be pretty sure to become a reality if the scheme were entered upon. At any rate, I am content to let them stand, and allow gentlemen to judge between us as to who has drawn most largely upon his imagination for his facts. Another instance of the reckless use of figures on the other side I find in a prominent journal—an opponent of parks. I quote:

"Is the city of Boston anxious to follow the example of New York? Do its property owners contemplate with pleasure the prospect of thribbling their city indebtedness in the next ten years as New York has done? Do taxpayers \* \* \* desire to follow the example of New York by increasing the rate of taxation to \$3 in a hundred?"

And what, Mr. President, do you suppose is to produce this astounding result? Why, the establishment of parks. If this extract means anything, it means that we are to add \$85,000 to our debt in the next ten years, and, in addition, increase our annual tax levy from nine millions to twenty millions, and all in consequence of parks. I quote these statements to show how recklessly figures can be used, both for and against parks. I believe in such an expenditure for this purpose as the city can well afford, and put it solely upon the ground of the great benefit they would be to those who need

them. If it is true that they are a benefit to the population of a city, then they should be provided, and the means to pay for them provided for by the City Government, the same as pure water, sewerage, etc. While almost all believe these last to be indispensable, there seems to be a difference of opinion as to whether parks are equally so. I believe the three should go hand in hand. While we are bound to provide all the means to secure good health to our people, so far as their dwellings are concerned, by providing pure water and good drainage, we are equally bound to provide for them places where they can fill their lungs with pure air—places to attract them from their close, confined dwellings, and this will have the effect to promote their health and happiness as much as the others, and any expenditure to secure this should be voted *as freely*. Now I concede that in securing the benefit of parks, reference should be had to our financial condition, and I believe, as stated in my report, that the original order offered by the majority of the committee, being the full plan of the Park Commissioners, is too extensive and costly a scheme for us to enter upon now. In saying this, however, no reflection upon the Park Commissioners is intended. I do not well see how they could have presented a less comprehensive plan; and it is very unusual, to say the least, that men with so much other business upon their hands can be found to give so much time and thought to the public, without any compensation further than the consciousness of being of service to their fellow citizens. It is extremely improbable, however, that their plan as a whole will ever be adopted. Its expense will put it out of the question. But their labors will not be thrown away, and from them will be provided such public grounds as the people of this city will hereafter enjoy. In rejecting their plan as a whole, I still believe that we are in a condition to adopt it in part. It is agreed that we must construct our system of sewers at once. Their cost will be less than \$4,000,000. Within the next ten years we pay off about \$11,500,000 of the city debt through the Sinking Fund, so that we can spend \$4,000,000 for sewers, \$5,000,000 for parks, and still have a margin of \$2,500,000 left for other purposes, without having at the end of the ten years any larger debt than at present. Our burden for interest would also be much lighter, as we replace bonds bearing on an average between 5½ and 6 per cent. interest, with those bearing interest at 4½ per cent. I should be loth to believe, also that the city would be any less able to carry this debt than at present. We are not to stand still for a term of ten years. Before discussing the question of *where* we should locate parks, it seems to me we should consider *whom* primarily we ought to seek to benefit by them. Doubtless all classes would be benefited more or less. But *who need* them, and *who* should we have in mind when deciding upon the question of location? Certainly not that comparatively small portion of our population who own carriages of their own, or can afford to hire them, and who have the leisure to use them every day. If parks benefited these alone, I should not favor them. The argument so often used by those who oppose parks—that the suburbs of Boston are a natural park—would be a weighty one applied to this class. *They* can drive out and enjoy this "natural park"; but not so the large class we should have in our minds. I mean the great bulk of our population—our clerks in our stores, bookkeepers, artisans of various kinds and laborers—and it is our duty to consider them in establishing our parks. It has been said that no petitions have come up to the City Hall from them for this purpose. Neither was there for water; neither is there for sewerage. They have not the time to spend in this way. But it is none the less our duty to look after their interests. That is what we are sent here for. We are to foresee, to initiate and put into operation matters which will be of benefit to our citizens in the future, whether they clamor for them or not. I hope gentlemen will bear in mind, then, the class of people we wish to benefit. This has had a controlling influence on my own mind upon the question of favoring or opposing certain locations which have been presented to us as proper sites for parks. Not the question of the amount of betterments the city is to receive,—not the question of nuisances to be abated, nor any other question, should be placed before the one,—where can you locate so as to benefit, *for all time*, the class of people I have named. I am unable to favor Back Bay Park, as it is called, simply because it does not seem to me to

answer the purpose for which it should be intended, nearly as well as other locations which I shall name. I admit that the city is as likely (perhaps more so) to reap returns from an expenditure there as in any other location, either from increased valuation of property around it or in direct betterments, although I have little faith in much being derived from the latter anywhere. I admit, also, that it would be very desirable to abate the nuisance existing there, but have not yet been able to see why we should establish a park to do so, or, in fact, how the establishment of a park there like the one proposed *can* do it. We are told officially that \$50,000 to \$75,000 for a temporary sewer will prevent any further deposit of sewage on the flats; and how filling up 100 acres will abolish the stench arising from 200 to 300 acres passes my powers of comprehension. But admitting all to be true of the benefits to be derived in these ways, when you have spent your money and established your park, what have you got? Something, no doubt, of great advantage to those who own land around it, but does it possess the requisite advantages of location, natural scenery, etc., to attract the class of people for whom we should establish parks? As the gentleman from Ward 18 has well said, it would be a Public Garden on a large scale—everything artificial, nothing natural; hard to reach, and unsatisfactory when reached. It would have no variety of surface like the proposed West Roxbury park, and no extended water and sunset view like the Charles River park. Because not naturally attractive, there would be all the more necessity for spending money upon it to make it artificially attractive. Such a park as this is the most expensive possible. Besides the first expenditure to construct it,—which, by the way, seems to have been mysteriously reduced from the official estimates presented by the Park Commission,—large sums would have to be disbursed each year for flowers and shrubbery to make its level surface presentable, and many years would elapse before it would have the very first requisite of public grounds, viz., shade trees. We are all of us aware that there is a greater pressure upon us to vote money for this location than for any other. Men who have sunk large sums of money in this bottomless pit of the Back Bay see in this their only hope of realizing something from their investments. We all know that should this Back Bay park become an accomplished fact, this class of men would have secured all they desire, and parks in general would have very lukewarm advocacy, so far as they were concerned. So well is this known that an Alderman who has been considered exceedingly “shaky” on the Back Bay park, among other good and doubtless substantial reasons which finally decided him in favor of it, after as much doubt as the celebrated Wouter Van Twiller would have bestowed upon the subject, declared that in voting for Back Bay he hoped to stop all further agitation for parks. I am confident that any one voting for a Back Bay park to-night, hoping thereby to receive any appropriation for any other site hereafter will be disappointed. I fully believe that the securing of the site on the Back Bay will *prevent*, for the present, all further outlay. This, to be sure, will commend it to some, but not to those of us who believe in the necessity of securing other locations. Now, if I believed the Back Bay park was as desirable an investment as the city of Boston could make in parks I should vote for it, notwithstanding all this. But I have no hesitation, as we cannot have the whole scheme, in selecting the Charles River embankment in preference. As shown by the estimates of the City Engineer accompanying the report of the committee, the first cost of the latter would not be heavily in excess of the former. If it is possible to reduce the cost of filling Back Bay by depositing the city ashes there, the same reduction in cost could be made in Charles River. And, by the way, if the cost of the Back Bay is to be reduced by filling up with city ashes in all the next three years, what becomes of the nuisance argument which has been so potent to secure votes for this scheme? Is this nuisance to remain for three years before being fully abated? I should like to have those who vote for it in order to abate a nuisance, and those who vote for it because the cost is to be reduced by filling with city ashes, settle this matter. There should be a fair understanding, or one party will be badly disappointed. But, as I was saying, if the cost can be reduced in this way in one case, it can in the other. In the cost of maintaining the two, I be-

lieve the Charles River will prove to be so much the cheaper as to more than offset the difference in first cost,—the natural attractions of Charles River being so great, there would be no necessity for a large annual outlay to offset the lack of these. But keeping in mind the principle which should guide us of providing that which would be of most service to the masses, can it be doubted what our decision should be, as between the two? Charlestown and the North and West Ends will always have a very large population. The steep grades of the latter will always preclude its being taken for business purposes. The course of trade will naturally extend towards the South End. Now I do not hesitate to say that for *every-day use* the Charles River park would be superior to any one included in the whole plan of the commissioners. One end of it extends into the heart of the population we wish to reach, and the crowded streets of the South End spoken of by the gentleman from Ward 9 would find it about as easy of access and far more attractive than the Back Bay park can ever be. If it were completed, or even commenced, we should see every pleasant evening at this season of the year, thousands of people, who, having finished their day's work, would find the attractions of a cool breeze from the water, a fine sunset view, and the river alive with boats, too strong to resist, and they would be seen with their families on the promenade enjoying themselves, instead of remaining in their close-confined dwellings, thus obtaining that relaxation so necessary to them in their life of toil. The sum proposed for the Back Bay should be expended in commencing on this embankment between the bridges, and the work can be prosecuted only as fast as the City Council may determine, extending over a space of ten years if thought best, as the main cost would be not for land but for construction. It does not seem to me that too much can be said in favor of this embankment. The Park Commissioners truly say, that any plan which neglects to use the water fronts of a seaboard city would not be worthy of the situation, and yet this is what would be done in selecting the Back Bay site in preference to the Charles River. Hardly inferior in importance and desirability to the Charles River embankment is a place which can be utilized by the same class of our people as a place of general resort on holidays or picnic occasions—a place where a family party could go and enjoy the country and country scenes for a half, day or a day, taking their meals with them. No one pretends that this want is met by the Common; who ever saw family parties there spending the day under the trees? By no stretch of the imagination could they conceive of themselves as being in the country. The commissioners have met this want in the West Roxbury Park, so called. It is as accessible to the bulk of our population by horse cars as is Central Park, and has the advantage over that in steam-railroad communication, as two roads land their passengers within five minutes' walk. The bulk of our people reside as near it, and in looking to the future we find it in the geographical centre of the city. Its adaptability to the purposes intended is conceded by all, and if we are to have a park in the true sense of the word we *must* have this. It would be made use of at once—possessing natural attractions, as it does, even superior to the famous Central Park. How the latter is used, gentlemen can see by the following extract from the New York Times of two or three weeks since:

“According to the officials in charge, more than 100,000 persons entered the gates yesterday, the majority of them to catch the only revivifying draught of pure air vouchsafed them in the week. The drives were also alive with the vehicles of the rich, to whom the park is but a passageway to more exclusive, and, consequently, better appreciated delights. The others enjoyed themselves heartily. They lounged in swarms along the breezy paths, or lay luxuriously in the shaded bowers. They sailed in the boats over the enticing waters of the picturesque lakes, or enjoyed a splendid ride around the park in the carriages provided for that purpose.”

This shows the craving of our people for the open air. If any doubt that the same use would be made of a park here, they have only to visit the suburbs on a Sunday or holiday, and see the crowds of people tramping along the dusty roads, seeking for a place to spend a few hours under the cool shade of some tree, only to be warned off by the sign “No trespassers allowed here” staring them in the face. This is all the benefit they now

derive from those parks in the suburbs spoken of so freely by those who oppose parks. The cost of this site would be very moderate. Taking into account its size—nearly 500 acres (none too large for our wants)—and the cost would be small. The assessors' valuation of 1875 was \$1,387,100; that of the present year is much lower. Good judges believe the commissioners could secure it at a materially lower figure than the sum I have named. This, too, would call for a small outlay for many years. It is now available for park purposes. With these two improvements completed, we should then have all the parks we require for many years. In case we double our population and wealth in the next thirty or fifty years, we may require something in other sections of the city, and in that case can afford to have them and pay for them. I should, however, be willing to vote for the \$600,000 required for South Bay. An open space there for a parade and play ground is very desirable, and the arguments for abating a nuisance apply here with full as much force as in the case of the Back Bay. It is very desirable that steps should be taken to preserve the shores of Jamaica Pond, so that the pond itself be saved from becoming a nuisance. I hope, however, we shall have an opportunity of considering this matter without reference to the question now before us. In conclusion I can only say that I hope this City Council will take some action which will eventually result in giving us parks—parks which will be of service to our people generally, and not to one class only. It seems to me there are two classes of people opposing them; the first are those who always oppose any scheme of public improvement, no matter what the benefit to the community at large. Everything is measured according as it affects their pockets. They opposed the introduction of pure water, the introduction of gas, and will be found in opposition to everything of the kind "to the end of the chapter." Their opposition was to be expected, and should not have the slightest weight. But the main body of those now found in opposition are of a different class. They believe in them and would favor them in prosperous times. But "hard times" deter them. They favor delay until a return of prosperity. This would be sounds if "hard times" were to continue for a long term of years. But few, however, believe this. Trade will revive and prosperity return again. Already there are indications of it. The payments for parks should extend over a term of thirty years at least. If the majority of those years are to be prosperous ones, then we should not hesitate now to take advantage of the present low value of lands to secure them, for if, as we believe, prosperity is to return to us, real estate will surely feel the rising wave the same as any, thing else. Shrewd operators are even now quietly making their investments in lands, and in many cases taking advantage of present low prices to erect buildings. They have faith in the future, and we should profit by their example. With an unlimited supply of pure water, the debt incurred for which is sure to be gradually reduced and finally wiped out from our income from this source; with a complete system of sewerage, and with an ample provision made for parks, the position of Boston will then be an enviable one; and all these we can have in the next ten years without any increase of our gross debt. We are then in a position, having secured all of these necessities, to reduce our debt, and finally extinguish it, as these are the only matters likely to press upon us for action, which require heavy expenditures of money.

Let us, then, have faith in the future of Boston, and so act that those who come after us will have reason to commend our sagacity and foresight in providing the wants of the future, which we certainly can do without laying ourselves liable to the charge of want of prudence. There is such a thing as excess of prudence. I had prepared one or two amendments to offer, but it is very evident what their fate would be, and I withhold them. I feel that the Council, in passing this bill, make a very grave mistake, but do not care to delay it by any factious opposition.

Mr. Richardson of Ward 10 moved to reconsider the vote whereby the Council refused to amend the order by adding—

"The lands or flats so purchased to be located, with special reference to the improvement of the sewerage of the city."

Mr. Webster of Ward 3—I am too tired and sleepy to make any lengthy speech tonight, but I do wish to make one or two remarks tonight in

regard to the spirit of the remarks of the gentleman last up. There is one clause in the minority report which he submitted that I do wish to compliment him upon, and that is, the lines in which he says "he makes these recommendations with great diffidence." I should think he would. It will be remembered that on account of a few cents difference between the salary of a Charlestown man and a city man he hinted that it was due to my action, and I have waited patiently to see if I should ever be able to attribute anything of the kind to him. In reading his report it occurred to me that the meaning of it was, if we can have parks, on a thirty-year loan, let us have three—two in my ward; if we cannot borrow on more than two years, let us have only one park—and that in my ward, too.

Mr. Coe—I am surprised at the spirit shown by the gentleman tonight in the remarks just made. If he had read that report carefully, and if he had listened to the remarks I made tonight, he would see that I favor a larger expenditure on Charles River than in my own Ward 23.

Mr. Thompson of Ward 9—I wish to say for my colleague on the Park Committee [Mr. Coe] that I think no gentleman in this Council is so little affected by sectional feelings as the gentleman from Ward 23. In regard to the amendment of the gentleman from Ward 10, as chairman of the Committee on Parks I hope the vote by which it was rejected will be reconsidered and the amendment be adopted.

The motion to reconsider prevailed and Mr. Richardson's amendment was adopted.

Mr. Pratt of Ward 21 moved to reconsider the vote whereby was rejected the amendment offered at the last meeting by Mr. Thompson.

Mr. Thompson—I think the Council will bear me out in saying that I was earnest enough in urging the passage of this amendment when I offered it, and I occupied as much time as I could in urging its adoption. But at this time I think it is only going to be a clog upon the order, and I think I am justified in saying at this time that I hope the reconsideration will not prevail.

Mr. Pratt of Ward 21—Although it is late, I hope I may be allowed a few words in support of my motion to reconsider. I am surprised that the gentleman from Ward 9 has so soon subsided in his enthusiasm for a park scheme that would include a park. When this amendment was before the house a week ago, the question was taken upon it altogether, although it was obviously open to division and should have been divided. It includes three parks in addition to the one included in the main order. My object in moving the reconsideration of this vote is that if the reconsideration prevails the question may be divided, and one of the parks, or that part of the amendment which looks to the taking of land for the West Roxbury park, may be passed. The argument of the gentleman from Ward 23 [Mr. Coe]—or what I could hear of it—has seemed very sound and conclusive; and the remarks of the gentleman from Ward 9 were very eloquent and persuasive and were backed up by argument. I think there were a number of gentlemen here who voted the other evening against the order before us because it included the Back Bay parcel of land alone, and who would feel that they could, in the discharge of their duties, vote for that order with the addition of an appropriation for the West Roxbury park. I think there are others who voted against it a week ago, because they were unwilling, as my friend just said, to clog the original order with an amendment. Now, sir, I will not take the time of the Council at this late hour of the night; but, sir, it seems to me that that is a very foolish reason for voting against an amendment when there are so many reasons in its favor. If we can reconsider that vote, divide the amendment, vote down the other two propositions and pass the amendment, adding the West Roxbury park, I should cheerfully vote for the bill as it will then stand; and I think others will do so who voted against it last week. I do not see that the friends of the measure will lose anything by allowing that to be done. I do not see that anything will be lost by allowing the Board of Aldermen to reconsider their decision, if they chose to, and if it comes back to us we can pass the original order if we see fit. With all the canvassing during the past week, I think there may be some change of mind, and we cannot be losing time if we give this amendment fair consideration tonight. It looks to me as if some gentlemen here, who have some regard fo

the proprieties of legislation, should move an amendment to strike out the word "park" in the order as it stands before us. Nobody is voting for it because it is a park. It is put forward not as a park, but as the abatement of a nuisance, and as something that might be done entirely without regard to the park question. Now, while I admit that it has claims upon our votes; while I should vote for it cheerfully in connection with something else that would make it a park, so that I could say I had voted for a park when I voted for the order— But I find I am going on too long, Mr. President. I simply ask that the questions may receive serious attention at least.

Mr. Pratt's motion to reconsider was lost by a division—20 for, 29 against.

Mr. Howes of Ward 18—I suppose, sir—at least, I infer—that the noses of the various members of the Common Council have been sufficiently counted to know that this measure will pass through tonight; so that anything said in opposition to it may be idle wind. Nevertheless, I think it necessary to enter one more protest before this measure is put through. There is one statement which is very current indeed—that this measure is put through, or the park is to be created, for the benefit of the people. Now, we have had one striking illustration of what may be said to be a popular demand tonight,—that is, the East Boston ferries. When that subject was under discussion the galleries were full. But now behold the populace who are up there longing to get to the park! Then we have the medical idea on the same subject. The medical idea was introduced a week ago in a letter signed by quite a number of doctors, so skilfully worded as not to refer to park or square, but which referred to the abatement of a nuisance out there, which might be done fully as well by building houses as laying out a park. In my mind, if the Council passes this measure tonight, the city of Boston will have cause to regret it for the next hundred years. It will be nothing but an immense elephant upon the city and a perpetual source of expense. The park there will be very much like what is called Tompkins square, on the east side of New York, which is never kept in anything like good shape, and is used for nothing but parades of soldiers. One reason for it, they say, is because the residences are not of a good character, and that deteriorates the park itself. According to that idea, it will not only be necessary to build a park, but the City Government must build thirty-thousand-dollar houses around it in order to sustain the park. In fact, we have one instance in our own city, that a park will deteriorate unless nice houses are built around it. I have only to mention the name—it is Orchard park. It is just as much a park as this park on the Back Bay will be unless the city goes to an immense expense to make it of use to the people. More than that, if this park is a success it will prevent laying out the Charles River embankment, which is one of the most beautiful schemes that the commissioners have suggested. They will be too near together. Instantly the cry would be raised, Why are you doing so much for the West End? The people will get satiated with West End parks if they have this one. For that reason I hope this measure will not pass. Never, in my experience in the City Government, has a measure been subjected to such log-rolling as this has been; never have open charges of raising money to put a thing through been made to the extent of this. Within a few days several people have come to me and told me about a purse that the Board of Brokers have raised in order to get this measure through, and even named the person having the purse for that purpose. The thing is honey-combed with all sorts of measures, and I hope we shall not vote for it.

Mr. Pierce of Ward 24—This measure is of such importance that, at the risk of repeating what has been said and with the probable certainty of being tiresome, I feel called upon to express my views, and will do so very briefly. At the last meeting of the Council I voted for the amendment of the gentleman from Ward 9 looking to the establishment of several parks and against the order for the "Back Bay" park only. Though there is an apparent contradiction in these votes, they are, I think, entirely consistent, as I hope will be shown in the course of what I have to say on the subject now before us. In the first place, I am a *park man*. I believe in parks fully, and I agree entirely with what the gentleman from

Ward 9 said the other evening, so far as it relates to the general subject. I differ with him, however, on the expediency of beginning on them at once. The times are hard now, though we have rosy pictures drawn of what this city is to be in the near future. I believe it would be better to wait a little longer for our parks, even at the risk of paying something more for them. If we wait two, three or five years (I hope not more), until mechanics and laborers can have steady employment at fair wages and merchants receive a fair return on their investments instead of making heavy losses, the taxpayers will then pay a dollar and a half more easily and more cheerfully than they can now pay a dollar. But if we are to begin a park at this time (and the "Back Bay" must be one of them), I trust that we shall do so in such a manner that we shall get some *immediate* return for our investment. To my mind there is a wide distinction between a *park* and a public square or public garden, and in my judgment this "Back Bay Park" (so-called) can, in the nature of things be nothing more than a public garden, for to a *park*, in the truest sense of the term, an undulating surface, large forest trees and retired, shady spots are *essentials*, and those we cannot get on the *Back Bay*. I believe that if this measure is passed it will delay for years the laying out of any *park* or *parks* worthy of the name, and therefore it seems to me that any true friend of parks should earnestly oppose this order. While the process of grading, sub-soiling and loaming this "sink hole" (as it has been called) is going on, many people will say, "We've got one park on our hands now—wait until that is of some use to us, and we know what it's going to cost, before asking for any more," and the peculiar pressure attending *this* measure (a pressure which we have all felt) having accomplished its object, the subject will be allowed to rest until some other private interest becomes strong enough to fill our lobbies with earnest workers for some particular park in some particular locality.

Yet though this Back Bay park has so many friends, we hear very little concerning any special adaptation or qualification which it possesses as a *park*.

The principal argument advanced in its favor is, in brief, that there is a nuisance in that locality, and it must be abated, and the public generally have been led to believe that the *only* way to abate it is to convert it into a park. I firmly believe that a large proportion of the petitioners who have asked for it have signed under the impression that it was necessary in order to get rid of the stench which at times arise from that locality. If they had felt assured that that trouble could and would be cured in any other way at far less cost, they never would have signed the petitions. It will be noticed that the eminent physicians whose communication was published a few days ago say nothing of the necessity of a *park*, but say there is a *nuisance* which should be abated. Now, gentlemen, I believe in calling things by their *right names*; and if we are discussing a plan for the abatement of a nuisance, let's call it so, and discuss it on its merits, *as such*, and not call it an "order for the establishment of public parks." Then if it can be shown that this is the best and most economical way of getting rid of that nuisance, I am ready to vote for it, but I have no idea that its advocates are willing to argue it on that ground. It seems hardly necessary to remind any member of this Council that the construction of this park is not going to dispose of the sewage now discharged at that point. That must be taken care of whether or no, and the filling in of that park or the building of that water basin is not going to furnish a *better* outlet for the sewers, but quite the reverse. Such an outlet must be provided whether we lay out the park or not. There is a plan now before the City Council which, if adopted, will, as I believe, dispose of that difficulty effectually. If it is necessary that some temporary measure should be adopted to provide for it until the whole system can be completed. I am ready to vote for it. As for the offensive matter already deposited there, it can be covered where necessary with one or two feet of ashes or clean gravel at vastly less expense than will be necessary to fill up for this park. A communication on this subject from the Board of Health has been read, and I am glad to get its opinion, as it is the highest official authority we have. Now, what do they say? Simply that in their opinion "thirty-five acres of *water park*, free

of sewage, would in a great measure destroy the existing nuisance." Mark you, gentlemen, they say nothing about a necessity for sixty-five acres additional in a park, or any part of it, but simply that thirty-five acres of water park will destroy the nuisance. They do not even say that this is the best or only way to do it. If now you add to this thirty-five acres of water fifteen acres of land, you will get ample room for a driveway and foot path around the water basin, and besides abating the nuisance will get a breathing space in that locality fifty acres in extent at half the cost of the proposed park. Surely if forty acres on the South Bay is breathing space enough for that neighborhood, which the gentleman from Ward 9 tells us is "the present centre of population of the city," and which is close by South Boston, the South Cove and the poorer districts of the South End and Roxbury; if, I say, forty acres is enough *there*, surely fifty acres is enough for the Back Bay, surrounded, as we are told it will be, by elegant residences, and of course occupied mainly by those who are able to go out of town during the hot season. If then this measure is not necessary for the abatement of the nuisance, there should be other *strong* arguments in its favor to warrant the outlay which will be incurred. Such it seems to me have not been brought forward. In the general argument for parks their advantages as sanitary agents have been dwelt upon, and a vivid, and I doubt not a truthful picture, has been drawn of the ravages of cholera infantum and other kindred diseases in those thickly settled localities occupied largely by the poorer classes. But I say to you gentlemen who represent those localities, that if this park is laid out, and is surrounded with fine houses similar to those now covering what is known as the "Back Bay," it will of necessity be practically the rich man's park. The poor woman with her sick babe will seldom be seen there. How often is she now seen on the Public Garden? And we are told that this park will be a continuation of the Public Garden and Commonwealth avenue. The fact is, the surroundings will be such that she will feel instinctively that it is not the place for her. But, gentlemen, give her a chance to go where there is plenty of room and where she can find a shady corner where the children can roll on the grass and kick up their heels even if they do show their bare legs, and I warrant you she will find a way of getting there; and for the money, which it is admitted the park will cost, you can get four to five times as much land, every foot of which is immediately available for park purposes without a single dollar expended on it other than the first cost of the land. The only thing to be done is to say to the people, "There it is, go and roam all over it, do what you will; so long as you conduct yourselves decently you will be undisturbed."

The remark is frequently made, "You people in the suburbs don't need parks—they are a park of themselves." That is very true, we don't need them for ourselves, and so far as I am aware it is n't the suburban people who are most urgent for parks. It is n't the out-of-town, but the in-town, physicians, who sign the petitions; it is n't the out-of-town, but the in-town babies, one half of whom die before they are a year old. But we out-of-town people know something of the value and beauty of green grass and old trees, rocks and running water, and if the city is to spend money for parks, those things are what we want it to secure, and not invest in a combination of ash heap, sand bank and mud hole. Now a few words in regard to the cost of the Back Bay Park. Suppose we admit that it can all be done within the estimates submitted to us, say in round numbers \$900,000, if we use ashes, or \$1,400,000 if we fill with gravel. It is proposed to fill with ashes, and it is claimed that by so doing we can save about \$471,000. I am informed by the Superintendent of Health that the amount of ashes available for this purpose would be about 100,000 loads, equivalent to about 12,000 squares per annum, so that it will take twelve years to obtain the necessary amount of ashes, and without allowing any additional time for subsoiling and loaming, we must wait twelve years before our park is graded even; and during that time the interest on the purchase money and the loss of taxes will have more than doubled its cost, and would offset all the saving. We may therefore fairly consider its cost under any circumstances as not less than \$1,400,000. Can any sensible man believe that this grading would be delayed twelve years, or the half of it? Is it likely that the

parties who have pushed this matter so persistently will be satisfied with such a slow proceeding? Recollect that the park would take only about one-third of the territory embraced within the lines defined by the order, and that the other two-thirds will still be in the market and cannot be sold to the best advantage until the park is graded. Who is likely to build there, or go there to live, while ashes are being carted in there at the rate of three or four hundred loads a day? I venture the prediction that, if this order is passed, in less than twelve months the City Council will be asked to authorize the expenditure of about half a million of dollars to commence the grading and the construction of the water basin. Now, after we have expended this \$1,400,000, either immediately or at the end of ten or twelve years, what shall we have to show for it? An unsightly tract of sixty-five acres of gravel and loam and thirty-five acres in a water basin. Not a tree or a shrub, not a flower, not even a blade of grass. All these must be provided at an additional expense before it is a pleasant or even a comfortable place for man or beast. We have had no estimate of what that expense would be, but it could hardly be less than another \$100,000. The gentleman from Ward 9, alluding to the streets included in and around this park, says, "Whether you make this park or not, the time will come when these streets must be built," and a little further on, "The chairman of the Street Commissioners told me that a portion of these streets they proposed to lay out soon." I don't know just what is meant by "soon," but it seems to me that this is a very singular statement for the chairman of the Board of Street Commissioners to make. Who has asked for these streets? Does the public safety or convenience require that they should be laid out "soon"? If not, then why are the commissioners so ready and willing to lay out these streets, when there are so many other street improvements which are asked for, and which would be a great convenience to many citizens, but which the honorable Street Commissioners deem unimportant? I think we may fairly dismiss that argument as of no force whatever. There are others of the arguments advanced in favor of this measure which it would be interesting to examine carefully; but I have already occupied too much of your time, and I hope that further argument is unnecessary to convince you that this order ought not to pass.

Mr. Spenceley of Ward 19—I should like to ask the gentleman from Ward 18 how Boston is going to regret the laying out of this park. Surely the people do not regret the laying out of the Public Garden and the squares of the city. In voting for this park, I do not look at it so much in the light of a park; but I do believe that, on sanitary grounds, we ought to take this land and lay out and dedicate it as a park, as the gentleman from Ward 21 says, as a sanitary necessity. I cannot believe that any gentleman who is at all conversant with that locality does not believe that something ought to be done to fill that land. Not only is the sewage flowing out there, and has been for some time, but there are deposits which should be covered and taken care of. Gentlemen say the filling up of this small strip of 100 acres is not going to abate the nuisance. I differ with them. I believe that if the city of Boston takes 100 acres of land in that vicinity and fills it up and lays it out into a park, gentlemen owning land in that vicinity will carry on other improvements, and in two or three years you will see the whole territory filled and covered. I believe the only way to accomplish that is for the city to start in this business, and make those men who own land there feel sure that the nuisance will be abated. I don't think the question ought to rest on sanitary grounds in regard to the park alone. If that land is filled and covered with buildings, the question of sewerage will be a vital one. If the whole territory is covered with buildings which drain into one common sewer, it will be a question in regard to the sewerage of the whole South End. I don't care how good a sewer you have there, I think there will be a question in regard to good sewerage there for all time to come. Another reason why I vote for the park there is because of the taxable property it will bring into the market. The gentleman from Ward 18 has seen fit to refer to Orchard park. I don't believe he could find another park like the one referred to. What is the value of land on Arlington street compared with twenty years ago? A gentleman told me he could buy

land on Arlington street for twenty cents a foot; since then it has been taxed for \$2. Take Union park and Chester square; the value of land is a third more simply because of the parks there. And we might go to Greenwich park, where the gentleman [Mr. Howes] lives; and he knows it is a better place than some of the side streets, and he has chosen it as his home for that reason. He has brought this up simply to divert our attention. I believe that if we carry out this measure we shall see buildings put up there which will bring taxable property to a higher standard than can be done in any other way, and that the improvement will pay for itself. But I don't believe it will be as good a park as we want. I believe, with the gentleman from Ward 21, that we need a park for the people. I don't believe this will be a park for the people. The gentleman from Ward 18 has been on the Committee on Common long enough to know that the people enjoy parks; but the committee will keep up those, to me, unsightly boards, "keep off the grass." The people need parks for sanitary purposes, and we need a park for them. I don't know a place in the city proper where a man can go and take his wife and children and sit down and take out refreshments and feel at home; and there is no place around Boston where he can do so. I can take my horse and carriage and get a good deal of pleasure; but my neighbor who has n't a horse and carriage cannot do so; and you will find poor people, who have no such place for recreation, loafing around the street corners or somewhere else. I believe this argument ought to come to the members of the City Council—that we do need a park. I would gladly vote for an amendment to put on the West Roxbury park, but I believe we had better commence with the park on the Back Bay, although it may not be just the park we need; and if we see fit hereafter we can carry out the scheme of the commissioners.

On motion of Mr. Flynn of Ward 13, the main question was ordered.

Mr. O'Connor presented petitions from Rev. P. F. Lyndon and 723 others, and H. Butler and 532 others, in favor of a park.

The order as amended was passed—yeas 57, nays 10:

Yeas—Messrs. Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Burke, Cannon, Clarke, Cox, Crocker, Cross, Danforth, Day, Dee, Doherty, Duggan, Fagan, Felt, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Hibbard, Hiscock, Jackson, Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, Mowry, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Perham, Pratt, Reed, J. B. Richardson, Roach, Ruffin, Sampson, Shepard, Souther, Spenceley, Thompson, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—57.

Nays—Messrs. Barnard, Coe, Howes, Kelley (Ward 3), McGaragle, Morrill, J. H. Pierce, Pope, Sibley, Stone—10.

Absent or not voting—Messrs. O. H. Pierce, M. W. Richardson, Roberts, Smardon—4.

Subsequently a motion to reconsider, by Mr. Flynn of Ward 13, was lost. Sent up.

#### IMPROVED SEWERAGE.

On motion of Mr. Sampson of Ward 17, the rule was suspended, and he submitted the following:

The Committee on Finance, to whom was referred the report of the Committee on Improved Sewerage, with the accompanying orders authorizing the Treasurer, under the direction of the Committee on Finance, to borrow \$3,712,700, having considered the matter, would respectfully report that as said loan can be lawfully made, and believing the fact has been well established that it will promote the general health of the city, and an improved system of sewerage is an actual want, and that an outlay of money needed for the accomplishment of that purpose will be spread over several years, so that a portion only of the loan authorized will require to be negotiated in any one financial year, they would recommend the passage of the aforesaid orders, with an amendment to the first order making the total sum authorized to be borrowed \$3,713,000 instead of \$3,710,700, as the debt certificates issued by the city are each of \$1000 or the multiple thereof.

The report was accepted.

On motion of Mr. Sampson, the order was amended as recommended by the committee, and the question came on giving the order a second reading.

Mr. Blodgett of Ward 8 moved the further con-

sideration of the subject be postponed until the next meeting.

Mr. Sampson hoped no postponement would be made; the Council have all the information they will get and many members expect to be absent.

Mr. Flynn of Ward 13 hoped it would not be postponed, as the Council was as full as it will be at any future meeting.

Mr. Blodgett said the report had just been submitted, and it is n't likely the members have read it. There is no pressing need of haste.

Mr. Richardson of Ward 10 said it was an important matter, but it was not in his line of investigation, and he proposed to leave it to the opinion of the experts indorsed by a competent committee.

Mr. Spenceley of Ward 19 was willing to take the report and leave it to the committee. The city had been without improved sewerage long enough.

Mr. Crocker was not prepared to act, as he had not examined the plans or read the report. It is too important to push through without discussion and examination.

Mr. Sampson said the gentlemen had had since last year, and the committees of last year and this year had indorsed the commissioners' plan.

Mr. Clarke proposed to vote for some system of improved sewerage, and after reading the report he might be prepared to vote for this measure.

Mr. Pratt said they had looked over the route, the subject had been talked of for years, and he was willing to accept the recommendations of the committee.

Mr. Day had seen it for the first time, and thought it ought not to be put through on such short notice.

Mr. Blodgett desired to read the report and see what the committee say.

Mr. Wilbur said they knew as much as they would if they discussed it three months.

Mr. Webster of Ward 3 thought they should take more time, for the appearance of the thing, if nothing else.

The subject was postponed until the next meeting.

#### DONATION TO THE PUBLIC LIBRARY.

The President read a communication from the Mayor transmitting the following, upon which he requested proper action would be taken:

BOSTON, July 11, 1877.

To the Board of Trustees of the Public Library, W. W. Greenough President: Gentlemen—The will of Charlotte Harris, late of Boston, proved June 25, 1877, of which we are the executors, contains the following bequest by the second clause of said will:

"I give to the Charlestown Public Library \$10,000, to be invested on interest, which interest is to be applied to the purchase of books published before 1850. I also give to said public library my own private library, and the portrait of my grandfather, Richard Devens Esq."

We are desirous of settling the estate forthwith, and should be glad to have the necessary steps for the acceptance of the above by the city taken at once. The vote of the Council should be so drawn as to secure the gifts for the particular benefit of the Charlestown branch of the city library, according to the evident intention of the testatrix, and upon the terms specified.

Respectfully, your obedient servants,

WILLIAM MINOT,  
WILLIAM MINOT, Jr.,  
Executors.

Referred to Joint Committee on Public Library. Sent up.

#### EXCURSION.

The order for a committee to arrange for an excursion of the members of the Council was considered under unfinished business, and was passed—29 for, 11 against. The President appointed Messrs. Wilbur of Ward 20, Hiscock of Ward 21, McGaragle of Ward 8, Kidney of Ward 6, and Vose of Ward 24.

#### PETITION.

Mr. Crocker of Ward 9 presented the petition of the Liberty Square Warehouse Company in relation to an exchange of land. Referred to Joint Committee on Streets. Sent up.

#### TAX TITLES.

Mr. Sampson submitted the following: The Committee on Claims respectfully represent that they have upon their files a number of petitions for reimbursement in cases of defective tax titles, and that the provisions of the ordinance

under which the committee act do not provide for the adjustment of claims of such a character. The committee therefore submit herewith an ordinance prepared by the City Solicitor, which is designed to meet such cases, and they would respectfully recommend the passage of the same:

An Ordinance concerning Tax Titles.

Be it ordained, etc.:

Section 1. Any purchaser of real estate at a sale made by the City Collector for the non-payment of taxes or other assessments thereon, who claims that he is entitled to have the consideration paid by him for the Collector's deed with the interest thereon refunded to him, by reason of error, omission, or informality in the proceedings of assessment or sales, may apply by petition to the Committee on Claims to have such consideration and interest paid to him; and if said committee shall determine that the petitioner is legally entitled to such payment, they shall certify the fact to the Treasurer, who shall make payment accordingly upon the surrender and discharge by the petitioner of his said deed.

Sect. 2. Whenever the city shall hold a title to any real estate sold by the Collector for the non-payment of taxes or other assessments thereon, and any person having an interest in such real estate shall allege that there was error, omission or informality in the proceedings of assessment, or sale, so that he is legally entitled to have the title of the city to such real estate relinquished to him, he may apply therefor by petition to the Committee on Claims, and said committee may determine that such title shall be relinquished upon such terms and conditions as they shall adjudge to be just and conformable to law; and upon the certificate of said committee to the Mayor that such title ought to be relinquished he shall execute a proper deed of release to the petitioner in behalf of the city.

The ordinance was passed to a second reading, and Mr. Sampson moved a suspension of the rule that it might be passed.

Mr. McGaragle asked if it had been referred to the Ordinance Committee, and Mr. Sampson said the individual members had read and approved it.

Mr. McGaragle said they might as well submit it to him and get his indorsement. When the committee reports they know it is right.

Mr. Richardson of Ward 10 said he was a member of both committees; it meets their approval and it was drawn by the City Solicitor.

The rule was suspended and the ordinance was read a second time and passed. Sent up.

#### CLAIMS.

Mr. Sampson submitted a report of leave to withdraw from the Committee on Claims on petition of Timothy Brosnahan, for compensation for personal injuries by alleged defect in Court street. Accepted. Sent up.

#### ALLSTON SCHOOL SITE.

Mr. Pearl of Ward 1 submitted a report from the Joint Committee on Public Instruction that they have selected a site for the Allston School, Brighton, which meets with the approval of the School Committee, and recommend the passage of an order—That the Committee on Public Instruction be authorized to purchase as a site for a grammar schoolhouse in Brighton the lot of land owned by Cyrus Dupee, situated on Cambridge street, near Harvard avenue, and containing 22,000 square feet, more or less; the expense, not exceeding the sum of \$6000, to be charged to the special appropriation for a Grammar Schoolhouse, Brighton District.

Ordered to a second reading.

#### PLAYGROUNDS.

Mr. Perham of Ward 23 offered an order—That the Park Commissioners be requested to select a portion of the Back Bay Park which shall forever be set apart as a public playground, under such rules and regulations as the City Council may from time to time prescribe.

Mr. Perham—I had the honor, some months since, to offer an order requesting the Committee on Common and Public Grounds to inquire into the expediency of furnishing playgrounds. They investigated the matter and were unanimous in asking an appropriation for that purpose, which was granted. I believe that no park should hereafter be established without some provision of this kind. I trust the order will pass to establish a precedent which I hope will follow hereafter when parks are laid out.

On motion of Mr. Flynn of Ward 13, the order was referred to the Joint Special Committee on Parks. Sent up.

#### REFRESHMENTS AND CARRIAGE HIRE.

Mr. Howes of Ward 18 offered an order—That the City Auditor be requested to prepare each month a statement of the amounts expended by each committee of the City Government for refreshment during the month next preceding, together with the names of the members on whose behalf such expenses are incurred; said statement to be open to public inspection.

Mr. Howes—It is about time the City Government took some action in reference to the many reports going round in reference to them. Not only do we have outrageously long and vituperative resolutions adopted by temperance societies, but we are subject at all times, or seem to be, to the criticism of newspapers. If there is anything wrong in the system of refreshing by the City Government, I should be glad to have it exposed. I am willing to have my record constantly before the public, if necessary. A great deal of this arises from the efforts to stop investigation. If a system of this kind is adopted, and is open to public inspection, I think there will be an end to this.

Mr. Spenceley offered the following as a substitute:

Ordered, That the Committee on Ordinances be requested to report an ordinance requiring that all bills for refreshments or carriage hire incurred by members of the City Council shall be approved by the several persons to whom the same are furnished before being paid; and the bills for refreshments shall specify in detail the articles ordered by each member, and that the same shall be published in the weekly proceedings.

Mr. Webster of Ward 3 moved to adjourn. Lost—14 for, 41 against.

Mr. Spenceley—I offer the substitute in order that not only what each committee, but each individual has may be known. No gentleman need be ashamed of anything he orders when at a public dinner on a committee. The ordinance, if anything, would correct abuses, if there be any, in refreshments.

Mr. Flynn of Ward 13—I hope the original order and the substitute will be voted down. I think too many buncombe orders are put in here, and they ought not to be tolerated by the City Council. I move that both be indefinitely postponed.

Mr. Spenceley—Why should the gentleman say it is buncombe? He does not know whether it is or not. Any gentleman has a right to offer an order. I don't think it is a gentlemanly thing to say so.

Mr. Flynn—It is buncombe.

Mr. Thompson—I hope the gentleman from Ward 19 will withdraw the substitute and offer it as an amendment, so that the two features may be combined. If there is anything wrong in our present method of refreshing, as it has been styled, the two together will certainly arrive at and prevent the trouble. First, it will place the responsibility upon the individual; and, second, it will make it public. I think both should be done.

Mr. Howes—If the gentleman from Ward 13 supposes he can crush out questioning by postponement he makes a mistake. When a man's credit is bad, the only way to renew his credit is to make the exposure himself; when he tries to hide himself from his creditors he exposes himself. If the City Council are afraid of their record, let them indefinitely postpone this matter. I am willing to have my record known, and am not one to shirk in this matter.

Mr. Flynn of Ward 13—I am not afraid to have my record shown; but I do think these orders are for buncombe and nothing else.

Mr. Spenceley—That does n't make it so.

Mr. Flynn—It is so.

Mr. Crocker—This really needs something to be done about it. I think there have been a great many improper charges for refreshments. I made some investigation myself, and I believe that there are a good many cases of gentlemen refreshing at the expense of the city when there was no occasion for it. I hope some means will be taken by the City Council to put things in such a shape that that won't be done hereafter. I think both the order and the substitute are desirable. I move the Council adjourn.

Lost—12 for, 40 against.

The motion to indefinitely postpone was lost.

Mr. McGaragle moved to amend the substitute by adding, "and be published in the weekly proceedings."

On motion of Mr. Vose of Ward 24 the yeas and nays were ordered on Mr. McGaragle's amendment, and it was adopted—yeas 41, nays 17.



Yeas—Messrs. Barnard, Barry, Brintnall, Cannon, Cox, Crocker, Danforth, Day, Dee, Doherty, Duggan, Fagan, Fernald, J. J. Flynn, Ham, Hibbard, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Loughlin, McClusky, McDonald, McGaragle, Mowry, Mullane, Nugent, O'Connor, O'Donnell, Pearl, J. H. Pierce, Reed, J. B. Richardson, Spenceley, Stone, Thompson, Thorndike, Upham, Vose, E. R. Webster, Wilbur—41.

Nays—Messrs. Blodgett, Brown, Clarke, Coe, Cross, Felt, D. A. Flynn, Fraser, Howes, Kidney, Morrill, Perham, Pratt, Roach, Shepard, Warren, G. B. Webster—17.

Absent or not voting—Messrs. Beeching, Blanchard, Burke, O. H. Pierce, Pope, M. W. Richardson, Roberts, Ruffin, Sampson, Sibley, Smardon, Souther, Wolcott—13.

Mr. Howes—I trust the substitute will not be adopted. It involves an immense detail for very small items. The bills are now in the Auditor's office, with the amount charged to each member. All that is required is a copy of them by one of the clerks, and the publicity will have all the negative and curtailing effects, without going into details.

Mr. Thompson—One thing would not satisfy me—having a bill for eating a dinner approved on which my name appears when I had not partaken of the dinner. Judging of the future by the past, it is likely to happen often. The substitute places the responsibility upon each individual. The Aldermen are called upon to approve bills, and don't know whether they are right or not. The system is wrong and extravagant, tempts to the commission of fraud, and should be abolished. It would be a good thing to have the bills where the citizens can get at them, and I think the bills would grow small and beautifully less.

Mr. Webster of Ward 3 offered as a substitute—that the City Messenger be requested to procure bell-punches for each of the members of the Council's use on occasions of partaking refreshments. The President overruled the motion.

Mr. Wilbur moved to adjourn. Lost—15 for, 35 against.

Mr. Day of Ward 4—There are some features of the substitute which are objectionable. It proposes to go into small details. For instance, when we are on a committee one may have wine and another not, but the whole bill will be rendered in a lump, and a member may get credit for drinking wine when he did not.

Mr. Kelley of Ward 3—If a member wants to drink wine let him do so and get credit for it.

Mr. Howes—Would it be necessary for each member to drink from a separate bottle?

Mr. Brown of Ward 23 proposed an amendment that each member pay his own bills.

Mr. Spenceley's substitute as amended was adopted—yeas 30, nays 28.

Yeas—Messrs. Barnard, Beeching, Blodgett, Brintnall, Cannon, Crocker, Cross, Danforth, Duggan, Felt, Fernald, Hibbard, Kelley (Ward 3), Kelley (Ward 6), McClusky, McDonald, McGaragle, Mowry, O'Donnell, J. H. Pierce, Pope, J. B. Richardson, Roach, Souther, Spenceley, Stone, Thompson, Thorndike, Upham, Vose—30.

Nays—Messrs. Barry, Brown, Burke, Clarke, Coe, Cox, Day, Dee, Doherty, Fagan, D. A. Flynn, J. J. Flynn, Fraser, Hiscock, Howes, Jackson, Kidney, Loughlin, Morrill, Nugent, Pearl, Perham, Pratt, Shepard, Warren, E. R. Webster, G. B. Webster, Wilbur—28.

Absent or not voting—Messrs. Blanchard, Ham, Mullane, O'Connor, O. H. Pierce, Reed, M. W. Richardson, Roberts, Ruffin, Sampson, Sibley, Smardon, Wolcott—13.

Mr. Pratt offered an amendment that hereafter no wines be furnished for refreshment at any entertainment at the expense of the city.

Mr. Hibbard moved to include "or other intoxicating liquors" in Mr. Pratt's amendment, and Mr. Pope of Ward 15 suggested "and cigars," which Mr. Hibbard accepted.

Mr. Pratt—I hope my amendment will not be overloaded with amendments and voted down. There is a reasonable limit to all things. We will

make a good beginning in the right direction if we adopt the amendment I propose, for the reason that by the diligence of some of our prohibitory friends we have acquired quite a reputation for being a wine-bibbing Council. While nine out of ten of the statements which get into the press are false, it is well known that we do have wines at the city's expense. The fact is sometimes unpleasantly heralded, for instance, when we came up from the Fourth-of-July excursion, by hoisting a champagne bottle at the masthead. I take wine, and sometimes think it is quite necessary. I do not offer this in any spirit of criticism or buncombe, as my friend's [Mr. Flynn] glance opposite suggests, but in earnest, believing we can get sufficient entertainment and refreshment without champagne. We shall not lose anything for the credit of the City Government by avoiding wine at the public expense, and leaving that to the private purse of each member.

Mr. Webster of Ward 3—When this matter comes up in serious shape, I am willing to consider it, but with the present spirit of burlesque and levity, at one o'clock in the morning, I don't think it can receive due attention. I move it be especially assigned to the next meeting.

Mr. Thompson could see no objection to the reference, as the committee would consider the whole question.

On motion of Mr. Pearl of Ward 1, the matter was laid on the table.

#### SALARY OF CITY ENGINEER.

Mr. Thompson of Ward 9 offered an order—that the salary of the City Engineer be and hereby is fixed at the rate of \$5000 per annum until May 1, 1878, or until otherwise ordered.

Referred to Committee on Salaries. Sent up.

#### RECONSIDERATION OF FREE FERRIES.

Mr. Pearl of Ward 1 moved to reconsider the vote making the ferries free after Jan. 1.

Mr. Thompson moved to lay it on the table, and called for the yeas and nays, which were ordered, and the motion was lost—yeas 18, nays 44:

Yeas—Messrs. Barnard, Brown, Coe, Crocker, Danforth, Day, Fagan, Felt, D. A. Flynn, Howes, J. H. Pierce, Pratt, J. B. Richardson, Stone, Thompson, Upham, G. B. Webster, Wilbur—18.

Nays—Messrs. Barry, Beeching, Blodgett, Brintnall, Burke, Cannon, Clarke, Cox, Cross, Dee, Doherty, Duggan, Fernald, J. J. Flynn, Fraser, Ham, Hibbard, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mowry, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Perham, Pope, Reed, Roach, Shepard, Souther, Spenceley, Thorndike, Vose, Warren, E. R. Webster—44.

Absent or not voting—Messrs. Blanchard, O. H. Pierce, M. W. Richardson, Roberts, Ruffin, Sampson, Sibley, Smardon, Wolcott—9.

Mr. Beeching moved the previous question.

Mr. Crocker hoped the main question would not be ordered, as it was a fine time for discussion.

The motion to reconsider was lost.

#### ADVERTISING.

Mr. Clarke of Ward 22 offered an order—that the Joint Committee on Printing consider and report to the City Council upon the expediency of placing the city advertising in charge of the Superintendent of Printing, to be provided by him upon requisitions from the various departments and charged to them in the manner now adopted in the supply of stationery. Read twice and passed. Sent up.

#### CARRIAGE HIRE.

Mr. Morrill of Ward 20 offered an order—that no carriages be provided at the expense of the city after the adjournment of this meeting.

On motion of Mr. Ham of Ward 14, the yeas and nays were ordered.

Mr. Spenceley moved to adjourn to the second Thursday in September. Lost.

On motion of Mr. Spenceley, the Council adjourned.









## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
JULY 23, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE NOMINATIONS.

Police Officers Without Pay—William James, Albert Watts, Daniel Haley, Seth N. Wiley, Charles G. Burnett.

Railroad Police Officers on Petition of Fitchburg Railroad Company—Henry Leavitt and sixteen others.

Severally confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* Petition for leave to move a wooden building, by David Richards, over Chelsea Bridge to Oriental wharf.

Petition for brick sidewalk in front of estate of Elizabeth Kreis, on Boylston street, near Lamartine street; James W. Tobey, 129-131 Newbury street.

Ira Masterman, for assessment of grade damages on Granite street; A. Hoitt *et al.*, that Friend street, between Merrimac and Causeway streets, be paved with small granite blocks; George Willis *et al.*, for sidewalks in Bower street, Roxbury.

East Boston Savings Bank, for sidewalks at 270 Havre street.

*To the Joint Committee on Public Lands.* Mrs. Wilhamina Brown, for leave to make alterations in certain houses on Dix place.

*To the Committee on Sewers.* Augustus Parker, for the extension of a sewer in Maple and Seaver streets, Ward 21; A. W. French, for the repair of the Taylor-street sewer; Joseph Stedman *et al.*, for a sewer in John A. Andrew street.

*To the Joint Committee on Claims.* M. D. Edwards, to be paid for personal injuries sustained by her in Tremont street, from an alleged defect therein.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables as follows: Anthony Holbrook, old wooden, one additional horse, Ninth street; Lmbra A. Renfew, new wooden, 1 horse, 155 Seventh street; Samuel Hatch, old wooden, 12 horses, East street, near Federal; Boylston Bank, old wooden, 6 horses, corner Swett and Ellery streets; Highland Street Railway Company, brick, 75 additional horses, Blue Hill avenue; G. W. F. Smith, old wooden, 4 horses, Gerard street.

*To the Committee on Licenses.* Union Railway Company, for leave to occupy North Russell street, near Cambridge street, with two tow horses for their cars.

*To the Committee on Market.* A. W. Butler, for leave to transfer lease of stalls 87-89, Faneuil Hall Market, to Albert A. Keene.

## HEARINGS ON ORDERS OF NOTICE.

*Sewers.* Hearing on expediency of building a sewer in Adams street, between Acadia and Robinson streets. No objections, and recommitted to Committee on Sewers.

*B., W. & P. S. R. R.* Hearing on petition of A. P. Blake and Edward Turner, trustees, for assessment of damages on account of location of Boston, Winthrop & Point Shirley Railroad.

Alderman Clark offered an order estimating the damages at \$5, and requiring said company to give a bond of \$5000 for the payment of such damages as shall in due process of law be awarded them. Passed.

## PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

A communication from the Mayor, enclosing a bequest from Charlotte Harris, of \$10,000, for the benefit of the Charlestown branch of the Public Library. Referred to Committee on Public Library, in concurrence.

Report and an ordinance concerning tax titles, vesting in Committee on Claims authority to settle and adjust claims under invalid or defective tax titles.

Order to consider the expediency of distributing the city advertising through the office of Superintendent of Printing. Passed in concurrence.

Order to locate a playground within limits of proposed park. Referred to Committee on Public Parks in concurrence.

Report of leave to withdraw on petition of Tim-

othy Breosnahan for compensation for personal injuries received in Court street. Accepted in concurrence.

## SALARY OF CITY ENGINEER.

An order to fix the salary of the City Engineer at rate of \$5000 came up referred to Joint Committee on Salaries.

Alderman Fitzgerald—It seems to me that the easier way to dispose of all these matters would be for both branches of this City Government to pass an order repealing all the orders reported by the Retrenchment Committee and passed by the City Council. That would be a more decent way; it would be far better to do it openly and all at once, than to repeal every section of the report of the Retrenchment Committee piece by piece. There has been scarcely a meeting of this Board for the last two months at which we have not had some order increasing the salary of this or that official. I know this is n't one-half of the orders to be introduced by and by. We set a bad example by changing any of them, and by the time we get through this year, if we keep on, there will not be anything left of the report of the Retrenchment Committee. The same reason which held for passing that order holds today. The other day we passed an order increasing the salary of the Superintendent of Public Library to \$4500, and we were told that if we did n't do it he would resign. We increased the salary, and he has resigned. I don't know in what shape this order is now, but, to test the sense of the Board of Aldermen, I move that it be indefinitely postponed.

Alderman Clark—I move to amend the motion, so that it be referred to the Retrenchment Committee instead of the Committee on Salaries. Possibly the committee may have changed their views in regard to the value of the services of the City Engineer. I have understood that they would probably make further reports.

Alderman Fitzgerald—It amounts to saying simply that we did not know what we were doing when we made the report. That is the sense and substance of it. I hope that when we pass orders fixing the salaries of city officials for a year, knowing what we do, we shall stick to that. The same reasons which determined this board and the other branch in fixing salaries are as good today as they were three months ago. I hope we shall do something that we can stand by for at least twelve months.

Alderman O'Brien—In the Retrenchment Committee I voted for the reduction of Mr. Davis's salary with great reluctance. I believe there is no man in City Hall who earns the money he is paid by the city of Boston better than he does, or who deserves it more. But at the same time the Committee on Retrenchment were making a reduction in salaries. They could not select one man and say we will not reduce this, and another and say we wont reduce that. Every one of these gentlemen, especially the men who hold the high and prominent places in City Hall, have a great many friends, and there has been a great deal of pressure to keep their salaries precisely where they were. If the Committee on Retrenchment had yielded to anything of that kind, we would have made no reduction. If they have done anything that is wrong, the gentlemen filling these positions will have to wait only one year, and it will be righted next year, when the Committee on Salaries can fix Mr. Davis's salary at what they consider a fair equivalent for his services; but I believe it is wrong to attempt to alter it now. I believe Mr. Davis will be perfectly satisfied to leave it just as it is until the new City Government regulates the matter.

Alderman Thompson called for the yeas and nays and the order was indefinitely postponed in non-concurrence—yeas 9, nays 3:

Yeas—Aldermen Breck, Fitzgerald, Gibson, O'Brien, Robinson, Slade, Thompson, Viles, Wilder—9.

Nays—Aldermen Burnham, Clark, Dunbar—3.

## PUBLIC PARKS.

The order to purchase land on the Back Bay for a park came up amended so as to provide "that the land or flats so to be purchased shall be located with special reference to the improvement of the sewerage of the city."

The question was on concurrence in the amendment.

Alderman Fitzgerald—I would ask whether it is n't necessary, under the statute, that this should be passed by a two-thirds vote? Because the order, as it is now, is a different one from that

which we passed. We passed an order that a certain space, measured by metes and bounds, should be bought or taken by the Park Commissioners. It now comes here with an amendment that the park shall be located with special reference to the sewerage of that portion of the city, but without any reference to the metes and bounds. It seems to me that the amendment should be passed by a two-thirds vote, as the original order contemplates. I presume the order will pass; but I want to call the attention of the Board of Aldermen to some points that appear to me very important in connection with the increase of our municipal indebtedness. In section 9 of the act passed by the Legislature two years ago, limiting the amount beyond which cities and towns cannot go in contracting debts for municipal and town purposes, it says—

"No city or town, except as hereinafter provided, shall become indebted to an amount (including existing indebtedness) exceeding, in the aggregate, three per centum on the valuation of the taxable property therein, to be ascertained by the last preceding city or town valuation for the assessment of taxes. In determining the amount of indebtedness under this act, the amount of the sinking funds shall be deducted from the gross indebtedness."

The exceptions are—

"Cities or towns indebted, when this act takes effect, to an amount not less than two per centum on their valuation as aforesaid, may increase such indebtedness to the extent of an additional one per centum on their valuation, but no more; and when such indebtedness of any city or town exceeds five per centum on its valuation as aforesaid, such city or town shall raise annually by taxation a sum sufficient to pay the interest on its whole indebtedness."

Now, the question arises, in connection with this, what length of time have cities and towns, whose indebtedness exceeded two per cent. on their valuation when this act passed, the right to contract this one per cent.? Whether, when they cut down the indebtedness, they can expand and increase under this additional allowance of one per cent.? It is evident that the spirit and intent of the act was that cities and towns in this Commonwealth should not exceed three per cent. of their valuation in contracting municipal debt. It is also evident that the other section was passed for the purpose of not crippling towns whose indebtedness had been more than two and a little less than three per cent.; so that they would have some temporary relief and be enabled to bridge over any difficulties which they might meet with in coming in contact with this act and contracting debt. The intent of the tenth section evidently was that they should not be crippled. The question is a serious one for this board, and will no doubt be hereafter—how long, and what is a reasonable time for any city or town to contract this additional one-per-cent. indebtedness? whether, if two or three years have passed, the time has not also passed when they shall not contract this one per cent.? The intent of the Legislature was to limit the indebtedness of cities and towns. It was a notice to all cities and towns in this direction. You shall not exceed three per cent. on your valuation. Now what is the condition of the city of Boston which we have passed? Our debt on the 30th of April was \$45,590,497.30, less the water loan, \$12,776,711.11, making the net debt \$30,813,786.19. In computing the municipal indebtedness the moneys in the sinking funds must be deducted. Now the amount in our sinking funds was \$15,437,043.24. But if you deduct the water loan you must also deduct the money in the Sinking Fund to meet the water debt, which amounts to \$1,806,193.78, leaving the amount in the sinking funds \$13,630,849.46, which, deducted from \$30,813,786.19 leaves \$17,182,936.73. The valuation of the city of Boston this year will be about \$675,000,000 in round numbers. At three per cent., the amount of indebtedness which the city of Boston can contract this year will be \$20,250,000. Deducting the indebtedness allowed under this act, \$17,182,936.73, it will leave a margin, under that ninth section, of \$3,067,063.27. Since the 30th of April, we have passed the order allowing the Treasurer to contract for the high-school indebtedness of \$350,000, leaving a margin of \$2,717,063.27, under that ninth section. Now, if we pass—as I have no doubt we will—the loan for the improved sewerage, \$3,701,000, we will have exceeded by \$1,000,000 the amount fixed by that ninth section beyond which cities and towns in this Common-

wealth can contract no indebtedness. If you add to that the park, \$450,000, we will have \$1,450,000. If the loan for the widening of Commercial street passes, \$1,000,000, we will have to contract \$2,450,000 in excess of the amount of indebtedness which the Legislature prescribes beyond which we cannot go, under this ninth section. It is a serious question with the City Solicitor whether, under this tenth section, we can go beyond the three per cent. allowed by the ninth section, two years having elapsed. It is a question whether we can do it or not. Whether it be so or not, the evident intent of the Legislature was that no city government hereafter, if it could possibly prevent it, should contract any indebtedness beyond three per cent. If we go on this year as we have promised—I don't mean made promises, but look so promisingly—we will have contracted \$2,450,000 over the amount which the ninth section allows for municipal indebtedness. It is a serious matter for the City Council to consider, especially in connection with this park question—whether we ought to make a beginning of what will be several millions before we get through with it; whether, if we make any beginning at all, it ought not to be made in some other locality than that. Because, if the park be built with special reference to sewerage, it is not a park question, and I do not see what the commissioners have to do with it. If it is a sewerage question, I query whether the committees on Health and Sewers have not something to do with it. If it is a question of health, the report of the Committee on Sewers is the one that ought to be adopted, advising that \$75,000 be spent for doing away with the nuisance on the Back Bay. Then the other question comes up, whether if we pass this act at all, it is not the beginning of taking 150 or 200 more acres for the same purpose, because the same argument that holds for taking this will hold for taking the remainder of the land located under water on the Back Bay. Further than that, I believe that if you build this park by taking one hundred acres there and improving it, you will increase the value of the other parks which we will want so much, that it will cost an incalculable amount of money to get the land, because of the improvement which the city of Boston will put upon this park. I did not rise to discuss that, but to throw out a few remarks upon this question of municipal indebtedness, and to suggest whether we had that power or not.

Alderman Clark—I have no doubt we shall get eight votes for this order, not the slightest, and I propose to call for the yeas and nays, although I believe that all that is necessary is a majority vote, the question being simply upon concurring with the Common Council in the amendment. I have not the slightest objection to trusting this matter in the hands of this Board of Aldermen. They voted 8 to 4 upon the passage of the order, and I have no doubt they will vote 11 to 1 to concur in the amendment. These bugbears, which have just been raised, have all been considered, and I am only surprised that he has not raised something else. The amount of our municipal indebtedness has been considered, and unless the city is safe in making the loan within the limits prescribed by the statutes, no loan will be made. I am very glad to hear the Alderman advance the argument that the territory will be improved so that the city will get something in the shape of taxes, because upon that point he and I agree exactly. I do believe that the surrounding property will be increased in value to so large an extent that the city cannot afford to purchase adjoining territory for park purposes. I do not propose to make any speech on this matter, because it has been thoroughly discussed. I simply rose to say that I propose to call for the yeas and nays, and I have not the slightest doubt but we shall get a two-thirds vote. The arguments against parks have all been made; the Alderman from Ward 21 went into it so thoroughly that no new points can be raised.

Alderman O'Brien—If any of the Aldermen have any doubts as to the limit of our city indebtedness, it would be well to send for our City Auditor. He is constantly in consultation with our City Solicitor in relation to that matter. He has informed the members of this Board, who have seen fit to inquire into the matter, that there is a margin of six or seven millions of dollars; and I have no doubt, with the debts to be paid off in the next five or six years, we have a margin now of ten million dollars to carry on new improvements, even considering that we shall not increase the valuation in the next ten years.

We have authority in City Hall to fix this matter, and it need not go forth on the say-so of one Alderman that we cannot do so. The Auditor is here in the building. He has consulted our City Solicitor about it, and he can give us the figures precisely, if any Alderman has any doubt in relation to it.

Alderman Fitzgerald—I simply throw out these statements because I believe in them. I have also been in frequent consultation with the City Solicitor myself. Under the ninth section of this act we have a margin of \$2,717,000, beyond which we cannot go. If we contract debt for improved sewerage, we shall have exceeded our margin by \$1,000,000. If we contract debt for public parks, we shall have exceeded it by \$1,450,000. If we pass the Commercial-street widening, we shall have exceeded the limit by \$2,450,000. These are my figures and these I propose to stand by. I do not care who says otherwise, they are true and cannot be controverted. It is a mere question of arithmetic, nothing more. Any member of the Board of Alderman can figure it up. The tenth section of this act is a peculiar one. The spirit and intent of the act is shown in the ninth section; but by the tenth section cities and towns are allowed to contract one per cent. additional. The question with the City Solicitor is, how long they have that right. They cannot be decreasing their debt today and increasing it tomorrow, and keeping it up one per cent. That is not the spirit and intent of the law. The intent and spirit of the law is to come down to three per cent. and remain inside of it. The one per cent. is only intended as a temporary relief and the intent of the act is that we shall keep inside of three per cent. I throw it out in all fairness and good faith that it is a matter for very serious consideration for this City Government. I do not do it in connection with parks, because I believe the park scheme will pass, as it comes first in order.

Alderman O'Brien—It will be well to consider that the building of our new intercepting sewer will take at least five years, and if we pass an order, today, appropriating the money, the gentlemen who have charge of effecting the loan will only create the debt as fast as the sewer is built, and no faster, as I understand it. The debt is not created as soon as the order passes in the City Government. The work will extend over a period of something like five years, and we only create the debt as the sewer is built, and so with any other improvements that we undertake. Even this loan for \$450,000, now under consideration, will only be effected in one or two years, as fast as the land is purchased. But if I looked upon things as the gentleman looks upon them, I don't know but I should feel about as blue as he does about this business. When I stand up in this hall, I feel that Boston is growing and bound to grow. I don't feel that we are standing still, and I do not think it would be right for us to legislate upon such a basis as that. I believe that all these improvements will go on. I think just as much of this act limiting city indebtedness as the gentleman does. I believe it is one of the wisest acts ever passed by the Legislature, and I don't believe this or any other City Government will go beyond it. If I am in the City Government at any future time when they attempt to go beyond this act I shall vote against it, no matter how much I might approve any improvement under consideration.

Alderman Fitzgerald—It is not a question whether we look blue or white; it is simply a question whether we are keeping inside of what the statute allows; whether we are acting in accordance with the statute. It is not a question of being blue. My friend was the bluest man in the Board of Aldermen when he first rose up to speak. The Board concurred in the amendment—yeas 9, nays 3:

Yeas—Aldermen Breck, Clark, Dunbar, Gibson, O'Brien, Robinson, Slade, Thompson, Wilder—9.

Nays—Aldermen Burnham, Fitzgerald, dViles—3.

A motion to reconsider, by Alderman Clark, was lost.

#### SALARIES OF DEPUTY SEALERS OF WEIGHTS, ETC.

The order relating to the compensation of the Deputy Sealer of Weights and Measures came up amended so as to provide for their payment by fees to the amount of \$1000 per annum each—the surplus to be paid into the city treasury.

Alderman Slade—I move that we do not concur with the Common Council, but adhere to our for-

mer vote. I think that is the best course for us to take. I don't know that it is necessary for us to make any more talk about it, as we all understand it; but it seems to me it is wrong to impose such a burden upon people doing business in this city. Two months have already gone, and 600 or 1000 scales have been sealed, but I don't know as we can collect a cent for them.

The Board voted to adhere to their former action, making the salary \$825 per annum. Sent down.

#### OCCUPATION OF STREETS FOR BUILDING PURPOSES.

The report and amended ordinance for the occupancy of streets for building purposes (City Doc. No. 69, amended) came up referred to the Committee on the Survey, etc., of Buildings.

Alderman Fitzgerald—Can anybody explain why this ordinance, reported from the Committee on Ordinances and passed by us, should be referred to another committee? If no one can give a reason for it I move that we non-concur with the Common Council and adhere to our former action.

The Board non-concurred in the reference and adhered to their former vote passing the ordinance as amended. Sent down.

#### SEWER IN MAUDLIN STREET.

A communication was received from the Street Commissioners transmitting the petition of John Wall *et al.* for the acceptance of Maudlin street for Foster street, and for a sewer therein, referring so much therein as relates to a sewer to the Board of Aldermen. Referred to Committee on Sewers.

#### PETITIONS FOR STEAM ENGINES.

Petitions were received from the Globe Nail Manufactory for leave to locate and use a steam engine and boiler on Norfolk avenue, and from George W. Simmons & Son for the same privilege at 41 North street; and orders were passed for hearings thereon Monday, Aug. 13, at four o'clock P. M.

#### WESTERN AVENUE.

Notice was received from the Street Commissioners of intention to relocate Western avenue, Brighton, and of a hearing thereon at the North Harvard-street Schoolhouse, in Brighton, on Monday, Aug. 20, 1877, at 11 o'clock A. M. Referred to Committee on Streets on the part of the Board.

#### JAIL EXPENSES.

A requisition was received from the sheriff of Suffolk County for \$2218.98, for expenses at the jail during July. Ordered paid.

#### FIREMEN'S VACATION.

The following was received:

CITY HALL, July 23d, 1877.

To the Honorable City Council—The Board of Fire Commissioners have considered the order of your honorable body relating to vacations for the employes of the Fire Alarm Department and the permanent force of the Fire Department. From the fact that the employes of the Fire Alarm Department have no regular days off (as is the case in the Fire Department), and believing that two weeks' leave of absence may be granted without detriment to the service, the board are of opinion that so much of the order as relates to the Fire Alarm branch ought to pass. In the matter of granting a vacation to the permanent members of the Fire Department without substitutes the board think it inadvisable. To grant the vacation of fourteen days to each member permanently employed, with a substitute, will require an addition to our present appropriation of \$9772. Respectfully submitted,

GREELY S. CURTIS,  
Chairman pro tem.

The report was accepted, and on motion of Alderman Burnham the order to grant a vacation to the employes in the Fire Alarm Department was passed as originally offered. Sent down.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Dealers in Second-Hand Articles Licensed—Jacob Kafier and four others.

Wagon Licenses Granted—J. A. Caldwell, 199 Devonshire street.

Passenger Wagon Licensed—William Burnett, to run from Winthrop to the South Ferry, the rate of fare not to exceed five cents each way.

Severally accepted.



Report and order—That leave be granted to Coleman & Wellington to extend the route of their passenger wagons on Broad street as far as Litchfield's wharf. Order read twice and passed.

## SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Orders of notice for hearings on Monday next at four o'clock P. M., on the expediency of constructing sewers in Taylor street, Ward 17; in Curtis street, between Wyman street and Sheridan avenue; in Forbes place and Bow street, between Curtis street and Centre street. Severally passed.

Resolves and orders to take land for sewers as follows: A strip five feet wide through and along the centre line of Cedar avenue from Chestnut street to Lamartine street, belonging to Rush R. Shippen, Charles E. Jackson, Henry T. Hogan, James Nugent, Robert Scott and Harriet F. Coffin; a strip five feet wide extending along the centre line of Short and Tuckerman streets, from Middle street to Dorchester street, belonging to Cynthia U. Richmond, Augustus C. Richmond, Francis Alger's heirs, Otis Dury, trustee, Hannah McIntyre, Josiah W. Gibbs, C. Jones, Barbara Ashcroft, Cordelia A. Henchey, Zachariah C. McFadden, Jacobs P. Power, Thomas U. Doherty's heirs, E. Emily Clapp. Severally read twice and passed.

Order to build a sewer in Walnut street, south-erly from School street. Read twice and passed.

## PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Ordered, That the tax for the year 1876 assessed upon the lot of land and building thereon standing on East Third street, as shown upon a plan recorded with plans of City Lands Sold, Book 2, page 199, in the office of the Superintendent of Public Lands, be remitted, the said lot of land having been forfeited to the city for breach of the conditions of sale. Read twice and passed. Sent down.

Ordered, That the two lots of land on West Castle street, corner of Albion street, together with the lot on Middlesex street, as shown upon a plan drawn by Thomas W. Davis, City Surveyor, and dated March 23, 1873, which plan is deposited in the office of said City Surveyor, said lots of land having been bargained to John B. Regan April 22 and May 1, 1873, be and the same is hereby declared forfeited to the city of Boston for non-fulfilment of the conditions of sale, and that the Superintendent of Public Lands is hereby directed to take possession of the aforesaid lots of land in behalf of and to the use of the said city of Boston.

Ordered, That the Collector be and he hereby is authorized to cancel the following bonds in the Suffolk-street District, viz.: The bond numbering 108, amounting to \$2883.20, dated April 22, 1873; No. 109, \$4194.84, dated April 15, 1873; No. 115, \$1578.24, dated May 1, 1873,—the same having been given by John B. Regan, for land on West Castle, Albion and Middlesex streets.

Severally read twice and passed. Sent down.

Report of leave to withdraw on petition of Jacob F. Kraus to be paid for damages to his leasehold estate, No. 330 Tremont street, by change of grade in 1869. Accepted. Sent down.

## PERMIT FOR STABLE.

Alderman Viles submitted a report from the Committee on Health on the part of the Board, that leave be granted John C. Ailman to occupy a stable on Chauncey place, Ward 23. Accepted.

## ORDER TO PAY.

Alderman Clark, from the Committee on Streets on the part of the Board, submitted an order to pay John Egan \$150 additional for damages occasioned his estate by the laying out of Terrace street. Read twice and passed.

## MARKET.

Alderman Slade submitted a report from the Committee on Market, in favor of approval of transfer of the interest of Francis Krogman in Stall 32 and Cellar 9 new Faneuil Hall Market, to Samuel B. Krogman. Accepted.

## PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving: Order to water Centre street, Roxbury, in conjunction with the abutters, from Eliot square to Cedar street, it not exceeding \$163; to water Eliot square, Roxbury, cost not exceeding \$150; to close Columbus avenue against public travel between Berkeley and

Clarendon streets during the rebuilding of the bridge over the Boston & Albany Railroad. Severally read twice and passed.

Report of leave to withdraw on petition of South Boston Railroad Company for leave to lay down tracks on Canal and Market streets. Accepted.

Order to strengthen the bridges over the Boston & Albany Railroad on Berkeley and Ferdinand streets, so as to make said bridges safe for public travel, the cost of said work estimated at \$4000. Read twice and passed.

Order to grade and macadamize Huntington avenue from Dartmouth street to West Chester park; also to erect fences and plank walks on said street. Read twice and passed.

Order to rebuild the abutments and iron bridge on Columbus avenue, at an estimated cost of \$45,000. Read twice and passed.

## POLICE.

The quarterly report of the Chief of Police was received. Placed on file.

Arrests, 6481—5043 males and 1438 females; 2656 Americans, and 3825 foreigners. The commitments were 4482. The largest numbers arrested for particular offences were, adultery, 17; assault and battery, 607; felonious assault, 43; common drunkards, 77; disorderly, 1493; disturbing the peace, 101; drunkenness, 2041; embezzlement, 19; forgery, 12; fornication, 23; fraud, 25; gaming on the Lord's Day, 73; insane, 48; simple larceny, 366; felonious larceny, 131; malicious mischief, 110; nightwalking, 60; violation of the license law, 137. The number of lodgers was 15,425—13,592 males, and 1833 females; 5752 Americans, and 9673 foreigners; 12,895 non-residents, and 1275 minors. The amount of property reported stolen in the city was \$15,064; amount recovered stolen in and out of the city, \$8358.14. Amount collected for dog licenses, \$10,587. Expenses of Police Department for the quarter, \$210,081.38.

## THE PROPOSED VISIT OF THE GOVERNORS.

The Mayor submitted the following:

The joint special committee to whom was referred the communication in relation to inviting the governors of all the States to visit Boston, having considered the subject, beg leave to submit the following report: It is understood that the governors of the several States will assemble in Philadelphia during the month of August, and that they have been invited to visit several other cities, particularly New York, for the purpose of inspecting their various commercial, manufacturing and mechanical interests. Your committee are of the opinion that it would be of mutual interest to these gentlemen and to the citizens of Boston that they should also visit this city, and that such a visit would have a beneficial effect in extending a knowledge of our various industrial interests. Your committee would, therefore, respectfully recommend the passage of the following order:

Ordered, That his Honor the Mayor be authorized to extend, in behalf of the city of Boston, an invitation to the governors of the several States to visit Boston at the conclusion of their visit to Philadelphia.

Read once and laid over.

Later in the session Alderman Clark moved that the order take its second reading, that it might go to the Council for concurrent action on Thursday evening, as they are liable to adjourn for the summer vacation.

Alderman Thompson—What do the Committee contemplate doing? What appropriation will they require? I certainly would not object to showing the governors all the attention their station demands, but I don't feel quite sure about the propriety of inviting them here at this particular time.

Alderman Clark—I do not know that there is any definite plan. Colonel Peyton, who wrote the letter to his Honor the Mayor, was chairman of the Finance Committee of the Centennial last year. The scheme of having State's days at the Centennial originated with him, and that feature added very greatly to the attendance. He and his committee originated the idea of inviting all the governors of the States of the Union to the Exhibition on or about the 12th of August of the present year; and if they meet there, as it is expected they will, the city of New York proposes to invite them to that city. As you will see by the letter, Colonel Peyton suggested that the city of Boston invite them to extend their visit to this city. If they are invited here they will be the guests of the city. The com-

mittee have not made any plan because it is very uncertain whether they will meet in Philadelphia or whether they will accept the invitation from New York or Boston; but I believe the committee are unanimous in this report, that if all the governors, especially those from the South and West, should meet in Philadelphia and be invited to receive the hospitalities of New York, it would be a very judicious thing to extend them an invitation from the city of Boston. The committee believe it would have a good effect; that it would tend to completely restore that perfect harmony which is so desirable, and which has been restored, to a certain extent, by one or two celebrations in New England during the past two years. I understand that General Wade Hampton is exceedingly anxious to visit Boston and the early battle grounds of the Revolution,—Bunker Hill, Lexington and Concord; and while they are here, the citizens of Boston would undoubtedly invite them to inspect our manufacturing interests at Lowell, Lawrence, Lynn, Haverhill, Bridgewater and Fall River, and of this neighborhood. I suppose the expense would simply amount to their hotel bills, carriage hire and possibly their car fares to and from those different places. That is as far as I am able to explain at the present time. It is simply to extend the hospitalities of the city to the governors of the different States in case they visit Philadelphia and New York.

Alderman Thompson—Is the invitation limited to a certain number? Suppose only a few of the governors appear here, would it be desirable to invite the representatives of only a small portion of the old States that have not been reconstructed? It seems to me to be a new thing. We have had considerable business in that line lately. Unless there is some definite object in doing it, and unless the time is limited to the 17th of September, when the city is to have a celebration, I should not deem it advisable. If the governors were going to be in the neighborhood there might be a propriety in inviting them to attend the ceremonies here on the 17th of September.

Alderman Clark—The committee considered the propriety of corresponding with the parties at Philadelphia and ascertaining whether it would not be as convenient to invite the governors to meet there about the 15th of September, instead of the 15th of August, and if they would accept an invitation to be here on the 17th of September; but it was understood from the military gentlemen on the committee that it is proposed to make that specially a military—

Alderman Thompson—Soldiers'.

Alderman Clark—A soldiers' and not a civic celebration. The Alderman from Bunker Hill has addressed me as chairman of the committee. His Honor the Mayor is chairman of this committee. The Alderman from the Eighteenth Ward is present and can explain his views in regard to inviting them on the 17th of September instead of the 15th of August.

Alderman Wilder—I can only reiterate what the Alderman has stated. It is true I am a member of the committee on the invitation to the governors, and am also a member of the Committee on the Dedication of the Army and Navy Monument. The 17th of September being suggested as a good day, I stated what I believed to be the settled policy of the committee to make that peculiarly a soldiers' day, and if the city of Boston thought it wise and proper to extend an invitation to the governors of the several States to visit us in connection with their visit to Philadelphia and New York, that some other time would be more appropriate than the 17th of September, believing that that day should be devoted entirely to the military guests of the city.

Alderman Fitzgerald—I have listened with a great deal of attention to the remarks of the Alderman opposite [Alderman Clark] about pleasant feeling and restored harmony and so on; and I thoroughly agree with him that nothing will do so much to cause fraternal feelings and pleasant remembrances as to invite the governors here, and ask the governor of North Carolina to say something to the governor of South Carolina and to all the other governors. It is an excellent thing; and if the mayors of the different cities of the Union could be invited here for five or six days; if we could show them our wharves that have depreciated so much in value—according to the gentleman's statement—and treat them well, and after the bountiful dinner they would receive, I have no doubt they would go away impressed with the hospital-

ity of the city of Boston, and with the idea that it excelled any other city in the Union, and that it had not the coldness they expected to find. I have no doubt all the governors would enjoy the visit. We know how to make a good time for everybody who comes here, and they would go away feeling happy. When they go to the Exhibition at Philadelphia, it will be a very pleasant thing for Colonel Peyton to ferry them across the Sound and bring them up here and show how well we can entertain them. But it is getting very near the fall elections, and I am afraid that whatever good might result from their visit here could be put in execution before next January. I question the propriety of inviting them here simply because they are coming to the exhibition at Philadelphia. With what we have had already, and will have on the 17th of September, I think there will have been quite enough of hospitality this year to satisfy one Government. The party who should invite the governors to this State should be the governor of Massachusetts. It is peculiarly an occasion for the action of the State authorities. The reason why the city of Boston is selected is because Boston is hospitable and treats visitors better than the State of Massachusetts and some other States and cities, owing to a lack of appropriations. But some of the citizens and press might call it extravagant. I question the propriety of inviting them, because no good can come to them, and no good can come to us, from showing them our manufacturing interests.

Alderman O'Brien—I take rather a more practical view of this matter. The governors of the different States are evidently invited to Philadelphia so that Philadelphians can show them the industries of their city. On the same principle they were invited to New York to see the industries of that city, and for precisely the same reason I shall vote to invite these governors here. Even if our wharves are deserted, we can tell them that our imports and exports are larger than ever before; that our boot and shoe trade has increased this past year about 180,000 cases; we can show them a greater variety of manufactures than was ever before seen in New England, and my friend opposite [Alderman Robinson], who is a manufacturer, can testify to that fact. We can take them down our harbor and show them what facilities we have for shipping the produce of the West and the entire country. We can show them a great many things which will have a tendency to bring us prominently before the public. These gentlemen may not be governors tomorrow or next day, but the newspaper press will take it up and the governors of Texas, Louisiana, Ohio and all these States will be sure to have their speeches printed in the local papers of the cities in which they reside, and in that way they will tell the whole country how hospitable Boston has been and what are her industries, prospects for business, and everything of that kind. I believe in a little hospitality of this kind, and I don't think it is money thrown away.

Alderman Fitzgerald—I was struck by the speech of the Alderman last up, and according to his speech I came to the conclusion that it is rather a sharp trick to get the governors here; that we are going to play a sharp game and get the governors here as a cheap way of advertising the city of Boston by giving them a few days' board and letting them go off and tell the people in the West and South what a wonderful place Boston is; that it is not to show our hospitality to them and to entertain them as the governors of States, but that we look at it in a utilitarian point of view. Now, should that fact go forth to the world? I don't like the way this is brought about,—engineered by a gentleman in Philadelphia, who asks us to invite gentlemen to come here after they have been to Philadelphia. It is not exactly the proper way, and I think it is not complimentary to the governors. Taking the whole thing, I doubt the expediency of inviting them. The way the invitation has been brought about is anything but complimentary. The reason alleged for inviting them is not to shake them by the hand and entertain them because they are governors of sister States of the Union, and I shall vote against the order.

Alderman O'Brien—When these governors go to Philadelphia I have no doubt Philadelphians will tell them that that is the great city of the country; when they go to New York, New Yorkers will tell them it is not worth while to go be-

yond their line, as Boston is but a village. But when they come here I think our Mayor and citizens ought to show them that we are in reality the hub of the universe; and I think we can.

Alderman Clark—I do not want it spread over the United States that we are going to invite the governors here for what we can make out of them. Now, if Colonel Peyton had had any selfish motives he would have used his influence to keep them in Philadelphia and show them that Philadelphia was the best city in the United States. When they come here in August they will not see deserted wharves and stores; and if they come in September they will find a busier city than can be found anywhere else in the United States. I will guarantee that any time from the first of August to the 10th of October they can see the streets more busy with the hide and leather interest than can be seen in any city of the same size in the Union. I believe it will be a capital thing to show these governors, mayors and merchants what we are doing. If a private individual can invite half a Southern State to spend a week at his farm in Wellesley, certainly the city of Boston can invite the governors of all the States to come and spend a few days here. However, I think this matter can be discussed better in private than in public.

Alderman Robinson—The Alderman on my right [Alderman O'Brien] has alluded to me as a manufacturer. Philadelphia is a great manufacturing city, and a large portion of the carpets made in this country are made there. It is a very beautiful city, and they know how to give a very good banquet. I was at a banquet there, given a few years ago by the Manufacturers' Association; it was one of the best I ever sat down to in my life. I don't believe Boston could beat it. It was said that anything could be ordered that was on the bill of fare. There was a hottle of wine marked \$10, and a gentleman called for it. Anything that was on the card could be obtained. I did n't believe we could beat them then, and I don't believe we can beat them now. In regard to the visit of the governors affecting trade, I don't believe it will affect one *sou marqué*. Those governors don't affect trade. You take them through the Pacific Mills, and the reverence inspired for the manufacturers in the vicinity of Boston would completely daze all the effects of the banquet they might have in Boston. If these governors were banqueted in Philadelphia and New York, they would have no desire left to have a banquet here. If it is to be done as a means of building up or affecting the trade of Boston, or creating a demand for goods made in the vicinity of Boston, I don't think the invitation would do any good whatever. But if it is to promote the era of good feeling, and if anything of that kind is to be derived from the visit of the governors, I don't know but it might be expedient. I know nothing about the matter. It is understood that they desire to see the manufactories in the vicinity of Boston. Of course they can probably see more in one day in the Pacific, Merrimac, and other mills than they can in any other part of the world. Our manufacturing is done on a large scale. At Manchester, England, you can see prints; at Weathersfield, cloths, etc.; but here you can see the whole in one day's journey; and if you want to, you can give them a good impression of the industries of Massachusetts and Boston, and they could write about it in the local papers. I don't think a banquet would have so good an effect as a view of our industries.

Alderman Clark—So far as the banquet is concerned, that originated in the Alderman's brain. The committee have not entertained the idea of giving a banquet to the visitors. Neither do I think the city would, for a moment, entertain the idea of giving the governors of the various States a banquet. The merchants of Boston might propose to do so; but the idea of the city doing it has never been entertained by the committee for a single moment. As a member of the Board of Aldermen I should object to expending a dollar in a banquet; but as an individual and a merchant I should be glad to join in a subscription banquet to entertain the governors, if they came here. As a member of the City Council I should object to giving the governors a banquet any more than we did at the grand jubilee, when the Alderman [Alderman Fitzgerald] was an active member of the committee and had charge of several governors at one of the hotels. It is not proposed to give a banquet to the distinguished soldiers on the 17th of September. Undoubtedly their hotel bills will be paid, but a banquet will not be

thought of. I wish to disahuse the mind of the Alderman from Dorchester [Alderman Robinson] that they will be entertained with wine.

Alderman Thompson—The Committee on the Dedication of the Monument did not entertain the idea of giving the distinguished soldiers a banquet. They are invited to participate in the dedication of the monument. Now we propose to invite these governors here because Mr. Peyton of Philadelphia makes the suggestion. I don't see any good to come from it. If the city invites the governors here, I hope we shall give them a banquet worthy of the city and State, treat them in the best way possible, and that no possible slight will be put upon them. So far as banquets are concerned, they have a farmer's club in Pennsylvania that outstrips anything I ever saw, and consequently they would see nothing new here. So far as promoting the trade of Boston, it wont amount to a farthing. People wont come here to trade because we treat them hospitably. Stronger inducements than that must be held out to them to come here and trade. If they come here I should cheerfully vote to pay all their hotel bills.

Alderman Robinson—The banquet to which I referred was not given by the city of Philadelphia, but by the merchants.

Alderman Robinson—Will the Alderman inform the Board what that hottle contained?

Alderman Fitzgerald called for the yeas and nays, and the order was passed—yeas 7, nays 5:

Yeas—Aldermen Burnham, Clark, Dunbar, O'Brien, Slade, Viles, Wilder—7.

Nays—Aldermen Breck, Fitzgerald, Gibson, Robinson, Thompson—5.

Alderman Wilder moved to reconsider, hoping it would not prevail.

Alderman Thompson moved to lay that motion on the table. Declared lost. Alderman Thompson doubted the vote and called for the yeas and nays. The motion was lost—yeas 5, nays 7—the Aldermen voting the same relatively as before.

The reconsideration was lost. Sent down for concurrence.

#### HORSE-CAR BLOCKADES.

Alderman Fitzgerald offered an order—That the Committee on Paving consider and report the causes of the horse-car blockades on Tremont street and at the northern and southern depots, and the remedy for the same.

Alderman Fitzgerald—I offered the order because the complaint is almost universal that within a few weeks or a month the horse cars, instead of being a convenience, have become a nuisance in certain portions of the city. The streets are blocked at the Old Colony and Worcester depots, and from Temple Place to School Street, all day. There must be some cause for it other than the additional number of cars which have been put upon these routes. I hope the Paving Committee will see the remedy and apply it, and stop this continual rivalry between the corporations.

Alderman O'Brien—It is only a few evenings since, while waiting for a car on a line that runs every ten minutes, that I counted ten Columbus-avenue cars pass me with only one or two passengers in each. It is well knowu that they run on that route with only half a dozen passengers. I hope the committee will see at what length this horse-railroad competition is going.

Alderman Wilder—I find on my desk a petition which I ask permission to read.

The Alderman read a petition from persons doing business on Washington and Tremont streets in opposition to the petition of the Middlesex Railroad for leave to run an additional twelve cars an hour in the circuit, claiming that the streets are already encumbered to a most unwarrantable extent by the passage of cars of all the companies; that it is entirely unnecessary, and is due to the rivalry between the companies rather than from any real demand by the people; that their patrons are seriously incommoded by the crowded streets and daily encounter of danger at the crossings.

Alderman Wilder—This petition is signed by Shreve, Crump & Low, Macallar, Williams & Parker, and 100 others doing business on Washington and Tremont streets. I wish to have it referred to the Committee on Paving. I have noticed the seemingly unnecessary crowding of those streets, and have obtained from official sources a few figures, which I will submit. I find that the number of cars passing certain points is as follows:

Up Tremont street, past Winter street—Metropolitan, 121; Highland, 24; Middlesex, 12; South

Boston, 31—in all 188 per hour, more than three cars each minute.

Up Washington street, past State street—Metropolitan, 63; Highland, 24; Middlesex, 12; South Boston, 31—total, 130, a little more than two cars per minute.

Through Temple place—Metropolitan, 84; Highland, 31. Total, 115 per hour.

On Columbus avenue—Metropolitan, 12; Highland, 12.

I had made up my mind that the time had come for us to deal with this question of overcrowding our streets with horse cars, and hoped that this Board would entertain the same view; that it is time for us to give no further locations, except where public necessity and convenience demand it. The rivalry between companies has been carried too far. I have no partiality toward any road; but I believe the time has come for us to say whether the horse-railroad companies have more rights in the street than anybody else.

Alderman Thompson—I am glad the order has been offered, because I think it will result in equalizing the running of the cars through the avenues. That remonstrance is against the Middlesex road, and it does n't take a far-seeing man to see that it was obtained in the interest of rival roads. From the figures read by the Alderman it appears that the cars passing the head of State street are, Metropolitan sixty-three, Highland twenty-four, South Boston thirty-one, Middlesex twelve. Eighty-seven of those cars are from the Highlands, thirty-one from South Boston and twelve from Charlestown. As Aldermen know, the people of the different sections all wish to go through Washington street to do their shopping,

and return by the Common, and it is very unjust to grant one section privilege over another section. The proper way to remedy the evil is to make a more equal distribution in the assignment of cars allowed on the route.

Alderman Slade—The original charter gave the roads the right to run an indefinite number of cars on the circuit, except the Highland and Middlesex, and I don't know that this Board can do anything to take away that privilege. It is plausible for the ladies to want to go round the circuit. I hope this order will be referred to the committee to be considered.

Alderman Fitzgerald read the section of the general horse-railroad law giving the Board full control of the running of cars in the streets, and said the Board could order them to take up their tracks in any street.

Alderman Clark—This trouble has grown rapidly since the opening of the Columbus-avenue route, and I suggest that the Paving Committee request the presidents of the different companies to come together and settle this affair, etc., or else the Board will take it in hand and take off as many cars as are necessary. The presidents of the different roads can settle it in half an hour so that people will not complain.

Alderman Robinson—I did not know that we can limit the running of the cars on certain routes. I felt sure that this difficulty was coming when we granted the Columbus-avenue location. The committee will give the matter respectful attention.

The order was passed and the petition read by Alderman Wilder was referred to the Committee on Paving.

Adjourned, on motion of Alderman Fitzgerald.

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## CITY OF BOSTON.

## Proceedings of the Common Council,

JULY 26, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## MISCELLANEOUS PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence—

Report leave to withdraw on petition of Jacob F. Kraus to be paid for damages to his estate, 330 Tremont street. Accepted in concurrence.

Orders to declare forfeited to city certain lots of land of John B. Regan on West Castle and Middlesex streets, and to cancel the bonds therefor. Severally read twice and passed in concurrence.

Order to remit tax for 1876 on a certain lot of land and a building on East Third street, the land being forfeited to the city. Read twice, under a suspension of the rule, on motion of Mr. Sibley of Ward 5, and passed in concurrence.

## THE PROPOSED VISIT OF THE GOVERNORS.

A report came down with an order that his Honor the Mayor be authorized on behalf of the city to invite the governors of the several States to visit Boston.

The question was on giving the order a second reading.

Mr. Howes of Ward 18—It seems to me, Mr. President, that this is a somewhat singular order. The whole arrangement of this gubernatorial feast is hidden in mystery, and, indeed, it seems just now as if it might continue so, for I should doubt whether any of the governors of the States would care to leave their respective Commonwealths during the present excitement. So far as I can learn, the affair seems to be gotten up by Colonel Peyton, but for what purpose no one seems to know. Colonel Peyton is a very nice gentleman indeed, but he is a private individual. It is very nice for him to invite the governors of the different States to go around at other people's expense; but I wish to know what benefit is to be derived from inviting the governors here. If the Governor of this State wishes to extend the courtesies of this State to the visiting governors, it might be a very acceptable way of showing them Massachusetts; but why Boston should step in and extend the invitation at this particular time I cannot see. I shall vote against the order.

Mr. Pratt of Ward 21—I think that at least the invitation broker, who extended the invitation, ought to be included in the invitation. I therefore move that Colonel Peyton be included as one of the guests.

The question on the adoption of the amendment was put. The President was in doubt and called for a division. A quorum did not vote. A second division was had—5 for, 25 against—but a quorum had not voted. The President was about to put the question again, when Mr. Jackson of Ward 16 asked a re-statement of the question for the benefit of those who had just come in.

The President again stated the question, and on motion of Mr. Duggan of Ward 12 the yeas and nays were ordered. The amendment was lost—yeas 18, nays 30:

Yeas—Messrs. Barnard, Blodgett, Clarke, Coe, Crocker, Day, Dee, Hiscock, Howes, McGaragle, Morrill, Mowry, J. H. Pierce, Pratt, Vose, G. B. Webster, Wilbur, Wolcott—18.

Nays—Messrs. Brintnall, Burke, Cox, Danforth, Doherty, Duggan, Felt, Fernald, Fraser, Hibbard, Jackson, Kelley (Ward 3), Kidney, McDonald, Nugent, Pearl, Perham, O. H. Pierce, Reed, J. B. Richardson, Roach, Roberts, Ruffin, Sampson, Shepard, Sibley, Thorndike, Upham, Warren, E. R. Webster—30.

Absent or not voting—Messrs. Barry, Beeching, Blanchard, Brown, Cannon, Cross, Fagan, D. A. Flynn, J. J. Flynn, Ham, Kelley (Ward 6), Loughlin, McClusky, Mullane, O'Connor, O'Donnell, Pope, M. W. Richardson, Sardon, Souther, Spenceley, Stone, Thompou—23.

Mr. Pratt—I thought the remarks of the gentleman from Ward 18 were very pertinent to this question, and at the risk of making a few useless observations I wish to say, before having a vote on the main question, that some member of the committee, or some gentleman acquainted with this matter, should state the reasons for passing

such an order. This proposed invitation arises under very peculiar circumstances. It does not proceed from the city of Boston as a spontaneous invitation, or, indeed, as an invitation that would reflect credit upon the city of Boston for originality or anything else. This Colonel Peyton, who has laid himself open to the epithet given before,—an invitation broker—was at the Parker House, and conceived the idea of writing an invitation to the Mayor of Boston to invite certain gentlemen to be participants of the city's bounty. We are invited to entertain the governors. Under this order we don't invite the governors here, and I think it is due to the Council to have this matter explained, and for what reason we should, at this particular time and in this particular way, pay such particular attention to entertain the guests of some particular gentleman at the city's expense.

Mr. Crocker of Ward 9—The order, as I understand it, does not say anything about how the expense is to be met; but if I understand it aright the expenses will be paid under the order we passed sometime ago authorizing the Mayor to entertain distinguished strangers at the expense of the city. If that is the case, and if it is to be managed by the Mayor, it will probably result in considerable expense for a banquet. Of course considerable money will be spent, and if we have not forgotten all about economy, it seems to me it would be wise to put a stop to it, and especially as to judge from our late experience in the matter of banquets to distinguished strangers, the City Council would be left out in the cold, and the only parties invited to meet the governors would be the friends of the Mayor and, perhaps, the members of the Somerset Club.

Mr. Howes—I had the pleasure two years ago of making the acquaintance of Colonel Peyton, when he was on here endeavoring to raise money for the Centennial. At that time he was working for a worthy object, and I believe he succeeded; he was a sort of free lance, and his efforts were wholly praiseworthy. He now wishes to get the governors together, and I am sure the idea is eminently patriotic. But men of that stamp, like Mr. William Emerson Baker, usually invite gentlemen and pay the expenses; whereas Colonel Peyton seems to want to invite gentlemen and get the credit for it, and have some one else pay the bills. I hope the City Council will not fall into the trap, and that the measure will not pass.

The order was refused a second reading in non-concurrence.

## VACATIONS OF FIREMEN.

Report of Fire Commissioners came down favoring a vacation of two weeks to members of the Fire Alarm Department, but deeming it unadvisable to allow a like vacation to the permanent members of the Fire Department. Accepted in concurrence.

The President—The question is upon passing in concurrence the order authorizing a vacation to the fire alarm employes, or upon insisting on the former action of the Council in an amendment to include the permanent members of the Fire Department.

Mr. Spenceley of Ward 19—I hope the order passed by the Aldermen will pass this branch, for I sincerely believe that the members of the Fire Alarm Department should have a vacation. But when the Fire Commissioners come to us saying that the Fire Alarm Department do not have a vacation, in comparison with the permanent men of the Fire Department, I should like to know how it is. I have been studying this matter for a good while, and I don't know but I have a monomania on the subject. I believe that right is right. Now I propose to take the days of one single month, and see whether the members of the Fire Alarm Department do have any vacation, compared with the permanent men of the department. The fire-alarm employes are on duty twelve hours out of twenty-four; the other twelve hours they are off duty; they can go where they please, and their time is their own; and in the course of thirty days in a month they are on and off duty 360 hours. The permanent men in our Fire Department have two days—which is forty-eight hours—in each month; and if you call the three hours of each day which they have for their meals, off duty—they are not really off duty, because those men are liable to be called from their meals to answer an alarm—they have ninety hours, which, with the forty-eight, make 138 hours they are off duty each month. Who have the greater vacation? I

don't think we can look at this matter fairly without saying that the permanent men do not have a vacation, and that they ought to have. Gentlemen, look at it. I don't say the work is laborious; I don't say it is the hardest place to put a man; but I do say they are confined in those houses day after day, with only ninety hours off duty. And we say those men ought not to have a vacation. Now, the commissioners say it will cost so much money to give these men a vacation. I don't know but it will. I think the department can get along with less men. The companies are not full. They detail men from every permanent company to go up to the repair shop, or anywhere else they choose to send them, without putting on substitutes. Yet, when you ask them to give the permanent men a vacation, they say they cannot do it. They can send men to West Roxbury without putting on substitutes; yet, when you ask them to give those men a vacation, they say they cannot do it, because they must have permanent substitutes in their places. I think the rule ought to work both ways. If you send a man away he is nothing but a call substitute, and if there is an alarm of fire they come to it. If they can do that I think they can as well put on call substitutes and let the permanent men have a vacation. While I hope we shall vote to give the fire-alarm employes a vacation, I hope we shall stand by our former action and vote to give the permanent members of the Fire Department a vacation. I call for a division of the question.

The Council concurred in the passage of the order authorizing a vacation for the fire-alarm employes, and the question came on insisting upon the amendment giving a vacation to the permanent members of the Fire Department.

Mr. Coe of Ward 23—If this amendment passes, will the permanent members of the Fire Department have a vacation of two weeks in addition to the leave of absence of two days in each month that they have already? It will give them thirty-eight days' vacation in the course of the year. If that is not so I should like to be informed by the chairman of the committee.

Mr. Spenceley—If gentlemen see fit to call one day in fourteen, or two days in a month, a vacation, where a man is confined hour after hour in an engine house, I say yes; but I do not call it so. Why, gentlemen, we would not use our horses—I generally give mine one day in seven to rest—as the members of the Fire Department are used. There is not an hour in the day that they can call their own. It is not ten hours off and ten hours on. Suppose you were to tell your man on Saturday night that he could go home on Sunday and have a vacation; he would laugh at you. Our permanent firemen are in that position. Gentlemen, look at it; place yourselves in their circumstances. Gentlemen say these men knew this before they went into the department. That is true; but we know enough not to oppress these men. Talk about a sailor—why, there is not a sailor but has two weeks off with his family every year. Our soldiers get more than that. We take pride in saying that our Fire Department is second to none in the country; yet we are not willing that the permanent men should have a vacation. I don't call what they have a vacation. I don't know that they have a chance to buy their wood and coal. Just think of it, gentlemen. It is not right. I have had this on my mind two years. I had the honor of being placed on the Committee on the Fire Department last year, and I have spent a good deal of time with the committee in visiting the engine houses, studying the duties of the men, looking at the machines and going to fires, just to see if we have an efficient Fire Department. Some men think our department is efficient because of our beautiful engines and Lowry hydrants; but they are nothing without the men behind them. Don't let us forget the men who are the backbone of our Fire Department. If we use our horses and engines well, let us use our men well.

Mr. Wilbur of Ward 20—If I understand this order, it calls for a vacation for the members of the department if it can be given without detriment to the service. The great question in my mind is, who is going to be the judge of that? We have commissioners who are supposed to have charge of the Fire Department and run it. I have as much sympathy for the firemen as the gentleman who has just taken his seat, and who is so enthusiastic over this matter; but it seems to me that in voting for this we are voting directly against

what the Fire Commissioners have recommended. In their report they say it is not expedient, and cannot be done without detriment to the service. I hope the gentleman, who is so thoroughly posted in fire matters, will inform the Council who is to be the judge of whether it would be a detriment to the service or not.

Mr. McGaragle of Ward 8—I hope the order will pass. While I am not opposed, in any sense, to giving the members of the Fire Alarm Department a vacation, if you take into consideration the number of hours of duty they do in a year, you will see they are on duty much less than the permanent fireman. If I understand it, they are divided into four watches, and when their watch is over they can go where they please; they can go and do the business that ordinarily ought to be done, and can go and enjoy themselves. Now, I suppose the detriment to the service in this case consists of about \$10,000; that is, the Fire Commissioners think that if they grant these men a vacation they will have to fill their places with substitutes which will cost the city of Boston \$10,000. That is true, I suppose; there is no getting away from it. The department is now hardly up to its standard; but, if you take into consideration the number of days that those men do extra duty on that account, you will see that their usual time for rest and recreation is about wiped out; that is, if the department was full, those men would not be called upon to do partial duty so often. I think we can give them this vacation at a trifling expense, and \$10,000 is not going to bankrupt the city.

Mr. Mowry of Ward 11—I believe it is conceded that we have able Fire Commissioners. They have rendered a report that it is not expedient to grant this vacation to the members of the Fire Department, and I think their report is entitled to weight in this matter.

Mr. Kelley of Ward 3—I believe we have an able Board of Fire Commissioners, and I likewise believe we have an able and efficient Fire Department. Now, sir, if a clerk works in a store for \$1000 a year and asks for a vacation, he will get it, for he requires a vacation. Now, take the fireman—one of those engine men who is housed up in an engine house and gets three hours a day off to eat his meals; but in case of an alarm they are not allowed those three hours. Now, I don't see why the firemen are not entitled to a vacation as well as the policeman. The fireman is on duty twenty-one hours in twenty-four, while the policeman is on only ten. It is very well to say the Fire Commissioners make this statement; but I think they can run a company with one man short, in order to give the men vacations, as well as they can send men to the repair shops. I believe it would be for the benefit of the department and for the interest of the city to give the men a vacation.

Mr. Crocker of Ward 9—The gentleman says these men might be given a vacation as well as to be sent to the repair shops. But gentlemen must see that if they are given a vacation some one else must do the repairing, and an extra expense must be incurred. The vacation will entail an extra expense. As I have said once before, if we have not forgotten all about economy, it is about time to stop. I think the gentleman from Ward 19 rather overpaints the miseries of the firemen. He represents them as if they were shut up in prison, in a sort of solitary confinement. I often go by engine houses and see the doors swinging open and the men having what is usually called a pretty easy time of it. I have no doubt they often have to work hard at a fire; but it is not often, and during the time they are at the engine houses they are pretty comfortably off, having an easier time than most people have who have business to attend to. Then, again, it is part of their duty to patrol the city; at certain times they have to make a circuit of certain streets, which is not a disagreeable way of passing their time between their intervals of confinement. I am unable to see that they are an abused set of men, and, apart from the putting out of fires, it seems to me they have a pretty easy time of it. When there are fires, their duties are arduous; they need rest between fires, and it seems to me they get it.

Mr. McGaragle of Ward 8—While I don't wish to doubt the gentleman's veracity, if he has seen anything like loafing around the engine houses, it is against the commissioners' orders. If I remember aright, no one is allowed on the floor of an engine house except the man on watch. The other men are expected to be up stairs in uniform.

Mr. Sibley of Ward 5—This is a very simple

question. By the ordinance the commissioners have control of the wages of the firemen and the rules and regulations of the Fire Department. I used to think it was very arbitrary and strained up pretty hard, not being much of a soldier myself. But I am led to believe it is necessary. It is necessary to have discipline, and I believe we have it. I believe we have a good department, that it is well taken care of, that it is a well-managed and useful institution. But we all know it is very fashionable for all of us to have a little time to ourselves. It is a sort of custom which makes law. You can hardly meet any man but you say, "Been in the country?" "Going?" or, "Are your family stopping out of town?" and so on. It sounds very pleasant, is a very good idea, and I wish everybody had the privilege, the time and the means, and good health besides; but they have n't all got it. I don't believe the city of Boston would be a cent poorer to grant this vacation, notwithstanding this six or seven thousand dollars expense. I don't believe the efficiency of the department will be injured one particle, with the material at our command, with all respect to the commissioners. Those men deserve this vacation just as much as the policemen, and no more. Of course, the system of the department makes it incumbent upon the men to stay at their places in the engine houses a great deal; and they do. But they patrol the streets, get exercise and make a good appearance, which is all very well. But to come right home, I believe the firemen deserve a vacation, and I don't believe it will be an injury to the department. I hope we shall insist on our former action, that the Aldermen will concur and that the commissioners will grant this request.

Mr. Spenceley—I have been trying to find what the gentleman from Ward 9 said in relation to the firemen some time ago. I showed it to him some time ago. He said the firemen were just as deserving of a good salary, vacation or anything as the policemen were. I wish he would take that stand tonight. Our policemen have more pay than the firemen, who do not get two weeks' vacation at all. We have a very efficient department, and a great many think it is due to the commissioners. Perhaps it is. I will give them all the credit due to them, and yet I cannot see how the commission can get along for two weeks with only two commissioners, and the other one up in the mountains enjoying himself. When they want a vacation they take it and go off. Why don't they stay at work night after night and year after year without a vacation? I noticed last year when we chose a Fire Commissioner, the first thing he did was to go to Philadelphia. That is all right, I suppose. I see this report comes down signed by Greeley S. Curtis, chairman pro tem. Where is the chairman? I have been told he is up to the White Mountains. Now, if the thing can go along in that way, if our Fire Department is run with two commissioners, why is n't something said about it? We are putting ourselves under a great burden. But when the firemen ask for the same privilege those men enjoy, I would like to know if the life, health and families of the firemen are not worth just as much as those of the men getting \$4000. Should the man getting \$4000 say, I can go, but you must stay? I don't think it is right. They say that what is sauce for the goose is sauce for the gander; but it seems to me the goose is getting all the sauce in this. It seems to me that all the detriment to the public service is this extra \$9000; but I don't believe the city will suffer. I believe it can be done for \$3000, and the city be just as well protected as it is to-day. I don't want to weaken the department, or take men from their places in the permanent companies; but when they can call men off to go to the repair shops, or to haul hay from West Roxbury, I say they can just as well let those men go on a vacation. I just want to ask those questions, and let you settle it.

Mr. Sampson of Ward 17—The gentleman says he cannot see why the firemen should not have a vacation just as well as the policemen; yet he says they have one day in fourteen. I wonder if that is n't a vacation? I understand the gentleman to say they have no vacation whatever.

Mr. Spenceley—I say if gentlemen call the one day in fourteen which they have a vacation, call it so; I cannot.

Mr. Pratt of Ward 21—The question does not seem to me to be whether or not the city can afford a certain amount of expense, but whether there is any propriety in the City Council passing

an order regulating the practice in the department. Now, sir, I will simply, by one suggestion, ask the question whether it would be wise legislation for Congress to pass an act giving the soldiers in the regular army a furlough of a month each summer? It comes down to about this: The City Council having placed the responsibility in the hands of the Fire Commissioners, whether it is within the bounds of propriety for us to go into matters of detail in the management of the department. If any furlough or vacation is to be granted, it should certainly come with the recommendation of the commissioners, who are responsible for the efficiency of the department.

Mr. Spenceley—By permission of the Council I should like to read a little editorial which I found in a paper on my desk. I should n't ask to read it if I had n't known that some of those facts are true:

"An order was recently passed by the Board of Aldermen allowing the employes of the Fire Alarm Department a vacation of two weeks without loss of pay. In the Common Council last week the order was amended to include the permanent firemen, and it was then passed. As amended it was then returned to the Aldermen for concurrence, and by them referred to the Fire Commissioners. We bespeak for the measure the success it merits, for no class of city employes is so deserving of a short respite from confinement as the men who are included in this order. It may not be generally known that the permanent firemen are not allowed to leave their apparatus except to obtain their meals, but such is the fact."

I hope gentlemen who have seen them loafing around engine houses will take notice.

"It is true that the rules of the Fire Commissioners permit a leave of absence for twenty-four hours twice each month, by consent of the officer in charge of the district, but it is oftentimes the case that such consent is refused, and we know of one instance—"

And I know the same instance.

—"in South Boston, last winter, where the members of an engine company did not leave their stations for a term of four months, except to obtain food. This is probably true of other companies, and in view of this it seems to be absolutely necessary that these men, who suffer restraint almost as great as the prisoners in our correctional institutions, should be included in the list to have an intermission of labor, the granting of which will well repay the city in the return of men to duty who cannot fail to reconstitute strength for the arduous service required of them. We understand that the commissioners oppose the movement, but notwithstanding this, while men in every other branch of the Government employ are allowed a vacation without detriment to the interests of the city, we think the same privilege should be extended to the permanent members of the Fire Department."

Mr. Howes of Ward 18—The difficulty in an order of this kind, if it were proper for the Council to pass, would be the length of the time over which the vacation extends. I could see the propriety of requesting, if it is expedient, that the men might be allowed a vacation for a week in the year; but two weeks to each permanent member of the company would mean twenty weeks' absence from each company in a year, which would break into the discipline of the company. If the time was a week I think I should vote for it, but I can hardly do it with two weeks. Gentlemen have spoken of the feasibility of carrying out the measure without additional expense. I do not believe in it at all. I think that ten men in a permanent company is a small enough number. In New York it was found advisable to have twelve, and I think they have changed to eleven now. But for the ordinary requirements of a fire engine in the central portion of the city there ought to be ten men at all times. The mere changing of one man to go out and do some odd job does n't generally interfere with the management; but the detail of men for two weeks, and having new men come in their places, would interfere with the discipline of the department.

Mr. Spenceley—Is it any less safe than in the present way?

Mr. Richardson of Ward 10—I shall have to vote against the order, on the general principle that, having put this department into the hands of a commission, I am opposed to interfering with the details of the management. The perfection of the department has been attained by strict discipline



and the management of the commission which now controls it. I do not presume, and I should deem it presumption in almost any one in this Council, to oppose a private opinion as to what will conduce to or take from the efficiency of the Fire Department, as against the opinion of the men whose duty it is to take care of it, and who have investigated and made it a study. Upon that principle I do not think it wise to interfere with the little details of uniforms, taking of meals and all that sort of thing.

On motion of Mr. Spenceley the yeas and nays were ordered and the Council insisted upon its amendment to grant a vacation to the permanent members of the Fire Department—yeas 41, nays 16.

Yeas—Messrs. Barnard, Brintnall, Burke, Cannon, Clarke, Cox, Cross, Day, Dee, Doherty, Duggan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClusky, McDonald, McGaragle, Mullane, Nugent, Pearl, Perham, Reed, Roach, Roberts, Shepard, Sibley, Spenceley, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur—41.

Nays—Messrs. Blodgett, Coe, Crocker, Danforth, Felt, Hibbard, Howes, Morrill, Mowry, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, Ruffin, Sampson, Wolcott—16.

Absent or not voting—Messrs. Barry, Beeching, Blanchard, Brown, Fagau, Loughlin, O'Connor, O'Donnell, Pope, M. W. Richardson, Sardon, Souther, Stone, Thompson—14.

Sent up.

#### CITY HOSPITAL.

The thirteenth annual report of the Trustees of the City Hospital was presented and sent up. The report gives the following statistics:

Number of patients remaining in the hospital, April 30, 1876, 263; admitted during the year—medical, 2140; surgical, 1342; ophthalmic, 98; total, 3580; treated during the year, 3843; discharged, 3256; died, 287; total, 3543; remaining in hospital April 30, 1877, 300; largest number in hospital at any time, 370; smallest number in hospital at any time, 213; daily average number of patients, 271; average length of stay of each patient (days), 26; number of patients treated in the out-patient department, classified according to their diseases—medical, 1970; surgical, 3434; diseases of the eye, 1665; diseases of the ear, 325; diseases of the skin, 808; diseases of women, 324; total, 8526; number of visits to the hospital made by each class—medical diseases, 3923; surgical diseases, 8892; diseases of the eye, 11,166; diseases of the ear, 1888; diseases of the skin, 2986; diseases of women, 801; total, 29,656.

The whole number of patients in the hospital during the year was 3843, and they were under treatment an average of twenty-six days each, making a total of 99,654 days, or 14,236 2-7 weeks. The entire cost of maintaining the hospital during the year, including every expenditure, excepting the cost of additions and reconstruction of buildings and cost of new equipment, was at the rate of \$8.02 1-3 per week, \$114,218.56. But of the patients enumerated above, 156 paid for 495 6-7 weeks' board, \$5160.07; leaving, therefore, the sum of \$109,058.49 as the cost to the city of treating 3687 non-paying patients, for a total of 13,740 3-7 weeks, which is at the rate of \$7.93 2-3 per week. But by averaging the net cost of maintaining the hospital for the year, among all the patients treated, we find the average cost to the city of board for each patient was \$7.75 per week.

The trustees have had a year's experience in the new buildings, and at times their occupation has very nearly reached their maximum capacity, and it is gratifying to know, as a result of that experience, that the structures are all that was anticipated in regard to heat, ventilation, convenience and economy of administration. The income from paying patients has very materially increased, and the figures show that, with but a moderate increase of expenditure and service, some thirteen per cent. more patients have been treated, while the expense of treatment per capita has been reduced \$1.50 per week.

The trustees asked recently for an extra appropriation, for the purpose of making some changes and improvements in the basements of the old surgical and medical buildings. These buildings, constructed upon made land, and with large spaces under the basement floors, had become, through natural causes, as well as by their use as hospitals, peculiarly offensive and dangerous for patients. In his report of 1874 to the trustees, Dr. Cowles, the superintendent, alluded to the neces-

sity of action in regard to these buildings, and some progress was then made in remedying the existing evils. In constructing the new buildings, circumstances again forced the consideration of the subject upon the board, and it was finally determined, upon the urgent advice of Dr. Cowles, seconded by that of the medical staff, as soon as the conditions of the new structures would allow, to thoroughly renovate these basements and introduce better ventilation into the buildings. Accordingly, the spaces have been filled with fresh earth, the floors concreted, water and steam pipes have been brought to the surface in accessible positions, and the basements abandoned, as originally intended, to fresh air and ventilation. A portion of the work was done last season, and with last year's appropriation. The balance of the work will be shortly completed.

The increase in magnitude of the hospital and of the number of patients renders necessary new plans of government and organization within itself. Due thought has been given to these matters, and a revision of the service of the house has been made, not only as to kind of service, but also as to compensation. The trustees fully recognize the necessity of constant supervision of expenditures and economy in management, and they are endeavoring, so far as they consistently can, to meet the spirit of the time, and to reform, wherever an opportunity appears for it. The necessity of an "ambulance," as a means of saving much time and suffering in cases of severe accident, has been discussed for several years past. This necessity has become more and more apparent, and the board have finally concluded it to be absolute, and the vehicle is now being constructed.

It has become an annual and pleasing duty to recognize the kindly thought of friends to the poor and suffering, as manifested in religious ministrations, or in little gifts of fruit, flowers and books. These have continued during the year, and one in good health can probably hardly appreciate the value of such remembrances upon the sick and weary heart.

Two new out-patient departments have been established during the year, one for diseases of the nervous system and one for those of the throat. S. G. Webber, M. D., was appointed to the first, and E. W. Cushing, M. D., to the second department.

In conclusion the trustees say, The close of another year in the history of the hospital finds us furnished with increased facilities for good. It is to be hoped that the year entered upon shall so develop these facilities as to prove the wisdom of providing them, and that its close may clearly show that a large advance has been made in it towards that higher and better success always possible and always to be striven for.

#### ANNUAL REPORT OF THE CITY BOARD OF HEALTH.

The fifth annual report of the Board of Health was presented. Sent up. The question of sewerage is first considered, and the board says that the poor of the city are not only suffering for want of work, but also from the foul sewer stench against which this very work should be directed. It is too true, and already too sadly felt in the light of poverty and sickness. It is also unnecessary to say that the moueyed men of Boston, who are to bear the expense, the medical profession, who are daily witnessing its great need, and the thinking community at large, have often and loudly spoken in favor of an immediate beginning of this great work. The diminishing value of real estate in insalubrious but costly parts of our city, as well as our too high death-rate, from preventable causes, demands it without delay. The Back Bay, so called, now a very hackneyed subject, continues to demand a great deal of attention, and is an almost constant source of complaint. Temporary measures have been resorted to by the Board of Health from year to year, with more or less good effect in mitigating this great nuisance. Roxbury Canal still remains prominent among the nuisances of Boston. Leading in from the South Bay, five or six rods wide, and extending several thousand feet to Harrison avenue, we find this great slough or open sewer in the midst of a thickly populated section. The sewage and mire lie a fathom deep, bubbling their gases through the black, putrid water, while the lighter and soluble portions of filth are slowly surging back and forth with the rising and falling of the tide. The sight of this canal from the Albany-street Bridge is sufficient to nauseate any decent man, and it is said that horses, even, have refused to cross the

bridge over this slough. We would gladly pass over this subject without a word of complaint, but duty forbids, even though we have besought its remedy for four years in vain. Business and dwelling are alike rendered exceedingly uncomfortable and unhealthy in the whole neighborhood at times, including one of the most beneficent and well-managed institutions in New England, where 250 patients lie, blessed with everything which an intelligent and worthy Board of Trustees and hospital staff can supply, yet deprived of nature's greatest gift—pure air. Last fall the medical staff of the city hospital, together with other physicians and people of that neighborhood, petitioned the City Council for relief from this canal nuisance. Thereupon the City Council asked the Legislature for authority to fill the canal, as a remedy for the trouble. The Legislative Committee on Harbors, to whom the subject was referred, gave a long and patient hearing on the subject, reported in favor of the petitioners, and the Legislature then granted authority to the City Council to take the land and fill the canal. We cannot think the present City Council, knowing the nature and extent of this nuisance, and having the power in their hands to abate it, will allow the people of that neighborhood to pass through another season with this open sewer in their midst. Another serious nuisance, which has brought serious complaints of citizens, directly and indirectly, to the Board of Health, exists between the Eastern Railroad and Canal street in the Charlestown District. Two years ago the greatest nuisance in that section was adjoining the State prison, and was due to two or three acres of sewage flats, which were left bare at low tide, and which gave off the most unbearable stench. This property belonged to the Commonwealth, and was in charge of the Prison Inspectors, who were duly notified to abate the nuisance, but failing to do so the Board of Health was obliged to contract for the work and abate the nuisance by filling the flats to a grade above high water. For this work the city now has a bill against the State for about nine thousand dollars. Since then the complaints have generally designated the Mill Pond flats as the source of the nuisance; but on careful and repeated examinations of the Board of Health the nuisance is not found upon the Mill Pond flats in any degree. But below the dam of the Mill Pond, all the way to near the prison, there are flats which are left bare at low tide, upon which the sewage that formerly lodged near the prison is now rapidly accumulating, and from which a very considerable nuisance must arise. We recommend the abatement of this nuisance by the City Council, as our appropriation is insufficient for a work of such magnitude.

In regard to wet cellars the board says that the proposed marginal sewer should be laid to exclude the tide-water, and the channel of Stony Brook should be widened, straightened and deepened to prevent its overflow.

During the year ending Dec. 31, 1876, there were 8253 deaths recorded. Assuming that the annual rate of increase in the population of the city is the same in the present quinquennial census period, 1875-1880, as in the five years previous to the last census, 1870-1875 (and any other estimate of our population is necessarily speculative and based at the best upon shrewd guesses), the people of Boston, in the year 1876, numbered 352,758. The mean rate of mortality per 1000 of the living in 1876 was, therefore, 23.39. That is to say, to every 100,000 persons living, there were 23.39 who died.

The report treats at length of the mortality in the several districts of the city; of the diseases at varied seasons of the year; the ages of deceased patients; the causes of death; of diphtheria and scarlet fever.

The amount appropriated for the year was—Board of Health, \$83,000; Evergreen Cemetery, \$800; Quarantine Department, \$16,700; total, \$100,500. The amount expended was—Board of Health, \$58,270.27; Evergreen Cemetery, \$2266.64; Quarantine Department, \$16,694.44; total, \$77,231.35; unexpended, \$23,268.65. The income was—Board of Health, \$1124.29; Evergreen Cemetery, \$1042; Quarantine Department, \$2753.80; total, \$4920.09.

The reports of the City Physician, Port Physician and Superintendent of the Health Department are contained in the report.

#### SCHOOLHOUSE SITE IN BRIGHTON.

The order for the purchase of a site for a grammar schoolhouse on corner of Cambridge street,

near Harvard avenue, Brighton, 22,000 square feet, cost not to exceed \$6000, came up as unfinished business, and was passed. Sent up.

#### CARRIAGE HIRE.

The order that no carriages be provided at the expense of the city at the close of this session came up as unfinished business, the question being on the passage of the order.

Mr. McGaragle of Ward 8—I rise to a point of order, that the order was intended to apply only to hiring carriages on the evening of the last meeting of the Council; we cannot consider it at this meeting.

The Chair—The Chair understands by the wording of the order that it is to go into effect upon its passage.

Mr. Morrill of Ward 20—I offered the order with the intention that it should apply to that night only, and if in order I will move an indefinite postponement.

The motion prevailed.

#### IMPROVED SEWERAGE.

The orders for a loan of \$3,713,000 for an improved system of sewerage, and authorizing a contract for such system as therein set forth, were in the calendar as unfinished business.

Mr. Sampson of Ward 17—As there are so many vacant chairs tonight, I do not intend to enter upon the discussion of this subject. I wish, however, to call the attention of the Council to some erroneous statements made within the last twenty-four hours in some of the public prints. I have here a communication which appeared in the Transcript of last evening, headed "A City Hoosac Tunnel." It is addressed to the Editor of the Transcript, and says—

"At the last meeting of the City Council a large appropriation for a public park was made, and an order establishing free ferries to East Boston was passed, involving the city in a large annual expenditure of doubtful expediency if not doubtful legality. An order was also offered and laid over until the next meeting asking for an appropriation of \$3,713,000 to establish a better system of sewerage. This order is in accordance with surveys recently made by the City Engineer, in a report just published, in which three plans or routes are submitted. One of these routes terminates at Castle Island and the other two at Moou Island, and differ only in the way of reaching that point. The route recommended by the City Engineer is across the marshes lying between South Boston and Savin Hill, and under Dorchester Bay to Squantum and thence to Moon Island, and the appropriation asked for is to cover the estimated expense of this route."

I want to say right here that the gentleman who wrote this article is a very worthy resident of Squantum who fears his property would be injured if this sewer is carried through. I think his fear is groundless. The gentleman is not a resident of Boston, but resides in Quincy, although he makes his appeal to the taxpayers of Boston. He goes on and says—

"But will the estimate cover the cost? Let us look for a moment at what must be done to carry out this plan. Large sewers are to be constructed, nearly surrounding the city, to receive the contents of the existing sewers. These concentrate upon one large one, taking the course above named, which in its passage is to be carried under the waters of Dorchester Bay in a tunnel eighty feet below the surface, one mile and a half in length, and most of the distance through *solid rock* (I believe this fact is not stated in the report) and thence through other obstacles and difficulties to its destination.

"Do we not see in this a city Hoosac Tunnel of gigantic proportions? Does any one believe that the appropriation asked for is anything more than an entering wedge? The whole scheme is to some extent an experiment—it may not answer the requirements of the city when completed. Let us, before embarking on an enterprise somewhat novel in its character and of such immense cost to the city, exhaust all the resources for obtaining the best information as regards the experience and engineering skill of the cities of the Old World as well as at home."

Editorial attention was called to this communication, and this statement was made: "That the engineers have been rather shady about this tunnel in their report, casting a reflection upon our City Engineer which I thought ought to be corrected. The attention of the editor was called to

the fact, and he, as far as he is concerned, puts a correct statement in the following paragraph:

"We were in error in charging City Engineer Davis with 'keeping shady' with regard to the tunnel from Old Harbor Point to Squantum. All the facts in the case are given in full in the report published by the city, as well as a map showing the tunnel through the rock."

At a meeting of the American Statistical Society last evening, a gentleman there presented a paper in behalf of a committee upon this subject of sewerage, and drawing several conclusions. As they are very brief I will read them, and would like to make a reply to them:

"First—That the plan of the commission to establish large intercepting sewers on either side of the city to carry our sewage to a great distance is wise and judicious.

"Second—That the evidence furnished by the commission establishes the fact that sewage deposited at Moon Island, as the commission proposes, will not be carried out to sea so that it will not return, but will be carried up and deposited by the flood tide between Boston and Fort Warren, thus destroying both the upper and the lower harbor."

In reply to that I can only say that the gentlemen of the commission, the engineers who have examined it, and our own engineers, who have been over it again, have a different opinion.

"Sixth—That the expenditure proposed may be reduced nearly one-half, with great benefit to the city, by reducing the excessive size of the main sewers, while the recent fall in the cost of labor, bricks and iron will enable the commission, as gold falls to a level with paper, to reduce still more the cost of construction."

I will only say right here that the size of the sewer is determined very largely by the size of the new conduit being built from Sudbury River. The amount of sewage to be conveyed from the city is about equivalent to the amount of water used by its inhabitants. It has been deemed wise to make preparations for a water supply for many years to come. We have been compelled to build a second one after using one twenty-five years, and in building this sewer the size has been determined for the future as well as for the present.

In regard to the other remarks, where he says that our channel is filling up, I have here the report of Professor Peirce, and also General Humphreys of the United States Army, and Henry Mitchell of the United States Coast Survey, made to the Board of Harbor Commissioners in 1868, where they say there has been no filling up of the channel. I have also seen at the City Engineer's office a chart of the flats and channel 102 years ago and also the latest chart of the harbor at the present time, showing that instead of the channel having shoaled at all, it has rather increased in depth, and also that the flats are not as large in area as they were 100 years ago. The gentleman speaks of the deposit which has been made on Apple Island. If he will examine it he will find that the cause of the deposit is from the formation of a channel through the flats which existed 102 years ago between Apple and Governor's islands, which we all know is the route for the city steamers and the Nahant boats, and is known as the back passage.

Mr. Chairman, as the Council is so thin, I would move that this subject be specially assigned for the next meeting of the Council.

The motion prevailed.

#### DEPUTY SEALERS OF WEIGHTS AND MEASURES.

The subject of salaries for Deputy Sealers of Weights and Measures came from the other branch with their adherence to vote of July 16, fixing the salaries at \$825 each per annum, and for a transfer of \$2000 from Reserved Fund for the purpose.

The President—Shall the Council insist upon or recede from its former action providing that the sealers be paid by fees?

Mr. Danforth of Ward 10—I move that we adhere to our former vote. Under a salary the duties of this office have never been performed, and the scales have never been sealed. If the sealers are paid by fees, they can earn \$1000 a year and the scales will be sealed.

Mr. Clarke of Ward 22—I hope we shall not adhere to our former action. At the same time, if that is not carried, I wish to move an amendment that the salary be \$1000 instead of \$825. We had this matter of fees before the Salary Committee; it was fully discussed, and a majority of the committee were satisfied that it would be impossible

to collect the fees. There is no penalty attached, and if parties don't pay it is such a small sum for adjusting the scales that I think it would be a pretty small business for the city of Boston to sue for. I understand that the present deputies have sealed quite a large number of scales—some hundreds—in the last two months; and certainly if those parties have had their scales sealed without paying any fees, it certainly would be unfair to let them off and force another portion to pay. It is for the benefit of trade generally—those who purchase as well as those who sell. I am willing to pay my proportion of the cost of sealing the scales, so that I may know that what I purchase is weighed and measured correctly. I know that under the old law if you bought a ton of coal, you had to take the weight of the wharfinger who sold it, or, if you required him to weigh it, you had to pay the fee yourself, so that the fees came from the purchaser instead of the man who sold the coal. A large number of small stores are kept by poor people—little corner grocery stores—who cannot afford to pay the fees for having their scales adjusted. If gentlemen understand the matter, they know the duty is not merely in going to a store and taking one set of scales and adjusting them; but every scale in that store has to be adjusted—both the dry and wet measures—so that all the measures for grain, potatoes, beans, oil, molasses and other articles have to be sealed. If you go into a small store, perhaps there are a large number of scales, and the owner has to pay quite a bill, while in a wholesale store only one or two are used; so that in those small stores it is really a hardship. I think it ought to come out of those who purchase as well as those who sell. They should pay their proportion, and we pay ours. As a large portion of these people are poor, and are trying to get an honest living—which is hard enough nowadays—this matter will come hard on them; and this year I think we ought to let it go along as we have been, by paying the assistants a regular salary. At the same time I don't think \$825 sufficient. I am very well satisfied that those deputy sealers are able men. There was some little talk when they went into the office, and I think there was some reason for it. The principal of the office did not know his duty, could not instruct his assistants, and there was some little confusion for a few days. But they have got through it now, and are doing good work, and doing it honestly and faithfully; and I think \$1000 is none too much, and in justice they ought to have it. I know that all those men have families to support, and \$800 will hardly do it. Therefore I hope we shall not concur.

Mr. Sibley of Ward 5—After the elaborate and thorough explanation of the gentleman who has just sat down, we find that those gentlemen are taking care of the molasses cups—and if they have any occasion for it, they take a little fluid—and that is going to help the poor people. I think it is fixed perfectly right now, and I hope it will pass as the Aldermen have fixed it.

Mr. Sampson of Ward 10—I trust the amendment of the gentleman from Ward 10 will prevail. This matter has been handed back and forth between the two branches, and sent to committees, and it seems to me it is high time to fix upon the salaries. I trust the Council will concur with the Board of Aldermen. Last year there was one assistant whose salary the Retrenchment Committee fixed at \$800; since then they have added four men to help do nothing. As stated by one of the Aldermen it seems to me the office is not worth more than \$800.

The Council refused to adhere to its former action, and the question was on concurrence.

Mr. Clarke moved to strike out \$825 and insert \$1000.

Mr. Crocker of Ward 9—I am compelled once again to ask whether we have forgotten all about economy. A gentleman has been talking about the poor grocers, and about helping them by not calling upon them to pay these fees. My impression is that it is not the poor grocers he is thinking about, but the gentlemen who have these offices, and who want to get good salaries out of them. So far as I understand, this is a case where certain competent men have been turned out of office—as has been done too many times this year—and incompetent men, who do not know the business, have been put in simply because they are politicians and want something. I believe the attention of the citizens of Boston ought to be called to what is going on here in City Hall—how competent men are

being turned out of office, one after another, against whom no fault has been alleged; no complaint that they have not done their duty properly—and incompetent men put in their place, and in this case we are asked to go further and give them an increased salary. Another instance of this is now under consideration in another branch of the City Government. His Honor the Mayor has proposed to drop the present Superintendent of Printing, a gentleman against whom honesty, capacity, and untiring devotion to the business of his office, not a whisper has ever been heard, and to substitute in his place, solely in compliance with the demands of party, another gentleman, who is a politician having claims on his party; a man who wants something done for him; a man who, I think, nobody claims is as well acquainted with the duties of the office as the present incumbent. It seems to me that the people of Boston ought to have their attention called to this thing, and that they ought to understand what is going on. There is really no question in this case about relieving poor grocers from the payment of fees for sealing their weights and measures; but the real question is as to how large salaries shall be given to politicians who have been put into office on account of their claims on the party, and because they need assistance.

Mr. Hibbard of Ward 17—I certainly hope this amendment will not prevail. If there is a humbug in the city of Boston, it is this office of Sealer of Weights and Measures. They go into a store, and if the scales do not balance they put a B upon them. If they are not correct, you must send them to the manufacturer. I believe that a man can do all the work with a salary of \$500. I don't know anything about the measures. As has been said, we have paid competent men \$800, and it seems to me that to pay incompetent men \$1000 a year is an outrage upon the citizens of Boston.

Mr. Clarke—I desire to inform the gentleman that the assistants last year were employed in a different manner from the deputies at the present time. Those assistants were merely a sort of "lumpers" who went around with the principal sealer and did his work with him, and assisted him in carrying around the scales; but so far as the sealing is concerned they did not do it, as the law required him to do it himself. Since then the Legislature passed an act which requires the city to appoint deputies to do that work, and makes the deputy responsible for it, as well as the principal; consequently the assistants have to do as much, and have as much responsibility, as the principal himself. The salary of \$800 was fixed last year to pay men who acted as a sort of "lumpers" for the Sealer. The work is altogether different this year. We have good men there and they ought to receive reasonable compensation. I would reply to the gentleman in regard to the office of Sealer of Weights and Measures being a sort of political office, amounting to nothing, and not doing any good. I would inform him that that office was established by the Legislature, and the act requires the city of Boston to have the work done properly; and we cannot help ourselves. We are obliged to do it. Whether the gentleman thinks it is well to have the scales balanced or not, the Legislature requires us to do it, and we have got to get competent men to do it and pay them fair pay.

Mr. Brintnall of Ward 5—The gentleman on my right has made a mistake which I wish to correct. He says the sealers send the scales to a manufacturer. I think he is mistaken. They have tools which they use to correct the weights and measures in the office. I don't know that \$825 is enough, but they are certainly doing a great deal of work at this time. They are at work from eight o'clock in the morning to five or six at night. The gentleman from Ward 10 has the right idea, that they should be paid by fees; but I don't see how they are going to seal the weights and measures unless parties bring them to the office, and there is no law now compelling him to bring them in, and the sealers are obliged to go around to the stores. For that reason they are not more than half sealed. But it seems to me it is too late to commence collecting fees this year, and so I don't see but we shall have to give up the fees this year. I happened to drop into the office during the last two weeks and they seemed to be very busy. I move to make the salary \$3 a day or \$900 a year.

Mr. Clarke accepted the amendment of Mr. Brintnall.

Mr. Blodgett of Ward 8—If we could hire some

of these "lumpers" that the gentleman from Ward 22 speaks about for about \$500, it seems to me we should certainly have more competent men than those we have in office now. I hope the amendment will not prevail.

Mr. Spenceley of Ward 19—I feel a good deal as the gentleman from Ward 17 does. I don't believe a grocer is going to be honest merely from sealing his scales. If he is not honest you cannot make him so by sealing the scales. After the sealer has gone it is very easy to take the shot out. If we want the work done well I think they should be paid by fees. If so, they can earn \$1000 and leave a balance in the treasury.

Mr. Danforth—The duties of this office have never been performed under a salary. Last year only 1600 scales were sealed in Boston, and there are at least 20,000 in use. So it cost the city of Boston about \$4000 to seal 1600 scales. The office is nothing but a sinecure.

Mr. Clarke—I understand that since the present sealers have been in office they have sealed as many scales as were sealed last year. That shows they are doing a good work.

Mr. Webster of Ward 3—There is something very mysterious about this increase of the salaries of these gentlemen. At the first of the year two assistants were doing the work satisfactorily, and when we fixed their salary at \$800 it never was intimated that they were not experienced and competent men. Now, there are four new men, who never sealed a scale before in their lives, and it is suddenly discovered that they ought to have \$1000 a year. If in order, I move to amend by making the salary \$800. If any one can show that these men should have their salaries raised on account of ignorance, I should be glad to entertain it.

Mr. Webster's amendment (\$800) was carried by a division—25 for, 23 against.

The order as amended was rejected in non-concurrence—yeas 10, nays 45:

Yeas—Messrs. Barnard, Coe, Cross, Danforth, Day, Dee, Hibbard, Hiscock, Morrill—9.

Nays—Messrs. Brintnall, Burke, Cannon, Clarke, Cox, Doherty, Duggan, Felt, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Howes, Jackson, Kelley, (Ward 3), Kelley (Ward 6), Kidney, McClinsky, McDonald, McGaragle, Mowry, Mullane, Nugent, Pearl, J. H. Pierce, O. H. Pierce, Pratt, Reed, J. B. Richardson, Roach, Roberts, Ruffin, Sampson, Shepard, Sibley, Spenceley, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—45.

Absent or not voting—Messrs. Barry, Beeching, Blanchard, Blodgett, Brown, Crocker, Fagan, Loughlin, O'Connor, O'Donnell, Perham, Pope, M. W. Richardson, Smardon, Souther, Stone, Thompson—17.

#### OCCUPATION OF STREETS FOR BUILDING PURPOSES.

The ordinance in relation to the occupation of streets for building purposes came down with the adherence of the other branch in their refusal to refer the same to the Committee on Survey and Inspection of Buildings.

The question was on receding from the former action of the Council.

Mr. Richardson of Ward 10—I hope the Council will not insist upon its former action in sending it to that committee. It pertains to the occupation of streets for building purposes, and has nothing to do with building. The Inspector has nothing to do with it. If it should go to any committee, it should go to the Committee on Streets. I know from personal knowledge that some members of the Street Committee understand it, and do not desire to have it go to that committee. It is desirable that some person should have charge of these permits whose duty it is to see that the laws and ordinances and rules pertaining to the occupation of streets should be observed and enforced. The question was only briefly discussed at our last meeting, when the reference was made. I do not see the necessity for it. The ordinance is not very different from the one that heretofore existed, except that it puts the granting of permits where everybody who has examined it admits it should go—to the office of the Inspector of Buildings.

Mr. McGaragle of Ward 8—I don't blame him for not seeing. That is the most remarkable speech I ever heard in this Council. The gentleman says he cannot see what bearing this has on building. Here is an ordinance specially framed to give parties leave to occupy so much of the sidewalk with building material, and the gentleman says he cannot see what it

has to do with buildings. I don't blame him for not seeing. This is an old established custom in Boston, and has been attended to by a lieutenant of police in the Chief's office. You made your application to Lieutenant Goodwin, who asked you how much of the sidewalk you wanted to occupy. You told him four or six feet in front of the premises designated; he then filled up the blank permit, and you proceeded to put a fence across. When the police officer in that district came around he asked for your permit, and you showed it to him, and he saw that you were located in accordance with it. If it is within anybody's province it is the Inspector's, for he grants the permit to build and the deputy has to go and inspect the work. There has never been an instance known of a party being prosecuted and fined for not having a permit, though parties have been fined for not having put up a lantern at night. I think it should go to the committee. An additional appropriation has been made for the department, they have employed a new clerk and six additional inspectors, making fourteen, and I think they can issue all the permits called for.

Mr. Richardson—It seems to me the gentleman misrepresents the duties of this officer. It is not to issue permits and not to fill them out; but after they are granted his duty is to see that the regulations and ordinance are enforced by actual observation upon the ground. His duty will be to go day after day and see that parties who are building do not encroach upon the public rights. It is not mere clerical labor in the office which a boy or girl can do, but outside work. He is an executive officer of the department. This matter did not originate with the committee; it was sent to them and they reported that such an office should be created. What is everybody's duty is nobody's duty, and the work has been left unperformed. The gentleman had no need to call me blind—he made his remarks courteously, of course.

Mr. McGaragle—I did not intend anything of that kind; but I know what I am talking about, as I am in that line of business and get permits every day. It was a slip of the tongue, and I did not intend anything personal. The police see that the rule is carried out. No one ever saw Lieutenant Goodwin on the building.

Mr. Spenceley of Ward 19—It seems to me it is very essential to have a man appointed to take charge of this work. By the ordinance it was formerly given to the Chief of Police. We have recently authorized more help employed in the Inspector's Department, and I should like to know who is going to attend to it. I think there have been many cases of prosecution for violating the terms of the building permit. If we had a man in that office to look after the occupation of the streets it seems to me it would be very desirable.

Mr. Wilbur of Ward 20—If this discussion goes on we shall get a great deal of information. One gentleman says the special duties of this officer are to visit places and see that the law is properly carried out. Another gentleman says it is—

Mr. Richardson read the fifth section, defining the duties of the officer, and said that was what he had explained.

Mr. Wilbur—I did not say the gentleman was not right, but that two gentlemen advocating it made different statements. I have had occasion to get permits, and they have always come from the police whose duty it was to see that the laws were enforced. I don't know but it is proper to create another office, but it don't strike me favorably.

Mr. Spenceley of Ward 19—While the gentleman is right in what he says, I suppose he well knows that any infraction of any law the police always report. A policeman is not an inspector of buildings, but let him see the ordinance in respect to the inspection of buildings violated, and he immediately reports it. A policeman does not grant a permit for putting up a building, but let him see one being put up against the ordinance, and he is to report it. He is to report anything that he sees going on against any city ordinance, and therefore I say it is his duty to report this. If this office is created and this man appointed, it is his place to see that the law is carried out. There may be an obstruction in the street, and if it remains the officer must notify this officer and he must remove it. So after all it belongs to the police to see that the ordinance is enforced.

Mr. Howes of Ward 18—I should like to ask the gentleman who has just sat down whether he has

known any case in which the work has not been properly performed in times past, and if so, why it is not possible to continue it in something the same shape it has been in years gone by without the creation of a new office.

Mr. Spenceley of Ward 19—I do not know of any such case, but I do know why we should not create an office for this work and pay a man a thousand dollars as well as a policeman \$1096. All the difference it makes, as far as builders are concerned, is that if this is made a new office we get our permits without going through a certain form of red tape we have been used to.

Mr. Clark of Ward 22—There has been a good deal of talk about this matter, but the work has always been done properly in the regular way. I do not know but what we might have Al Watts, who goes around after dogs, attend to it, and save the expense of appointing another man. As far as the matter of the obstruction of the streets is concerned, the policemen have very little to do now except to walk up and down the streets and pass ladies across the crossings, and they can look after these obstructions and report them to the Chief of Police; and, if a builder has any fault to find, he can go to the Chief of Police and have the matter corrected. If you appoint one man to attend to that particular business, he will be very apt to be arbitrary and assume a great deal more authority than you expect him to. I hope the work will be left to the police instead of to a man specially appointed.

Mr. Wilbur of Ward 20—By this ordinance, if I understand it, this officer is to visit those places for which permits are given out, and see that they are used according to the ordinance. I would like to know how much time he would have in his office if he has got to be at these places every day to see that this law is properly carried out. It seems to me if we should create this office in this way there would have to be an assistant appointed to visit these places. A man cannot go to the office and find the principal to get a permit, for he will be out in Brighton or Roxbury or Jamaica Plain, or some other place, visiting places where permits have been granted, to see whether they are properly used.

Mr. Richardson of Ward 10—I do not understand that this man is expected to be at his office. He does not issue these permits, but is the executive officer of the department to see that the law is properly enforced. I do not know that he has anything to do with it. The Inspector is to issue the permits, because he is supposed to know from the style of the building the permit is given for what kind of a permit ought to be given. Certainly he would know a great deal better than the Chief of Police or the Deputy Chief how much of the street should be occupied.

Mr. McGaragle of Ward 8—Will the gentleman allow me to ask him one question? What authority has the Inspector to issue these permits?

Mr. Richardson of Ward 10—Why, it is provided for by this same ordinance, if the gentleman has read it. It is an ordinance of five or six sections. The issue of these permits has heretofore been upon application to the Chief of Police or his deputy. They both say they want to get rid of it. Perhaps I cannot better throw light upon the matter than by referring to the history of it. This matter was submitted to a committee, and in the minutes of the Proceedings of the Board of Aldermen, June 25, page 450, is the following report:

"Alderman Robinson submitted the following:

"The Committee on Police, to whom was referred the order providing for the appointment of a person to have charge of the permits for occupying streets for building purposes, having considered the subject, beg leave to report that the Board of Aldermen has not the power to create the office contemplated by the order, or to appropriate money for its support, and therefore the order ought not to pass. The committee are of the opinion that it would be a great convenience to all persons interested in building operations to have an officer attached to the Department for the Survey and Inspection of Buildings and authorized to perform the duties in relation to occupying streets for building purposes heretofore performed by the Police Department."

This came from the chairman of the Committee on Police on the ground, as I understand, that there have been numerous complaints that the regulations have not been properly enforced. Proceeding on that ground they say—

"They would therefore recommend the passage of the following:

"Ordered, That the Committee on Ordinances be requested to report an ordinance providing for the appointment of a suitable person to be attached to the Department for the Survey and Inspection of Buildings, who shall have charge of permits for occupying streets for building purposes, instead of detailing a police officer for the purpose.

"Passed. Sent down."

It appears from that, as is well known, heretofore the policemen on the several beats have not done it. It has been found necessary to appoint a man of perhaps more intelligence than the ordinary policeman, or for some other reason, to have charge of it. That is the origin and history of this matter. When it came to the Committee on Ordinances, it fell to my lot to make a draft of an ordinance. After a great deal of investigation and discussion it was the opinion of everybody that applications should be made to and permits granted by the Inspector of Buildings without going to the Chief of Police or to the Deputy Chief, who, of course, do not know how large a part of the street it would be necessary to occupy for any building, and a little amendment of the law was made in that particular, and also in regard to putting up two lanterns instead of one, which gentlemen will find by reading the ordinance.

Mr. Mowry of Ward 11—It seems to me, sir, the granting of these permits should be associated with the Inspector of Buildings if possible. As it is now we all know we have to go to the Deputy Chief of Police to get these permits, and certainly it would be far more convenient if they were granted at the department of the Inspector of Buildings. The question, it seems to me, which should be decided is whether we should create a new office. I certainly don't think it is necessary to create a new office to carry on the granting of these permits. It seems to me the simplest way of getting out of this difficulty would be to merely change this ordinance, which is on page 755, in this respect. As it reads now applications for permits must be made to the Chief of Police or to the Deputy Chief. I would merely change that ordinance so that applications should be made to the Inspector of Buildings. It is a matter associated with the jurisdiction of the Inspector of Buildings, and I think by that change we can get rid of the responsibility of establishing a new office.

Mr. McGaragle of Ward 8—The suggestion of the gentleman from Ward 10 is partly correct. I read from the proceedings of the Board of Aldermen, page 437:

"Alderman Breck offered an order—That the Mayor be authorized to appoint, subject to the confirmation of the Board of Aldermen, a competent person to have charge of permits for the occupation of the sidewalks for building purposes, under the supervision of the Chief of Police; the compensation of the person so appointed not to exceed the sum of four dollars per day, payable monthly from the date of his appointment, and to be charged to the appropriation for Police.

"Alderman Breck moved the reference of the order to the Committee on Police.

"Alderman Clark—Does that order contemplate adding one more member to the Police Department?"

"Alderman Breck—It does not. It makes the duties so that we are not obliged to take another man from the police force. This officer is very necessary in putting up new buildings, and he has to go wherever the Chief sees fit to send him, and this saves him one man on the police force. We need every man we have there.

"Alderman Clark—But I understand that the man who has had charge of that department was a police officer, and I think the office should be filled by a policeman. It does, as I claim, add one man to the police force of the city of Boston, at a cost of \$1000 a year, and makes an increase of sixteen men instead of fifteen. If one man was taken from the department to perform that duty, why not take another man from the department in his place? Let us put the thing as it is. It is adding one man to the Police Department.

"Alderman Robinson—It is to be referred to the Police Committee; but it has not been acted upon.

"Alderman Clark—But I want that question decided before it is referred, with all due respect to the committee. It adds one more man to the police force. The man who has had charge of the building permits has resigned or been discharged, and this is to fill his place. I should presume it

was necessary for a man to be clothed with police power to fill that place.

"The order was referred to the Committee on Police."

That is the origin of it, sir. I happened to be present in the Board of Aldermen when this order was considered, and know something of its history. It was created to give a party a job. I am willing to give any man a situation provided there is any necessity for it, but certainly I cannot stand up here and vote to create an office simply to give a man a job, and will not do it.

Mr. Kelley of Ward 3—I hope this motion will be referred to the Committee on Survey and Inspection of Buildings, for this reason: If I understand it rightly, the Inspector of Buildings is going to appoint six new men. I have no doubt he will appoint one or two good ones that he will keep permanently. He has appointed a new clerk, and I believe with that help he can carry on this business as well as though we should create a new office. I believe the police officers of the city of Boston are capable of looking after the streets and seeing the ordinances enforced. I have had some experience in working on the streets, and I have never had a job on the street where a police officer did not wait on me as soon as I commenced and find out how far I was allowed in the street, and keep me there as strictly as any new appointee could do it. But I do not believe it is possible for any one man to go out and attend to that business. The police will have to do it. The object of this appointment is to have this man stay in that office and do clerical duty, and that is all he will have to do. I believe a clerk in half an hour can write as many of these permits as are ever required in a day.

Mr. Wilbur of Ward 20—I fully agree with the gentleman who has just taken his seat that it is nothing but clerical duty. The whole duty of taking care of them is in the hands of the police. They are on the streets and pass the buildings many times a day, and they are the ones who can see if there is anything obstructing the streets outside the permits granted. It is merely clerical work for this new officer. There have never been any complaints unless they have come from the police. They are the men who probably look after this matter. I hope the ordinance will be referred.

Mr. Richardson of Ward 10—This ordinance consists of six sections. I understand everybody agrees that by the first section the application shall be made and the permit granted by him. The second section provides that the space shall be enclosed by a fence which shall be kept up during the whole time of occupation, and that at night lanterns shall be put up. The third section provides that any person occupying a part of any street while engaged in making or repairing a building shall provide a safe avenue or passage around or over it. Section 4 provides that any person violating any provision shall be liable to a penalty. The next section provides for the appointment of a person to have charge of them, and the sixth section for his removal in case of malfeasance in office or neglect of duty. Now as to the first, second, third and fourth sections I have not heard any objection.

Mr. Kelley of Ward 3—I would like to know if that is not the present law.

Mr. Richardson of Ward 10—It is not.

Mr. Kelley of Ward 3—It is the principle of the law now in force.

Mr. Richardson of Ward 10—Why no it is not. The gentleman has only to read it. I have read it half a dozen times. As I have stated, the first section refers to the granting of the permits. I understand there has been no suggestion here that the Inspector is not the proper person to do that. That is different from the old law, which provides that applications shall be made to the Chief of Police or to the Deputy Chief.

Mr. Kelley of Ward 3—I mean the law that is enforced. As the gentleman read it it is pretty near like it.

Mr. Richardson of Ward 10—Pretty near! It is different, entirely different.

Mr. Kelley of Ward 3—I believe, sir, the police officer is the proper party to enforce that law. How is this Inspector going to tell whether the lights are out or not? As far as the fence is concerned, the builder has got to build a proper fence and put out proper lights. He has got to white-wash his fence and do all such things. The police

officers are out, night and day, at all hours. They can tell when a light goes out, and it is their duty to report it. If there is any obstruction, it is their duty to make a report. They have to make a report of the lamps all over the city. I would like to know in what better or safer hands it could be than in the hands of the police officers of the city. Now they propose to put all that business in the hands of one man to see that this is done. I do not see how he can do it. He ought to have a salary of \$5000 a year. I believe the issuing of the permits should be in the hands of the Inspector of Buildings, but I also believe that the Police Department should enforce the laws and the ordinances, and that they are the only authorities that can do it.

Mr. Richardson of Ward 10—This is an office that corresponds with an office in other departments—the Superintendent of Hacks, for instance. The gentleman could argue that the policemen of the city could see any infraction of the ordinance in relation to the standing of hacks. And yet everybody knows perfectly well that all the complaints are made by the Superintendent of Hacks. It is necessary that there should be some one who knows exactly what the law is in that particular. Very likely a policeman sees a violation of the law, but he reports it to the Superintendent, and he takes it and prosecutes it. This is not a singular office. It is the duty of some executive officer to see that the law is enforced.

Mr. Kelley of Ward 3—I would like to ask if it is necessary to have two executive officers in this department.

Mr. Richardson of Ward 10—I will answer the gentleman that the Inspector is expected to remain in his office. This man, as I have stated, is to be the executive officer to see that the ordinances and laws are enforced in the city.

Mr. Wilbur of Ward 20—I would like to ask the gentleman one question.

Mr. Richardson of Ward 10—Certainly.

Mr. Wilbur of Ward 20—How is this man going to visit 500 of these buildings in one day, between six o'clock in the morning and eight o'clock in the evening?

Mr. Richardson of Ward 10—Perhaps he cannot, but he can visit some of them. I think it would be very desirable and convenient that, before any prosecution was made for the infraction of any ordinance, somebody should investigate it who understands it, and see whether the law has been violated. It is making somebody responsible for it. It is an important matter, and is growing more important every day when we cannot pass down Washington street without being crowded clear out into the middle of the street, no lights at night, and no safe and convenient passage around or over the obstruction. I think it ought to be in the hands of somebody more competent than the average policeman. The average policeman can gain information and make reports to the Chief of Police or Deputy Chief; but before prosecution he would have to go and see whether a man has actually violated the law. He cannot do it, and does not want to do it. They say it has not been properly attended to, and this order originally came from the Committee on Police.

Mr. Wilbur of Ward 20—It is news to me that this law has been so badly violated. If there is a place on Washington street where there has not been a proper fence and a proper light put up, it is news to me. I believe it is in good hands, and I move an indefinite postponement of the whole subject.

Mr. McGaragle of Ward 8—The ordinance is all right, I think, but I object to the creation of a new office, and that is the reason I want it referred to a committee.

The Chair decided the motion to indefinitely postpone to be out of order. The Council refused to recede from its former action on the ordinance, and insisted upon the reference to the Committee on Survey and Inspection of Buildings. Sent up.

#### CLAIMS.

Mr. Sampson of Ward 17 submitted reports from the Committee on Claims of leave to withdraw on petitions of George P. Baldwin for leave to surrender to the city a certain tax title to an estate on Columbus avenue, and that the money paid thereon be refunded; of James C. Tucker that a certain amount paid for an invalid tax title be refunded to him; and of Michael Doherty for the remission of certain taxes erroneously assessed. Severally accepted. Sent up.

#### PUBLIC BUILDINGS.

Mr. Shepard of Ward 4, submitted the following from the Joint Committee on Public Buildings:

Report on request for additional accommodations for South Boston branch of the Public Library—That the additional rent seems large for the accommodations required for the library, and that as a tenant occupying a portion of the building demands a large bonus for his portion, they deem it inexpedient to take further action. Accepted. Sent up.

Report and Order—That the Committee on Public Buildings be authorized to provide heating apparatus for the Brimmer Schoolhouse together with fire-proof room for the same, at an estimated expense of \$5000; to be charged to the Appropriation for Schoolhouses and Public Buildings. Read twice under a suspension of the rule and passed. Sent up.

Ordered, That the Committee on Public Buildings be authorized to provide steam-heating apparatus for Curtis Hall, Ward 23, at an estimated expense of \$3000. Read twice and passed under a suspension of the rule. Sent up.

#### THE CHARLOTTE HARRIS BEQUEST.

Mr. Morrill of Ward 20 submitted a report from the Committee on Public Library on the Executive communication in regard to the bequest of the late Charlotte Harris, recommending the passage of the following:

Ordered, That the generous bequest of Charlotte Harris to the Charlestown Public Library of the sum of \$10,000, together with her private library and a portrait of her grandfather, Richard Devens, Esq., be accepted, and that his Honor the Mayor be requested to make a suitable acknowledgment therefor to the executors of the will.

Ordered, That the Trustees of the Public Library be authorized to receive the private library and portrait mentioned in said bequest, and to deposit the same in the Charlestown branch of the Public Library.

Ordered, That the City Treasurer be authorized to receive from the executors of the will of Charlotte Harris the sum of \$10,000, and to invest said amount in certificates of indebtedness of the city of Boston, bearing interest at the rate of six per cent. per annum, and payable to the city of Boston, the securities for the same to be deposited with the Auditor of Accounts, and that the Trustees of the Public Library be authorized to accept the same in accordance with the terms of the bequest.

Severally read twice and passed. Sent up.

#### LIBERTY SQUARE.

Mr. Felt of Ward 18, for the Committee on Streets, offered an order—That his Honor the Mayor be authorized to execute a release to the Liberty-square Warehouse Company for 386 feet of land adjoining the estate of said company, upon said company giving to the city a deed or release, satisfactory to the City Solicitor, of a like parcel of land taken by the Board of Street Commissioners from said company, to widen Liberty square.

Mr. Felt—I will explain that this lot of land fronts on Liberty square, and is irregular in shape. On the westerly side it projects into the square at a short angle, and on the easterly side it recedes. The proposition is that the company shall release to the city 386 feet on one side, upon the city giving them a like quantity on the other, so that their front may be circular and symmetrical. It will be mutually advantageous.

Upon motion of Mr. Felt of Ward 18, the order was passed under a suspension of the rules. Sent up.

Mr. Felt of Ward 18, for the Committee on Streets, offered an order—That his Honor the Mayor be authorized to execute a release to William Rumrill and J. H. Stanton for 188 feet of land lying between Rockland street and the estate of said Rumrill and Stanton upon the payment of \$47 to the city.

Mr. Felt of Ward 18—I will explain to the Council that this is merely a little triangular piece of land, containing 188 feet on Rockland street, which the butters propose to take at the assessed value of twenty-five cents per foot, making \$47.

Under a suspension of the rules, the order was read twice and passed.

#### CLERK OF THE FERRIES.

Mr. Pearl of Ward 1 offered an order, That from the first day of August, 1877, until otherwise or-

dered, the salary of the clerk of the Directors of East Boston Ferries shall be \$2000, payable monthly, and the salary of the oiler and wiper of the East Boston Ferries \$65 per month.

Mr. McGaragle of Ward 8—I would ask if the Retrenchment Committee, in their report, did not provide for the salaries of these officers?

Mr. Webster of Ward 3—We did.

Mr. Pearl of Ward 1—I will state for the information of the Council that the clerk of East Boston ferries is receiving at the present time \$2700 per year. It was the opinion of the Board of Directors that \$2000 was ample for the office, therefore they offered the order. In regard to the wiper and oiler, he is considered a first-class fireman. The Retrenchment Committee reduced his salary to \$62 per month; we have raised it to the pay of a first-class fireman.

Mr. McGaragle—I would move the reference of that order to the Committee on Salaries. I would like to send it to the Committee on Retrenchment, but I suppose they are out of existence.

The motion to refer was lost—18 to 21—and the order was read twice and passed, under a suspension of the rule. Sent up.

#### REFRESHMENT BILL.

Mr. Howes of Ward 18—When the President called for reconsiderations I did not understand the call and therefore omitted to make a reconsideration of the rejection of the order introduced by me at the last meeting of the Council. I would like to do so now.

The Chair—The motion will not be in order until the matter is taken from the table. It will remain recorded.

#### MYSTIC VALLEY SEWER.

Mr. Fraser of Ward 6 presented the following:

In compliance with the order of Feb. 15, 1876, which authorized the Mystic Water Board to construct the Mystic Valley Sewer, and purchase any land necessary therefor, under which order the board was instructed, in case it shall be found necessary to take any land otherwise than by purchase for any of the purposes named in section 22 of chapter 202 of the acts of 1875, to prepare the necessary descriptions and orders for such taking and submit the same to the City Council, the Boston Water Board have prepared such descriptions and order, and herewith respectfully submit the same:

Ordered, That under the power and authority given to the city by the acts of the Legislature of the Commonwealth of Massachusetts, passed May 10, 1875, entitled "An act to Authorize the city of

Boston to construct a sewer in the Mystic Valley," accepted by the City Council July 12, 1875, and amended by the 11th chapter of the acts of the year 1877; and in part execution of such power and authority, and for the purpose set forth in the first-named act, the city of Boston has taken and does hereby take the following described several parcels of land situated in the towns of Medford, Winchester and Woburn, in the county of Middlesex, for the use and behoof of said city and its successors, namely:

[Here follow the minute descriptions of the property taken.]

Excepting however all public ways included in any of the aforesaid described parcels, and reserving and saving to each and all of the owners of said parcels for themselves and their heirs and assigns the right to cultivate said parcels, and to pass and repass across the same with teams or otherwise, to and from adjoining lands, and the rights of cultivation are to be so used as not to injure the sewer which the city is to construct, nor in any way or degree interfere with the use of said parcels for the purpose named in the act, or the examination and repair of the works.

To have and to hold the same to the said city of Boston and its successors to its and their use and behoof, agreeably to the provisions of said act.

Read twice and passed. Sent up.

#### ORCHARD PARK.

Mr. Wilbur of Ward 20 offered an order—That the Committee on Common and Squares consider the expediency of enlarging Orchard park by taking four lots on the westerly side, setting edge-stones on the northerly side, and also planting trees on said park. Refused a second reading.

#### THE VACATION.

On motion of Mr. Flynn, it was ordered that when the Council adjourn it be to the second Thursday in September.

#### RECONSIDERATIONS.

Mr. Fraser moved to reconsider the vote whereby was passed the order in regard to taking land for Mystic Valley sewer. Lost. Sent up.

Mr. Howes moved to reconsider the vote whereby was refused a second reading to the order to invite the governors. Lost.

Mr. Clarke moved to reconsider the vote in regard to salaries of deputy sealers of weights and measures. Lost by a division—16 for, 23 against.

Adjourned, on motion of Mr. Blodgett of Ward 8, and stood adjourned to September 13.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

JULY 30, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE NOMINATIONS.

Police Officers Without Pay—Robert H. Kemp, Charles Nason, James Doyle, Thomas Harahau. Confirmed.

Lieutenant of Police—Nathaniel Emerson. Referred to Committee on Police.

## HEARINGS ON ORDERS OF NOTICE.

*Sewers.* Hearings were had on the orders of notice on expediency of constructing sewers in Bowe street and Forbes street; in Taylor street; in Curtis street, Bowe street and Forbes place. No one appeared to object, and the orders were recommitted to the Committee on Sewers.

*Highland Railroad Company.* Hearing on petition for leave to run their cars to the Northern depots.

C. A. Richards, president of the Metropolitan Railroad, and E. W. James, for himself and other residents of the West End, appeared as remonstrants, but a letter was read by Alderman Slade from Moody Merrill, president of the Highland Railway Company, stating that he was unable to be present, and requesting a postponement on account of ill-health. On motion of Alderman Slade, the hearing was postponed for two weeks.

## PETITIONS REFERRED.

*To the Committee on Sewers.* John Gilhenny *et al.*, for a sewer in Wendell street, south of Preble street; George Woods Rice, for a sewer in Seaver street and Blue Hill avenue to Schuyler street; Michael F. Lynch, for a sewer in Wesley street, Ward 15.

*To the Committee on Licenses.* John Stetson, for leave to give dramatic and musical exhibitions at the Howard Athenæum for the season of 1877-78.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables by R. T. Paine, Jr., five new wooden, twelve horses each, on Cary street; J. N. Goodnough, new wooden, two horses, Emerson street; A. D. Williams, old wooden, one additional horse, Prescott street; Isaac H. Cary, new wooden, two horses, Lotus street.

Clapp & Underhill, for leave to excavate cellar of building 69-71 Beverly street, to grade ten.

*To the Committee on Paving.* Petitions for brick sidewalks in front of Everett Schoolhouse, on Sumner street; and in front of estates of Stillman B. Allen, corner West Chester park and Columbus avenue; Edward Doyle, 124 Everett street, East Boston; James Coakley, 272 West Third street.

Washingtonian Home, that Waltham street be macadamized between Shawmut avenue and Washington street; Boston Boat Club, for leave to land at Fruit street; Asa P. Potter, for brick sidewalks at corner Commonwealth avenue and Fairfield street; Peter McCarthy, to be compensated for grade damages at 1511 Tremont street; Patrick O'Connor, to be compensated for grade damages at 1513 Tremont street.

William R. Cavanagh, for leave to move two wooden buildings from O street to East Ninth street.

J. D. S. Roberts *et al.*, that a portion of Highland street be called "Lewis park," and numbered.

Michael F. Lynch, that the city would purchase the property and franchise of the Metropolitan Railroad Company in Ward 24.

## MISCELLANEOUS PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Reports (leave to withdraw) on petitions of—

Michael Doherty, that certain taxes be refunded.

George P. Baldwin, relating to an invalid tax title.

James C. Tucker, relating to an invalid tax title. Severally accepted in concurrence.

Order for the Mayor to release to Rumrill & Stanton a strip of land (188 feet) on Rockland street, for \$47. Passed in concurrence.

Resolve and order to take the lands required for construction of the Mystic Valley Sewer. Passed in concurrence.

Order to pay, after Aug. 1, next, \$2000 to the clerk of the East Boston Ferries, and \$65 per month to the oiler and wiper.

Alderman Gibson—The salary of this clerk was formerly \$3000, but the Retrenchment Committee fixed it at \$2700. I don't recollect anything about the other salary. I thought it would be as well to let it remain as the committee fixed it.

Report and order accepting the bequest of Charlotte Harris to Charlestown Public Library, and directing the investment of the money in a six per cent. city bond. Order passed in concurrence.

Order to provide a steam-heating apparatus for Curtis Hall, West Roxbury, at a cost of \$3000. Passed in concurrence.

Order for repair of floors and stalls of West City Stable, at a cost of \$2000. Passed in concurrence.

Report (inexpedient) to enlarge the quarters for the South Boston Public Library. Accepted in concurrence.

Report and order to provide steam-heating apparatus for the Brimmer Schoolhouse, at a cost of \$5000. Order passed in concurrence.

## LIBERTY-SQUARE WAREHOUSE.

An order came down for the Mayor to release to Liberty-square Warehouse Company a strip of land on Liberty square (386 feet), upon said company giving a deed to the city of a strip of other land (386 feet) to straighten the lines of the street.

Alderman Clark—I suppose a little explanation in regard to this order is necessary. The owner of the land proposes to commence immediately to erect upon that piece of land in Liberty square a large building. In order to make the front symmetrical it is necessary to obtain a piece of land which is now in the street, belonging to the city. They propose to give an equal number of feet which face on the square on Water street for the same number of feet which face on the square on Kilby street. It is an even exchange feet by feet, and by so doing it will enable them to build a symmetrical front, which they could not if they built upon the land as they now own it. The same number of feet is given in exchange for the land that the city gives.

The order was passed in concurrence.

## VACATION OF FIREMEN.

The order to allow two weeks' vacation to employes of Fire-Alarm Department without loss of pay, came up with an amendment to allow a similar vacation to the members of the permanent force of the Fire Department.

The question was on concurring with the Council in the reference of the ordinance to the Committee on the Survey and Inspection of Buildings.

Alderman Burnham—It seems to me this should not be a very difficult matter to understand. This order calls for a vacation for the members of the Fire Department if it can be given without detriment to the department. Now who are to be the judges? Our Fire Commissioners ought to be. Our Fire Commissioners run the Fire Department.

We have chosen them for that purpose, and they ought to know what they are doing. We recognized that fact when we asked their second consideration of this matter. They have given us their opinion, and in their report they say, "It is not expedient, and cannot be done with detriment to the service." There seems to have been a good deal of enthusiasm over the matter in the other branch—perhaps we might call it sympathy for the firemen. But I do not know that there is less of sympathy in this Board; indeed I think there is quite as kind feeling here. I am sure I would have every man as comfortable as possible while in the discharge of his duty. The Fire Commissioners tell me the firemen are so comfortable now, so well satisfied, that they have not asked for vacation without pay, and do not now ask it. If I understand it, this request comes to the Council from their outside friends. I think the firemen as a class believe that they are governed by an able Fire Commission. They have confidence in them and in their management of and care for the department. The firemen know that the department is run with a little less, rather than over, the standard number of men. They can see that so run there must be substitutes to give the two weeks' added vacation, and that the substitutes will cost the city almost \$10,000, and knowing that

they can have the vacation by providing a substitute themselves, they seem to be content. They do not seem to fear that they are an abused set of men. As chairman of the Committee on Fire Department, I have not had one fireman to me to plead for a paid vacation, and it seems to me that under this state of things the report of the Fire Commissioners is entitled to weight in this matter. And yet 41 to 16 in the other branch say we should add to the expenses of the Fire Department this \$10,000 this year and give the two weeks' vacation, in opposition to the expression of the Fire Commissioners. Under these circumstances, the question, then, is not exactly whether the city can afford, and will afford, the \$10,000 expense; but, rather, will the City Council take exception to the opinion of the Fire Commissioners twice expressed, and undertake to manage matters of detail in the Fire Department, saying to the commissioners, who are responsible for the efficiency of the department, We can manage better than yourselves, and therefore we undertake to regulate the practice of your department? But, be this as it may, I have then this feeling—that by these discussions the matter, in all its various relations, is fully before the Fire Commissioners, and is in no danger of escaping their notice; that they will give it even more thought, and the result will be that, if the firemen have hardships that should be removed, the commissioners, in their estimates for another year, will ask of the next City Council a larger appropriation—sufficiently large to add to the force the number of men needed, and thus pave the way for the desired relief next year; but that matters now should remain unchanged, because by changing we possibly interfere with the details of management in a department that need not be interfered with for the management of the commissioners who now control it, and have investigated all its needs—certainly has brought it to a perfection of discipline and efficiency that should and has secured for it the indorsement of the City Council, and, indeed, the community. Upon this ground I think it wise for this Board to adhere to its former action, and non-concur in the amendment, and I move you that we do so.

Alderman O'Brien—I merely want to say a word in relation to this matter. The worthy chairman of the Committee on Fire Department says that no member of that department has ever been to him and pleaded for a vacation. As one of the Aldermen, I can say that quite a large number of firemen have been to me and pleaded for a vacation. After being confined for twenty-four hours every day in the year with the exception of two days in the month, in a fire engine house, they feel that they certainly ought to have at least two weeks' vacation in the year where they can turn their attention to the mountains or some other place for recreation. Believing that the Fire Commissioners, if anything happened, and the City Council forces them to give the firemen this vacation, will throw the whole blame and responsibility upon the City Council, I don't wish to consider this matter favorably, so long as they are so serious about it. But I certainly believe that a reorganization of the Fire Department would be well for the city of Boston. I am satisfied that outsiders are taken into that department, time and again, and that the call men, who receive about two hundred dollars a year, are overlooked; that they have favorites in that department, to whom they give their business and employment, and that the men that they ought to give employment to—the call men, who have experience in the department—are in many cases overlooked. However, I don't wish to insist upon this matter, because I feel that if anything happened in the way of a conflagration, or mismanagement, they would attribute the whole blame to the fact that the City Council saw fit to impose a regulation upon them that they did not believe in.

Alderman Clark—It seems to me that there is nothing to be gained or lost by concurring in the passage of the order. It provides that the members of the Fire Department may have a vacation of two weeks, provided it can be done without detriment to the public service. Now, I am willing to vote to concur with the Common Council in the passage of the order and let it go to the Fire Commissioners. They have decided that it cannot be done without detriment to the public service. Now, why not let it go to them and let them take the responsibility? They say it cannot be done without injury to the public service. And I

believe that they, in the future as they have in the past, will make our Fire Department one of the most efficient in this or any other country. I don't know but that some reorganization of that department may be a good thing at some future time. It is not a bad thing to reorganize departments at one time or another. But so long as the Fire Department is as ably managed as it has been for the last three years, the people will not call for a reorganization of that department. I am in favor of concurring with the Common Council in passing an order that the Fire Commissioners be authorized to grant a two-weeks' vacation to the employees of the Fire Department, provided it can be done without detriment to the public service. The order satisfies me, and I am willing to leave it in the hands of the commissioners, where it belongs; and if they can grant them one or two weeks' vacation without detriment to the public service, I hope they will do it. I think the firemen should have a vacation in addition to the two days in each month which they now have. But we have passed an ordinance placing the management of the Fire Department in the hands of the Fire Commissioners, and this order places the responsibility upon them, and we do not take it into our hands.

Alderman Burnham—The Fire Commissioners have twice said to us that it would be for the detriment of the department to grant this vacation. In answer to an inquiry from this Board they have said that it would not be expedient to do so. I also stated that in reply to a written communication from me, they say they could not see their way clear to grant this vacation, and that the firemen have not asked for it. It is well known that the firemen can have a vacation by furnishing a substitute. But the question is, Shall the men be paid for fourteen days more, in addition to the twenty-four days' vacation that they now have? Now, the member opposite says that he is ready to vote that the Fire Commissioners be authorized to grant this vacation. He certainly waives his right, as a member of this Board, and particularly as one of the elder members, to have his vote have any effect upon the Fire Commissioners. It seems to me that we should not vote to grant this fourteen days' vacation unless we expected that the Fire Commissioners would ask for an additional appropriation of \$10,000 for this thing. I would go as far as any one in looking out for the interest of the firemen. There is no necessity of rushing this thing through this year. Let it be under the consideration of the Fire Commissioners. They will do everything for the comfort of the firemen that they can. Another year let it come into the appropriation, and then we shall know that our Fire Department will cost us so much for the vacation of the members of the permanent force. But having been twice considered by the Fire Commissioners, and considered by them to be inexpedient, it seems to me to be hardly the thing to pass an amendment granting this vacation. In regard to the employees of the Fire Alarm Department, if we refuse to pass this amendment, then the fire-alarm employees are set right; under the present system, owing to the arrangement of the Retrenchment Committee, they can have no vacation at all, as they are to receive no pay for service not performed. The order to grant them a vacation was first passed by this Board, but an amendment giving a vacation to the permanent employees of the Fire Department was attached to the order in the other branch. There seems to be no necessity for us to concur in this amendment.

Alderman O'Brien—I believe that the Fire Commissioners have full control over this matter. They can give the men a vacation now, if they choose, or as their rules warrant. But the Alderman opposite says that this will place the responsibility upon the commissioners to give the men a vacation as they please. For that reason I do not see any harm in passing the order. We don't compel them to do it, and we place the responsibility upon them directly, and that is where it ought to be placed. I see no possible harm in passing this order, after hearing it read.

Alderman Gibson—I propose to leave this matter entirely in the hands of the Fire Commissioners. I believe that they have given universal satisfaction. I think the Fire Commissioners run our Fire Department the way that the citizens want it run. If we go in and take away a share of the running of the Fire Department, we take our share of the responsibility from them. Now, I would like to indefinitely postpone the order. It

seems to me we ought to entertain nothing but complaints of abuse of the men, and then we can rectify it. So long as the firemen have two days in each month and are kept marching about the streets every day, they are well enough off, and they get plenty of exercise. If in order, I move to indefinitely postpone the whole matter.

Alderman Burnham—I hope the Alderman will not press the motion to indefinitely postpone. If we pass the order as originally offered, and non-concur in the amendment, I think the wishes of the Alderman will be met.

Alderman Gibson—I will withdraw the motion; but I don't think we ought to interfere with the employment of clerks or firemen, or the control of the affairs of the Fire Department. I think the commissioners ought to have control of the department in every respect, and that we ought not to put in our oar or have anything to do with them. I will withdraw the motion.

Alderman Clark—I propose to leave it exactly in the hands of the Fire Commissioners and not to interfere with them in the least. I propose to let them grant the vacation or not, as they may determine. But, as I understand it, the commissioners would not consider that they had the liberty to grant the firemen any vacation at all, except the two days' vacation that they now have, except they were authorized so to do by the City Council. If I am not right I wish to be corrected.

Alderman Burnham—I can give the Alderman the information by quoting the words of the Fire Commissioners. There is no difficulty in any member of the Fire Department getting a vacation by coming to the Board and furnishing an acceptable substitute.

Alderman Clark—I want to know whether the Fire Commissioners are at liberty today to grant a vacation to the firemen without loss of pay or supplying a substitute, provided it can be done without detriment to the public service? That is my question.

Alderman Burnham—I can answer that question by saying that they are not at liberty to do so. They are not at liberty to grant a two weeks' vacation to the firemen without loss of pay. But the firemen can obtain a vacation by furnishing a satisfactory substitute, to be paid by the man who is off.

Alderman Clark—I insist that they have not the right to grant a vacation without loss of pay, or rather without his furnishing a substitute. Now, if we concur with the Common Council in the passage of this order, if they believe that the interests of the city will not be jeopardized by granting a vacation of two weeks without loss of pay, then they will have the right to do so. It simply gives them the right to do so, if they think it can be done with safety to the interests of the city. They have expressly declared to the City Council that in their opinion it cannot be done safely, and consequently they will not grant the vacation, even if we pass this order, unless the firemen furnish a substitute. It simply gives them the right to do so if it can be done with safety. I don't propose to interfere with the rights of the Fire Commissioners, but this subject has been trotting up stairs and down stairs for the last four weeks, and if we send it back to them it will come back to us again. I want to dispose of it. Let the Fire Commissioners take the responsibility. You will only give them permission to do it, if, in their opinion, it can be done without detriment to the interests of the city.

Alderman Gibson—There ought to be an end of this order here. If we pass this order it will be an additional lever for them to go to the commissioners with, and say "Why don't you grant this vacation?" For that reason I don't think it ought to be passed. I believe we should leave it to the Fire Commissioners. When I was a member of the Board before I had the honor of favoring this commission, and there was a strong opposition to it. But we all know that it has worked well to the entire satisfaction of the property owners of the city; the men employed in the department cannot complain. We might as well say that the men working in the street with a pick and shovel should have a vacation of two weeks. You might as well ask for a vacation for every employé of the city. Having made one or two exceptions, we might as well include them all. But here are the firemen having a few votes, and that is what this is aimed at. That is the intent of the order. It is nothing less than that in my judgment, which is at work in this matter. This matter belongs prop-

erly to the Fire Commissioners, and we should let it remain there.

Alderman Clark—The Alderman from East Boston can have no greater respect for the Fire Commissioners than I have. I was in the Board and used my best exertions to have the commission established, and I believe in it thoroughly. Instead of taking away any of their rights, I propose to give them additional rights. This is simply giving them the right to grant a vacation, which they have not now the right to grant, if it is no injury to the public service. If that is taking away any of their rights I should like to know it. I don't know about how many votes the members of the Fire Department have. Perhaps the Alderman does. Perhaps he counted them up at the last election. I did not. He is thoroughly posted and I am not. And I don't care how many they have. I propose to give to the Fire Commissioners a right which they have not. The chairman of the Committee on the Fire Department asks that they have the right—which they have not—to give the Fire-Alarm employés a vacation, because they cannot do it. Some gentlemen in the Common Council propose to give them a further authority—simply that if in their opinion the interests of the city will not be interfered with they shall also grant to the permanent members of the Fire Department a fortnight's vacation without loss of pay. That is an additional right. It is not taking away from them any of their rights. I wish to give them other rights in order to enable them to work the department in an efficient manner. There is no money involved in this matter. It does not appropriate \$10,000 to pay for the substitutes. I claim that no one proposes to do more for the Fire Commissioners, or who has stood up for them, more than I do myself. I believe it is one of the best managed departments in the City Government. So far as I know it has been as well managed as any department of the city, and I hope it will be a long time before it is abolished.

Alderman Burnham—I think the Alderman, in his comparison of this matter, as it relates to the Fire Alarm Department, misapprehends the case. As he states the matter, the Fire Commissioners would seem to have need that we should do something for them in order that they might do something towards granting them a vacation, which is true. Now, properly stated, the matter is in this way. The mistake was made by the Retrenchment Committee in the phraseology of the order, although they did not intend it. They placed the matter in such a manner that the fire-alarm employés were to receive no vacation at all. They must render a day's actual service for every day for which they receive pay. The fire-alarm employés went to the commissioners to get their usual vacation, and they were told by the commissioners that they could not have any vacation at all. Consequently, with the approval of the commissioners, they came to us with a petition asking for this vacation. On the other hand, the firemen, have not asked for this vacation, but some others have asked for certain privileges which they already have, and for others which they can have by furnishing a substitute. Twice we have been told by the Fire Commissioners that they think the firemen ought not to have this vacation. It is simply a question whether we shall concur in this order giving a vacation to the employés of the Fire Department.

Alderman O'Brien—How did the Retrenchment Committee interfere with the vacation of the fire-alarm employés in any way or shape?

Alderman Burnham—By the wording of the report, as construed by the Fire Commissioners, the committee took from them the right to give the fire-alarm employés a vacation without loss of pay.

Alderman O'Brien—I think that is a wrong interpretation of the Fire Commissioners. If we concur with the Council, we remove this matter from the Board. The Alderman from East Boston gets up here and intimates that members talk buncombe; well, this will remove all the buncombe talk and will place the responsibility for this matter where it belongs. It is not placing any great responsibility upon them. If I read the ordinance aright, the Fire Commissioners are authorized to appoint all officers of the Fire Department, including the employés of the Fire Alarm Telegraph Department, and to fix their compensation, etc. They have now the control of the Fire Department. Why not pass this order and leave the matter in their hands? As the Alderman says, they will have the right to

give these men a vacation, if in their opinion the interests of the department will allow it.

Alderman Gibson—We already have the opinion of the Fire Commissioners that it will require nearly \$10,000 to give these men a vacation. Now we are placing the commissioners in the position of saying to them that they may give those men a vacation, but we do not provide the means for it. If we pass this order at all, we ought to put on an appropriation of \$10,000, for without it they cannot give the firemen a vacation. I believe that is generally understood by the members of the Board. We are passing an order which is like a man-of-war without guns.

Alderman O'Brien—They give them a two-days' vacation now every month. They can give them two weeks every six months if they so desire. They can do just what they please; and if we pass this order, we place the responsibility upon them.

Alderman Burnham—I want to say that there is perfect harmony between the firemen and the Fire Commissioners. The firemen prefer a given number of days in each month rather than a continuous vacation of two weeks.

The Board concurred in the passage of the order as amended—6 for, 5 against.

A motion to reconsider by Alderman O'Brien was lost.

#### SITE FOR ALLSTON SCHOOL.

A report came up with an order for purchase of a site for a grammar schoolhouse on corner of Cambridge street near Harvard avenue, Brighton, 22,000 square feet, cost not to exceed \$6000.

Alderman Thompson—The lot which the city proposes to take does not belong to Mr. Cyrus Dupee, whose name is mentioned in the order, although he is acting for the parties controlling it. It occurred to me that it might facilitate business to amend the order so as to make it read "owned" "or controlled by" r. Dupee. Mr. Dupee wishes that the land should not pass into his name at all, and this slight amendment would remedy the difficulty.

The amendment was adopted and the order passed. Sent down.

#### OCCUPATION OF STREETS FOR BUILDING PURPOSES.

The report and ordinance for the occupancy of streets for building purposes (City Document No. 69, amended) came up referred to the Committee on the Survey, etc., of Buildings, the Common Council having adhered to that vote.

The Mayor—The question is, Will the Board recede from its former action, or concur with the Common Council?

Alderman Wilder—I hope the Board will adhere to their previous action. As I understand it, this officer merely performs police duties, and I believe that all persons performing police duties ought to be appointed by the Mayor. I do not see why it should go to the Inspector of Buildings.

Alderman Wilder—There is a necessity at the present time for this proposed officer. No one is attending to the duties at present. As chairman of the Committee on Survey and Inspection of Buildings, the Chief of Police had an interview with me today, and he said that if this simple matter of where the appointment of this officer should rest could not be settled by the two branches of the Government, he should be called upon to find and detail a man for this duty, although he had not a man he could spare. I should like to vote to adhere to our former action as a matter of principle and right, and I should not deem it at all discourteous to his Honor, who has the appointing power, as I understand the man is already selected to fill this office—a gentleman perfectly satisfactory to the Mayor and the Inspector of Buildings. In order to settle this question, I hope we shall concur with the Council, and adopt an amendment which I shall offer, so that the confirmation shall be in accordance with the appointment. I move to amend so that the appointment shall be made by the Inspector of Buildings, subject to confirmation by the Mayor, instead of the Board of Aldermen. I believe this satisfies all parties concerned.

Alderman O'Brien—The gentleman's remarks lead me to believe that we shall not concur. He says the Chief of Police has called upon him today and wants a man appointed to that position, and he has not a man to spare. Well, why place this matter in the hands of the Inspector of Buildings, when the Chief of Police, as the Alderman says, has the whole thing to do. I believe the appointment ought to be left in the

hands of the Mayor; as this officer performs police duty, I hope the Aldermen will adhere to their former vote.

Alderman Wilder—I think the Alderman misunderstood me. Instead of the Chief of Police having more to do with it than anybody else, he has nothing to do with it. Being apprised of the fact that the selection of this officer is contemplated, as everybody knows, he desires not to have this matter forced upon him, as it must be at the present time, in the absence of any one to perform the duties. He will detail a man to attend to it, if we see fit to keep the matter going up and down stairs a few weeks longer. He conversed with me in the hope of arriving at some conclusion. I hope we shall concur with the other branch, with the amendment I propose.

Alderman O'Brien—The gentleman's amendment sends it up stairs again. Is he certain that they will pass it with that amendment? Does he know that they won't send it back to us?

Alderman Wilder—I do not.

Alderman Thompson—I hope the Board will adhere to its former action. The proposition of the Alderman, although at the present time it may be perfectly agreeable to him and others—as he says the party designated for the position has been selected,—yet as a matter of principle is wrong. Here is an officer to be appointed, yet both branches of the City Council are to be ignored, so far as the appointment is concerned; and yet the City Council is responsible for his action to a certain extent. Therefore I shall vote against it, and I trust the Board will adhere to its former action.

Alderman Clark—I happened to be present the other night, when this subject came up in the Common Council, where there happened to be a good many mechanics and builders; and it was their unanimous opinion, as expressed there, that there was no occasion to create another office to have this work attended to properly. That was their opinion, and it was referred to the Committee on Survey and Inspection of Buildings by a very large vote. In my opinion that is the only way to get this ordinance passed and a new officer appointed. If we refuse to concur, it must go back to the Common Council, and when they take issue with the Board of Aldermen on a matter of this character they very often carry their point, and I am very sure they will in this matter. All the mechanics and builders who have occasion to patronize this department express the opinion that there is no occasion for this new office. It was also their opinion that the issuing of permits belonged to the Inspector of Buildings; and after the issuing of the permits—which might take thirty minutes per day—then the city police would notify the inspector, as is their duty—in case the building materials obstruct the street, as they do at the present time. I should object to the amendment because, as the Alderman from Bunker Hill says, I think the City Council should not be ignored in the appointment of either the Inspector or any Deputy Inspector of Buildings. Now, so far as this ordinance is concerned, the whole fifth section, providing for the creation of a new office and the appointment of the officer, might be entirely stricken out. I do not pretend to say it is not necessary to have another office created for the Department of Survey and Inspection of Buildings, and it seems to me if this ordinance was referred to the committee, they can examine the subject and report back to the City Council, and we shall intelligently understand whether it is necessary to create a new office or not. I merely give my ideas as I have obtained them from listening to the discussion in the other branch, by the mechanics and builders who have had and do have occasion constantly to obtain permits, and who are familiar with the workings of the office of the Survey and Inspection of Buildings. If we wish to have this ordinance adopted, it seems to me the best thing we can do would be to concur with the Council.

Alderman Burnham—From the remarks of the gentleman I am led to make an inquiry as to how this matter stands. In the amendment, and from the remarks made with reference to receding from or adhering to our former action, and the impression received from them and from the remarks of the gentleman who last sat down, I am in some doubt whether the question is on the reference to the Committee on Survey and Inspection of Buildings, by which the Common Council refused to accede to the action of this Board, or upon the amendment offered by the gentleman.

The Mayor said the question was upon concur-

ing in the reference to the Committee on Survey and Inspection of Buildings.

Alderman Wilder—I am free to say I did not understand the position of the question before the Board when I offered that amendment. As I now understand it, the question is upon concurring with the Common Council in the reference of the matter to the Committee on the Survey and Inspection of Buildings. I am now enlightened as to its present position before the Board. Had I so understood, I should not have offered the amendment. The Committee on Survey and Inspection of Buildings have never had that subject before them. As a committee they have never discussed the wants or necessities of this office, and as chairman of the committee I don't know whether this office is required or not. I found it first before me in the shape of an ordinance reported from the Committee on Ordinances. I supposed the question had been settled somewhere, by some authority, that such an officer is required, and I was acting upon that supposition. I don't know that there is any objection to referring it to the Committee on Survey of Buildings, though I have no idea what might be their action. I withdraw the amendment if the Board wish to refer it to that committee.

The Board concurred in the reference to the Committee on Survey and Inspection of Buildings.

LOCATION ACCEPTED.

A communication was received from the Middlesex Railroad Company accepting the sixteenth location, granted by this Board on July 16. Placed on file.

PETITION FOR STEAM ENGINE.

A petition was received from Frank J. Nelson, for leave to locate and use a steam engine and boiler at 173-177 Summer street, and an order of notice was passed of hearing thereon on Monday, Aug. 20, instant.

LICENSES.

Alderman Dunbar submitted reports from the Committee on Licenses as follows:

Victualler Licensed—Sarah F. Welch, 6 Common street.

Billiard License Granted—Theo. Ziersch & Co., 1 Fayette court.

Pawnbrokers and Dealers in Second-hand Articles Licensed—Louis Boas, 167 South street; Patrick F. Cassidy, 120 Kneeland street.

Wagon License Granted—William Dacey, 89 Tudor street.

Severally accepted.

PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports and orders for brick sidewalks in front of estates of James W. Tobey, 129-131 Newbury street; F. L. Fay, Commonwealth avenue, between Clarendon and Dartmouth streets; S. E. Westcott, on Commonwealth avenue, near Dartmouth street. Orders read twice and passed.

Reports and orders for edgestones in front of estates of Highland Street Railway Company on Blue Hill avenue; Aaron D. Williams, on Swett street. Orders read twice and passed.

Report that no action is necessary on the petition of John Egan, to be paid for grade damages to his estate on Tremont street, the claim having been settled by the Committee on Claims. Accepted.

Reports that leave be granted to move wooden buildings by M. Ellis & Co., from Putnam street, through Condor street, to Condor street, opposite Brooks street; by C. S. Packard, from 24 Newton street, Brighton, to rear of Gerrish street. Severally accepted.

Schedules of cost of sidewalks in East Eighth street, Trinity place, and sundry other streets, with orders for the assessment and collection of the same. Orders read twice and passed.

POLICE.

Alderman Robinson submitted reports from the Committee on Police recommending confirmation of the Executive nominations of William A. Ham to be captain and Nathaniel Emerson to be lieutenant of police. Accepted.

PERMITS FOR STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted on the usual conditions to occupy stables by Luther A. Renfrew, 555 Seventh street; G. W. F. Smith, Gerard street; Anthony Holbrook, Ninth street; S. Peta Deisel, Heath street. Severally accepted.

SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Resolve and order to take land of Emma D. Forbes and others, five feet wide, extending along the centre line of Bowe street and Forbes place, from Curtis street to Centre street, for sewer purposes. Read twice and passed.

Orders to build sewers in Adams street, between Arcadia and Robinsou streets; in Curtis street, between Wyman street and Sheridan avenue; in Forbes place and Bowe street, between Curtis and Centre streets. Orders read twice and passed.

Orders of notice for hearings on Monday next on expediency of constructing sewers in Cedar avenue, West Roxbury; in John A. Andrew street, between Carolina avenue and Walker street; and in Walker street, between John A. Andrew and Elm streets; in Auburn street. Read twice and passed.

ANNUAL REPORTS.

Alderman Viles presented the fifth annual report of the Board of Health. Sent down.

Alderman O'Brien presented the thirteenth annual report of the Trustees of the City Hospital. Sent down.

PUBLIC LIBRARY.

Alderman Clark presented the twenty-fifth annual report of the Trustees of the Public Library. Sent down.

The central library, in Boylston street, now holds 242,885 volumes, divided between 35,478 in the popular branch and 208,441 in the Bates Hall collection; the branches contain 69,125 volumes. The total contents are 312,010 volumes, an increase for the year of 15,169 volumes. The libraries were open during the year for popular use and consultation 306 days. The loans and hall use of the Bates Hall collection advanced from 114,329 volumes in the previous year to 141,618 volumes, a gain of nearly twenty-four per cent. The Lower Hall issued to borrowers 405,732 volumes, against a previous circulation of 348,842, showing an increase of nearly seventeen per cent. From the six branches there were issued 593,202 volumes. The following table gives the number of books in each of the popular libraries, and their comparative use

	No. of Vols.	Use.
Lower Hall, Boylston street....	35,478	405,732
East Boston branch.....	9,643	102,627
South Boston branch.....	8,178	135,179
Roxbury branch.....	12,535	146,429
Charlestown branch.....	18,084	106,816
Brighton branch.....	12,317	29,792
Dorchester branch.....	8,147	71,979

The losses of the library in books not recovered from borrowers still show the central library as the principal sufferer. The Roxbury library has no volume missing from its circulation of 146,829 volumes—the largest circulation of a single library without loss yet known to our experience. The total issues of the branches were 593,202, and there are missing only ten volumes, being one for each 59,322 circulated. Owing to the more changeable population of the city proper, its record is not so satisfactory, 119 volumes not having been returned from a delivery of 547,350 volumes, or one out of every 4600—a somewhat larger proportion of loss for the central departments than recent years have indicated.

The Examining Committee express their entire accord with the committee of last year in disapproving of the wooden gallery in the rear of Bates Hall, owing to the danger from fire to which the library is thereby exposed. The introduction of heavy iron screens for lowering in all the passages connecting this gallery with the main building would be advisable, as affording a certain amount of protection against the flames should they chance to attack this wooden structure. The need of an additional wing for the accommodation of the readers who already find insufficient space in Bates Hall and the lower reading room; for the rearrangement, increase and use of the Ticknor and Bowditch libraries, and of the newspaper files now exposed to injury from the dampness of the basement; for enlargement of the bindery; and for toilet rooms, which decency and health require should be provided for the staff of the library, has been fully set forth by the Superintendent in his report, and has our unanimous indorsement. It is a matter of regret that the City Architect could not find it compatible with his other engagements to submit to the committee, in response to repeated requests, a rough draft of his plans for a wing upon the east side of the library. The purchase of the Hotel Pelham, which it is under-

stood can now be effected on favorable terms, would, in our opinion, be a wise provision to meet the speedy call for additional wings which the present rapid development of the library justifies us in predicting.

In regard to the branch libraries the superintendent says, "A further development was begun in 1875 by the opening of a delivery of the Dorchester branch at the Lower Mills; and again, in 1876, by a similar outgrowth of the Roxbury branch at Jamaica Plain. These deliveries are maintained at comparatively small expense, and have proved so far capable each of adding 10,000 or 12,000 issues annually to our circulation. Brighton, our least-used branch, scores about 30,000 issues a year, and it may be well questioned if the villages dependent upon the Lower Mills delivery, with the same facilities, would not patronize a branch to an equal extent with Brighton. I am confident that at Jamaica Plain the circulation, by converting its delivery to a branch, could be carried far ahead, and that it would surpass even that of Dorchester, which now records about 70,000 issues for the year; and there are regions still beyond, at Roshmdale and West Roxbury, which, as deliveries of a branch at Jamaica Plain, would largely enhance the usefulness of the library." We have had abundant proof in our experience that the branches, with the territorial extent which has been left between them, have not at all diminished the usefulness either of one another or of the central library.

#### CLAIMS.

Alderman O'Brien submitted the following from the Committee on Claims:

Reports of leave to withdraw on petitions of George H. Barry, to be paid for damage to the well on his estate on Miltou street, Ward 24, by the construction of a cesspool; of James L. Hill, to be compensated for injuries sustained by his son at the Lexington-street Schoolhouse. Severally accepted. Sent down.

#### PUBLIC LANDS.

Alderman O'Brien, from the Committee on Public Lands, submitted an order—That the tax for the years 1874, 1875 and 1876, as assessed upon two lots of land on West Castle street, also on one lot upon Middlesex street, as shown on a plan drawn by Thomas W. Davis, City Surveyor, and dated March 23, 1873—which plan is deposited in the office of said City Surveyor—be remitted, the said lots of land having been forfeited to the city for breach of conditions of sale. Read twice and passed. Sent down.

#### MARKET.

Alderman Slade submitted reports from the Committee on Markets, recommending the approval of transfers of leases of cellar No. 2 Fanenil Hall Market, by T. L. Browne to Swan & Fitch; and of stalls 87-89 Fanenil Hall Market, by A. W. Bntler to Albert A. Keene. Severally accepted.

#### CHELSEA BRIDGE.

Alderman Thompson offered an order—That Chelsea Bridge be closed to all public travel on Tuesday, July 31, 1877, and remain closed until the rebuilding of said bridge is completed. Read twice and passed.

#### SNOW GUARDS ON BUILDINGS.

Alderman Breck offered an order—That the Committee on Ordinances be requested to consider the expediency of passing an ordinance requiring that suitable snow guards be provided to prevent the falling of snow and ice from the roofs of buildings. Read twice and passed. Sent down.

#### DEPUTY SEALERS OF WEIGHTS AND MEASURES.

Alderman Slade offered an order—That there be allowed and paid to each Deputy Sealer of Weights and Measures the sum of eight hundred and fifty dollars per annum, for their official services, to commence from the date of their appointment and qualification, and that the sum of twenty-one hundred dollars be transferred for that purpose from the Reserved Fund.

Alderman Slade—I don't propose to make any particular remarks about the order. It has been pretty well discussed, and has been made a football long enough for us to do something. These men have been elected to do this work; they have acted in good faith, and we ought to pay them. They have had no money since their appointment, and unless the order is passed how perhaps they won't get any till next fall. †

The order was read twice and passed—yeas 11, nays 0.

#### THE BACK BAY IMPROVEMENT.

Alderman Clark submitted a report from the Joint Committee on Streets—That the estate of Mrs. Lydia Ellis is damaged by the extension of West Chester park to Beacon street. After a full and careful consideration of the matter, the committee are of opinion that the interests of the city will be best served by the purchase of the whole estate, for the reason that after the city has paid the damages for the extension of West Chester Park, and this property has been adjusted to the new state of affairs, the time will not be distant when a large portion of the same estate will be required for the extension of Boylston street, and its improved condition used to increase the damages for that street. The committee recommend the passage of an order—That there be purchased, in the settlement of damages occasioned it by the grading of the extension of West Chester park to Beacon street, the estate of Mrs. Lydia Ellis, situated on said West Chester park, adjoining the Boston & Albany Railroad, for the sum of \$11,500, the city assuming the taxes on said estate for the current year upon her giving to the city a deed of said estate with all the rights, easement and appurtenances belonging thereto, satisfactory to the City Solicitor; said sum to be charged to the Appropriation for Widening Streets.

Alderman Clark—The estate which the order proposes to purchase is owned by Mrs. Ellis, and is in the direct line of the extension of West Chester park. When the grading is completed it will cover the building nearly one-half up, and would compel the city to pay very great damages. In fact, it about completely destroys the building. The estate has rights over the way over the extension of West Chester park, and she could recover heavy damages for them. It has been known for a year past that this estate would, sooner or later, have to be purchased, but we were in hopes that we should be able to get it at a less price than \$11,500. Negotiations have been going on for over a year, and every attempt has been made to get a settlement with Mrs. Ellis at a much less price than she asks for the estate. But the committee have found it utterly impossible to do so, and the only terms upon which the extension of West Chester park can be completed is by going on and covering up the building entirely, or else making the purchase. So much for West Chester park. The extension of Boylston street will take nearly one-half of the entire estate; and the Street Committee and Commissioners are unanimously of the opinion that the only thing for the city to do is to purchase it at \$11,500. That is her price, and I have used my best endeavors to get it for less. I am frank to say that it is more than the estate is worth. In the grading that has been done the street has not been graded to its full width; they have left a passage through this estate of some ten or fifteen feet, leaving the street narrower than its proposed width. I am anxious that it should be passed now, if at all, that it may go to the Council, as the Superintendent of Streets is very anxious to do this work immediately. I move that the Board take a recess for ten minutes to examine the plan here.

The Board took a recess, after which the discussion was resumed, Alderman Clark in the chair.

Alderman Thompson—I regard this as a bitter pill, but I see no other way than for the Board to swallow it. The price proposed to be paid for this estate is more than double its value under any circumstances; but under the circumstances the city is in such a fix that they are compelled to pay it, and I see no other way than for the Board to pay it.

Alderman Burnham—Has this matter been considered by the Committee on Streets to the extent that the rights of way shown us on that map, as attached to that estate, are covered by that order?

Alderman Thompson—As I understand it, all the rights that belong to the estate go to the city at this price. The committee have tried all ways and means to get around it, but have been unable to do so. There is only one course to pursue. The city must have the land, or damage the estate to more than the value of the land, because the parties can require the city to place a retaining wall there, which will cost more than the value of the estate. This is the only way out of it. It has been a disagreeable thing to arrange satisfactorily, and the committee have been unable to do so. There is only one course, and that is to accede to the exorbitant demands of the owner.

The order was passed. Sent down.

WIDENING OF COMMERCIAL STREET.

The following was received:

OFFICE OF THE STREET COMMISSIONERS, }  
 July 27, 1877. }

To the Honorable City Council—In response to an order from the honorable City Council, that the report of the Joint Committee on Streets be referred to the Board of Street Commissioners, with a request that they furnish the City Council with estimates of the cost of widening Commercial street to the width of eighty feet, and also to the width of one hundred feet, the commissioners beg leave to report, that they estimate the cost of widening to not exceeding one hundred feet, as shown in a plan herewith marked "Land side," at \$1,000,000, and to a width not exceeding eighty feet, as shown on same plan, at \$800,000. For a width of not exceeding one hundred feet, as shown on the plan herewith marked "Water side," they estimate \$950,000, and for not exceeding eighty feet by the same plan \$800,000. These estimates include all grade damages, paving, edgestones and sidewalks. By order of the Board of Street Commissioners.  
 J. H. JENKINS, Clerk.

The communication was read early in the session and laid on the table, on motion of Alderman Clark.

Subsequently, on motion of Alderman Thompson, the communication was taken from the table and sent down.

On motion of Alderman Thompson, the order appended to the report from the Committee on Streets of July 11—That the Committee on Finance provide \$1,000,000 for the widening of Commercial street in such manner as the Street Commissioners shall deem expedient—was read a second time and put upon its passage.

Alderman O'Brien—This is rather an important matter, and I think it well to give my reasons for voting for it. When the completion of the Atlantic-avenue improvement comes up I cannot refuse to vote for it. If some fifteen years ago the cost of widening streets could have been predicted with any degree of certainty, I believe the City Council of that time would have been amazed at the immense proportions it would assume. Thirty million dollars for widening and improving streets; \$30,000,000 for tearing down property, to say nothing of the additional expense of building up; \$30,000,000, a sum larger by \$2,000,000 than the entire indebtedness of the city,—if all this could have been foretold, I believe that many of the improvements inaugurated would never have received the sanction of the City Council. Intelligent citizens even now look back upon this mania for street-widening with astonishment, and insist that the time has arrived when it must be stopped. *No new schemes must be entertained.* The widening of South street has been commenced, and must in honor be completed; the widening of Portland street has been commenced, and must be completed. Atlantic avenue has been laid out, and when the work reached the North End of the city, at a very great expense, there it has stood to the present day, the most incomplete of all our street widenings, and, however opposed to the expending of money for any such purpose, I believe that work should be carried out and completed in justice to the North End of the city, a section that has been neglected; in justice to the splendid water front, extending from Eastern avenue to the Charlestown Bridge, and including some of the most desirable wharf property in the city. I repeat, that the North End of the city has been neglected; that it was an injustice to that section to stop the Atlantic-avenue improvement where it has been stopped—and this can be easily shown by figures and facts. If any member of the Board doubts this statement, let him visit the locality. Let him walk from Eastern avenue to the Charles River Bridge, passing Battery, Constitution, Union and other splendid wharf property, where is to be found the deepest water; where ships and steamers of the largest class can be accommodated, and he must be convinced that while we have been expending money so lavishly for other widenings, this improvement, far more important to the trade, the commerce, the prosperity of the city than nine-tenths of the other street improvements that have been made, has been neglected. I am not surprised that the people of the North End, the owners of wharf property, the owners of real estate, the workingmen and citizens generally of that section feel sensitive about this matter. For

twenty years they have been calling the attention of the City Council to the necessity of this improvement, and when at last the improvement was commenced and the work stopped when it reached their locality, they have had good reason to say that they were not dealt with fairly or honorably. The North End has been compelled to pay her share of the cost of street improvements and should reap at last some portion of the benefits. The widening and laying out of Atlantic avenue, from Summer street to the Eastern avenue, cost the taxpayers \$2,404,078 and stopped at that point. To be complete it should have been continued to the Charles River Bridge, and the most important part of the work remains to be done. This does not appear to me fair or just. Let me give the Board some idea of the work we have been doing within a few years, and the locality of that work, which, it appears to me, will show more clearly the injustice referred to:

Atlantic avenue has cost.....	\$2,404,078
Arch street.....	333,318
Avon place.....	115,208
Beach street.....	230,505
Bedford street.....	112,550
Boylston street.....	137,992
Congress street.....	1,223,617
Devonshire street.....	1,518,019
Eastern avenue.....	292,197
Eliot street.....	422,254
Federal street.....	887,697
Franklin street.....	409,724
Harrison avenue.....	242,589
Hawley street.....	258,052
High and Congress streets.....	300,070
Kingston street.....	297,715
Kneeland street.....	161,399
Lagrange place.....	24,715
Lindall street.....	137,262
Lincoln street.....	48,065
Milk street.....	426,094
Oliver street.....	607,172
Otis street.....	66,312
Pearl street.....	478,642
Purchase street.....	113,257
Shawmut avenue.....	305,064
Summer street.....	323,074
Temple place.....	93,770
Water street.....	564,423
Washington street.....	2,711,383
Total.....	\$15,246,217

While the expenditure of these \$15,000,000 was going on, confined almost exclusively to one section of the city, as will be observed by the streets enumerated, the only improvement that has penetrated the North End was the widening of Hanover street, the cost of which was \$1,650,695. Is this an equal distribution? We have been expending millions of dollars in widening streets to increase our trade and to give our merchants better facilities for doing their business, but none of these improvements will compare with the Atlantic-avenue improvement if increased trade is desired. We have expended, I believe, \$17,000,000 in tunnelling the Hoosac Mountains to bring us nearer the granaries of the West, of which Boston's share was at least \$7,000,000, and yet we neglect to give our merchants the terminal facilities to ship and handle their produce when it reaches our doors. Look at Atlantic avenue now, with its steam cars running day and night, obstructed by this narrow thoroughfare, and in hesitating to complete this work have we done our duty? The Alderman from the Charlestown District pictured the state of these obstructions on that street—obstructions that interfere with our business—when he called the attention of the Board to the fact that he was compelled to wait an unreasonable length of time before he could cross on his way home; and I was surprised that he did not say give this trade that seeks our water front room enough to move, room enough to prevent blocks, because if it was an annoyance to him it was a far greater annoyance to the merchants who are exerting themselves to enlarge this business, with this obstacle in the way.

This trade is still in its infancy. It is only a few years since steam cars loaded with Western freight were seen on our water front, and if it is blocked up now, what will it be a few years hence? Our city possesses unusual advantages to increase and multiply this trade. We are one day nearer Europe than any of the large cities on the seaboard. Our communications with the West and the interior have been largely increased. Our harbor is one of the best on the Atlantic coast. This

has been quite manifest during the past winter. The harbor of New York has been at times so blocked with ice as to make it dangerous for vessels to arrive or depart. Philadelphia and Baltimore harbors have been completely blocked with ice, while Boston Harbor has been free and clear during the coldest weather, and yet New York and Philadelphia and Baltimore are far ahead of us in this trade, because other facilities extended to the merchants of these cities are greater than we extend to ours. New York, Philadelphia and Baltimore would never have left this work so incomplete for so many years. The increase of this trade here has already aroused New York, and the question is asked what shall be done to prevent it. At a recent session of the Board of Aldermen of New York resolutions were introduced requesting the Board of Street Openings and Improvements to take into consideration a scheme of vast magnitude, including the widening of streets on the water front, First, South and other streets, sufficient to provide for the convenient transportation of the immense freight, passenger and other business of the water front, for all time to come, and providing for an avenue or boulevard of 300 feet fronting on the water line. That city spares no money in improving her water front, knowing that the prosperity of the city depends upon these improvements; while year after year we hesitate and decline to listen to the numerous petitions of our merchants and business men. Give our merchants room to do their business—one hundred feet will be quite ample—extend to them facilities so that the deep water of that part of our water front can be made available for the loading of the large steamers now engaged in the European trade, and its increase will be quite marked. Two new lines have already located themselves at Constitution wharf. It is only a week or two ago when a steamship of the new Hull and Southampton line arrived with about one-third of her cargo for Boston merchants, and another line between London, Antwerp and Boston is also in full operation. On this splendid water front not a single improvement has been made for the past fifty years—I mean from the Eastern avenue to the Charles River Bridge—and yet we pride ourselves on our commercial enterprise. Our merchants have been always ready to do their share of the work, but the City Council has failed to do theirs, and I trust they will hesitate no longer.

Atlantic avenue should circle the entire water front of the city. I would even go beyond the Charles River Bridge and extend it to the Fitchburg Railroad. It is one of those improvements, begun some years ago, that the city is in honor and justice bound to carry out and complete. This is due to the citizens of the North End who have paid their share of the cost of every street improvement that has taken place. It is due to the owners of valuable wharf property in that section who have been sufferers on account of the delay in making this improvement, and who are willing to pay their share of the cost in betterments. It is due to the stevedores and laborers who can confidently look for increased employment when the improvement is made. It is due to Ward 6, a ward that pays about one-twelfth of our taxation, the taxable property in that ward last year amounting to \$61,613,400. I am aware that we are now called upon to expend large sums of money for improvements, some of them so important that they cannot be overlooked or delayed; but I also believe that better times are now

at hand, and that we shall be able to commence and complete all these improvements without taxing our citizens even to the extent that they have been taxed for some years past. The wheat crop of the country, just harvested, is understood to be the largest in quantity and the best in quality for many years, and all other crops are also quite promising. I see a great deal of encouragement in the future, and I believe that the season of depression just passed will be followed by increased activity in all branches of business.

When the completion of the Atlantic-avenue improvement has been called up I cannot refuse to vote for it and advocate it. We stand committed to do this work, and there is no good reason why it should be postponed or set aside. Money expended in this improvement will be returned ten fold. The mechanic and the laboring man will be benefited, and we ought to remember that they have been patient sufferers for at least two years, and this improvement, one of necessity as it appears to me, would give them employment. Valuable wharf property will be made far more productive, and its value largely increased. Of what avail will it be if we increase our means of communication with the West and neglect our terminal facilities? A slight difference in the rates of freight from the West changes the current of this trade, and if we fail to remove obstacles in the way of our terminal facilities that increase the expense of shipping and hauling goods, it will also operate to our disadvantage. The deep-water front of the North End must be improved; the improvements in the water fronts of East Boston and South Boston should go on, and when these improvements are completed we can look not only for a good share of the Western and Southern trade, but also for a largely increased foreign trade. The terminal facilities of Boston Harbor can be made superior to the terminal facilities of any harbor in the country. The produce of the West and Southwest, after it arrives within the limits of the city, can be handled quicker and cheaper than at any other point, and hence our export trade must increase quite rapidly in the future. For these reasons, Mr. Chairman, I shall vote for the order before us.

Alderman Viles—The Alderman on my right has so well covered all the ground that I do not know that he has left anything else to be said. He certainly has met the question in every particular. In justice to the people who have paid betterments for Atlantic avenue, we should carry out this extension, which was commenced many years ago. I don't know but they have a claim upon the city for damages caused by the delay. Some gentlemen think it is done for the accommodation of the railroads; but, when railroads are doing everything they can to bring trade to Boston, I hold that we should do something to assist them. There are now two large English steamers loading and discharging at Constitution wharf, and we might have half a dozen there most of the time if this improvement was carried out. I should be willing to have the whole of the cost put into the tax levy next year rather than have it carried through. I know it requires considerable money, but it never can be done so cheaply as now. It is not only in the interest of business, but of the laborers, who will get employment. I think it is one of the most important business improvements that will come before this City Government for many years.

The order was passed. Sent down,

Adjourned, on motion of Alderman O'Brien.





## CITY OF BOSTON.

## Proceedings of the Common Council,

AUGUST 1, 1877.

Special meeting at 2.30 P. M., Benjamin Pope, President, in the chair.

The President read a communication from the Mayor, stating that he had deemed it expedient to call this special meeting for the purpose of acting upon the question of improved sewerage, and such other matters as may come before the Council. Placed on file.

## IMPROVED SEWERAGE.

The orders for a loan of \$3,713,000 for an improved system of sewerage, and authorizing a contract for such system as therein set forth, came first in order under unfinished business, and were considered, the question being on their passage.

Mr. Sampson of Ward 17—I propose to review briefly, for the information of the members of the Council, the efforts of the City Government which have led to the presentation of this scheme. On the 14th of April, 1870, the consulting physicians of Boston addressed the authorities a remonstrance as to the then existing sanitary condition of the city, in which they declared the urgent necessity of a better system of sewerage, stating that it would be “a work of time, of great cost, and the highest engineering skill.”

In 1872 the Legislature passed an act authorizing the appointment of a commission, to be paid by the city of Boston, to investigate and report upon a comprehensive plan for a thorough system of drainage for the metropolitan district.

In October, 1874, a medical commission, consisting of Drs. Charles E. Buckingham, Calvin Ellis, Richard M. Hodges, Samuel A. Green and Thomas B. Curtis was appointed to examine into the causes of the excessively high death rate of the city, and to report, if possible, preventive measures of sanitation. They reported Nov. 1, 1875, and from that report I quote some of its conclusions, as follows:

“These considerations indicate that the sum total of deaths attributable, directly or indirectly, to filth, is much greater than the yearly mortality occasioned by the manifest filth diseases would make us suppose, and we are led to conclude that the prevention of filth infection in its various forms constitutes without any doubt the greatest and most urgent sanitary need of Boston.

“The attainment of this end imperatively calls for the adoption of energetic measures designed to prevent all possible contamination of our air, water and food, by the putrefying organic matters of all kinds which constitute ‘filth.’ Dirt has been defined, by Sydney Smith, as ‘matter out of place.’ So the filth of which we speak is but sewage out of place. When confined within its proper channels, and therein constantly undergoing rapid removal, sewage is harmless, and does not deserve the opprobrious epithet which it incurs under opposite conditions, namely, when stagnating without, or even within its channels; then poisonous vapors are generated and given off, which convey filth-infection in all its forms.

“By no other means can this purification of our city from filth be encompassed than by the rapid and continuous removal from our midst of all refuse matters, such as constitute sewage, comprising solid and liquid excrements, foul household waters, etc., etc. Any reliance upon ‘disinfectants’ as a means of public sanitation would be but a delusion and a snare.”

December, 1874, the Board of Health of this city sent a communication to the City Council upon the necessity of improved sewerage. February, 1875, the Commission upon Improved Sewerage was appointed, consisting of the most eminent engineers in this country, Messrs. Chesbrough of Chicago and Lane of Milwaukee, civil engineers, and Dr. Charles E. Folsom of Boston, sanitary engineer. After many public hearings and a careful and patient examination of the subject, sending one of their number to Europe to examine and report upon existing systems there, they reported the scheme now before you. The special committee of last year upon this subject, of which I had the honor of being a member, gave very careful consideration to the report of the commissioners, and held several public hearings to enable engi-

neers or others so disposed to criticise the proposed plan, and to suggest other plans if they desired. June 12, 1876, they reported, recommending the adoption of the plan presented by the commissioners, and the City Council authorized the survey of different routes and discharging points. You now have before you the reports of our able Engineer, Mr. Davis, and the principal assistant in charge, Mr. Clark, recommending the Moon Island route, via the Cow Pasture, so called.

Seven years have elapsed since this question of improved sewerage was first agitated by the city authorities. During that time every one has been convinced of the necessity of some system which will carry the sewage out so far that its point of discharge will be remote from dwellings, and beyond the possibility of doing harm. This leaves us to decide the question only of how this shall be done. It is hardly possible that a plan could be submitted which would not be criticised by some one who thinks he has a better one. I therefore trust and believe the Council will accept the opinions already given by the able engineers that recommend this scheme. It is no experiment. London, after having six different commissions appointed, adopted the main drainage plan, with a system of intercepting sewers, with four pumping stations and outlets ten to fourteen miles below the city. That system is virtually the one recommended by our own commission. The death rate since the adoption of this system of drainage there was reduced to 22 per 1000 or thereabouts for the year 1875, while our own for that year was over twenty-six.

The city of Dantzic, with a population of about 90,000, constructed intercepting sewerage works in 1870-71. Average death rate for nine years previous, 36.93; average death rate for five years after, 28.55; number of lives saved in five years, 3156.

Dr. Lievin, Chief Health Officer of Dantzic, in a recent letter to Dr. Folsom, Secretary of State Board of Health, says, “The life-saving influence of our new sewerage system is clearly shown. Cholera, formerly epidemic, has not appeared since the completion of the works, and there has been a great diminution in the number of cases of typhoid and typhus fever.”

Results of improved sewerage systems in twelve cities and towns of England:

Death rate previous, per 1000.....	26.4
Death rate after, per 1000.....	21.7
Per cent. saved.....	16

Average number of deaths in Boston for the past three years, 8324 per annum. Should the result be equally favorable here we should save per annum 1332 lives, which would have amounted in the seven years we have been investigating this subject and the three years we shall consume in construction, ten years in all, to 13,320 lives. The city of Glasgow has had four different commissions, and now proposes to adopt a system of intercepting sewers and main drain emptying down the Clyde at an expense of twelve million dollars (\$12,000,000.) The system is similar to the one we are now considering. New York is also considering the same plan. You will see that this scheme is not an experimental one, but is now in successful operation in other cities with beneficial results. I trust we shall not longer delay the adoption of it here, and shall pass the orders reported by the committee.

Mr. Blodgett of Ward 8—Mr. President, I wish to occupy the time and attention of this Council but a few moments, but there are some facts which I wish to state for their consideration why this order should not pass. The reasons that the friends of this measure advance are—first, the great nuisances; second, the excessive death-rate; third, flooded cellars. As to the first, we all know that there are several nuisances that should have been abated long ago. One, on the Back Bay, so called, is now to be covered for a park; and when the outlet sewer is built—as it must be—to Charles River, that will be entirely abated; and the outlet of the sewer at Otter street extended to deep water, that will also be abated. Then the Roxbury Canal is to be filled up, and those sewers also extended to deep water; we shall then hear no more from these nuisances than we shall from the Brookline sewer now building to Charles River. The report of the commission (City Doc. No. 3, 1876, page 29) says—

“There is very little offence from the sewer outlets, and if there is, this system does not remedy the evil.”

It was said last year that it was proposed to close all the sewer outlets, so that no gas will

come out. I do not so understand it. They are to be kept open for *storm water*; and as to the gas, with this new sewer *always* (except in times of storms) partially full, we shall have more gas than we now have, and unless properly disposed of (as it can be as well now) it will then find its way back into our untrapped *sinks, conductors, cess-pools, etc.* Second—The excessive death-rate of Boston. It has been said our death rate is higher than any other city except New Orleans. It may have been one year or one week perhaps, but taking the last ten years to 1876 it is the fifth city on the list—exceeded by New Orleans, New York, Brooklyn and Baltimore, and lower than the *average* of the *ten* largest cities in the United States. If we read the report of Dr. Buckingham and others appointed to investigate the sanitary condition of the city, we shall read that our *mean* death-rate is not excessive, only 24.5 per 1000; and of the general death-rate compared to eighteen English cities in 1871, ours is the lowest but three. By the report of the State Board of Health, deaths by typhoid fever per 1000 were less in 1875 than the average for the last ten years, and as near as I can read this *excessive* death-rate is all exaggeration. In the report of the committee of 1876, page 3, they say—

“The commission appointed by the Board of Health of 1875 report that filth diseases occasion each year the greater part of our *preventable mortality*.”

No doubt of *that*, sir. And now, what is this *filth* that causes such mortality? Is it *all* sewage? No, sir. That *same* and very *able* commission tells us what it is, and where and *among* whom our death rate falls most heavily—upon the children of our foreign population, and mostly under one year of age. They tell us the reasons are, urban *density* of population; *extreme summer heat*; they are crowded into *small, low, dirty, ill-ventilated* rooms on streets and alleys also covered with filth for them to breathe the foul air from, as well as neglect of the parents, etc.

And this can all be summed up in one word, *poverty*. I don't know but the life of a child is just as valuable to be saved at the city expense in one part of the city as another, and I believe that if one-half of the interest of this sum of money were judiciously spent in giving the poor of Boston properly-ventilated rooms and air, we should reduce the death rate more than this whole outlay in sewers. By reading the report of the Board of Health (City Doc. 1876, page 58) we can learn where this excessive death rate is, and where it is not. It is not at the South End, nor West End, but at the north part of the city, where this sewer does not reach.

“The death-rate varies greatly in different sections of the city; thus, in that large area of made land which lies mainly west of Charles street and Columbus avenue, the death rate was as low as 37.13 per thousand living, while the high rate of 96.14 was found in the immediate vicinity of Hanover and Commercial streets. This variation seems to depend largely on the character of those living within the various boundary lines, and on the conditions under which they live, rather than on any local causes. The more crowded the population, the higher the death rate. A rise and fall in the mortality percentage will also be seen to correspond to the wealth and poverty, the education and ignorance, of those living in the various sections of the city, which have thus been purposely selected, as affording marked contrasts in the character and social standing of the population.”

This sewer is not intended to reach the location where the death rate is highest, and I do not see how any one can vote for such an enormous outlay, on account of the excessive death rate unless it is to relieve that portion of the city where the death rate is *most* excessive. Third, storm water, and here is where all our imperfect sewerage trouble commenced, and then comes the great hue and cry of excessive mortality, which is all storm and tide water in the South End cellars, and nothing else. The city should and does conduct the storm water above the tide, but it will be impossible to pump it to Moon Island. And as this system only provides for one-fourth of an inch in twenty-four hours, it would be helpless in many of the storms we have—sometimes three inches per hour. The committee of 1876 say—

“The flooding of the cellars at the South End during storms at high tide *may*, to a great degree, be obviated by the proposed system, by the increased *storage* capacity of the sewer.”

If we need *storage* for storm water, it will be

much cheaper to build it in the *city* than to stretch it to Moon Island. And, according to evidence and many expert writers and good engineers, we shall not have a perfect system of sewerage until we separate the sewage from the storm water; and if we have to pump it, the less we have to pump, and the nearer home, the less expense. A great part of this *Moon Island* scheme is *moonshine*. In the remarks of Mr. Bradley, our Superintendent of Sewers, last year, before the committee, he says (page seven)—

“The construction of the sewer to Moon Island, at a cost of three to four million dollars, will be a very proper continuation of our drainage system when the population and wealth of the city demand it. But its influence on the prominent complaints of the day will be, to remove the smell of flats from South Bay, but not from Charles River.”

It has also been said to me that our City Engineer recommends this system; perhaps this is the reason why his salary is urged to be increased. He *recommends* this *route* from the two his orders were to survey, and estimated the expense. He appeared before the committee on several occasions, last year and this, and gave his views on different points, but *nowhere* and at *no time* before the *committee* did our Engineer commit himself to this plan unqualifiedly, but was very careful to answer questions so as *not* to commit himself, except as in his report he recommends the *best route of the two that he was ordered to survey*. In conclusion, I will only say that of the several benefits to be derived, the first can easily, and soon will, be abated; it does not reach the district where the second exists, and for the third, it will be entirely helpless in case of storms, and only a partial remedy, and therefore will not accomplish what the people are urged to believe.

Mr. Thorndike of Ward 2—In last evening's Herald I read the following:

“What's the use of employing expensive experts to prepare a plan, as was done in the sewerage matter, if their conclusions are to be denied and their recommendations rejected?”

Mr. President, Perhaps it is out of place and ill timed for me to place any obstacle in the way of the immediate commencement of the construction of the improved sewerage of Boston. I was one of the committee, but did not approve the Moon Island terminus which was established by an act of the Legislature. At a committee meeting I called the attention of the committee, and explained to them, a route more favorable, by which a large amount of money could be saved. I was answered that the city had gone to an expense of \$40,000 and engineers of great experience had been employed to report upon the best system of sewerage for Boston, and their report was final. Your committee reported in favor of the route as recommended by the City Engineer.

According to the commissioners' report, two different routes were recommended. One route for the territory north of Charles River, passing through Cambridge, Charlestown and Chelsea to the pumping station at Breed's Island. (At this station the branch route of sewerage from East Boston connected with the main route.) From this pumping station the route continued to the reservoir at Point Shirley.

The other route, recommended for the territory south of Charles River, passing through Roxbury and Dorchester to the pumping station at Commercial Point, thence to Squantum, thence to reservoir, Moon Island. The route selected by your committee, recommended to them by the City Engineer as the cheapest by about \$650,000 less than the commissioners' route, commences at the pumping station, Old Harbor Point, thence by a tunnel 7920 feet long to Squantum Head, thence to the reservoir at Moon Island. This route has many objectionable features. The City Engineer reports that shafts have to be sunk about 200 feet for a foundation, and the sewage from the reservoir at Moon Island passes by Long Island, Gallop's, George's and Lovell's islands in the outer harbor, and finally brings up at the Brewsters, which sooner or later must cause trouble. The whole cost of this line of sewerage, by the Engineer's report, is \$3,712,000. The estimated cost of the interspersing and main sewers is \$1,271,000, making the cost of the sewer from and including the pumping station, tunnel, reservoir, etc., \$2,441,000. I have had considerable experience as a civil engineer and do not consider it possible for any engineer to estimate the cost of the tunnel, and in my opinion it will cost a great amount more than the estimate. Compare the

estimates of the insane asylum at Danvers, or the Hoosac Tunnel, with the final cost, and draw your conclusion accordingly. Now, Mr. President, my plan is to include all the interspersing and main sewers, the lines and grades as recommended by the commissioners, and by connecting them with the same commissioners' line as laid out in East Boston to the pumping station at Breed's Island, thence by the same line of sewerage as laid out by the commission from the north of Charles River to the reservoir at Point Shirley. The only extra expense would be a tunnel under Boston Harbor (which should be a double one). The width of the harbor at this point is about 1300 feet, and rock foundation can be obtained within about eighty feet. I voted for the Public Park—on account of the water basin—as recommended by the Park Commission, this water to be used when required for flushing the sewer. The whole length of this sewer to the pumping station can be flushed by the water from the Public Park, and if this route to Point Shirley is adopted, \$3,000,000 can be saved, according to the present estimates.

Mr. McGaragle of Ward 8—When this system was first introduced here by the report of the committee, I could see no other way than to vote for it. But after carefully reading the report of the Engineer, and maturing deliberately over the conclusions arrived at, I cannot see my way to vote for it. In the first place I don't think the trouble with the sewage matter, especially at the South End, comes from the ordinary sewage, but from rainfall or storm water; and in that connection I think the system entirely imperfect, that some provision should have been made whereby the surface water should be taken care of and arrangements made to empty it into the docks around Boston without any detriment to the health, and at very slight expense compared to the cost of this scheme. This sewer will do nothing but carry a little farther seaward the ordinary sewage matter which is now carried to the South Bay. That in itself is very good, but it don't relieve the people of the nuisance. The ordinary rainfall would take about eight cubic feet a day for each person, and for rainfall it would take 150 cubic feet. The Engineer estimates the rainfall at a quarter of an inch for twenty-four hours. That would be all very well if we could regulate the rainfall by human power and cause it to rain just so much every twenty-four hours, and this pumping station might take care of it. But that is n't the case. We are liable to get an inch of rainfall in an hour, and that would put the accommodation of it by any sewer or pumping station out of the question. Then, again, he don't give us the capacity of these pumps. We are told that they are to be double-acting pumps—as they should be, as one might give out. Now, unless there is some better reason, or some more definite plan, I don't think I can vote for the order under the present circumstances, because I think the system should provide for taking care of the surface water.

Mr. Sampson of Ward 17—This system does provide for completely taking off the storm water, and it is easy enough for any one to see it. After the sewage is taken into the intercepting sewers and main drains, it leaves the old sewers to carry off the storm water; their outlets will be left open as they are today, and they will be occupied almost entirely for that; and a certain percentage of the intercepting sewer will be feasible for the same purpose for some years to come. In regard to the remarks of the gentleman from Ward 8 [Mr. Blodgett], who speaks about the gas from the sewers, and states that this is not going to relieve it, I wish to say that the Engineer states that it will relieve it entirely—so much so that the sewers will be ventilated in the street. The gas we have today is caused by tide-locked sewers. I will read from the Engineer's report:

"As the borders of the sewered portions of Boston consist largely of broad strips of made land, filled to level planes only six or eight feet above mean high tide, the sewers are necessarily built with slight grades, and are so situated as to be tide-locked a large portion of the time. They discharge during the latter part of the ebb and the first part of the flood tides, so that the sewage, instead of being swept out into the harbor and there diffused, is carried inland, and such portion as will deposit in still water is thrown down at the turn of the tide upon the broad areas of flats that exist within and around the city. This intermit-

tent discharge produces other serious evils. During the time the sewage is accumulating in the sewers there is very little current in them, and, in consequence, deposits are formed which are not readily removed, and, when putrefaction begins, are the source of dangerous gases. Again, as the sewage accumulates and rises in the sewers the gases are compressed, and since adequate ventilation is not provided, are liable to be forced through the house-drains into the house."

This system will provide for the constant flow of all sewage from the moment it leaves the houses until it reaches the sea. Therefore there will be no gas generated and consequently no putrefaction taking place, as now. The gentleman [Mr. Blodgett] has referred to the death rate, as stated by the Board of Health. I have here the report of the State Board on the same subject, and will read it. The rate per 1000 in New York was 29.10; in Philadelphia, 21.56; in Brooklyn, 24.78; in Chicago, 18.80; in Baltimore, 20.72; in Boston, 26.18. That answers what the gentleman said in regard to that. Also, the report of our city Board of Health shows that during the past year—

"Over thirty per cent. of the deaths in Boston, or nearly one-third, are from diseases which are classed as preventable, and no one thing has so great an effect upon those diseases as the comparative purity of the air. Even the death rate of different parts of the city makes this quite clear enough. For instance, while the death rate for the whole city in the year 1876 was 23.39 in every thousand, in the Back Bay section it was only 14; in Brighton, 15.8; on Beacon Hill, 18.9; Haymarket square, 23.9; lower South Boston, 27.9 North End, 23.2."

And I still pretend to say that the portion of the city to be benefited by this system of sewerage is the North End, and more so than the Back Bay and South End.

Mr. Blodgett—The gentleman did not understand what I said of the death rate of Boston compared with that of other cities. I did not compare it in one year alone as he has, but I took the ten years previous, making an average death-rate for the period.

Mr. Sampson—I quoted from the State Board of Health of 1876.

Mr. McGaragle of Ward 8—When we visited the line of this system the other day I made some inquiries of the City Engineer about the surface water, and he said he had not taken that into consideration at all, and that he knew of no other city in the country where they attempted to provide for it.

Mr. Sampson—The gentleman must have misunderstood him. It is provided for in the report of the commissioners.

Mr. Blodgett—The storm water is provided for now, as it will be after this intercepting sewer is built, except in case of very light storms.

Mr. Sampson—I would like the Council to understand the cause of the flood of the cellars. It is estimated that the rainfall comes upon a high tide when the sewers are locked and filled with sewage. Under this system that sewage will not be there, and the present sewers will have ample capacity to carry off the storm water.

Mr. Mowry—Have the engineers any doubts about this?

Mr. Sampson—They indorse it fully. Mr. Davis did not commit himself last year, but this year he believes in the efficacy of the scheme.

Mr. Clarke of Ward 22—I find in the report of the Committee on Improved Sewerage that they give three different routes, which have been surveyed for the main sewer, and Mr. Davis says in his report, on the first page, that—

"All the schemes are alike in their main features, and correspond with that proposed and recommended by the commission appointed in 1875 to report upon the present sewerage of the city, and to present a plan for its improvement."

So that if we adopt either of these schemes, it will be one examined and reported upon by the Board of Commissioners who had the matter in charge. Now, sir, I examined this report of Mr. Davis very carefully, and it appears to me, upon reading it, that he is rather non-committal in regard to indorsing either of these schemes. He goes on and gives certain estimates of the cost of the three different routes. It appears that the Old Harbor and the Commercial Point routes run together until they reach a point near Crescent avenue and the Old Colony Railroad, where they diverge, one section going to Old Harbor, near Cow Pasture Buoy, and the other to Commercial Point. The

distance from that point (where it diverges) on the Old Harbor route to Squantum Head is two and five-eighths of a mile, whilst the Commercial Point route is three and a quarter miles, making seven eighths of a mile longer than the tunnel route proposed by the committee; and it also costs some five or six hundred thousand dollars more. But it seems to me you must bear in mind, gentlemen, that the Commercial Point route will give you one and five-eighths miles of shore line, which will be sewered by the main sewer; that is, in passing down to Commercial Point, you sewer the lower part of Dorchester, Savin Hill, Neponset, and, I might say almost, the lower part of West Roxbury; and the sewage which comes from Milton Lower Mills would enter this sewer by intercepting sewers along this one and five-eighths of a mile, which will be entirely shut out if you go to the Old Harbor terminus; and, consequently, if we adopt the Old Harbor route we have got to bring back all that sewage from Milton Lower Mills, and all along that territory in the lower part of Dorchester, towards Boston, and empty it into the main sewer, which, in ten or fifteen years from now, will probably cost you half as much as this whole scheme—perhaps some two or three million dollars—for the reason that this sewer is intended to drain a territory with a population of six hundred thousand. Now, where is that population to be located? There is no question whatever but that the increase of the population hereafter will flow towards the south into that section of Dorchester, West Roxbury, Hyde Park and adjoining territory; consequently all the sewage of this large increase of population has got to be brought back toward Boston and carried over to Old Harbor and there pumped up and sent back on the same course again to Moon Island. Now, if it does cost more for the Commercial Point route, if we adopt that route, we will have a sewer which we can examine at any time in case of accident; while in regard to the tunnel route there is a great deal of doubt, on account of the trouble we may encounter underneath Dorchester Bay. I have examined this report and don't find that Mr. Davis speaks very strongly of the Old Harbor route. In fact, in speaking of that route, he says—

"The chief objection to it is the siphon in tunnel under Dorchester Bay. This feature is objectionable on account of difficulty of construction, and of the special appliances to keep it from silting up. A great deal of thought has been given to the latter point, and various methods for preventing deposit, and for flushing out deposits, when they do occur, have been considered. The method finally adopted for purposes of the estimate is a large, covered flushing-tank at the west shaft, into which the sewage will be pumped, and afterwards let through the siphon with a velocity sufficient to prevent deposit, or to remove any that may exist. At the east end a sump is provided, into which heavy matter, if any should find entrance to the tunnel, will be swept, thence to be dredged up through the east shaft. European experience in the use of siphons for sewerage purposes may show that so much in the way of precaution is unnecessary."

Now, for the last six months that the committee have had this matter in charge, and it seems to me if there has been any precedent established in the European system, there has been time enough to show us the fact, if there is any such siphon. I doubt very much if they can flush that siphon without immense cost to carry off this material which will deposit in it; and if it fills up your siphon is entirely gone, and the expense of eight or nine hundred thousand dollars is lost. The engineer says,

"In the Commercial Point scheme, the main sewer follows the same line as in the scheme just considered, to a point near Crescent avenue and the Old Colony Railroad."

On page fourteen, in speaking of the Commercial Point route, he says—

"This scheme possesses the more important advantages of the Old Harbor Point scheme, and, in addition, it avoids a tunnel and reduces the siphon to a moderate length. While this is an advantage of considerable importance, it is not worth the difference in cost."

So that this report admits as a fact that the best route to go is to Commercial Point, if it was not for the additional expense. Then he says—

"The grade of the sewer along this stretch is from eleven to thirteen feet below low tide, and since much the greater portion of it would be

either in tide water or along its edge, the difficulties to be met in construction would necessarily be of a serious character."

Well, now, sir, I would like to inquire if the same difficulties would not be encountered in the Old Harbor route, where they pass from Crescent avenue down along that stretch of marsh? I would like to know if the same trouble from tide water is not going to affect it as if they followed the line down to Commercial Point? Supposing this to be the case, as he states; at the same time cannot we go a little farther south, and perhaps cross the river at Port Norfolk, only a short distance inland, and find harder bottom than from traversing so near to the shore? Whilst going by the tunnel route will be full of a great many difficulties and doubts, whether it succeeds or not, and you do not know what it may cost in the end, you can tell almost to a certainty what the Commercial Point route will cost. I would like now to trouble the Council a few moments, and turn to the report of Mr. Clarke, the Assistant Engineer in charge. On page 19 he says, under the heading of "expert testimony"—

"While making borings upon the 'tunnel line,' Mr. D. D. McBean of Chicago, an expert miner in rock and soft ground, was engaged to examine the borings and give his opinion upon the feasibility and cost of a tunnel as proposed."

Now, sir, I have looked this plan over carefully, and I cannot find any report made by Mr. McBean. We paid Mr. McBean to examine the route and give us an opinion, but we don't find it. I should like to read it; perhaps the committee did not want us to see it. Then, sir, on the twentieth page—

"Four sites for the pumping station have been examined, viz., Commercial Point, Fox Point, Old Harbor Point and City Point. Commercial Point presents several favorable conditions. A sufficient area could be obtained, though probably at considerable expense."

It would have been very easy to find out what the expense would be, if the committee had taken the trouble. [Reading continued.]

"The foundations would be good; the facilities for discharging coal are excellent."

Now, sir, at Commercial Point there are twenty-four feet of water at low tide, so that vessels of the largest capacity can come up to the wharf; while by the other route you have got to dredge out a new channel and make wharves.

"Although there are some dwellings in its vicinity, yet these are not very numerous nor valuable, and no large damages from any possible nuisance caused by the pumps or filth-hoist need be anticipated."

Well, now, if that should be the case it seems to me it would be a greater nuisance if it were located near South Boston than it would farther down in Dorchester Bay. He says—

"To reach this point with the contemplated 'high-level sewer' would require an elevated conduit or siphon nearly a mile long."

Then he speaks of Fox Point, which, I take it, is the Savin Hill route—

"Fox Point, the locality recommended by the commissioners, seems to be rather near the valuable residence property of Savin Hill. It would be about as easy of access for the high-level sewage as Commercial Point. The great depth of mud at this point, between the shore and channel, would render the building of a coal wharf a difficult and costly operation. For the same reason any method of crossing the river would be so uncertain and expensive that no estimates have been made by this line."

Now, I would like to inquire whether it is not as easy to tunnel from Savin Hill across to Squantum Head as it is from Old Harbor to Squantum Head? You have to cross the same river and territory; and yet they would not examine Fox Hill on account of the uncertainty and expense. What uncertainty? Because he thought the tunnel would prove a failure. It seems to me the same uncertainty would apply to the Old Harbor as to the Savin Hill route. Then he says—

"Old Harbor Point comprises over a hundred acres, which is valued by the city assessors at about \$200 an acre."

Now, I happen to know something about the value they put upon that territory. I do not believe the city of Boston can buy a foot of those flats at less than ten cents a foot, which is over \$4000 an acre, instead of \$200. That territory lies upon a deep water front in Dorchester Bay, and is destined at some future time to be of commercial importance.

Mr. Clarke's time having expired, on motion of Mr. Pearl the rule was suspended.

Mr. Clarke—He says, referring to Old Harbor Point, "It would afford a good foundation for the pumps and other structures. About four acres, at its extremity, have been filled to grade fourteen." Now if you have four acres there filled up to grade fourteen, you certainly have got to pay for the expense of filling it; so there would be no difference, whether you have the marsh or the land filled—you have got to fill that marsh—and there is nothing gained, except perhaps time. He says—

"A wharf and dock are already constructed, but would require some extension and dredging to make them accessible to coal vessels."

Now, it will cost just as much to dredge a dock at Old Harbor and make it accessible for coal vessels, as it would at Fox Point, which he speaks of as being such a great expense on account of the dredging. I think you can dredge at Savin Hill as cheaply as you can at Old Harbor. Now, if you examine this report of Mr. Clarke's very carefully, you will find that the only recommendation he makes at all is when he says that "Commercial Point presents several favorable considerations." But he does not express his opinion upon Old Harbor Point or Fox Point, and I think if we really knew the opinion of Mr. Clarke, he would rather take the risk, pay the difference, and go down by the shore line to Commercial Point, than to undertake the doubtful enterprise of tunnelling under Dorchester Bay. I desire now to trouble the Council for a few moments with the report of Mr. Shaler, professor of geology at Harvard College. I read that report through very carefully two or three times, and the more I read it the more doubt there seems to be in my mind of the feasibility of the tunnel route. In speaking of the character of the fissures in the rocks (on page 33), he says—

"I am inclined to believe that the overlying drift will probably prevent the entrance of water into the few fissures that will be encountered except in the cases in which it (the drift) is composed of sand, where it comes into contact with the surface of the rock. It should be said, however, that the circumstances of occurrence of these rocks are such as to make accurate and complete determinations quite impossible."

He states here distinctly that it is impossible for him to make an accurate and complete determination of the character of the rocks lying under Dorchester Bay. He continues—

"In a region so profoundly disturbed by the tilting and faulting of its beds, it is impossible to make certain of the exact condition of any rocks unless they are seen. The greater part of the rock surface in this district is masked by the sea, or by the very deep deposits of drift materials. The conclusions before arrived at have a good deal of evidence in their favor, but cannot be accepted as absolute certainties."

So that by adopting the tunnel route you have got to run a risk in order to save a few thousand dollars, rather than go by a route which will be a success, at a little more cost. He says—

"I shall now consider the character of the tops of these bed rocks, with the object of determining the depth below the surface at which a tunnel would have to be driven in order to keep below the accidental depressions of their surface contours. I am satisfied that this is a matter of more importance than it would seem to be at first sight."

At the same time I looked the report through carefully, and he does not express an opinion how far down they would have to go to get to the depth of this bed-rock. When we were down to examine this scheme, the committee showed us but one route, and we know nothing of any others except what we find in this report. At the same time they had a plan there which they brought out for Mr. Davis to explain, and which he did very cautiously, and did not commit himself in any way; and when the question was asked him how deep they would have to go to get down to this bed rock, he said they might go 100 or 200 feet. There is a great deal of difference between 100 and 200 feet. Perhaps they might have to go down 500 feet, and instead of the tunnel costing \$800,000, it may cost three times that amount. On page 34 he describes the character of the rocks under the action of the tide at the time they were known to be full in the cavities. Then he says,—

"No law of form can be traced which will enable us to determine the details of contour of a hidden

surface with accuracy. It may be said, however, that at the mouth of each distinct land valley we find a very deep, wide trough continued out to sea, cutting through all obstacles, or, at most, leaving little save shreds of any barrier that it may meet. The other depressions away from the axes of a main valley are apt to be shorter and shallower."

Then he says—

"From a careful inspection of similar rocks when exposed in the neighborhood of the proposed work, I consider that if these soundings are made at distances of one hundred feet apart, it will be necessary to allow at least fifty feet for the possible depression between these points of sounding. If the distance between the soundings is reduced to fifty feet, there should be a proportional allowance for the irregularity between them."

And, in speaking of the effects of the ice, he says—

"The ice-sheet, in its movement over the surface, aided by the sub-glacial streams of water, cut up and mingled into the lower few hundred feet of ice a vast quantity of stones, gravel, sand and mud. When the sheet melted, this mass sank down upon the land and sea floors wherever they had been covered by the ice. We still find the remains of this deposit in the true boulder clay, or such as caps the hills in Cambridge and other neighboring districts. This deposit is the oldest and least changed of all the products of the glacial period. It is a dense, impervious mass, made up of boulders, sand and mud, rudely commingled together in an unstratified order. As this mass sank down upon the land it was cut and swept by the streams arising from the melting of the ice, and from the action of the sea, which, in the then existing level of the shore, extended much farther inland than at present. The result is that, in the main, this mass was swept away and rearranged into more varied deposits of sand, mud and pebbles. The only extensive deposits I have been able to find in this district lie upon the hill-tops, where they have been in a measure protected against the action of running water. The nearer we come to the sea level the less there is of this unsorted drift. I doubt if there is any of it below high-tide mark, except in the deeper pockets, such as that which lies off the mouth of the Neponset River."

And he says further that—

"The result is that no geological skill can predict the character of the beds that will be encountered in a deep excavation of any considerable length within the drift near the sea level of New England."

And further—

"There is always a risk of encountering local beds of sand and gravel which have filled old channels in these clays. The position of these unseen old channels is not determinable by any means of inference. The surface of all these glacial deposits below the water level is generally covered over by a bed of mud which has been formed since the present adjustment of the geography was effected. This deposit is somewhat impervious to water; when more than three or four feet deep it is usually considerably consolidated by pressure, and may be reckoned on as a protection against the water of the sea. The advantage which this gives is in good part counterbalanced by the fact that the land water is held beneath these muds to a greater or less extent, and as they often extend above tide water, they serve to introduce an element of pressure tending to drive the rain water more forcibly into the submerged beds of sand and gravel. I should say that I am inclined to believe that the deep Neponset channel will be found to contain rather more compact materials, these containing more clay and rather more free from local sand-filled channels than the most of our deposits of the same general nature. It should also be understood that in making soundings with the drill in this glacial drift, it is not possible to determine by a single boring the position of the bed rock. It often happens that there are many large boulders in the glacial beds, particularly near their base. The drill will thus seem to indicate bed rock, when the actual position of that surface may be many feet below the place occupied by the boulder. In most cases two or three soundings should be made in order to avoid this element of risk. Yet, when even this care is taken, perfect certainty cannot be obtained."

I would call the Council's attention particularly to this fact, because all through this report it

speaks of uncertainties, uncertainties, uncertainties. He finally sums up:

"First—That the bed rocks to be traversed by the tunnel are, as far as their hardness and general condition are concerned, on the whole favorable to the accomplishment of the proposed work. They seem to consist of compact materials, somewhat penetrated by fissures, but not on the whole more open in texture than the Hoosac Tunnel rocks. Very many dislocations exist, and these give rise to some slightly open fissures which may afford access to the waters from above. As far as we can judge from the evidence obtained on the main land, these openings, though numerous, are not likely to be of large sectional area.

"Second—That the surface of the bed rocks is certainly exceedingly irregular in outline. The ridges, and, to a certain extent, the furrows of its surface are likely to be masked by heavy boulders, so that the precise condition of the undisturbed bed rock cannot be readily determined."

Now, in commencing this tunnel we have got to go down to find this undisturbed bed rock. If we commence our tunnel at a point where there is every appearance of being bed rock, and begin by boring a few hundred feet, and find one of those deep-rock channels which he tells about, and which descends and rises, then our tunnel comes to an end, and then we shall have to go down farther and start over again. He says—

"That the drift materials are very *untrustworthy* in their nature, it being impossible to determine, save by several parallel lines of soundings, exactly what beds will be passed through in making that part of the tunnel which lies within their mass. It is my duty to say, in closing this report, that, at best, the study of the geology of this district is beset by very great difficulties."

I think, Mr. President, if gentlemen have carefully read his report and that of the Engineer, all we seem to have is that the tunnel route may be the cheapest, but they don't indorse it in such a manner as it seems to me that we ought to go into this heavy expenditure without some further information upon it.

Mr. Spenceley of Ward 19—The question has been going through my mind for half an hour—Who knows anything about sewers? It has been illustrated pretty plainly that Mr. Davis don't, because he don't take this sewer down to Commercial Point; and that Engineer Clarke don't, because he thinks there are some uncertainties; and that some one else don't, because he don't give an opinion. But I believe there are two or three things which each gentleman can settle in his own mind. The first question is, "Do we need sewerage?" I think the opponents of this scheme, who have talked today, have given us some of the best evidence that we do, because they say there is a nuisance; and we don't want any nuisance in Boston. The gentleman from Ward 8 [Mr. Blodgett] tells us that if we fill up Roxbury Canal and one hundred acres on the Back Bay, that is going to stop it. I would like to have him come up to my house, in front of which is an outlet of a sewer, and get the stench from it, and I would like to ask him if filling up the South Bay and the Roxbury Canal is going to remedy that in any way, shape or manner? I would like to have him come into the house I have lived in for the last week, where every night there has been such a stench that it is almost unbearable, and I would like to know if it will remedy that in the least. I don't know but the gentleman lives in a house where he does n't get noxious smells; but if there is a place in Boston where they have n't had these smells within the last three or four weeks, it has been outside of my acquaintance with the city. I believe we need an improved system of sewerage in Boston. If you had asked me in the last three or four years what we most need in Boston, I should say sewerage. I am a great advocate of parks, for I believe we want a place to breathe; but I believe we want a place to breathe in other than what we shall have in a large park; and that the only way to remedy present defects is by putting in a system of improved sewerage. The Superintendent of Sewers has been quoted as saying thus and so. He has been trying the present system fourteen years, and we are no better off now than when he began. The gentleman says we need a sewer for surface water; why, here is a sewer that will hold more water than all the sewers in Boston, yet the gentleman tells us we are going to be troubled just as much as we are today. It seems to me that his argument is extremely foolish. I have been asked a good many

times during the past week if I was going to take this whole scheme and swallow it. Well, I have been swallowing something that has smelled badly for years, and I go for killing or curing it. A gentleman, who has been against this system of sewerage, and who lives at Longwood, almost lost a child recently, and now he says he would rather pay ten dollars more a thousand in his taxes rather than lose this system of sewerage. I say the cost of it is not an iota, compared with the effect of sickness in your house and mind. We need pure air, but I don't believe we have it, or can get it now. No other scheme has been presented; this is the only one. Competent men have studied into it and made it a science for years; they have studied the experience of other cities, and I would rather be guided by them than by somebody who don't know anything about it, and it seems to me the best we can do is to adopt the plan they have recommended. We have spent \$40,000 in preparing plans; the scheme presented is a comprehensive one, and it seems to me we ought to go ahead without any more delay.

Mr. Flynn of Ward 13—It is well known to every member of the Council that this matter has been debated for years, and there has been great anxiety that something should be done to improve the sewerage of Boston. A couple of years ago a commission was appointed, composed of some of the most eminent engineers in this country; they studied this matter thoroughly and gave us their report, and I believe we ought to adopt it. For one, I have no knowledge of engineering; but I am willing and ready to take the report submitted by engineers and scientific gentlemen, and adopt it. I can probably comprehend portions of their report; but, on the whole, I think it would be well for members of the Council who have no knowledge of engineering and science to adopt the report submitted by those gentlemen. Therefore, believing that all this talk will amount to nothing, and that the members are as well prepared to vote now as they will be at any future time, I move the previous question.

Mr. McGaragle of Ward 8—I hope that motion will not prevail. It looks like choking off opposition.

Mr. Webster of Ward 3—This meeting was called for the express purpose of considering a system of improved sewerage. Now, if any one here wants to consider it, or has any objections or suggestions to make, I think he ought to have an opportunity. I don't think his Honor the Mayor intended to call us together in special session to vote upon an important matter like this—one of the most important that will ever come before us—expecting to have discussion choked off by the previous question. While I think I shall vote for the order myself, nevertheless, in justice to all here, I think they ought to have the privilege of saying something. I shall oppose the previous question at this time.

The Council refused to order the main question, by a division—20 for, 29 against.

Mr. Howes of Ward 18—I am somewhat confused, sir, by the many very able plans for remedying this matter suggested by the eminent engineers and members of this Council. There seems to be a diversity of opinion. One gentleman who is interested in some land at Savin Hill is extremely desirous not to have it go anywhere near his possessions. Another gentleman, living in East Boston, desires to carry the sewage over there, for some unknown reason. As the emptying of the sewage will create a nuisance, it is said, I cannot understand why he cares to take it in that direction. Then another gentleman, who has a summer residence in Squantum, seems desirous of bringing this great nuisance near his barn door. That is another curious phase of the question. Of course, gentlemen mean what they say; but I cannot understand the positions taken by those gentlemen. For myself, the only opposition I have comes from the question of expense; and it seems to me that this is one of the most, if not the most important point we can consider. I am very reluctant to spend this amount of money for a purpose which is not absolutely necessary; and in voting for it as I feel I shall be compelled to do, I do it with a great deal of reluctance. My only reason for doing so is, that the reports made by the various boards of health seem to prove conclusively to me that a large portion of our diseases are caused by troubles that this sewer will obviate; and on that account we not only owe it to ourselves, but to the citizens at large to obviate

it. Another point which strikes me is, that if the city of Boston is to undertake a large work, which will employ a great number of laborers, the present time seems most favorable for beginning it. While I do not believe in ever making work for the purpose of employing persons, I think that time should be chosen for a public work when a large number of our citizens are out of work; and I am sure that at no time within the past ten years has this been so true as at present. One remark made by the gentleman from East Boston in regard to the estimates struck me as quite forcible. He mentioned that in all these works the estimates of the expense are almost always overrun, and cited the case of the Hoosac Tunnel. Now, sir, that is a very pertinent point; and if I felt at all uncertain that the total expense of this sewer would exceed the estimate twice or three times, I should certainly vote against it. But our present City Engineer is very much given to overestimating the expense at the start, and not underestimating. The new conduit to Sudbury River was laid out under his direction, and I asked the Board of Water Commissioners whether the expense was going to be larger or smaller than the estimate, and I was told that it would be smaller, if anything, and that the estimate was a very liberal one. That estimate also included one or two tunnels that are so terrible to the gentleman from Ward 22; and I think they did not penetrate into the middle of the hill to find the exact quality of the rock, but they found it just as they had expected to. I should judge it will be the same at Old Harbor Point and Squantum.

Mr. Pierce of Ward 24—The gentleman from Ward 22 read copious extracts from Professor Shaler's report, and it seems to me he selected those which supported his view of the case. I have not looked over it to find extracts favoring the other view, but in following the gentleman I found two or three passages which point in that direction. First, in referring to the rocks through which the tunnel will go—

"They have a degree of hardness and may be accounted very favorable material in which to do any tunnelling work."

Then again, in referring to breaks which may occur in the rocks—

"In perhaps a score of cases where I have been able to trace these faults, for a considerable distance the actual space for the passage of water has not often exceeded the thickness of a knife-blade, and has never been continuous for considerable distances. Near the surface of the ground these beds are sometimes affected by weathering, which has developed the faults into open fissures; but below the depth of say twenty feet I have never found them open in any section I have been able to study."

Again he says—

"Only in rare cases have I found the margin between these two rocks open enough to admit the passage of any considerable amount of water. When a cavity occurs, it is generally filled with deposits laid down from heated waters. I should be surprised if a *miner's inch* of water was ever poured into the tunnel through any one of these furrows."

A note of explanation at the bottom of the page says,—

"A *miner's inch* of water is three thousand two hundred cubic feet in twenty-four hours, or the amount that will flow through an inch of aperture with a four-foot head."

It seems to me that Professor Shaler's opinion is really embodied in his conclusions. The first is—

"That the bed rocks to be traversed by the tunnel are, as far as their hardness and general condition are concerned, on the whole, favorable to the accomplishment of the proposed work."

It is not to be supposed that a scientific gentleman, like Professor Shaler, is going to state positively whether or not any fissures will be found, and just what the character of this rock is twenty or thirty feet under water. He naturally would be very cautious. It seems to me, if we examine the whole of his report we can find that his conclusion is that the tunnel is a safe one to build. Speaking of the Commercial Point route, the gentleman from Ward 22 also referred to the difference of cost, which might be saved by going that route by reason of the additional sewer laid along the shore, and stated that it would probably have cost as much as that to bring the sewage from Neponset and the

lower section of Dorchester to connect with the Old Harbor Point scheme. When this matter was before the committee of last year, of which I had the honor to be a member, my inclination was for the Commercial Point route, and from studying into it, it seemed to me to offer the most advantages. But after hearing the objections raised by the engineers, to whose opinions I certainly must defer, it does seem to me that the other is preferable in many respects. The gentleman from Ward 22 said that to run that sewer to connect with the Old Harbor Point scheme, would cost about half as much as the scheme now proposed. I took the pains to have Mr. Clarke estimate the cost of an intercepting sewer which would take all that sewage along shore and connect it with the Old Harbor Point scheme, and he told me that it would cost about \$100,000. So you see there is a very great deal of difference between his opinion and that of the gentleman from Ward 22, who thought it would cost about two millions. The gentleman also stated that Mr. Clarke, in his report, did not give his indorsement to any of the plans proposed, but he thought his leaning was rather to the Commercial Point line. When the committee visited Squantum on this subject, it was my good fortune to ride in the carriage with Mr. Clarke, both to and from Squantum. I had considerable conversation with him about this matter, and he stated unequivocally as his opinion that the Old Harbor Point scheme was the best. Then, in regard to Mr. McBean's opinion, I had a conversation with him upon that point, and as I understand it his opinion was mainly upon the cost of this tunnelling, he having had large experience in such work in Chicago, and he gave estimates upon that point; and upon them the estimates of the engineers, as submitted to us, were based. The question was asked of Mr. McBean, I believe, by Mr. Clarke, whether or not he would be likely to estimate upon this work, or make a bid for the contract if it was offered, and Mr. McBean's reply was that he believed he would. The question was asked him whether he thought his figures were not rather high, and he seemed rather disposed to dodge that point. It seems to me that we can fairly assume that a party called here to estimate upon a job would not give his lowest figures if he intended to come here and bid upon the work. I don't think he would naturally do it, because the estimate would be public, and he would not want his lowest estimate made public for the benefit of any other parties who would bid upon it. Then in relation to tunnelling at Savin Hill, the gentleman from Ward 22 did not think but that it could be done as well there as at Old Harbor Point. Now I learn from the engineers that there is a deep deposit of mud at Savin Hill, and the gentleman must see that that is a different thing from tunnelling in rock or clay.

Mr. Clarke—How deep is that mud?

Mr. Pierce of Ward 24—I cannot say exactly, but my impression is, it is something like eighty feet; I may be wrong. Mr. Clarke told me at the time, but I did not impress it upon my mind; and he found it so deep that the plan of tunnelling there was given up at once, the Old Harbor Point scheme offering much better facilities. As a member of the committee, perhaps I might be expected to say something more general on this point; but I have nothing to say except to support the engineers' plan. I base my decision upon that. I have not assurance enough to say that I know more about it than they do. I think there can be no question that some system of improved sewerage is necessary. This is the best scheme we have been able to get after two or three years' investigation; it has received the indorsement of the best engineers in the country; and Mr. Davis, our City Engineer, has conferred with Mr. Chesbrough of Chicago, who was on the commission, in regard to it.

Mr. Danforth of Ward 10—In reading the report of Professor Shaler last night, I must say it rather unsettled my opinion of the two routes; and, accordingly, I went to Mr. Davis this morning, and asked him if the uncertainty of tunnelling across to Old Harbor Point might not cost more than going round to Commercial Point. He told me that they had employed experts from Chicago on these borings—gentlemen who had built the Chicago tunnels—and that, so far as the tunnelling was concerned, they did not fear the rock, but that it was the mud they feared; and that the estimates they made covered all the obstacles pointed out in Professor Shaler's report, and would cover a great



deal more than the actual doubts, and provide for all the doubts naturally arising from the reading of Professor Shaler's report.

Mr. Sibley of Ward 5—I believe that all agree that something should be done in regard to the sewerage of Boston. It has been before the public, I think, some seven years, and for the last three years particularly. In a thing of this magnitude it is impossible for all to think alike, and to agree upon what is best and cheapest, and which will answer the purpose; but no one disputes the necessity of doing something, and that right away. The old saying that nothing is so cheap as health, and nothing so dear as sickness, applies to this case. In regard to the tunnels, I don't suppose it would be possible to state the cost and bring it down to a fine thing, so that the estimate would be very accurate. Last year we appropriated \$40,000 for the express purpose of arriving at the most safe conclusion in this matter, and I have faith in the ability and industry of the committee, and in the work they have done; they have arrived at the conclusion in the report before us, and I see no way for myself but to adopt what they have done, and vote for it; and after talking with the City Engineer some few weeks ago I have faith in his estimates. If we find the caverns that we have heard of from the gentleman from Ward 22, in his history of geology; and as I have read in geology that this globe is only a crust from four to ten miles thick, and if we get the sewer through it, let it go and we will banish Moou Island from memory. In that case I will let it run and risk the expense, only let us get the sewer. But something has got to be done, cavern or no cavern, and we are here to adopt this measure, if two-thirds of this Council see fit. For one, I shall not hesitate, and I hope the required vote will be obtained before many days have passed, and that the work will begin. I cannot see how the different routes vary, except in people's opinion, and I cannot see any objection to most of them. No one disputes the necessity; therefore I shall vote for the plan reported by the Committee on Improved Sewerage.

Mr. Clarke—From the remarks of the gentleman last up, I am surprised to see how easily he has been sugar-coated by the committee. The report of the committee recommends only one route; that is all we have looked at, that is all that is necessary for us to look at, and that seems to be the sum and substance of the whole thing. The gentleman from Ward 18 introduced the matter of labor into this question. I was very much gratified to hear him do so, for the reason that I have been a little suspicious that he was n't a friend of the laboring man; but I see now he thinks it will be important to have this sewer, for the reason that it will give labor at this time to a large number of poor people who are out of work. But I would like to know if the Commercial Point route would n't give the most labor? It will be done almost altogether by labor; whereas, in the tunnel route, a large part of the expense will go to engineers and experts in machinery, and the laboring man will be left outside of the tunnel and wont get in a great way, so far as dollars and cents are concerned. I think the other route over the shore line will give these laborers employment, and that is a reason why I think we ought to adopt it; and, besides, it is not so costly as the tunnel route on account of the uncertainties. I think the people of Massachusetts are pretty well disgusted with tunnels. If this scheme is adopted I hope it will prove an entire success. I calculate to vote according to my opinion of which is the best route to adopt; at the same time I think, as every gentleman in this Council does, that something ought to be done for sewerage, and the quicker the better; but let us be sure we are right, and then go ahead.

Mr. Day of Ward 4—There is one thing about this proposed route upon which I would like to have a little information. It is to be done under the act giving the city permission to construct a drain, and the act says the pumping station and reservoirs "shall be on the main land at or near the mouth of the Neponset River, thence to conduct said sewer by means of a siphon or tunnel under the bottom of the harbor, at or near the mouth of said river, to that part of the town of Quincy called Squantum." By the proposed route the pumping stations are located on the south part of Dorchester Bay at a distance from the mouth of the river. I should say that is a wide construction of the statutes.

Mr. Sampson—Will the gentleman tell me the exact point where the Neponset River leaves off

and the Bay begins? The act says, "at or near the mouth" of the river, and I think any gentleman can see that the proposed location comes within the statute.

Mr. Day—I think I might ask where Dorchester Bay commences.

Mr. Webster of Ward 3—The gentleman from Ward 3 is n't a lawyer, and he has no right to make legal objections. But there is one thing I cannot account for in the action of the gentleman from East Boston. This committee was appointed to have charge of all matters relating to an improved system of sewerage; and the conclusion of their report reads, "And your committee would respectfully recommend the passage of the following orders," and the gentleman from East Boston [Mr. Thorn-dike] has signed the report; and then follows the orders. Being upon the committee to give us this information, if he did n't think this plan feasible, I fail to see why he should u't have given us his objections in printing or writing, and made a minority report. I cannot account for why he should have waited till this time to state his objections, after he had signed the report. I believe it is universally understood that seven out of eight of the committee favored this plan, and if I felt as he did, I should have insisted upon the committee listening to my voice, and if they had refused to do so I should have brought in a minority report. I confess that I cannot understand why he has waited so long to bring his plan before us. It is of very little use for us to discuss the details. I would not give a cent for the opinion of any gentleman here who is not a practical engineer. If any one can bring in a practical engineering argument I would agree to it. If it is a question of opinion and good judgment between Mr. Davis and Professor Shaler, and the gentleman from Ward 22, I shall certainly stand by the scientific authorities in this matter, and vote for this plan. I do so with a great deal of reluctance. The people of Charlestown have an idea that we are spending too much money over here. This matter should have come before us before parks, free ferries and other matters upon which we have wasted a great deal of time. I have consulted a good many men upon this subject—as for my own opinion, as I said, I would n't give a cent for it—and I cannot find any good authority for the opinion that this plan will not accomplish what we want. If we waited until every one agreed on a plan, we should never have a system of improved sewerage.

Mr. Blodgett—The gentleman on my left [Mr. Spenceley] spoke of filling the Back Bay, and of the sewers which he has smelt for the last few years. There is an order now on the Aldermen's table, an order to extend that sewer to Charles River, and I have no doubt it will lie there until this order is disposed of. Speaking of this sewer carrying more water than the whole of our sewers now, I think he is very much mistaken in that respect. The gentleman from Charlestown spoke of a member of the committee not signing the report. I will say that the order under which the committee labored this year was particularly worded so that we were to carry on the surveys of the two routes to Moon and Castle islands, and in reality the committee had nothing else to report upon except which of the two was the better.

Mr. Spenceley—I don't think the gentleman has answered the question at all. I don't care how far you may carry that sewer into Charles River, you will have the same smells we have now.

Mr. Blodgett—They come from the untrapped sinks.

Mr. Spenceley—They don't. My sinks are all trapped, but you can hardly stand over them. I say that no sewer you can construct to Charles River will remove those smells. I wish gentlemen would look at City Document 67, the fifth annual report of the Board of Health of the city of Boston. I think they offer proof in addition to that already given us. They are appointed to look after the health of the city of Boston. I would like to read a few words from their report—

"The subject of improved sewerage for Boston has never been omitted in any of our annual reports, and we cannot be silent now, since it is our first and greatest desire to see this great work, the most important in our day, begun and completed at the earliest possible moment. It is our duty to lose no opportunity to impress upon you not only the present, but the immensely increasing, demand for a system of sewerage worthy of the name. We have not such a system today, and we

can ill afford to wait for the time necessary to make one."

That is what they think of our present system.

"It is now two years since the City Council took the first, and a very important, step in this direction, by appointing a commission of experts, who at an early day presented the Council with the groundwork, if not the best possible plan, for the construction of a complete system of sewerage. It is unnecessary to say that the poor of Boston are today not only suffering for want of work, but suffering from the foul sewer stenches against which this very work should be directed. It is too true, and is already too sadly felt in the light of poverty and sickness. It is also unnecessary to say that the moneyed men of Boston, who are to bear the expense, the medical profession, who are daily witnessing its great need, and the thinking community at large, have often and loudly spoken in favor of an immediate beginning of this great work. The diminishing value of real estate in insalubrious but costly parts of our city, as well as our too high death rate, from preventable causes, demands it without delay."

Gentlemen, I wish you would think of that.

Mr. Ham of Ward 14—There seem to be two important questions connected with this sewerage question, one of which has been answered by the committee, and every individual interested in the city; and that seems to be whether it is necessary to do anything with the present sewers. I believe the State and city boards of health and every one else are fully convinced that it is necessary for the health of the city to do something. That question is decided, and the committee have tried to decide how that should be done, and experts in this and other cities have been employed to prepare the best schemes to accomplish that, and the committee have arrived at the almost unanimous conclusion that the route approved by the Engineer is the best one offered at the present time. I believe it is the duty of the City Council to consider that fact carefully before they rejected those orders this evening. I hope this plan will be accepted.

On motion of Mr. Brintnall of Ward 5, the main question was ordered, and the orders were passed—yeas 52, nays 5. Before the vote was declared Mr. Beeching of Ward 1 changed from No to Yes:

Yeas—Messrs. Barry, Beeching, Blanchard, Brintnall, Burke, Caunon, Coe, Cox, Crocker, Cross, Danforth, Dee, Duggan, Fagan, Felt, D. A. Flynn, J. J. Flynn, Ham, Hibbard, Hiscock, Howes, Jackson, Kelley (Ward 3), Loughlin, McClusky, McGaragle, Morrill, Mowry, Mullane, Nugent, O'Connor, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pope, Pratt, J. B. Richardson, Roach, Roberts, Ruffin, Sampson, Sibley, Sardon, Spenceley, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur—52.

Nays—Messrs. Blodgett, Clarke, Day, Doherty, Thorndike—5.

Absent or not voting—Messrs. Barnard, Brown, Fernald, Fraser, Kelley (Ward 6), Kidney, McDonald, O'Donnell, Reed, M. W. Richardson, Shepard, Souther, Stone, Thompson, Wolcott—15.

The rule was suspended on motion of Mr. Spenceley, and a motion to reconsider, by the same gentleman, hoping it would not prevail, was lost. Sent up.

Mr. Danforth of Ward 10 moved to adjourn. Lost.

#### MISCELLANEOUS PAPERS FROM THE BOARD OF ALDERMEN.

Reports of city officers. Placed on file.

Reports leave to withdraw on petitions—Of James L. Hill, to be paid for injuries to his son at Lexington Schoolhouse; of George H. Barry, to be paid for injuries to his well by construction of a cesspool.

Severally accepted.

Order to remit taxes for 1874, 1875 and 1876, on certain forfeited lots of land on West Castle and Middlesex streets. Read twice, and, under a suspension of the rule on motion of Mr. Crocker, passed.

Order to consider expediency of an ordinance requiring the provision of guards to prevent the falling of snow and ice from the roofs of buildings. Read twice and passed in concurrence.

Report and order to purchase an estate of Lydia Ellis, on West Chester park, for \$11,500, in settlement of grade damages, the city to pay the taxes for the current year. Read twice under a suspension of the rule, on motion of Mr. Felt of Ward 18, and passed in concurrence.

Amendment to order concerning purchase of a

site for a grammar schoolhouse in Brighton, by inserting after "owned," the words, "or represented." Concurred.

#### DEPUTY SEALERS OF WEIGHTS AND MEASURES.

An order came down to establish the salaries of Deputy Sealers of Weights and Measures at \$850, and to transfer \$2100 for that purpose from the Reserved Fund.

Mr. Danforth of Ward 10 moved to make it \$800.

The President ruled the amendment not in order, as the Council moved to make it \$790. Lost.

Mr. Pratt of Ward 21 moved to make the salary \$1000, to be paid from fees collected by them.

Mr. McGaragle of Ward 8 asked the ruling of the Chair on that point, and Mr. Pratt withdrew his amendment and offered as a substitute an order—That the Deputy Sealers of Weights and Measures be allowed and paid \$850, to be retained out of the fees collected by them, the balance to go into the City Treasury.

The substitute was lost—18 for, 20 against.

Mr. Crocker of Ward 9—I desire to call attention to the fact that on page 449 of the "Laws and Ordinances" we find—

"In those cities or towns where a salary is paid to the Sealer of Weights and Measures, no fees shall be charged for such services. In other cities and towns the said sealers shall receive the compensation set forth in section 14 of chapter 51 of the General Statutes."

I will merely suggest that if we don't give these sealers any salaries, they will be entitled to all the fees they can get. As the passage of the order requires a two-thirds vote, if those members who think they ought to be paid by fees will vote against the order as it now stands it cannot be passed; and they will be entitled to collect fees. I, for one, propose to vote against it.

Mr. Pratt—I shall vote against the order for two reasons. First—The salary proposed is too small. It may be thought a light thing to adjust scales and measures, and that it does not require a person whose services are worth more than \$800 a year. But if the duty is performed fully and the scales are adjusted nicely, the services of a person are required whose time is worth more than \$850. I think \$1000 is small enough. The other reason why I object to this order is because it contemplates paying the sealers whether they do anything or not. We know it is a notorious fact that heretofore a very small portion of the weights and measures have been sealed. People buy their scales of a manufacturer and honestly assume they are strictly accurate; they use them year after year until they become out of adjustment, and as a general rule people at large are being cheated. We want the sealers to go around to the different stores. There are respectable men in Roxbury, perfectly honorable gentlemen, who would like to know whether their scales are correct; but they say it will interrupt their business for a day to take the scales to the office of the sealer and have them adjusted. Let us by all means have more than one thirty-second part of the measures in use sealed in one year. I hope the order will not pass in its present shape.

Mr. Mowry of Ward 11—I hope this order will not pass. The statutes provide ample fees, and the officers will be stimulated to the performance of their duties if they have fees for their recompense.

Mr. McGaragle—It is remarkable that all these bright and shining lights did not discover these facts two months ago. These men have been in office two months, and have sealed more scales than were sealed all last year. How will you provide for that? The gentleman from Ward 21 is right in saying the salary proposed is too small for the work to be done. I don't know any of those parties personally, except by reputation; but I have been there and seen them at work. They have been in office two months, have received nothing, have families to support, and there is no good reason why they should not be paid.

Mr. Danforth—Under the statutes they have a right to collect fees. Last year there was a salary attached, and they had no right to call it fees. People are liable to pay fees for the sealing of their scales. If they do the work under the statute, without any limit, they will get a great deal more than \$1000. If we don't pass the order they can go on and collect the fees.

Mr. Crocker—I suppose it would be difficult to collect the fees for what has been done; but if it is determined that they should have fees for the rest of the year, I should be prepared to vote them a

salary for that, at the rate paid last year for competent men. But I prefer to pay them by fees rather than vote them more than was paid last year.

Mr. Pratt—As my impulsive friend from Ward 8 [Mr. McGaragle] stated, some time has elapsed since they began work; but they have not sealed a very large number of scales. I wish the gentleman would be kind enough to state the number they have sealed, and the total number in use in the city. I think they will find plenty of opportunity to get \$1000 a year, and have something left to pay into the treasury.

Mr. McGaragle—I don't know the number; I am certainly struck with the gentleman's proposition. Those gentlemen have given two months' labor to the city, and he expects them to work the other ten months to make it up. That might be a good way for lawyers to work for their clients. It is rather a modest proposition for him.

Mr. Pratt—I have made no excessive claim for modesty in this chamber. I stated that they would be able to collect more than \$1000, and it matters not whether they get it the first or last part of the year. If they do not get \$1000 I should be perfectly willing to make up the amount.

The order was passed to a second reading—26 for, 13 against.

On motion of Mr. Vose of Ward 24 the rule was suspended and the order was put upon its passage.

At the request of Mr. Clarke of Ward 22 the question was divided.

The first part of the order, fixing the salary at \$850, was passed, and the second part, providing for a transfer of \$2100 to pay the salaries, was rejected (two-thirds being necessary)—yeas 36, nays 17.

Yeas—Messrs. Beeching, Blanchard, Brintnall, Burke, Cannon, Clarke, Cox, Cross, Day, Dee, Doherty, Fagan, D. A. Flynn, J. J. Flynn, Fraser, Hibbard, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McGaragle, Mul-lane, Nugent, O'Connor, Pearl, Roach, Roberts, Sibley, Spenceley, Thorndike, Upham, Vose, Warren, E. R. Webster—36.

Nays—Messrs. Blodgett, Coe, Crocker, Danforth, Felt, Ham, Hiscock, Howes, Mowry, Perham, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, Sampson, Sardon, G. B. Webster—17.

Absent or not voting—Messrs. Barnard, Barry, Brown, Duggan, Fernald, McDonald, Morrill, O'Donnell, Pope, Reed, M. W. Richardson, Ruffin, Shepard, Souther, Stone, Thompson, Wilbur, Wolcott—18.

Sent up.

#### WIDENING OF COMMERCIAL STREET.

A report of Street Commissioners came down that the estimated cost of widening Commercial street to not exceeding 100 feet, as shown on plan marked "Land Side," is \$1,000,000, and to not exceeding eighty feet, at \$800,000; and as shown on

plan marked "Water Side," to not exceeding 100 feet, \$950,000, and to not exceeding eighty feet, \$800,000. Placed on file.

The report of the Committee on Streets, with an order for the Committee on Finance to provide for an appropriation of \$1,000,000 for widening of said Commercial street to not exceeding 100 feet, as therein set forth, came down with the non-concurrence of this branch in the reference of said order to the Finance Committee by the Council, and with the passage of said order instead.

The question was on receding from the reference.

Discussion ensued as to the effect of receding and concurring, Mr. Richardson of Ward 10, Mr. Howes of Ward 18, Mr. Crocker of Ward 9, and Mr. Sibley of Ward 5 arguing that by concurrence the appropriation would be made, and Mr. Flynn of Ward 13 and Mr. McGaragle of Ward 8 holding that the Finance Committee were merely to report an order making an appropriation by loan or transfer which would require a two-thirds vote.

Mr. Pratt suggested that the simplest way out of the difficulty was to insist upon the Council's former action.

The Council refused to recede from the reference to the Finance Committee. Sent up.

#### PETITION.

Mr. Howes of Ward 18 presented the petition of Nicholas N. Johnson, a special police officer, to be paid a reward of \$25 offered by the city, he having furnished information leading to the conviction of George Warren for stealing flowers from the Public Garden. Referred to Joint Committee on Common. Sent up.

#### PERMITS FOR WOODEN BUILDINGS.

Mr. Kelley of Ward 3 submitted reports from the Joint Committee on Survey and Inspection of Buildings, with an order authorizing the issuing of permits to erect wooden buildings by the Grove Hall Universalist Society on Blue Hill avenue. Order read twice and passed. Sent up.

#### OCCUPATION OF STREETS FOR BUILDING PURPOSES.

Mr. Kelley of Ward 3 submitted a report from the Joint Committee on Survey and Inspection of Buildings on the ordinance relating to the occupation of streets for building purposes—That said duties should be transferred from the Police Department to the Inspector of Buildings, but that no additional force or appropriation therefor is necessary; and they therefore recommend the passage of the ordinance in a new draft, in which said duties are imposed on the Inspector of Buildings, and the section providing for the appointment of a special officer for that duty is stricken out.

Mr. Wilbur inquired if a quorum was present. A count showed that there was not, and the President declared the Council adjourned.

The first part of the report deals with the general situation of the country. It is a very interesting and detailed account of the political and social conditions. The author has done a great deal of research and his work is very valuable.

The second part of the report deals with the economic situation. It is a very interesting and detailed account of the economic conditions. The author has done a great deal of research and his work is very valuable.

The third part of the report deals with the cultural situation. It is a very interesting and detailed account of the cultural conditions. The author has done a great deal of research and his work is very valuable.

The fourth part of the report deals with the military situation. It is a very interesting and detailed account of the military conditions. The author has done a great deal of research and his work is very valuable.

The fifth part of the report deals with the international situation. It is a very interesting and detailed account of the international conditions. The author has done a great deal of research and his work is very valuable.

The sixth part of the report deals with the social situation. It is a very interesting and detailed account of the social conditions. The author has done a great deal of research and his work is very valuable.

The seventh part of the report deals with the political situation. It is a very interesting and detailed account of the political conditions. The author has done a great deal of research and his work is very valuable.

The eighth part of the report deals with the economic situation. It is a very interesting and detailed account of the economic conditions. The author has done a great deal of research and his work is very valuable.

The ninth part of the report deals with the cultural situation. It is a very interesting and detailed account of the cultural conditions. The author has done a great deal of research and his work is very valuable.

The tenth part of the report deals with the military situation. It is a very interesting and detailed account of the military conditions. The author has done a great deal of research and his work is very valuable.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

AUGUST 6, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor in the chair.

## EXECUTIVE NOMINATIONS.

Police Officers Without Pay—Horace Underwood, Simon Donnelly, Charles Marsh, William J. Clark, Thomas J. Anderson. Confirmed.

Lieutenants of Police—Sergeant George E. Haines, Simon Donnelly. Sergeant of Police—Eben T. Hitchcock. Referred to Committee on Police.

Coal Weighers—John McNaughton, John Kelly, Robert C. Fanning. Confirmed.

## HEARINGS ON ORDERS OF NOTICE.

*Sewers.* The orders of notice on the proposed construction of sewers in Auburn street, in John A. Andrew street and in Cedar avenue were considered. No objections. Recommended to the Committee on Sewers.

*Metropolitan Railroad Company.* Hearing on petition for a location in Centre street, from Eliot square to Cedar street. No objections. Recommended to Committee on Paving.

## PETITIONS REFERRED.

*To the Committee on Streets on the part of the Board.* Susan R. Eldredge, to be paid for land taken to widen Derne and Temple streets.

*To the Committee on Paving.* John Doyle to be paid for grade damages at 539 Third street, James Feeling *et al.* for a crosswalk on northeast corner of Tremont and Weston streets; Alfred A. Hall *et al.*, that Indiana place be re-paved; Jonathan Preston *et al.* for a crosswalk in Park square; Barnstable Savings Bank, for brick sidewalk 19 West Cottage street, Ward 20.

Petitions for leave to move wooden buildings by John Cavanagh from 61 Norfolk avenue, Ward 20, to Bartlett place, and by William R. Cavanagh from 57 Norfolk avenue to Gerard street.

Petitions for edgestones and brick sidewalks in front of estate of Konrad Zeigler, corner of George and Gerard streets; for edgestones in front of estates of C. M. Weld, Centre street, West Roxbury; for brick sidewalks in front of estates of Horace K. Batchelder, 66 Fort avenue.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables—Martin Cunningham, new wooden, one cow and one horse, Mt. Hope street; Peter Garvin, wooden, two horses, corner Winter and Church streets; A. H. Holway, new wooden, one horse, No. 9 Clayton street; Metropolitan Railroad Company, old brick, 120 horses, Tremont street; do., new wooden, 100 horses, Jamaica street; do., new wooden, forty horses, Jamaica street.

*To the Committee on Faneuil Hall.* First Massachusetts Infantry Veteran Association, for use of Faneuil Hall on the evenings of Sept. 5, 12 and 17, for meetings and drills preparatory to the dedication of the Soldiers' Monument.

## IMPROVED SEWERAGE.

Reports and orders came up for a loan of \$3,713,000 for an improved system of sewerage, and authorizing a contract for such system as therein set forth. (City Document No. 70.)

The question was on concurrence.

Alderman Burnham—Mr. Mayor, in what I have to say I desire to take a broad and comprehensive view of this matter. It is my wish to speak not so much of routes as of necessities—of schemes as of facts. I shall endeavor not to go over ground already presented in the discussion in the other branch; consequently my remarks may be of a somewhat general character, and yet, I trust, sufficiently specific. Although dealing mainly with the sanitary, engineering and economical disposal of sewage, I trust I have sufficiently weighed its agricultural, commercial and chemical aspects.

It is not often, Mr. Mayor, in municipal legislation, that a scheme involving an expenditure of three million seven hundred thousand dollars arrives at the stage to which this has now come with so small an amount of opposition. Indeed, it has been discussed comparatively little by the City Council, the other branch having only considered it at one short session; and it may be possible that we shall arrive

at a final vote today. I have looked, Mr. Mayor, for the reason of this decision and apparent harmony of action, and I find it in the belief of the people that something must be done. Since March, 1875, when the Mayor was authorized to appoint a commission to consider and report upon the sewerage of the city, the people as a whole have not ceased to use their eyes to see, their ears to hear and their noses to smell. All these senses have alike been employed, with hardly a withdrawal from this one great matter of interest to the city of Boston. This interest was greatly intensified when the able commissioners appointed by the Mayor introduced their report to the City Council, by a declaration announcing that for many years past there had been a growing feeling among the more intelligent of our community, and particularly among physicians, whose habits of study had fitted them especially to watch the public health, that Boston had an unenviably high death-rate among the cities of the United States, and that that death-rate was connected, more or less directly, with the defects and evils of our system of sewerage. They said, moreover, and the ears of the people caught it, that, especially in the low-lying and original tidal districts, the evils, already so manifest to the senses as to make it almost unnecessary to allude to their existence, were increasing year by year. These opinions have been promulgated by the press and indorsed by both municipal and State Boards of Health, until the public have accepted the belief, as one needing no further evidence, that there is a connection between foul gases and putrefying matter, in and about our sewers, and disease, and that our sanitary condition is so bad that it must be improved by a radical change in our system of sewerage. Now, although we cannot accept in full all these assertions, it is beyond question that such a belief, fortified by the arguments to prove the necessity, has placed us where we stand today, ready to launch upon an expenditure for a comprehensive system of intercepting sewerage, estimated by the commissioners to cost when completed \$3,746,500 [Report of the Commissioners on the Sewerage of Boston, City Document No. 3, 1876, page 22], and by our City Engineer, after a careful survey and inspection, as stated in his report just presented to the City Council [City Document No. 70, 1877, page 12.] at \$3,712,700.

The committee of the present City Council to whom this subject was committed are aware that this is a large outlay, and they are conscious that the initiatory act which commits the city to an expenditure burdening not only the present but even future generations, should be taken with great caution. They felt that the responsibilities delegated to them demanded diligent and painstaking research, and the adoption of wise measures only, and in this spirit they have carefully gone over this whole subject, and arrived at almost a unanimous conclusion. With a single exception, they are of the opinion that the people approve of the expenditure. Therefore they believe that the time to begin the work has arrived, and they have so reported; nor could they have done less, even had there been in their minds some doubts as to whether this large expenditure would be followed by a diminution in the death-rate, or the removal of other evils, as soon or as surely as some expect. But, however this may be, there is no question as to the necessity. All are agreed that the quarter-century of talk has ended, and that the time for action has arrived. Complaints of the defective condition of our system of sewerage began to be heard twenty-seven years ago. At that time, in the report of a committee to the City Council [City Document No. 36, 1849] Back Bay was pronounced a great cesspool, into which was daily deposited all the filth of a large and constantly increasing population, and it may be said in truth today that, although we have in the intervening years filled up a large portion of the territory referred to, this filling has only changed somewhat the locality of the nuisance, while it has greatly augmented the evil. I apprehend the principal ground for alarm to be that the growing evil may, under some changed circumstances of the future, such as the advent of cholera to our shores, lead to an epidemic which would decimate our population. Such a calamity might justly be regarded as a punishment for breaking the self-evident and sovereign laws of God by depositing in the immediate vicinity of our dwellings the daily accumulations of a great city's waste, and leaving it under the rays of a summer's sun to send up its foul exhalations, polluting the

pure air he has given to his children, and inviting sickness and death instead of his own blessed health. The matter, whatever it is, which holds and conveys disease, is all but indestructible, an ever-ready agent for a fearful work. It needs the spark to ignite the powder before an explosion can take place. Both the powder and the spark are harmless in themselves, but when the contact takes place the damage is done. The seeds of cholera, yellow fever and like diseases may pass us by without harm, unless they find in the insanitary condition of the city the conditions which are necessary for their development. If we afford such conditions the contact takes place and the result is an epidemic too often attributed to a visitation of God, but really the result of man's negligence and inattention to sanitary laws.

Now, Mr. Mayor, in considering a question like the one before us I assume that but two questions are involved; first, is an improved system of sewerage a necessity? and, if so, is the plan which is recommended the best one for the purpose? Questions of cost should be of secondary importance when considering matters relating to the public health.

It will, I presume, be admitted that the sewerage question is one of vital importance to the people, and one which calls for the exercise of the soundest judgment and fullest discretion. Unlike the public-park question, there are no æsthetic considerations involved. It is purely a matter of practical utility, relating to the health and comfort of the community. The subject has been growing in importance for a number of years, but it is now for the first time in a condition to be practically dealt with by the City Council, and I feel, sir, that we are expected to give it our wisest consideration.

While I am not an alarmist, and do not believe that Boston is the most unhealthy city of its size in the United States, as some would have us believe, or that its death-rate is above the average, I do believe that the sanitary condition of our city can be greatly improved by a radical change in our system of sewerage, and this belief I base upon the evidence of my senses and upon the testimony of those who have made sanitary laws their study.

If I am sick I send for a physician and take his advice. I know that he has devoted himself to the study of disease, its cause, effect and cure, and I have confidence in his ability to understand my ailment and to prescribe the proper remedies. I believe in following the same course in regard to the public health, which is, after all, but the aggregation of the health of individuals. Now, sir, experts, physicians and scientific men, who have made the subject a study, inform us that investigation has shown that certain classes of disease are produced by, or are intimately connected with, defective sewerage; and, further, that a large percentage of the death-rate of this city is attributable to such diseases. They tell us, also, that in their opinion the adoption of an improved system of sewerage will have the effect of greatly reducing the sickness and mortality due to the preventable diseases. Certainly, then, testimony of this character should have great weight in determining our action upon this question.

A most forcible argument in favor of an improved system of sewerage is found in the fact that in other cities an improvement in the methods of sewerage has been immediately followed by diminished mortality. This is illustrated by a table contained in the report of the medical commission appointed to investigate the sanitary condition of Boston, which shows the general death-rates which prevailed in twelve English towns before and after the completion of sanitary works, together with the reduction of the mortality by typhoid fever and phthisis which ensued. The mean death-rate of these twelve towns was lowered from 25.6 to 21.7 per 1000, and the average mortality by typhoid fever was diminished to about one-half of what it was before the completion of the new sanitary works. One town, Croydon, is a most remarkable illustration. There the mean death-rate during the seven years before the construction of the new sewers was 23.66 per 1000; the mean death-rate during thirteen years afterwards has been only 18.64 per 1000.

Dr. Buchanan, Chief Medical Inspector of London, has proved by statistics that by the improved sewerage of a number of English towns containing an aggregate of 600,000 inhabitants, 1800 lives a year have been saved. In Dantzic, Prussia, where a system of sewerage similar to that proposed for this city has been adopted, the

death-rate has been lowered from 36.93 per 1000 to 28.55. Dr. Lievin, Chief Health Officer of Dantzic, says, "The life-saving influence of our new sewerage works is clearly shown."

Sir Joseph W. Bazalgette, Chief Engineer of the London Board of Works, says, "If it has not been proved that complete and speedy removal of filth lowers death rates, then sanitary science has proved nothing."

The success of properly-constructed sewerage works as a means of sanitation in other places leads me to hope for like improvement here. The death-rate of Boston for 1876 was 23.84 per 1000. Deducting the deaths from diseases of the zymotic class, which are believed to be largely due to removable causes, the mortality would be at the rate of 17.89 per 1000. While we may not hope to reach the lowest limit, we are justified, when we consider the value of health to the community, to use every possible endeavor to approximate to it. Boston should be the healthiest city in the United States. We are blessed with a temperate climate, abundance of pure water; it has an intelligent, cleanly population and comparatively few squalid districts. Considering all these advantages, and seeing that, notwithstanding, our sanitary condition is very far from what it should be, I must believe that our physicians and scientific men are right when they tell us that "no measure of public sanitation is more urgently and imperatively necessary than the construction of sewers adapted to the requirements of the city."

The insanitary condition of the city arises from defects in our system of sewerage. In saying this I do not wish to reflect upon those who have had charge of this important matter, nor do I think that it is the consequence of any lack of skill or ability. The sewers have not improved with the growth of the city, because it was impossible to foresee what that growth would be. It has been a constant struggle to keep up with present needs, letting the future take care of itself. This state of things must attend the development of every large city until founders of cities are gifted with prevision and enabled to comprehend the future growth and necessities of the city which they build.

The defects in our present system are attributable to two causes,—the insufficient capacity of the sewers, and the fact that their contents are discharged immediately along the water front, where the current is not strong enough to carry the material away. In consequence of this a great quantity of filth does not have time to escape during the time the tide will admit of the sewers being open, and is therefore held in them until putrefaction takes place, while the filth which escapes meets the incoming tide and is deposited upon the flats, where, under the influence of the sun, it soon throws off noxious odors and poisonous gases, to be borne by the winds to our doors and windows. Again, the gas from the sewers, under the tide-lock pressure, penetrates into the houses, and in some parts of the city renders them almost untenable. How long will the occupants of houses who are compelled to close their windows, even in the hottest weather, to keep out the foul odors which arise from the flats, and to open their windows in cold weather to let out the gases from the sewers, endure such a condition of things? Unless these evils are remedied, property will unquestionably depreciate, not only on account of the personal inconvenience which is caused by the odors, but because the people are beginning to understand that foul air is incompatible with perfect health, and that the districts which are thus afflicted are marked by the prevalence of filth diseases. They therefore seek safety in flight.

All these troubles are increasing. Delay in dealing with the question will be of no avail. Temporizing measures are expensive and are not attended with any permanent benefit. Their day is past; hence it is believed that the true policy is to adopt a comprehensive system of sewerage, which will provide for the prospective as well as the present wants of the city.

We are now led to consider whether the plan which is before us is the best that can be devised for the purpose. I use the word "best" without qualification, for in such matters it will be admitted that the best method is the only one which should be adopted. In considering the necessity of an improvement in our system of sewerage, great dependence must be placed upon the opinions of scientific men, and in considering methods, we are compelled to consult another class of experts—engineers, and others who have made sanitary en-

gineering a study—and be guided to a certain extent by their experience. We are, however, tolerably sure of our ground, for the question of how to dispose of sewage in the best and most economical manner is a problem which has engaged the attention of many cities of the Old World, and is one which every growing city will be, sooner or later, obliged to solve. It is, perhaps, fortunate for us that this is so, for we are thus enabled to profit by the experience of others, and can avail ourselves of the knowledge that they have obtained only after a series of vexatious and costly experiments. We are, so to speak, dealing with known quantities, and can proceed with a tolerable degree of certainty. Innumerable experiments have been tried with a view of discovering the best method of disposing of sewage. It should, however, be understood that no one system has yet been devised which is applicable to all places. In determining, therefore, what method we shall adopt, we must be governed by the experience of cities where similar conditions exist.

Probably England stands at the head of all countries in matters of sanitary science. The density of its population, especially in the larger cities and towns, renders the adoption of the most approved methods of sanitation a necessity. Immense sums of money have been expended and the ablest talent engaged to discover the best method, and it has been proved conclusively that there are only two ways in which sewage can be effectually disposed of without an enormous expenditure. These are by irrigation, where the sewage is poured upon land and absorbed by vegetation or rendered innocuous by oxidation and filtration through the soil, or by discharging it into the sea, where it is lost by extreme dilution.

All methods of dry removal have proved filthy and expensive. Manchester, England, with a population of 351,189, and a death-rate of 28.4 per 1000, is the only large city using this method. There it is said to cost four times as much as it would to remove the sewage by a water-carriage system, while upon the authority of Mr. Lewis Angell, C. E., borough engineer at East London, it is said to be disgusting and unclear.

A number of methods of treating sewage chemically have been devised, but have proved expensive and unsatisfactory. Little more is accomplished than separating the solids from the fluids, and clarifying the latter. Both must then be disposed of in some manner, or another nuisance is created. Efforts to utilize the sludge, or solid portions, for manure have proved failures; in fact, all attempts to utilize sewage, except by direct application to land, have been unsuccessful.

Irrigation, while it might answer for a city of limited size, which has reached its growth, with easy gradients, and which is placed in a favorable position in respect to areas of farming land, would be impracticable here, where the population is constantly increasing, the boundaries between the urban and suburban districts constantly changing, and where the difference in grades would render it very expensive to move the sewage to a point whence it could be delivered on land suitable for the purpose. It would require 3000 acres of land to dispose of the sewage of Boston by irrigation. Such a quantity of land could not be obtained at any reasonable distance from the city except at immense cost. An intercepting sewer would be required to collect the sewage and deliver it on the land. The cost of such a sewer would be the same in whatever manner the sewage was finally disposed of.

A majority of the best authorities consider that the easiest and most economical method of disposing of sewage is to discharge it into the sea. In this method the conditions of success are very simple. They consist only of providing sewers of sufficient capacity to carry the sewage in an uninterrupted flow to the point of discharge and of discharging it into a current strong enough to sweep it into the sea before it has time to settle upon the flats or in the channels. It is the neglect of these conditions which has rendered a radical change in our system of sewerage necessary. One of our Sewerage Commissioners, Charles F. Folsom, M. D., in a paper read before the American Statistical Association (Boston, April 20, 1877, page 5) says, "We have flooded our towns with pure water, and we fully appreciate its blessings. The question which concerns us today is, what shall we do with that water after it has been soiled by various uses? You will agree that it must be gotten away; that,

if it soaks into the soil near our houses, it is only laying up stores of poison to infect the earth, poison the air, and surround us with what we wrongly call mysterious disease. On a large scale, the water-carriage system is the cheapest, the most efficient, and attended with the fewest objections as to nicety on the score of health; and the faults in local and general drainage by house arrangements and public sewers have now been reduced to a minimum, through the coöperation of the various professions of engineers, physicians and manufacturers. Any injurious results from the adoption of the water-carriage system may, at the present time, be safely said to be due to remediable causes. Water is in all respects as good a disinfectant as earth, and is much better in so far as it admits of being more speedily removed."

Dr. Folsom here expresses a maxim in sanitary engineering that is universally believed and is being universally acted upon. The water brought, used and polluted must be taken away before it can produce conditions destructive to life and health.

The plan before us will accomplish the desired result. It has the indorsement of the best authorities in this country. It has proved successful in many other cities. It was adopted in London after six commissions had been engaged twenty-five years in investigating the subject, and has proved a great success. Glasgow has had four commissions studying the subject, and they now propose to carry out a similar scheme, by which the sewage will be discharged at a point twenty-seven miles from the city, and which is expected to cost \$12,000,000. A number of other cities now have the plan under consideration, and will undoubtedly adopt it.

After carefully reviewing the whole subject, I am persuaded that this system is the only one which will meet the requirements of Boston, for the following reasons:

First—There is no existing method for the utilization of sewage, either chemical, agricultural or mechanical, which is practically available for the city of Boston.

Second—Admitting the advantages of precipitation, irrigation or filtration, as set forth by the several advocates of those systems, and grouping together all the schemes, and considering whatever can be said in their favor, it is an undeniable fact that the sewage of this city carried by water to the ocean, according to the plan before us, will involve less cost than any other system of disposing of it.

Third—No discovery has yet been made whereby a profit can be derived by the utilization of sewage, for in all known cases the cost has exceeded the income.

Fourth—If at any future time a plan should be discovered by which sewage could be profitably utilized, it must be put into operation at a point distant from the city. An intercepting system would, therefore, be necessary, and the plan before us would meet the necessity, for by it the sewage will be delivered at Squantum Neck—a point sufficiently remote, and affording ample space for its manipulation.

In conclusion, Mr. Mayor, I believe that this improved system of sewerage is the final and necessary termination of a work which was commenced with the introduction of Cochituate water. An ample supply of pure water is a great blessing, alike conducive to the life and health of the community, but we do not fully reap all its benefits until we supplement it with a perfect system of sewerage. Therefore, fully realizing the importance of the subject, and having the greatest confidence in the ability of those upon whose recommendations we are acting, I hope that we shall concur with the Common Council in the passage of the orders.

Alderman O'Brien—Unlike the Alderman who has just taken his seat, I intend to go over some of the ground covered by the discussion in the other branch. When this question came up for consideration last year, I said about all I could say on the subject to urge it forward. The proposed scheme of sewerage looks to the future wants of the city, if not for all time, for many generations to come. This commends it to my judgment, because in nearly all schemes of improvement undertaken during the past ten or twenty years we have failed to realize that our city was growing rapidly. Our growth, in fact, has always been ahead of our improvements, and a complete system of sewerage has only been undertaken when necessity has forced it upon us—the necessity of



removing it beyond the reach of our homes. Perfect drainage cannot be obtained without a large expenditure of money. Any attempt to compromise or economize in a system of sewerage for 350,000 inhabitants, with our prospective increase during the next fifty years, is time wasted and money thrown away, and the question arises, has the proposed system of drainage been well considered, and does the necessity exist for this expensive improvement?

For some years we have been building sewers to such an extent that few have been aware how rapidly they have increased. In 1869 there were ninety-eight miles of sewers in the city. They now amount to 175 miles—almost, in fact, doubling up in eight years. Some of this large increase comes from annexation, but the greater part of the increase has been built in these eight years, all pouring their filthy contents immediately around our homes through their seventy outlets. Now, any one can see that this state of things could not go on without becoming a great nuisance to our people. Each year the evil has been increasing, and distinguished citizens and professional men well versed in sanitary science have warned us of the results if something was not done. I do not believe in the exaggerated stories about the death rate, because all statements of this kind are very contradictory, but we all know that this nuisance exists around us, penetrating a large portion of the houses in the city proper; that a large number of houses at the South End are flooded almost every rain storm by back water from our sewers; and the evil has become of such magnitude, something must be done. It was very proper, therefore, to place the matter in the hands of able engineers, and the result is the scheme now proposed.

I know very little about the construction of sewers. I doubt if any member of the Board understands the subject thoroughly; but the commissioners appointed have made sanitary science the study of a life. They have had the experience of the large European cities to guide them, and I place myself on their judgment. After their report had been made, our able City Engineer was authorized to survey the route, to ascertain the cost, and after going over the ground we have his report and estimates before us. I think it would have been well to have entrusted him not only with the survey of the proposed route, but also to have requested him to have given his views about the practical working of the plan, and if it would accomplish what was desired, this would not have added much to his labors, and his opinion as to the utility of the system of sewerage proposed, and his approval of the plan would have added greater strength to it. When we remember that this great work is to be undertaken on the recommendation of the engineer of the city of Chicago and the engineer of the city of Milwaukee, both distinguished gentlemen I admit, and the advice of our own well-known resident engineers, who have also made sanitary science a study, has been completely ignored, it does not appear to me exactly right. But as the commissioners' report has been before the public for upwards of a year, as it has met with very general approval, it may be taken for granted that the plan proposed is the correct one. I do not believe, however, in ignoring home talent and calling in engineers from distant cities to show us what to do. The honor and credit and success of originating and completing these improvements should belong to our own citizens, and I believe that we have got as good material here to draw from as any city in the country. The selection, however, was left in the hands of the Mayor, and at that time it was customary to accept the Mayor's nominations as the best that could be made, especially when we had placed the power and responsibility in his hands. A year or two, however, has worked a remarkable change in this respect. But I am satisfied that the engineers selected were men of distinction and ability, and there is no reason to suppose that the result would have been changed if others nearer home had been selected. I make these remarks because I do not find one word in the City Engineer's report approving or indorsing the plan. He merely had to superintend the survey of a plan proposed by others, and I think the committee were at fault in not asking him to submit his own views about the improvement of our sewerage system at the same time.

The report of the committee and the estimates of the City Engineer are now before us, and I believe there is nothing more for us to do but to borrow

the money and go to work, and I believe this should be done without hesitation or delay. The responsibility rests on the engineers and not on us; but I have confidence in their judgment and feel that no mistake can be made. The commencement of this work will be a great boon to the workmen who are now so anxious to obtain employment, and when completed and improved sewerage is obtained, as perfect as the best engineering talent in the county can give us, it will I hope be a blessing to all our citizens.

Running over a period of twenty years, the expense, although large, will be scarcely felt in our tax bills. It is to be regretted that all great improvements could not be made on thirty, forty and fifty year loans. These improvements are made not only because present necessity demands them, but also for posterity, and I believe posterity should bear some portion of the burden. The act limiting city indebtedness I look upon as one of the best acts that has ever been passed by our Legislature, but I do not think it was wisdom to put a limit on the length of time for which this indebtedness could be contracted. Bonds running for the longest period will command the highest premium, and long bonds are most in demand for investment by trust companies, savings banks and large capitalists. I do not believe in taxing the people of this generation for improvements that will be as great if not a greater benefit to future generations. The completion of Atlantic avenue, for instance, although needed at the present time, will be even a greater benefit in the future, as our export trade increases, and a loan for this purpose can only be made for ten years. Ten years is but a small space of time in the life of a great city, and when we are limited to ten-year loans it has a tendency to narrow our vision. All our improvements should look not only to present but to future wants.

I do not believe in any delay about the commencement of this work. Labor and material are cheaper than for many years, and I am satisfied that the work will be completed within the appropriation asked for, because I have faith in our City Engineer. What work he undertakes is not only well done, but always within the estimate.

It is not fair to say that the present City Government are inaugurating vast schemes of improvement that will largely increase our debt. No new schemes have been proposed. A more complete system of sewerage is a *necessity* that every City Government has admitted for many years, and it has been discussed and considered in all its bearings. Previous City Governments have failed to provide for these improvements, and no one should be deterred from the performance of his duty by the cry of economy that is put in to block every improvement. Economy in providing for a perfect system of sewerage, where the health of our citizens stands in the balance, is false economy, and should not have a foothold in City Councils.

At the same time, I am satisfied that the death rate will not be reduced to the extent anticipated. The chairman of the committee on the part of the Common Council says that if the result is as favorable here as in European cities, there would be a saving in our death rate of 1332 lives per year, or during the seven years that the sewerage question has been discussed and the three years that it will take to complete it, the number of deaths from imperfect sewerage would amount to 13,320. If this is true the members of the City Council for seven years past ought to be indicted for murder in the first degree. It is an extraordinary statement and is strangely in contrast with the report of the Board of Health now issued. This report impresses in the most forcible language the *necessity* of this intercepting sewer in order to reduce the death rate and promote the health of our citizens; but if we turn from their report on sewerage to page 8 of the same work, under the head of Mortality Statistics we find the report is also very convincing that our present sewerage has very little to do with the death rate. These facts every citizen should make a note of. I believe in removing the nuisance from our doors—in removing the water from South End cellars if possible, for the occupants of houses at the South End, with water in their cellars because they were built too low, are among the most pressing for this new sewer—but I do not believe that our sewerage is so imperfect that it adds to the death rate very much. Most of the imperfections are to be found in house connections, and without proper house

connections no system of sewerage will be complete.

But to return to the report of the Board of Health. It is an amusing and instructive document. The section of the city where drainage is most needed is on the Back Bay territory. Drainage nuisances have existed there for years, but the death rate is only 14.1 in a thousand. It is the healthiest spot in the city—the healthiest spot in the country—the healthiest spot in the world, according to the report of our Board of Health. Do you doubt their figures?

The next healthiest part of the city, where the death rate is only 16.3 in a thousand, is between Milford and Camden streets; and east of Warren and Columbus avenues, as the Board of Health reports, "with a territory too low for drainage in some parts," and they might have added, with two and three feet of water in the cellars of a large number of the houses every heavy rain storm, and more pressure for sewers than from any section of the city, on account of water in cellars, the death rate is only 16.1 in a thousand. Compare the death rate in the leading cities of the country and in Europe, and there is no spot so healthy as this, with its 27,621 inhabitants—with its bad sewerage and wet cellars. The chairman of the committee on the part of the Council lives in this section, and he ought to know it. Will the death rate in that section be reduced about one hundred every year with the intercepting sewer? How rapidly we must increase and multiply in the future if this result is realized!

The next place where drainage is classed by the Board of Health as *very bad* in some sections and good in others, includes territory between the Boston & Albany Railroad and Milford street; the death rate is only 19.4 in a thousand. How can you account for this? Bad drainage, wet cellars, and a low death rate. This district includes the old Suffolk-street district, raised some years ago, and an Alderman of that day, who wanted a strong argument to advocate the measure, called for the death rate, and was surprised to find that even then it was classed as the healthiest part of the city. Are sanitary statistics to be relied upon, or have our citizens, distinguished physicians and professional gentlemen *been crowding on the back of our Sewer Department sins and omissions that do not belong to it?* Our Board of Health Report shows that the worst-drained sections of the city are the healthiest so far as the death rate is concerned. *Then why put it down to sewers?*

At the North End, where there is no complaint of drainage, east of Salem street and north of Prince street, the death rate is the highest—28.1 in a thousand. Will improved sewerage reduce it? The next highest death rate is in South Boston, below E street, drainage fair and death rate high—27.9 in a thousand. You might take every return of the Board of Health, and if their report proves anything it proves that our present sewerage has very little to do with the death rate. If you doubt this, read the report. I hope that no citizen will neglect to do it. Look carefully over this report, and you will find that the death rate is highest in thickly-settled localities, even with good drainage. When masses of human beings are crowded together in narrow streets and tenement houses, with scarcely sufficient food to eat or clothes to wear, with no breathing places where they live, and no breathing places provided for them, you must expect a high death rate, and no system of sewerage will save them.

The New York Journal of Commerce of the 3d instant refers to a recent movement in that city which our Board of Health had better make a note of. This paper says, "The city mortality bills are not so black as they were. A marked decline is noticed in the deaths of children, and this is attributed to so small a cause as the appropriation of \$5000 to pay for the services of out-door physicians. These doctors visit the tenement houses, and see and prescribe for the sick children of the poor. By their timely aid, it is said, they have much reduced the deaths from infantile diseases, although the mean temperature of the city last week was two or three degrees higher than that of the week previous. If \$5000 laid out in this way," continues the same paper, "can produce such benefits, why not expend more money in the same kind of visitation? The city spends hundreds of thousands a year in keeping an army of idle paupers on the islands. If the lives of these useless creatures are worth so much, it would seem only logical to spend a few extra thousands in saving from death the children of the poor la-

borers who are not in prisons and almshouses, not having qualified themselves by crime or habitual drunkenness to be the recipients of municipal protection and favor."

I believe in the intercepting sewer because it is a continuation of our present system, and removes this nuisance miles away from our homes, and I believe that we can afford to commence and complete the work. A statement has gone forth that the limit of our city indebtedness is only \$2,700,000. The Auditor, who carefully watches the expenditures of the city, made the limit for increased loans, a few days ago, \$6,900,000, after consulting the City Solicitor, and this is our official authority in the matter. During the next five years, while the sewer is being constructed and paid for, \$6,861,505 of city indebtedness will mature, already provided for by our sinking funds, and if economy is maintained in every department of the City Government, we will reduce our debt, during the next five years, instead of increasing it, even with this expensive scheme of improved sewerage in full progress. These facts are to be found in our Auditor's report, and citizens should consult this report and see for themselves.

There is no truth whatever in the statements that have been made that the City Government is running the city hopelessly in debt. The debt is being paid off faster than it has been or is likely to be created. If the truth is fairly stated it might be said that we have the courage to commence improvements that for years have been considered essential to the health and prosperity of our citizens, and feel assured in doing so that our debt will not be increased. During the past financial year, for instance, we have paid \$2,275,338 of funded debt from our sinking funds, and \$84,329 unfunded debt from unexpended balances; in all \$2,359,667, and have created debt amounting to \$2,017,000. For what? For an additional supply of pure water, and have reduced our debt \$342,667 while this improvement has been in progress. The same results will follow while the work of improved sewerage is going on, if economy is practised in other departments of the City Government. Financially we are in a good position to commence and complete this work.

This work is also a work of labor. It puts money in the pockets of men who have been very much distressed, for some two years past, by the suspension of public improvements and the depression of business. It will give them nearly \$4,000,000 to provide for their families—it will be distributed among our citizens who are most in need of employment—but it will not remain in their pockets for any length of time, for it will soon seek the channels of trade and be distributed among dealers in merchandise, owners of real estate, and our citizens generally will reap the benefit. The policy of suspending public improvements, of delaying works of necessity that must be built, just because the times are depressed and thousands out of employment, is a wrong policy for the city, State or nation. Great Britain, France and other countries in Europe know better and pursue an entirely opposite policy. When the people are in want of work, the city should do all in its power to give them employment. It seems very strange to me, when men stand up in the City Council and say that such and such improvements must be made, but the present year is not a favorable one to commence the work, on account of the depression in business. Now, I believe that it is no time to economize and retrench, and postpone public improvements, when men are idle and their families want bread.

I do not believe in the statement made in the last report of the Board of Health, "that the moneyed men of Boston are to bear the expense" of this sewer. I am surprised that any such statement should be made. Every citizen contributes to the building of this sewer. Our moneyed men are liberal and generous and high-minded citizens, but I have not heard that they have made any donations for it. One ward of the city, Ward 10, paying taxes on \$112,278,100, will pay for one-sixth of this sewer. Four wards of the city, 6, 10, 11 and 12, paying taxes on \$310,981,300, will pay for one-half of this sewer. Eleven wards of the city, 6, 7, 9, 10, 11, 12, 17, 18, 21, 23 and 24, paying taxes on \$510,232,200, will pay more than three-quarters of the expense of this sewer, and fourteen wards, where reside our largest population and where sewerage is most wanted, will pay less one-quarter of the expenses of this improvement and of all improvements. Were the Aldermen

aware of the fact that a comparatively few wards of the city pay more than three-quarters of all our taxes and three-quarters of all the expenses of public improvements? Wealth centres in certain business localities, and a very small section of the city pays a very large proportion of our expenditures.

It is only a week or two ago when an attempt was made to prejudice the public mind against East Boston by a statement showing that she now received from the public treasury more than she paid in the way of taxes. The statement was unfair and unjust, because *eighteen other wards were precisely in the same position*, and seven wards only pay more money into the treasury than they receive from the treasury. Our city expenditures for six years will average some \$15,000,000 per year, an average of \$1,250,000 for every 30,000 inhabitants; and when 30,000 inhabitants only drew \$304,000 from the treasury, according to the statements published, the injustice to East Boston is plainly seen. The crime of East Boston was that with more than one-twelfth of our population she drew from our treasury one-fiftieth of our expenditures, and the wealth of the city must be combined against her because she asked and obtained for her citizens a free avenue to their homes. We should remember that our institutions are based on manhood and not on wealth, and that all citizens pay directly or indirectly their full share of all public improvements. The poorest citizen, who is only assessed for a poll tax, who performs faithfully his duty, whose integrity and honor have never been impeached, has rights that all are bound to respect—has a voice in the affairs of the city, in the affairs of the State, in the affairs of the nation. equal to the wealthiest.

How is it that so few wards of the city pay so large a portion of our taxes? Wealth centres in certain business localities, but what would this wealth amount to if the suburbs of the city, where we get but a small amount of direct taxes, did not contain 250,000 consumers? Why, these consumers are the life and substance of the business and the trade and the wealth of these rich wards. These 250,000 consumers have to expend every year, for the necessaries and, perhaps, the luxuries of life, for something to wear and something to eat, at least \$100,000,000 among these wealthy wards, where the goods and merchandise are distributed, and it is from the money expended by them that these wards pay so large a tax. Our magnificent and costly retail and wholesale warehouses would be mere empty shells without these 250,000 consumers around them. Taxes come into our treasury directly from the large taxpayers, but indirectly it is the people who will pay for this sewer improvement, and who pay for all improvements. This is as it should be, for a complete system of sewerage is for all, and every citizen should cheerfully bear his part of the burden. I hope the order will pass by a unanimous vote.

Alderman Robinson—I have listened with a great deal of attention to the remarks of the chairman of the Committee on Improved Sewerage, and also to those of the Alderman who has just taken his seat. They have been members of this Board two years, and probably understand this question as well as they will or probably could with any further investigation; but I have known little or nothing about it until within the last fortnight, and amid the duties which have devolved upon me I have not had time to investigate the subject properly. I hope it will not be pressed to a vote tonight without giving those who have not been long in this Board, and the public in general, a chance to understand what they are voting for. In the order to the commission I do not see one single recommendation to ascertain from a practical chemist what can be done with the sewage to the best possible advantage. The whole instruction to the engineers seems to have been to get rid of the sewage in the best way they can and spew it out into the ocean. I have a communication here—which I will not read, and which was handed to me a few moments before I came into this meeting—showing (and the statements therein controvert some of the arguments used by my friend, Alderman Burnham) showing that sewage put upon the soil pays ten times over what it cost. I see no reason why something of this kind cannot be done here, and why it should not have been provided that a practical chemist should be added to the commission to take his views upon the

subject of improving the soil by returning to it what we take from it. I suppose that every gentleman around this Board and in this room will understand that almost everything in nature—everything that has life; the clothes we wear, the shirts to our backs, the boots to our feet, these desks, tables, and everything—all came from the small portion of the earth, some two or three feet deep, as may be, which forms what is called the soil. All vegetables, trees and animals came from that little crust of two or three feet that forms the surface of the earth, and the laws of nature in that are just as immutable as are the laws which govern the purple currents that flow through our veins in order that our lives may go on. I think it is Pliny who says that this earth brings us forth at our birth, nourishes us through life, and strews our paths with flowers, and at last receives us into its bosom when our career is ended. I might say in addition to that, that it furnishes the flowers for our friends to deck our graves, to show that we are not forgotten. Now I say that, with a city of 350,000 inhabitants—which, with the natural increase of population, will be more than doubled within twenty-five or thirty years of this time—there should be added to that commission some person who will take a view of this matter from the standpoint of a practical chemist, and see if the sewage of this city cannot be returned to the land instead of passing it out to the ocean—to see if anything has been discovered that, by and by, the citizens may be willing to avail themselves of. This commission, as I say, has taken but one view of the subject, and the committee; but when the gentlemen around this Board are called to vote something like four millions of dollars, it does seem to me that a measure of this kind ought not to be hurried through the first time it is introduced into this body, for we may regret it. By the improvements in machinery we are enabled to produce any quantity of manufactures and merchandise of any description; but there is an immutable law of nature that, when you take a certain amount from this soil, if it is not restored, the soil becomes deteriorated just so much. If we should go back—if I may be permitted to allude to them—to some of the ages of the world; if we go back to the history of the time, we will say of the Pharaohs, and look at the delta of the Nile, which brought the overflow taken from it, the rich, fatty vegetable matters which used to rise in the mountains of Abyssinia, and all those lakes in the interior of Africa, and rushed down and covered that whole valley of the Nile to a depth of some fifteen cubits—or thirty-one or two feet, if I recollect aright—you will find that the crops of each year depended upon the amount of that overflow of the delta of the Nile; and when they found that fifteen cubits went over the land of that region, they were sure then that large crops would arise. That region was then the granary of the world—when Rome and Carthage were the great cities of the world—and it furnished the whole of them,—and when the overflow of the Nile reached twenty feet there was prosperity, and joy went over all the land of Egypt. Could a person at that time have stood in one of those magnificent cities, such as Thebes or Memphis, teeming with millions of population, and supposed that in the lapse of time those two cities—which were beyond Rome in the utmost of its grandeur—could have become by today simply a place for the temporary refuge of Arabs, and the permanent abode of hyenas, jackalls and birds of prey? Yet such is the fact; and where was a population teeming with wealth derived from the soil of those rich mountains there is today nothing but a sandy desert. Imagine that today the State of Massachusetts was enclosed by a wall, and that nothing could go in or come out. Here are less than a million acres of arable land in Massachusetts. I don't exactly know how much it takes to support each individual, but writers on the increase of population state that it doubles once in twenty-five years. Does anybody tell me today, that with the increase of this present population of Massachusetts,—having nothing to draw from but the soil, and the soil being exhausted by the rivers and cities, and by everything, that the soil, twenty-five years from this, could support double the number of people that there are in the State today, when the soil is now growing less every year, and when ships are being sent to the other side of Chili to restore what is taken off by this population? I said I had a communication which I

would not read; but I have changed my mind, and with the consent of the Board I will read an article in the American Cultivator, which was handed to me about half an hour before I came into this hall. It is on the subject of sewage for irrigation:

"Passing on to Great Britain we find that the meadows near Edinburgh, some of them arid and worthless, have, by being flooded with the sewage of the city, risen to enormous values, and are annually let, by public auction, at prices varying from \$75 to \$150 per acre. The results at these meadows proves that fifty to eighty tons of green food may be raised to the acre; and that, on the high level, the present average rental per annum is upwards of \$80 per acre; the sea-meadows, which were worthless twenty-five years ago, are now held for sale at \$2500 per acre, while on the old meadows the maximum annual rental is \$100 per acre. Land on the Clipstone meadows in Nottinghamshire, previously worth \$1 rental, now brings upward of \$60 per acre annually. Pusey meadows, not formerly renting at over \$1 per acre, now produce six heavy crops of grass per annum. Myre-Mill farm in Ayrshire cuts seventy tons of green grass from one acre in six months. Canning-Park farm produced, at several cuttings during seven months, a total length in growth of grass of 14½ feet. Sewaged land at Barking produced forty tons of rye grass per acre, equal to sixteen tons of hay, in a single season; also at the rate of forty-three tons mangels, in a dry season; fine crops of cabbage, onions, turnips, rye grass, clover, oats and wheat were grown, comparing in its vegetable product very favorably with surrounding market gardens, that received as much as fifty tons per acre yearly of solid manure. This farm produced crops in value ranging from \$150 to \$350 per acre, while the average of the farms of Great Britain is less than \$20 per acre. At Hornchurch each crop receives five to seven floodings of sewage, and when neighboring farms and market gardens proved failures, owing to excessive drought, the crops there proved abundant and luxuriant; fine vegetables, fodder corn, roots and Italian rye grass were grown, the latter being cut six and seven times during the season. Rental and value of sewage land increases year by year; the average annual value of the Edinburgh meadows illustrates this fact, while land near Croyden, worth, unsewaged, \$7 rental per acre, commanded \$25 when sewaged, and after the first seven years was let on a long lease at \$45 per acre annual rent. Such facts are worthy the careful attention and investigation of public authorities."

Now, gentlemen, I said I did not know much about this subject, and I want an opportunity to study it, and converse with the City Engineer, for no person around this Board has a better opinion of his ability and honesty of purpose in this matter than I have. But I know that he and this commission were only employed to show us the best way to get rid of the sewage, so that there should be no offensive smells in the city; and there was not anything in the instructions of the Mayor or the order of the Board of Aldermen, anything that requested or imposed upon them the duty of seeing if this sewage could be utilized. Now, there is another thing that I notice—a tunnel; and in another direction a siphon. It is all vaguely left in my mind. I may alter my mind; but I wish to know why a tunnel or pipe could not be placed on the lowland on each side of the channel, and then the siphon take it up and carry it out on the other side, and save four or five hundred thousand dollars' expense. I may change my mind, but I ask that I may be allowed time to look into this subject. I therefore move to postpone further consideration of the order to four weeks from today.

Alderman Wilder—I hope the motion to postpone will not prevail. After the very full and lucid dissertations that have been given us upon the subject of sewerage, I don't propose, Mr. Mayor, to take up the time of this Board by going over the matter again. I merely rose to set right the Alderman who last addressed us, to give him some information that, it seems, he has not fully received. He tells us that he believes the Committee upon Improved Sewerage have carefully and faithfully attended to their duty and given the subject all the attention that its importance demanded, and that he believes they would not be able to know anything more about it at any future time than they do now; and I thoroughly agree with him upon that subject.

Alderman Robinson—I beg pardon; I said the committee.

Alderman Wilder—I referred to the committee only, Mr. Mayor. But he tells us he desires an opportunity to talk with our valuable City Engineer, in whom he has the utmost confidence, to get his views upon the subject. Now, as a member of the committee, I desire to state, for the information of the gentleman, that I have had a good many hours' talk, in connection with the committee, and when I have met him alone when the committee were not in session, upon this very subject. I wish to state also that the criticisms passed upon the report, by the Alderman from Ward 21, who seemed to carry the idea that our own Engineer had been ignored in the matter, was not just to the Engineer. I wish to state, unqualifiedly and positively, that on more than six different occasions, and in conversations, our City Engineer has most thoroughly and heartily and entirely approved of and indorsed the present system of intercepting sewerage before this Board. There is no question about that. Then, again, I am free to say that the committee have not devoted a great deal of time to the investigation, by chemical analysis, of what might be done with the sewage of the city for fertilizing purposes. But they have provided, in this system, the ways and means of utilizing all that science may find out and determine in that connection in the future. A tank like that at a point so distant from the city, chemical apparatus, and the handling of it for the purpose of fertilizing the earth, are as fully and entirely provided for as could be. I wish to state this point particularly for the benefit of the Alderman who last addressed you—that whatever science, in the future, shall determine may be done with sewage for the benefit of mankind, is fully and wholly provided for in this scheme as it is possible for human ingenuity to do it. Every gallon of sewage in the tank may be precipitated in the ocean or spread out on Squantum Head, or on any other territory, where agriculturists believe that seventy tons will come up where one is spread out. I merely rose to state those facts. I certainly hope the motion to postpone will not prevail, but that we shall, now and here, unanimously complete the work so well begun and so nearly finished, and that is so thoroughly needed and demanded by all classes of our citizens who have expressed an opinion upon the subject.

Alderman Robinson—The Alderman stated that everything in the shape of human ingenuity had been attended to in this report. I am not so sure of that.

Alderman Wilder—I beg leave to correct the gentleman. I said that everything had been done that human ingenuity could invent to preserve the sewage at a point where it could be chemically treated in the future, if science proves it is worth treating.

Alderman Robinson—I accept the Alderman's explanation. It does not change my idea in the matter at all. He says this thing is carried to a certain point. There is a question of precipitation and irrigation. Now I have had a great many engineers, chemists, and other parties employed in my business operations, and I have found that you had to tell them all just what you wanted them to do, and that even men of common sense, having no knowledge of science, could suggest something to those scientific men and engineers that they have not thought of before, and they would turn it to effect. I don't know anything about sewage, or how much the sewage loses that passes through this siphon; but there are some facts of value in the paper that I have read. It seems to me there might be one or two points as general receptacles for this sewage to collect, and let the top of it, which is simple water, go off into the stream, and then in a short time it might be sluiced off into some sort of a place where it could be deodorized at an expense of a few thousands a year, so that all the dangers of its being placed upon that spot could be avoided and the sewage be utilized. But I know nothing of this. I only ask, as a member of this Board, that I may have an opportunity to understand this matter, because, if obliged to vote tonight, I shall vote against it, and I do not want to be obliged to do so.

Alderman Burnham—If I thought that the gentleman, having made as little opposition to this measure as he seems to have done, would give the measure his vote, I don't know but

I should consent to the passage of the motion he makes; but I hardly think that of a gentleman who takes such strong ground as that if it comes to a vote he must vote against it. But if it is in my power I will undertake the task of enlightening him and bringing him to a proper understanding of this matter.

Alderman Robinson—I will modify my motion and make it two weeks.

Alderman Burnham—I should be willing to undertake the task of enlightening him, whether the motion passes or not, and save him the trouble of reading the communication. I hold in my hand a volume entitled "Purification of Water-Carried Sewage," published in London in 1877, and prepared by Henry Robinson and John Charles Meliss, of the Institution of Civil Engineers, in which all matters pertaining to the very city to which the Alderman from the Dorchester District has referred are spoken of; and it seems to me—if I understand it aright, from hastily reading it—that that place [Croydon] is, after all, a very good illustration of the great labor and difficulty imposed upon us in this matter of disposing of sewage, and can hardly be used as an illustration of the gain to be derived by irrigation, of which the Alderman speaks. The author of this work says—

"The anxieties of management have been realized to a full extent, and, after experiencing various vicissitudes, the farm is again thrown on the hands of the local board and its officers."

By the way, I may remark that this Croydon Farm is one of small capacity, and a very small portion of it was taken for irrigation:

"As far back as the year 1857 the authorities of Croydon, under pressure from the Court of Chancery, sought the purification of the sewage of the town by its application to land. They commenced with fifteen acres to utilize two-thirds of the sewage, but this resulted in the creation of a serious nuisance. Three years subsequently 300 acres of land (known as the Bedlington Meadows) were taken on lease."

We should require ten times as much to dispose of our sewage. But with reference to the Croydon Farm, the expectations of the managers not having been realized to a full extent, they having encountered various vicissitudes, the author finally sums up by saying that the farm is now thrown again upon the hands of the management and has not proved so much of a success. It speaks of sewage irrigation there as a complete success as a deodorizing and cleansing process; but the principal crops were grass, mangold-wurtzel and watercresses.

"Of these latter the commissioners say, 'Watercresses, too, have proved here an excellent crop for sewage, not only from the profit derived from them, but from their cleansing powers upon the dirty liquid.' These watercresses find their way to the London market, and have been complained of by the late Dr. Smee, F. R. S., as carriers for disease germs."

I cannot think for a moment that the Alderman would stand up for any scheme in which would be found any productions of this irrigated land which were good conductors of disease germs. In reference to Croydon, this matter created so much prejudice in the minds of the people where the products of the farm were carried that the efforts of the Croydon Sewage Company—that is what it is called—has proved a failure, and the farm has come back again into the hands of the local board, because there is so much difficulty in obtaining remuneration from the products. Speaking of this, Dr. Carpenter says—

"It will be seen that a local board labors under very great disadvantages in carrying on a business like a farm. The wages sheet alone will prove this, for there is no one whose pecuniary interest it is to keep down the expenses. Idle hands are retained, and every man's hand is against the local board, and in favor of the private individual, whilst the managers themselves, as soon as they become aware of the work that is before them, make violent enemies of those men whom they have prevented from fattening on the rates. But they make few active friends among the better class of the community, who decline to take part in local politics. The result is that at the next election the management is changed, and most of the advantages of former experience are lost."

Now, Mr. Mayor, I have dwelt upon this somewhat at length as a specimen of the carrying on of irrigation farms for the use of sewage in large

cities; and I feel that I made none too strong an assertion when, in presenting this matter, I said that there is no existing method for utilizing sewage that can be adapted to Boston. It is a true statement; and although this matter should lie upon the table two or four weeks, in order to allow an investigation of the irrigation system, it must lie there long enough for some one to discover that irrigation cannot be attempted in the disposal of our sewage. While I am up I wish to say a word in reply to the gentleman who so ably seconded the passage of these orders, and who seems to have done an injustice to the committee and the City Engineer. He says that the engineer was not requested to make a definite statement in regard to this thing. Now it seems to me that this engineer, if he says anything, says that the most favorable point for the discharge of the sewage is at Moon Island, and the reasons for this are that—

"Moon Island is remote from any considerable population, present or prospective; therefore, neither the presence of the reservoir nor the discharge of sewage there can have any effect upon the value of real estate. The sewage will enter outside the inner harbor."

Now, I understand our City Engineer to have unquestionably committed himself to the flowing of the sewage into the channels (according to the plan before us) which run out from Moon Island, and that it has been proved not only by pole floats, but by surface floats, that this is the most favorable channel that can be found for the outflow of sewage. He is also very decided about the pumping station. He says it—

"Is also remote from any lands that would be liable to be depreciated by its presence, and is such that ample room can be had at moderate cost."

Two very important things. There might be another scheme as favorable as this, for instance the one for carrying it to South Boston; but the establishment of a pumping station there, he thinks, will have a bad effect upon the value of real estate in the neighborhood; whilst at Old Harbor Point the land will cost only \$200 an acre, and perhaps not so much as that. Then, again, I understand the Engineer to say that a point really gained in this scheme is that its construction will not interfere with public travel except at one or two points. Then he sums up with various other things having to do with the tunnel, and unquestionably pronounces himself in favor of this system.

Alderman Robinson—I have not said one word against the intercepting sewer. My argument has been for utilizing this sewage, with the single remark that I believed this tunnel that goes down a hundred feet, with a shaft sunk a hundred feet, and then running across more than a mile and a half, and there is another shaft to be taken up one hundred feet on the other side, and running partly through clay and partly through rock, which even Professor Shaler—a gentleman with whom I had the pleasure of travelling in Europe, and who I know to be as good a geologist as there is in the country—says the examination of is attended with difficulty. Those are substantially his words. I say that an enormous expense may attend the construction of that tunnel. In regard to the value of the sewage, here is something which I did not read before, but which I will read now:

"To feed the population of Boston for one day requires the annual product of about 2000 acres, or at least that of 600,000 acres for one year's supply. To feed its horses for one year would require the growth of 80,000 acres more, or a total of 680,000. The whole State of Massachusetts has a cultivable acreage of but 912,521 acres, so that in less than one year and a half the manurial results of the consumption of an amount of food equivalent to the total farm products of this State are washed from the sewers of Boston and wasted in the sea. A crop grown on an acre, if consumed on that acre, will fertilize it; hence, if each individual consumes the product of two acres, it follows, if it were practicable to utilize all the constituent elements of waste, that the sewage of Boston should fertilize at least 150,000 acres."

This is a little different from the three thousand acres that the gentleman spoke of. Now, gentlemen, in regard to expense, there is one thing I have been accustomed to believe—that if an amount of labor will produce an equal amount of money, that turning the labor into money is the true system of economy; and if it can be true

that by utilizing that sewage, by spreading it on the soil and disinfecting it, so that farmers will come and carry it away, so that no bad consequences will follow, and we shall avoid the enormous cost of this tunnel,—I say it is the duty of this day and generation to look to the future and prevent what has been done in the past. The reason I made the motion is because I want to vote understandingly on this large appropriation of nearly \$4,000,000; while I do feel that I cannot conscientiously vote for it until I have had an opportunity to look into this matter.

Alderman Clark—I do not propose to say much at the present time in advocating the passage of this order. I believe that the Board have made up their minds fully, and that all the arguments for or against will not change the opinion or vote of a single member. I believe now, as I have always believed, that the health of the city requires that something should be done to improve our sewerage. I have believed so for a long time. In 1875 it was deemed advisable by the Board of Aldermen to appoint a commission to investigate and report upon the best method of improving the sewerage of the city—and I believe that the judgment and opinion of our City Engineer was taken in regard to who should be put upon that commission. With all due respect to the opinions of the Alderman from Ward 21, I believe this to have been one of the wisest provisions and conditions under which this or any other City Government should have undertaken a great public improvement. It would have been an exceedingly unwise thing for the City Council to have undertaken to improve the sewerage of this city of three hundred and fifty thousand inhabitants—and growing so rapidly that in fifty years we shall number a million—simply upon the opinion of one man, however eminent, Mr. Mayor, he might be in his profession. Therefore, it was a wise conclusion and determination for the administration of 1875 to come to, to appoint this commission, consisting of Mr. Chesbrough of Chicago, acknowledged to be the most able man in this country upon the subject of drainage, he having been the City Engineer of Boston for many years, knowing the localities of the sewers and familiar with all the opportunities for improving its sanitary condition—and associating with him another eminent engineer—probably at the suggestion of our own Engineer, Mr. Davis,—namely, Mr. Lane of Milwaukee; and also putting upon it the Secretary of the State Board of Health, Mr. Folsom, a gentleman who has made sanitary science the study of his life. I say it was a very wise thing for the City Government to appoint this commission. The City Government of 1875 did not ignore the valuable services of our own City Engineer. He was consulted and his advice accepted, and the report of the commission was the result. How was it, Mr. Mayor, when we wished for an additional supply of water? Did we rely upon our own Engineer and the employes in City Hall? Not by any means, sir. We sought assistance from outside; and where did we go? We went to a party who was superintending the water works at Lowell; and after a long and careful survey a report was made that the most feasible supply could be obtained by taking Sudbury River; and that report was made by our present City Engineer. So, then, the criticism upon the City Government of 1875 is unjust; but they would have deserved severe criticism if they had gone into this expenditure without having given it the most careful consideration, and that by the appointment of such a commission as was appointed. So much for the City Government of 1875 having ignored home talent.

I have listened with a great deal of pleasure to the able manner in which the chairman of the special committee has advocated the recommendations of the commission and the City Engineer, because I had supposed, Mr. Mayor, that he might have differed somewhat with the committee in the plan for sewerage of the city. I also listened with a great deal of pleasure to the Alderman from Ward 21; but I was puzzled during most of his able speech to tell whether he was in favor of this measure or opposed to it; and had it not been for his closing remarks I should have asked, with the Alderman from Dorchester, for a postponement until I could find out. But it gave him a glorious opportunity to criticize the Board of Health—an opportunity he never omits to improve. If it is a fact that our worst drained territory is the most healthy, then

it is not consistent for him to advocate this expenditure of three or four million dollars. If it is a fact that where the foul air arises, and that the parts of the city which come most in contact with poor drainage are the most healthy locations, then why should he advocate the expenditure of this large amount of money for the purpose of improving the sanitary condition of the city? I can answer for the territory in the neighborhood of the Back Bay and Charles River, that during the most unhealthy periods of the year, seventy-five per cent. of the inhabitants are in the country, away from the ill effects of this miasma, as you all know. I presume that is the case at the South End; while at the North End—the places which he cites as being the most unhealthy (as reported by the Board of Health), bordering along the margin of this great open sewer, which takes the sewage from the North and West ends and carries it around the northern parts of the city—the people spend their summers in town, and get the bad effects of this incomplete sewerage; and that is what has caused the high death-rate in the localities at the North End. How it is in South Boston I am not prepared to say; but I have had an idea, however, that the sewerage there is very bad. I know that the smells arising from the low property in South Boston are exceedingly bad; and you will bear me witness, Mr. Mayor, that I have done all in my power to improve forty or fifty acres of that area, so as to help the citizens of South Boston to purer air and a more healthy state of things. No one can go over Dorchester avenue by the iron foundries of Washington Village without putting a handkerchief to his nose—unless he has a stronger stomach than I have—on account of the smells arising from the marshes. A large portion of the population live along that locality, and I guarantee that there is where you will find the highest death-rate in South Boston. That accounts for the statement of the Board of Health, that in these wards there is a high death-rate. It is because the people are mostly at home during the sickly season, while in the sections complained of by the Board of Health the inhabitants are in the country.

I was very glad to hear the Alderman make his comparison of the island wards with the other wards of the city, because I have myself felt that the comparisons made in the public prints, by those who oppose free ferries, were an unjust reflection upon East Boston; and I had stated that in my opinion you might take the Dorchester, West Roxbury and Charlestown Districts, and various other wards of the city, and compare the income derived from those sections with the money expended in them, and the result would be precisely the same as with East Boston. And another thing I may say right here—and I make this statement for the purpose of making a personal explanation to the Board in regard to this matter of free ferries and my action thereon: I was inclined to believe that it was nothing more than just to the people of East Boston that they should be furnished with precisely the same facilities that we furnish other sections of the city; that it was wisdom to remove, as far as possible, all taxes and restrictions upon commerce, and that the future prosperity of the city would be best promoted by making the ferries absolutely free. That was my opinion, and I was backed up by hundreds and thousands of the best business men of the city of Boston.

Alderman Viles—I would like to inquire if the gentleman is not out of order?

Alderman Clark—I have asked leave to make a personal explanation, and if the Alderman objects I will not proceed; but as long as East Boston has been alluded to in such an eloquent manner by the Alderman from Ward 21, I should like the privilege of stating my reasons for voting for free ferries, because I shall probably not have another occasion to do so. I find that my opinion was backed up by the letter, Mr. Alexander, the agent of the Cunard steamers—a gentleman who has done more than any one else for the commerce of Boston during the past five years—and by every man in Boston engaged in shipping including some of our best merchants, among whom were his Excellency Governor Rice, ex-Governor Claflin, a large taxpayer and merchant, and the whole of State street, representing a hundred millions of capital, came here and asked for it. I then turned to the proceedings of the Board of Aldermen of 1871, composed of such men as Henry L. Pierce (since Mayor of Boston and member of Congress), Charles E. Jenkins (chairman),

Samuel Little, Nehemiah Gibson, George W. Pope, Leonard R. Cutter, Avery Plumer and various others, and I found that in 1871 the subject of free ferries was voted upon and passed unanimously by the Board of Aldermen. I find therefore, that I am backed up in my opinion by a very able Board of Aldermen. The report in favor of free ferries was made; it was printed and laid on the table for a fortnight, and not a single man opposed it; not a single remonstrant appeared; not a single word was said against it previous to the action of the Board of Aldermen, when it passed unanimously. So that I contend, Mr. Mayor, and gentlemen, that I and every member of this Board of Aldermen had a right to presume that a large majority of taxpayers and business men of Boston were in favor of that measure. So much for free ferries—and I am done with them.

Now, Mr. Mayor, I am in favor of the passage of this order for a system of improved sewerage. The subject has been before the people for twelve months, and I believe it is just as well understood today as it will be two or four weeks hence. And, furthermore, I believe that the report of the City Engineer is precisely the report of the commission. I can see no difference. Mr. Davis says in the appendix to the report of the committee—

“The investigations have now been carried so far that I am in position to recommend a definite scheme, and to give a preliminary estimate of its cost; and, understanding that it is the wish of your committee that a report should be made at once, I respectfully submit the following.”

And again, “All the schemes are alike in their main features, and correspond with that proposed and recommended by the commission appointed in 1875 to report upon the present sewerage of the city, and to present a plan for its improvement.”

And then going through with the various schemes, he winds up by saying that he is in favor of the Moon Island project as being the most feasible and economical, giving as a reason therefore that by carrying of the sewage to any point nearer than Moon Island we shall not obtain the result for which we are at work.

So far as utilizing the sewage is concerned, if I understand aright, Mr. Mayor, it has never been tried with success in any of the large cities of the world. It may have been successful to a small extent; but it is not practical on a large scale. London has not adopted it to any extent, and it has proved a failure there, as I understand by the report of the commission. Furthermore, Mr. Chesbrough says—

“The process of utilizing sewage for manure has not proved remunerative; but if the time comes when, by an advance in our knowledge of agricultural chemistry, sewage can be profitably used as a fertilizer, or if it should now be deemed best to utilize it, in spite of a pecuniary loss, it is thought that the point to which we propose carrying it will be as suitable as any other which can be found near enough to the city, and at the same time far enough away from it.

“The third way is that adopted the world over by large cities near deep water, and consists in carrying the sewage out so far that its point of discharge will be remote from dwellings, and beyond the possibility of doing harm. It is the plan which your commission recommend for Boston. The work will require a large sum of money, but no larger than has been expended by other cities for the same purpose; only two-thirds as much as the city of Frankfort-on-the-Main has lately appropriated for their sewers, and a small sum when we consider the benefits which will come from it.”

So that the subject of utilizing the sewage was as fully considered by the commission as it has been by the committee and the City Engineer. The commission were of the opinion that it could not be utilized to advantage, and I understand that to be the opinion of the committee and the City Engineer. I understand, furthermore, that the opinion of the City Engineer is, that if we wish to have a complete system of sewerage, the scheme recommended by the commission and the committee is the only one that should be adopted by the city.

It has been suggested by some that it is not necessary to go down a hundred feet to build a tunnel under Dorchester Bay, and that for a few years it might be well to empty the sewage into Neponset River at the pumping station, thereby avoiding, for the present, the expenditure of a million dollars, more or less. But then you will commence the same trouble upon the shores of South

and East Boston and Dorchester that you now have upon the shores of Charles River, because the accumulation of filth will not be carried out to sea by the tide; and the nearest point at which that can be done has been shown, by the surveys, to be Moon Island. That is the scheme recommended by the commission, the committee and the City Engineer, and if we should discuss it for six months we should finally base our judgment upon the opinions of the men who understand the subject and not upon our own. I do not believe the utilization of the sewage is practicable at the present time. I believe the scheme recommended is a practical one; and although it will cost a large amount of money, the expenditure will be distributed over a number of years, and the interest paid annually will be so small and the advantages so great, that I shall exceedingly regret if it is delayed even for the present season. I therefore hope that the orders will be passed unanimously tonight. I regret that the occupants of two chairs are absent, because I think we should have their votes in the affirmative.

Alderman Viles—The Alderman, in his remarks, took occasion to say that the death rate at the North End was increased by the flow of sewage from the South End and out of Charles River to the channel. I have resided at the North End for the past twenty years, and never experienced any difficulty from the sewage flowing by there. I have never heard any one complain of it, and I don't believe any person ever lost his life from that cause. The only trouble we ever experienced there was from the gas house, when they have been flowing off the tar. Our death rate there has not been increased by the sewage.

Alderman O'Brien—The criticism on the appointment of the Sewerage Commission was not unjust, because it was true. When the Mayor of Boston saw fit to select the City Engineers of Chicago and Milwaukee, as a citizen of Boston I think I have a perfect right to criticise his action, and say that a hundred—well, perhaps fifty—engineers of equal ability are right around us. I did not say that all this business should be intrusted to our City Engineer. I said we had able engineers in the city of Boston—as able as any they have in Chicago or Milwaukee—and I believe in using our home talent. When we have a work of this kind to do I believe in calling in these men to lay out plans and undertake it, and not in going to Chicago, Europe or any other place to make our improvements. This is the place where it ought to be done, and we have the material to do it with. Again, the City Engineer has never indorsed this plan. He has never been called on to indorse it. The Alderman says he supposes the Engineer indorsed the appointment of this commission. I never like to ask the Engineer about his opinions—what he indorses and what he does n't indorse. I merely take his opinions from his document. So far as I know, it has always been understood that he, and no other man connected with the sewers or engineering of the city of Boston, has been consulted in this matter. They had to go outside; and if the Alderman believes in going outside, I must take the responsibility of differing from him. I don't believe in going outside. I believe we understand our own affairs better than any one outside can understand them. I am aware that Mr. Chesbrough was the engineer of the City of Boston; but for fifteen years he has n't resided here, and during that time all these complaints about sewage have been made. Again—I had no desire to criticise the Board of Health; but I took their tables and gave them credit for publishing a valuable document. I am ready to stand by the Board of Health any time when they do justice. I say the Sewer Department of the City of Boston has been quietly carrying a load for years. I have been in that department two years and know how faithfully the work is done there, and how important it is. But, in order to carry a measure of this kind through, falsehood has been asserted, and it all has been laid to sewerage. The charge has been refuted, too, and I thank our Board of Health for coming out and showing the falsity of the statements made, month after month and year after year. The sewerage of Boston is as perfect as that of any city in this country, and I mean what I say. Compare the sewerage of Boston and Philadelphia—Philadelphia is fifty years behind Boston; Baltimore is 100 years behind us, and we are ahead of New York in sewerage. All that we want—and the Alderman will not vote for it more cheerfully than I—is this intercepting system of carry-

ing off the material from our homes. Boston covers a small area, and our water front, where those sewers empty, covers a small space. Boston is thickly populated, and therefore I say we ought to provide some way to carry off this material from our homes. But I repeat that in doing so I should never vote for this measure. I should never rely upon the exaggerated stories of the high death rate in Boston to induce me to do so. I think it is wrong to stand up here day after day and year after year and talk about the death rate of Boston, frightening men and business from our city; and I shall be glad when this sewerage question is decided, for it will take such reports from the public prints. The gentleman talks of the introduction of water. What did we do to get that water? Why, for two years before the introduction of Sudbury River, this city was threatened with a water famine. But as soon as the appropriation was made we never heard one word more about it, and the city today, and for the past two years, has been relying precisely on the same conduit which it was said that unless we passed that appropriation would cause a water famine. But the famine has not come, Mr. Mayor, and it subsided as soon as we passed that appropriation. And when we pass this appropriation for sewers all the talk about our immense death-rate and everything of that kind will subside.

Alderman Clark—Mr. Mayor, I regret exceedingly that the Alderman from his ward [Alderman Fitzgerald] is not present to hunt up some of his speeches, because, if I am not mistaken, I think no Alderman has talked so loudly about the high death-rate of Boston as the one who has just taken his seat. He says that "having accomplished that purpose, the death rate suddenly disappears." I am at a loss now to know whether he is in favor of this system of sewerage or not, because he says that as soon as this appropriation is passed all occasion for talk about the necessity of improving the condition of our sewerage will vanish, as did the famine in the case of the water supply. Now, I suppose it is well known that during this and last year we had an abundant supply of rain. But if he will go to the City Engineer, he will tell the Alderman, unless I am misinformed, that we are in danger of being entirely cut off from a supply of water by the present conduit. It is not because there is not sufficient water in Lake Cochituate, but because the means of bringing it here are insufficient. That is the opinion of this same engineer, for whom no one entertains a higher respect than I do.

Now, he says, the Superintendent of Sewers and the Sewer Committee have had a tremendous load to carry for the past few years. No one has found fault with the Committee on Sewers for what they have done. They have constructed sewers, and so far as I know the work has been properly done, and they have done the best they could. But they could not create an outlet for the sewers; they cannot compel the waters of Charles River to take the sewage of the city and carry it to the sea. I believe, as formerly—and as strongly as he does—that we have an able Superintendent of Sewers, and that opinion was evinced during the recent elections of city officers. When a strong opposition was made to our present Superintendent of Sewers I did everything I could to keep him in his position. My confidence in him has never been shaken in the least extent. What is proposed now is to give this Committee on Sewers—who have had such a tremendous load on their shoulders—an opportunity to empty their sewage into an intercepting system and carry it out to sea, instead of pouring it out upon Charles River, as they have been obliged to do. The water question has nothing to do with the sewerage question; but I have no doubt that when this appropriation is once passed people will feel relieved, because they will believe that steps will be immediately taken for the construction of a system of improved sewerage for the city. We all know that figures will not lie, and that the death rate of Boston has been higher than it ought to be, because there is no reason why Boston, situated as it is, should not be the healthiest city in the country—not *one* of the most healthy, but *the* most healthy city in the United States.

Alderman O'Brien—Merely a word more. I think the Alderman from the North End has answered the gentleman about the death rate. He lives in the ward where the death rate in Boston is highest—23 in 1000—in the district where the Board of Health report the death rate as highest;

and I know that he and all North-Enders will say that they do not suffer from sewage. It is because they are crowded together in close tenement houses, without breathing places. I have stood shoulder to shoulder with the gentleman [Alderman Clark] in this Board, fighting for breathing places for those people. It is one of the ideas I want to convey—and always want to convey—that sewerage will never reduce our death rate to the extent you think it will. You want these breathing places. I might as well speak it out in plain English—you want the parks that we have been advocating this year, and all the sewerage you can get will never reduce the death rate until you give breathing places to all these people who are flocking around the Alderman from the North End.

Alderman Robinson—There is one remark in the report of the commission about Liverpool. I have been there a good many times, and done considerable business there, first and last. The death rate in Liverpool is larger than in any city in England. In regard to this matter, I cannot vote for it without further information.

Alderman Robinson called for the yeas and nays.

The motion to postpone for two weeks was lost—yea 1, nays 9:

Yeas—Alderman Robinson—1.

Nays—Aldermen Breck, Burnham, Clark, Dunbar, Gibson, O'Brien, Slade, Viles, Wilder—9.

Absent—Aldermen Thompson, Fitzgerald—2.

The orders were passed in concurrence—yeas 9, nays 1; Alderman Robinson voting nay.

A motion to reconsider, by Alderman Clark, hoping it would not prevail, was lost.

#### MISCELLANEOUS PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Report and order to allow the Grove Hall Universalist Society to erect a wooden building on Blue Hill avenue and Schuyler street. Order passed in concurrence.

The order for Committee on Finance to provide for an appropriation of \$1,000,000 for widening of Commercial street to not exceeding 100 feet, as therein set forth, came up "referred to the Committee on Finance." Concurred.

#### DEPUTY SEALERS OF WEIGHTS AND MEASURES.

The order establishing the salaries of Deputy Sealers of Weights and Measures came up, with the part establishing the salary concurred in and the part providing for a transfer for the payment of the same non-concurred in.

Alderman O'Brien—When this matter came up in the Retrenchment Committee, as I have said before, I was in favor of abolishing the whole thing, because I thought it was a sinecure in the City Government—that it was a useless office—and I thought we could dispense with the services of these sealers. At that time there was only one sealer and laborer to perform the work of five since that time. Only a few evenings ago, at one of the sessions of the Common Council, a very worthy gentleman stood up—it is rather amusing to read what he says—and says he wants to call the attention of the citizens of Boston to the extravagance of the present City Government—and he went on and discussed the question in that way—in appointing these four or five Sealers of Weights and Measures. Now what are the real merits of this case, Mr. Mayor? While we were discussing it in the Retrenchment Committee, with every prospect of abolishing the entire office, the Legislature forces upon us the necessity of appointing one principal Sealer and four Deputy Sealers. This City Government never had anything to do with what was forced upon us by the Republican Legislature; and I think the citizens of Boston ought to understand that, instead of being very extravagant in this matter, the present City Government is carrying out what has been forced upon it by the Massachusetts Legislature.

Alderman Slade—It seems to me that we ought to adhere to that part of the order providing for an appropriation to pay the salaries. It will come to that pretty soon. We shall have to furnish the means to pay the Deputy Sealers in the end, and I don't understand why it came from the Common Council in that shape. There is no other way of paying them except by an appropriation.

The Board refused to concur in the amendment. Sent down.



## REPORTS OF CITY OFFICERS.

*Auditor's Monthly Exhibit*, for Aug. 1. Total appropriations, \$13,622,889.03; expended, \$3,587,165.16; balance unexpended, \$10,035,723.87. Sent down.

*Superintendent of North Scales*. Quarterly report to Aug. 1. Receipts, \$438.37; paid the city, \$142.05. Sent down.

*Overseers of the Poor*. Quarterly report to Aug. 1. Receipts during quarter, \$26,193.33, including cash balance of \$4431.79; balance on hand, \$3527.

*Fire Commissioners*. Report of Fires and Alarms for July—The total number of fire alarms was 37; fires, 16; needless, 4; still, 17; confined to one building, 29; extended to others, 2. Losses, \$8766; insurance, \$152,065. Sent down.

## THANKS OF ST. JOHN.

The following was received:

*Board of School Trustees of St. John Extract from the Records, 31st July, 1877.*

Whereas, A communication has been received from the City Government of Boston, Massachusetts, setting forth that, in pursuance to a resolution adopted by the Board of Aldermen, and concurred in by the Common Council and His Worship the Mayor, an order had been given to the Superintendent of Public Buildings to offer to this board for the use of the public schools of St. John six hundred school desks lying unused in the city storeroom:

Therefore Resolved, That the noble and generous offer of the City Government of Boston be accepted, and arrangements be made for transporting, receiving and putting the desks thus offered to immediate use in such temporary buildings as can be secured until the permanent schools are erected.

And further Resolved, That the Board of School Trustees of St. John tender to the City Government of Boston their warmest thanks for the thoughtful consideration which prompted such a timely ministrations to the public wants of our city in its emergency—an offering which, following so closely upon the bountiful provisions made by the citizens of Boston for the relief of the distress caused by the calamitous fire of the 20th June, displays the large-hearted beneficence which characterizes alike the people and the Government of that great city.

And further Resolved, That a copy of this resolution, under the seal of the board, be sent to His Worship the Mayor of Boston, the honorable Board of Aldermen and the Common Council, and that it be also promulgated in the public press of the city of St. John.

A true copy. Attest:

J. MARCH, Secretary.

Sent down.

## THE CHARGES AGAINST THE SUPERINTENDENT OF PAWNBROKERAGE.

Alderman O'Brien submitted the following:

The special committee to whom was referred the communication from James K. Crowley, Superintendent of Pawnbrokerage, asking for an investigation into his official conduct, beg leave to submit the following report: The investigation was called for on account of a letter, signed by Mr. Thomas Gaffield, which was published in the Boston Evening Transcript of July 10th, 1877, in which it was implied that Mr. Crowley inducing the applicant to pay for having it renewed. The committee gave three hearings, at which Mr. Gaffield and Mr. Crowley were present, both being represented by counsel. A number of witnesses were examined, and able arguments made by the counsel on both sides. The result of the inquiry has been to satisfy the committee that Mr. Crowley opposed the granting of the license alluded to in the performance of his duty as Superintendent, with a view only of preventing its being given to one whom he had reason to believe was an improper person to receive it. No facts were shown that would connect him with any such transactions as are implied in Mr. Gaffield's letter. It was not shown that he either received or was offered bribes or fees, nor did it appear that he was in any way connected with the communication signed by Mr. Murphy, and printed with Mr. Gaffield's letter. The committee are, therefore, of the opinion that no further action is necessary on the part of the Board of Aldermen.

HUGH O'BRIEN.

GEO. DUNBAR.

CHOATE BURNHAM.

Accepted.

## POLICE.

Alderman Robinson submitted the following from the Committee on Police:

Recommending the confirmation of the Executive appointments of Sergeant George E. Haines to be a Lieutenant, and Eben T. Hitchcock to be a Sergeant of police. Report accepted and said nominations confirmed.

## PAVING.

Alderman Robinson submitted the following from the Committee on Paving:

Reports and orders for edgestones and gravelled roadway on the easterly side of Liverpool street, between Central square and Decatur street; for edgestones and brick sidewalks in front of estate of Robert Ring on Orleans street, corner of Maverick street; for edgestones in front of estates of John D. Wester on Starr street, corner of Bishop street, and Mary L. Hildreth on Adams and Mill streets; for brick sidewalks in front of estates of Albert Bowker, 73 and 75 Cottage street, East Boston; Timothy Griffin, 276 Havre street; city of Boston on Summer street, Dorchester District; Stillman B. Allen, on West Chester park and Columbus avenue; East Boston Savings Bank, 270 Havre street. Orders read twice and passed.

Reports of leave to withdraw on petitions of Joseph Dorr *et al.* for a hearing in relation to the established grades of Swett and Boston streets; Joseph Dorr to be paid for grade damages to his estate on Boston street. Severally accepted.

Report that leave be granted to William R. Cavanagh to move two wooden buildings from O street to East Ninth street, and one from 57 Norfolk avenue to Gerard street; and by John Cavanagh, from 61 Norfolk avenue to Bartlett place. Severally accepted.

Schedule of cost of sidewalks on Telegraph and East Eighth streets, with order for assessment and collection of the same. Order passed.

## LICENSES.

Alderman Dunbar submitted reports from the Committee on Licenses as follows:

Wagon Licenses Granted—H. Savage, rear of 124 State street; Fuller & Kellogg, South Market street; Charles A. Rook, in Arch street.

Victualler Licensed—Adolph Simmen, 2037 Washington street.

Intelligence Offices Licensed—Laura E. Brackett, 3 Oxford place; C. H. Leonard, 41 East Dedham street.

Shooting Gallery Licensed—Frederic Rudolph, Boylston street, West Roxbury.

Amusement Licenses Granted—Tompkins & Hill, Boston Theatre; John Stetson, Howard Athenæum.

Auctioneer Licensed—George H. Abbott, 82 Devonshire street.

Dealers in Second Hand Articles Licensed—James Power & Co., John Dunlevy.

Several accepted.

## CLAIMS.

Alderman O'Brien submitted the following from the Joint Committee on Claims:

Report recommending reference to the Committee on Assessor's Department of petition of Michael Donovan for the restoration to him of the title of an estate sold by the city for unpaid taxes. Accepted. Sent down.

Report of leave to withdraw on petition of Bridget M. Herman, to be compensated for personal injuries caused by a defect in Way street. Accepted. Sent down.

Report and order—That there be allowed and paid to Erving F. Graves, in compensation for personal injuries received by him on account of an alleged defect in Washington street, the sum of \$1000, upon his giving to the city a release and discharge, satisfactory to the City Solicitor, from all damages, costs and expenses incurred by him in consequence of the defective condition of said street; said sum to be charged to the appropriation for Incidentals.

Alderman Viles—A thousand dollars is quite a sum to come from the Committee on Claims. I have no doubt it is all right, but I should like to hear some explanation.

Alderman O'Brien—This Mr. Graves fell on the sidewalk on Washington street, last January. The condition of all the sidewalks was very bad at that time. He has injured himself beyond recovery. The fall caused what is called telescoping of the bowels, and it is uncertain if the young man ever gets over it. He has suffered for months, and he is likely to suffer for months to come—perhaps as long as he lives—and is unable to do any

work. The committee feel that in settling with him for \$1000 they have made a very good arrangement for the city of Boston.

The order was read twice and passed. Sent down.

#### SUMMER VACATION.

Alderman Clark offered an order—That when the Board adjourn on Monday next, it be to meet on Monday the 27th inst., at four o'clock P. M., and that any orders of notice prepared for the 20th of August be returnable on the 27th, at the time mentioned. Read twice and passed.

#### VEGETABLE MARKET.

Alderman Slade submitted the following:

The Committee on Markets, to whom was referred the petition of the Mercantile Wharf Corporation, that the city should purchase the property of said corporation, situated on Atlantic avenue and known as the vegetable market, beg leave to submit the following report:

The property, containing 80,000 square feet of land, was leased to the city free of rent for three years from May 1st, 1875, the Mercantile Wharf Corporation agreeing to pay the taxes assessed thereon during said lease, and giving a bond to the city to convey said land to the city at any time within three years from May 1, 1875, for \$4.75 per foot and a proportionate part of he tax for the unexpired term of the bond.

During the financial year 1876-77, the city expended \$17,975.68 for grading the grounds, building sheds, etc., and during the same period derived from the rents of stalls, etc., the sum of \$1145.

The city holds a note of the Mercantile Wharf Corporation, given in settlement of betterments and assessments, for \$75,000, payable in three years from May 1, 1875, and secured by a mortgage of same amount. There is due at this time (Aug. 6, 1877), from the Mercantile Wharf Corporation, the following sums:

Interest on mortgage.....	\$2,250.00
Balance of tax of 1876, with accrued interest.....	393.70
Tax of 1877.....	3,183.00

The committee have received a definite offer from the corporation to sell the property to the city for the sum of \$4 per square foot. If the city were now to purchase the property the cost would be as follows:

80,000 square feet of land at \$4 per foot.....	\$320,000.00
Less amount of note and interest.....	\$77,250.00
Less taxes.....	3,576.70
	80,826.70

Total cost.....	\$239,173.30
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The attempt to establish a produce market on the Mercantile-wharf property has, it is perhaps needless to say, been unsuccessful. This is due to the fact that no leases could be given for a longer term than three years. In view of the uncertainty which attended the future of the market, farmers were generally disinclined to locate there, and build up a trade at the risk of being compelled to move at the expiration of the city's lease. It is believed that if the city owned the property, and the permanence of the market was assured, no difficulty would be experienced in inducing farmers to locate there.

Your committee are unanimously of the opinion that it would be for the interest of the city and the public generally to have a produce market established on the property; and they would, therefore, respectfully recommend the passage of the accompanying order.

For the committee.

LUCIUS SLADE, Chairman.

Ordered, That there be purchased from the Mercantile Wharf Corporation the lot of land now leased to the city for the purpose of a produce market, situated on Atlantic avenue, and containing 80,000 square feet, more or less, for a sum not exceeding \$4 per square foot; and that the Committee on Finance be requested to provide the means.

Alderman Slade—It takes some considerable courage to offer an order like that at this time, when we have already passed orders for four or five millions of dollars. But the fruit has ripened and now is the time to offer the order. I do not propose to discuss it tonight, as it will lie over under the rules.

The order went over.

#### EVERETT SCHOOL.

Alderman Slade offered an order—That the Committee on Public Buildings be authorized to repair the old school furniture in the old Dorches-

ter Everett Schoolhouse for use in the new Everett Schoolhouse; also to provide such new furniture as may be required, at an estimated cost of \$2500; the expense to be charged to the appropriation for Schoolhouses, Public Buildings. Read twice and passed.

#### PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Reports of leave to withdraw on petitions of Patrick Mahoney, for the cancellation of a bond given by him for a lot of land on Middlesex street, near Castle street; Margaret S. McCarthy, for leave to surrender to the city an estate on Indiaua place. Accepted. Sent down.

Report recommending reference to Committee on Survey and Inspection of Buildings of petition of Mrs. Williamina Brown, for leave to make alterations in certain houses on Dix place. Accepted and referred accordingly. Sent down.

#### STABLES AND CELLARS.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted to occupy stables by J. N. Goodough, on Emerson street; Isaac H. Cary, on Lotus street. Accepted.

Report that leave be granted Clapp & Underhill to excavate cellar of 69 and 71 Beverly street, to grade 10. Accepted.

#### STREETS.

Alderman Clark submitted the following from the Committee on Streets on the part of the Board:

Order of notice to John A. Power and others "to quit" on Adams street on or before Aug. 13 now next ensuing. Passed.

Order to pay Annie Galliani \$600 for land taken and damages occasioned by the widening of Parkman street. Read twice and passed.

#### SEWERS.

Alderman Viles, from the Committee on Sewers, submitted the following:

Ordered, That \$32.56 be abated from the assessment levied upon William Evans's heirs for a sewer in Lamartine street on account of overestimate of land; also that \$100 be abated from the assessment levied upon Abner Childs's heirs for a sewer on South street, on account of land damages; also, that \$26.39 be abated from the assessment levied upon Mary Smith, for a sewer in Spring Park street. Read twice and passed.

Reports of leave to withdraw on petitions of Augustus Parker, for the extension of the sewer in Maple street and Seaver street, Ward 21; and on petition of George Woods Rice, for a sewer in Seaver street and Blue Hill avenue to Schuyler street. Severally accepted.

Reports and orders of notice for hearings on Monday next on expediency of constructing, in Maple street, Roxbury, and in Maudlin street, Charlestown. Orders passed.

Order of notice for hearing on Monday, Aug. 27, on the expediency of taking land of Mrs. Margaret McDonald *et al.*, for sewer purposes, being a strip five feet wide, extending along the boundary line of the estate of Samuel Little, from Warren street to Blue Hill avenue; also, a strip five feet wide, extending from Warren street to Blue Hill avenue, distant about one hundred feet southerly from the above-described strip, and parallel thereto. Passed.

Order to build a sewer in Taylor street, Ward 7. Read twice and passed.

#### HORSE-RAILROAD LOCATIONS.

A petition was received from the Highland Street Railroad Company, for a location of tracks on Blue Hill avenue, between the junction of said avenue and Warren street and Canterbury street. Referred to Committee on Paving.

Alderman Viles presented the petitions of Childs, Crosby & Laue, John F. Pray & Sons, Cobb, Bates & Yerxa, Edward Hixon & Co., Gideon Beck & Son, J. R. Burditt & Co., A. K. Loring, Dee & Doyle, Galvin Bros., and 100 others; Shepard, Norwell & Co., R. & J. Gilchrist & Co., Hogg, Brown & Taylor, Spalding, Hay & Wales, Churchill & Co., Smith & Watson, Williams & Everett, and forty others; Leopold Morse, Moses B. Wilde, Richard Briggs, E. H. Brabrook, Joel Goldthwait & Co., Allen & Noble, Blake & Alden, A. H. Allen and thirty others; W. F. Wade & Sons, J. S. Hobbs & Co., Thomas James & Co., G. Baker & Co., L. Weischoff & Co. and twenty-five others; Jacob Sleeper, Roderick Richardson, Comstock, Gove & Co., Braman, Dow & Co.,

Holmes & Blanchard, O. H. P. Smith & Co., Powers, Melvin & Co. and twenty-five others—merchants doing business in Washington, Tremont, Federal, Winter, Summer, Beach, Kneeland and South streets—in aid of the petition of the Middlesex Railroad Company, for leave to run twelve more cars round the circuit. Referred to Committee on Paving.

## BRIDGES.

Alderman Burnham submitted the following from the Committee on Bridges:

Ordered, That the Committee on Bridges be authorized to grant access to Chelsea Bridge from the date of this order to Aug. 11, to persons having merchandise now landed on the wharf of the

Boston & Lowell Railroad in Mystic River, for such time and under such conditions as said committee may prescribe. Read twice and passed.

Ordered, That the Committee on Bridges be authorized to expend a sum not exceeding \$3000 in rebuilding the draw pier of Western-avenue bridge (to Cambridge); to be charged to the appropriation for Bridges. Read twice and passed.

Ordered, That the Committee on Bridges be authorized to expend a sum not exceeding \$8000 in rebuilding the draw pier of Mt. Washington-avenue bridge; to be charged to the special appropriation provided for said purpose. Read twice and passed.

Adjourned, on motion of Alderman Burnham.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

AUGUST 13, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor in the chair.

## EXECUTIVE APPOINTMENTS.

Police Officers Without Pay—S. W. Cunningham, James J. Sharpe. Confirmed.

Police Officers—Albion Burnham, John Doherty. Referred to Committee on Police.

## PETITIONS REFERRED

*To the Committee on Lamps.* James D. Thomson *et al.*, that Howard avenue be lighted; A. McDonald, for a street lamp on Alexander avenue, Ward 20; Thomas Dolan *et al.*, that Jamaica street, Ward 23, be lighted.

*To the Committee on Paving.* Petition for edgestones in front of estate of Charles B. Cumings on Greenough avenue; for brick sidewalk in front of estate of John C. Moorhead on Emerson and Fourth streets; Thomas Winston, 200 Marion street, East Boston; J. N. Durell, 127 Brook avenue; H. G. Denny, attorney, 204, 206, 208 H street.

W. R. Cavauagh, for leave to move a boiler from C street through C street and Second street to a point near E street, and for leave to move a wooden building from Exchange street, Ward 24, to Pleasant street.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables by Luke Mitchell, new wooden, two horses, Marston avenue, Ward 24; R. Peterson, Jr., wooden, one horse, Saratoga street, rear 171 Princeton street, Ward 1; M. S. Quigley, new wooden, four cows and one horse, New Seaver street; South Boston Horse Railroad Company, brick, seventy additional horses, on Sixth street; Francis Gallagher, new wooden, one horse, 38 Rogers street; heirs of Nahum Ward, old wooden, fifteen additional horses, rear 1419 Tremont street; D. M. Baker, old wooden eight head of cattle, Parkman street, Ward 24.

*To the Committee on Sewers.* Frederic Lindhorst, for a sewer in Reading street; Edward Wise *et al.*, that the sewer from Lamartine street be extended in Centre street to Wise place; Levi B. Gay *et al.*, for a sewer in St. James avenue.

## HEARINGS.

*Sewers.* Hearings were had on orders of notice in relation to proposed construction of sewers as follows: In Maple street, Roxbury; in Maudlin street, Charlestown. No objections, and severally recommitted to the Committee on Sewers.

*Highland Street Railway.* A hearing was in order on the petition of Highland Street Railway Company for leave to run their cars to the northern depots. Postponed for two weeks, on motion of Alderman Slade, the parties being absent from the city.

*Steam Engines.* Hearings were had on petitions for leave to locate and use steam engines by Globe Nail Manufactory on Norfolk avenue, and by George W. Simmous & Son at 44 North street. No objections, and recommitted to Committee on Steam Engines. Subsequently Alderman Gibson submitted reports from the Committee on Steam Engines in favor of granting the above-named petitions.

## LOCATION ACCEPTED.

A communication was received from the Metropolitan Railroad Company, accepting the forty-ninth location, granted by this Board on July 16. Placed on file.

## VEGETABLE MARKET ON MERCANTILE WHARF.

The report and order to purchase the Mercantile-wharf Market, 80,000 feet, at a price not exceeding \$4 per foot, coming up under unfinished business, were laid on the table on motion of Alderman Thompson.

## LICENSES.

Alderman Duubar submitted reports from the Committee on Licenses as follows:

Wagon License Granted—Thomas Foley, 126 Cabot street.

Amusement Licenses Granted—Peck & Stetson, to give a dog exhibition at Music Hall on Sept. 3, 4, 5, 6, 7 and 8; John Stetson, to give dramatic and musical entertainments at the Globe Theatre, (Sundays excepted.)

Victuallers Licensed—Stewart Brothers, 38 Eliot street; Benjamin F. Appleby, 1267 Tremont street; Hubert Tessier, 156 Merrimac street.

Hack License Granted—Owen Russell, 100 Franklin street.

Auctioneer Licensed—M. H. Wall, 26 Lagrange street.

Pawnbroker Licensed—Moritz Stolkowsky, 198 South street.

Intelligence Offices Licensed—E. J. Pierce, 274 Washington street; James Benedict, 7 Boylston street.

Several accepted.

Report on petition of Union Railway Company for leave to occupy North Russell street, near Cambridge street, with two tow-horses for their cars—That, having stationed said horses in South Russell street to the satisfaction of all parties concerned, no further action is required by this Board. Accepted.

## SEWERS.

Alderman O'Brien submitted the following from the Committee on Sewers:

Orders to build sewers in Cedar avenue, West Roxbury; in John A. Andrew street. Read twice and passed.

Order of notice of intention to take for sewer purposes land of Isaac Pratt, Jr., trustee, and others, five feet wide and about 800 feet long, through the centre of Ashford street in Brighton, extending from Malvern street to the brook formerly dividing Brookline and Brighton; and for a bearing thereon on Monday, Aug. 27th, inst. Passed.

## PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Order to close Longwood-avenue Bridge against public travel until said bridge shall have been rebuilt. Read twice and passed.

Order to raise and grade Mill street, from Neponset avenue to the Old Colony Railroad; also to build a stone culvert under, and retaining walls on each side of, said street; estimated cost, \$16,000. Read twice and passed.

Ordered, That the sum of three dollars be and the same hereby is abated from the amount assessed Catherine Noonan for edgestones on Paris street, the same being an error in measurement. Read twice and passed.

## POLICE.

Alderman Robinson submitted a report from the Committee on Police, recommending confirmation of the appointment of Albion Burnham as a police officer. Report accepted and said nomination confirmed.

## THE CASE OF MARY ELLA HARRINGTON.

Alderman Robinson submitted a report from the Committee on Police on petitions of Calvin T. Chamberlin and of Alfred Latour and others, to be paid the reward offered for the recovery of the body of Mary Ella Harrington—that after hearing the petitioners they are satisfied that Alfred Latour and his associates are entitled to the reward. They recommend the passage of an order—That there be paid to Alfred Latour, Peter Eno and Joseph Latouliss the sum of \$150, the same being the amount of the reward offered for information which would lead to the discovery of the disposition of the body of Mary Ella Harrington. Order read twice and passed.

## CLAIMS.

Alderman O'Brien submitted reports from the Joint Committee on Claims of leave to withdraw on petitions of James D. McNeil, to be compensated for injuries received on the slip of the East Boston ferries; Mary McCarthy, to be compensated for damage occasioned by a defective sewer. Severally accepted. Sent down.

## PERMITS FOR STABLES.

Alderman Burnham submitted reports from the Committee on Health on the part of the Board—That leave be granted on the usual conditions to occupy stables by Metropolitan Railroad Company (two stables) on Jamaica street; Martiu Cunningham, Mt. Hope street. Severally accepted.

## ORDER TO PAY.

Alderman Clark, from the Committee on Streets on the part of the Board, offered an order to pay Sarah A. G. Fuller \$570, for land taken and all damages occasioned by the extension of Clifton street to Shirley street at George street. Read twice and passed.

## SEALERS OF WEIGHTS AND MEASURES.

On motion of Alderman Slade, the Board reconsidered the vote whereby this Board refused to concur with the Common Council in striking out the transfer of \$2100 from the Reserved Fund to pay the salaries of the Deputy Sealers of Weights and Measures.

Alderman Slade—I now move that we concur with the Council. As it was left the other night the salary was not fixed, and in addition to that it was left so that the Sealers could get no pay. I thought it was a little indefinite, and I did not understand it. If we concur with the Council it fixes the salaries, and we must trust to luck to get enough to pay the salaries by and by. There is enough of the appropriation left to pay the Sealers for four or five months.

Alderman O'Brien—I hope we shall concur with the Common Council and settle this matter for the time being. While this question is before us I would state that on the 7th of May last I was called to attend the annual meeting of the Trustees of the City Hospital, which took place while this Board was in session, and I was absent from that session of the Board from an hour and a half to two hours. During my absence the question of the appointment of four Deputy Sealers came up and was discussed in this Board, and it was settled before I returned. By an accident which very frequently occurs in the best regulated printing offices, the official reporter makes it out that I made a speech upon that occasion, while I was absent during the debate on that subject; and the Journal last week copied my speech on the 7th of May, as reported in the official document, and my speech made last Monday, to show a contradiction of sentiments on my part. I make this explanation, however, not to justify myself, but merely to correct the report.

The Board concurred with the Council in the amendment.

## SITE OF JOHN ROESSLE'S STABLE.

Alderman Burnham offered an order—That the license granted May 28, 1877, to John Roessle to erect a stable on Pynchon street be so amended as to allow said Roessle to erect a brick stable for twenty-six horses on his land in rear of Pynchon street, near Centre place, in conformity with the terms of his original petition. Read twice and passed.

## THE HORSE RAILROAD BLOCKADE.

Early in the session petitions were received from James Collins and sixty-eight others, to remove blockade of cars on Beach and South streets; Henry Souther and 364 others, to remove the blockade in front of Old Colony and Boston & Albany depots; Hollis R. Gray and 367 others, to remove blockade in front of Old Colony and Bos-

ton & Albany depots—severally requesting the Board to refuse the petition of the Middlesex Railroad Company for leave to pass more cars to and from the Albany and Old Colony depots, on the ground that already there is sufficient accommodation between the depots at the northerly and southerly parts of the city, and between the southern depots and Charlestown and the North End; and that to permit passage of more cars of the Middlesex Company through Beach street will be to unnecessarily blockade the streets without compensating benefit to the citizens. Severally referred to Committee on Paving.

Near the close of the session Alderman Clark said—I wish to call the attention of the Committee on Police to one fact, that there is an ordinance in regard to horse cars keeping at a distance of thirty feet from each other in their passage through the streets. From eight o'clock in the morning till ten o'clock at night, the fact is that the horse cars do not average five feet apart. The ordinance or the law which authorizes the police to maintain a distance of thirty feet between the cars should be enforced. I wish to call the attention of the Committee on Police to another fact, that in front of the Lowell and Eastern Railroad depots there is a long line of cars standing, blocking the street, while the drivers are bellowing for passengers the same as hack drivers do at the depots. It is a great inconvenience to the travelling public, inasmuch as people in a hurry to take a train are liable to be detained, and may be unable to arrive at the depot in season to do so. A case of this kind came under my own observation no later than last Saturday afternoon. I looked in the neighborhood for a police officer to order the cars to move, but none could be found. I did call upon one in uniform, but was informed that he was in the employ of the corporation and had no authority over the streets. I think these things should be attended to. There is a law compelling cars to keep thirty feet from each other. The streets should not be so blockaded by the cars of different competing companies that people are prevented from reaching a depot in season to take the train.

Alderman Robinson—I am much obliged to the Alderman for the information. I assure him that this blockade has exercised the minds of both the Police and Pavingcommittees, of which I am a member, and it seems almost a little too much for me, from the pressure that is brought upon us not only to stop the blockade, but also to prevent us from increasing the cars. I assure him that the matter shall have respectful attention and immediate consideration, and that we will do the best we can under the circumstances.

Adjourned, on motion of Alderman Clark, and stood adjourned for two weeks.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

AUGUST 27, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Three grand jurors were drawn for the September term of the United States District Court; and forty-one traverse jurors for the September term of the Supreme Judicial Court.

## EXECUTIVE APPOINTMENTS.

Registrar of Voters—Joseph M. Wightman, in place of L. Foster Morse, who declines to serve. Confirmed.

Undertaker—Bernard Clarke. Confirmed.

Lieutenant of Police—Owen T. Winn. Referred to Committee on Police.

Police Officers Without Pay—Alexander Hill, Rafael Isaacson, John F. M. Brown, Manuel Russell, Edwin W. Buswell, John Dixwell, Daniel F. Dwyer. Confirmed.

Police Officers—James J. Kane, Joseph Givens. Referred to Committee on Police.

## PETITIONS, ETC., REFERRED.

*To the Committee on Paving.* John M. B. Reynolds *et al.*, that cross walks be laid at the junction of Mt. Pleasant avenue with Vine and Fairland streets; George Dennie *et al.*, that stone cross walks be laid on Columbus avenue; Hiram Ames *et al.*, that the Ferdinand-street Bridge be widened and rebuilt; Nahum Capen *et al.*, that Bowdoin street be graded from Olney street to Bellevue street; John H. Barry *et al.*, that sidewalks be laid on I street, between Seventh and Eighth streets.

Petitions for edgestones in front of estates of A. McKillop, 51 Everett street; Jacob W. Seaver, Morton street, West Roxbury; First Congregational Society, Centre street, West Roxbury. For brick sidewalks in front of estates of M. H. Robinson, 16-26 West Cottage street; Mary D. Cowdrey, 67 Bainbridge street; A. J. Browne, 69 Bainbridge street; Andreas Blume, 18-24 West Cottage street; Mary Ann Donovan, 256 Everett street, East Boston. For edgestones and brick sidewalks in front of estates of Francis V. Miller, 11 Claremont park; Francis V. Burton, 9 Claremont park; Alfred Hill, 38 Perrin street.

Petitions for leave to move wooden buildings, by John Quirk, from South street, Ward 23, to Keyes street; by Cornelius Cotter, through Harvard to Cambridge street.

Otis Drury, trustee, that the pattern of the gate of the Old Colony Railroad on Dorchester avenue at Seventh street may be changed.

*To the Committee on Streets on the part of the Board.* Notice from the Board of Street Commissioners of proposed relocation of Western avenue in Brighton.

*To the Board of Health.* Orinda Webber, for leave to keep a lying-in hospital at 63 Hammond street.

*To the Joint Committee on Claims.* Catherine Harrington, for compensation for personal injuries caused by an alleged defect in Vernon street; Peter Stengel, to be paid for injuries done to his horse by reason of an alleged defect in I street.

*To the Committee on Sewers.* J. V. N. Stults *et al.*, for a sewer in a portion of Rockland street; M. Lennon, for a sewer in Washington street, Dorchester.

*To the Committee on Police.* Andrew L. Johnson, for leave to project a lantern at 218 Friend street.

*To the Joint Committee on Common, etc.* Eliza T. Clapp *et al.*, for the reopening of the well on the Eaton lot, recently purchased by the city.

*To the Committee on Fire Department on the part of the Board.* Aaron D. Williams, for leave to occupy a wooden building on Swett street, near Pine Island, for the manufacture of fireworks.

*To the Committee on Lamps.* Alouzo Hamilton *et al.*, for lamps on Lawrence avenue.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables as follows: Metropolitan Railroad Company, new wooden, forty-six horses, School street, near Washington street, Ward 23; James E. Rowe, old wooden, three horses, Douglas street, Ward 14; estate of William Seaver, old wooden, one cow,

Moreland place, Ward 23; James Galvin, old wooden, one cow, No. 37 Bolton street, Ward 13; Margaret McGrevie, old wooden, one horse, Maverick street, Ward 1; George Holmes, new brick, one horse, rear of 549 East Seventh street, Ward 14; Jenness & Glover, new wooden, four horses, on Mather street, in rear; David Scott, new wooden, one horse, 16 East Eagle street; Robert Treat Paine, Jr., five brick and stone, four horses each, rear Buckingham street; Bridget Burke, new wooden, two horses, 42 Simmons street; Mrs. S. W. Jones, for leave to establish a lying-in hospital at 80 Dover street, and for a hearing thereon.

## PETITION FOR LOCATION OF TRACKS.

A petition was received from the Butchers' Slaughtering and Melting Association for leave to lay down tracks across North Beacon street, near Parsons street, and an order of notice was passed for a hearing thereon on Tuesday, Sept. 18, at four o'clock P. M.

## HEARINGS.

*Sewers.* On notice of intention to take land for sewers in Blue Hill avenue and Warren street, and in Ashford street.

A remonstrance was received from Edward D. Sohler against taking land for sewer in Ashford street.

No other person appeared to object, and the order was recommended to the Committee on Sewers.

*Steam Engine.* On petition of Frank J. Nelson, for leave to locate and use a steam engine and boiler at 173-177 Sumner street, East Boston. No one appeared to object and the petition was referred to the Committee on Steam Engines.

*Highland Railroad Company.* On petition of Highland Street Railway Company for leave to run their cars over tracks of the Metropolitan and Middlesex railroads to the northern depots.

Moody Merrill, President of the Highland road, stated that Mr. Emery, of the Cambridge road, objected to the proposed route, and Mr. Merrill desired a postponement to see if he could make some arrangement to prevent a contest before the Board with the Cambridge road, which objected to a part of the proposed location.

W. A. Field appeared for the Metropolitan road, and said Mr. Richards, the President, was sick, but did not ask a delay on that account, and did not object to this postponement.

J. W. Emery appeared for the Cambridge Railroad. He objected to the Highland cars running through Green street, which is crowded.

On motion of Alderman Wilder, the hearing was postponed for two weeks.

A remonstrance was received from Henry A. Choate and others doing business on Court, Green and Leverett streets, against granting said petition of the Highland road. Placed on file among the papers in the case.

## CITY CLERK'S REPORT.

The report of the City Clerk for the quarter ending July 31 was received. Collected and paid into city treasury, \$1635.69. Sent down.

## JAIL EXPENSES.

A requisition was received from the Sheriff of Suffolk County for \$1515.33 for expenses at the jail for August. Ordered paid.

## MYSTIC VALLEY SEWER.

The following was received and read:

*Hon. F. O. Prince, Mayor of the City of Boston:* Dear Sir—At a town meeting held Aug. 20, 1877, it was voted that the town of Woburn respectfully request the city of Boston to confer with the town of Woburn with a view to the enlargement of the proposed Mystic Valley sewer to a size sufficient to take the sewage of Woburn, in accordance with the terms of chapter 202 of the laws of 1875; and that the selectmen be a committee to carry this vote into effect, and report at a future meeting of the town.

In compliance with the above, the Board of Selectmen of Woburn have delegated this matter to a sub-committee, consisting of the following-named gentlemen, members of their board: Hon. John Cummings, Colonel William T. Grammer, L. Thompson, Jr., and Thomas H. Hill.

I have the honor, therefore, on the part of this committee, to request a conference with the city of Boston as instructed, and will thank you to notify me when and where that conference may be most convenient to the proper authorities. I am, dear sir, yours truly,

THOMAS H. HILL, for the Committee.

Alderman Thompson—It is rather late for those people to send a communication of that nature to

this Board. When the application for leave to build this sewer was made to the Legislature, the towns of Woburn and Winchester were both invited to join the city of Boston in applying for the grant. They declined to come in, or rather they assumed to be in favor of such a grant, but desired the city of Boston to have the grant and the towns the right to use the sewer without any compensation or contributing anything towards building the sewer. The city of Boston decided not to build the sewer under the previous act and not to accept the grant, in consequence of the action of the representatives of these towns. Now the matter has gone so far that the city has already made its contracts and secured the services of the workmen and made such other arrangements as are necessary to make, that I don't see any possible good that can come, or any change that can be made in the arrangements without a great deal of expense to the city of Boston. However, I am willing that it shall be referred to the Water Board, and I so move.

The communication was referred to the Water Board. Sent down.

#### PRINTING AT DEER ISLAND.

Alderman O'Brien presented the following:  
To the Honorable the City Council of the City of Boston:

We, the undersigned, printers of the city of Boston, having learned that the Board of Directors of Public Institutions have caused the boys confined at Deer Island for crime to be instructed in the art of printing, and that it is proposed to have the printing for the city of Boston done by these boys, would respectfully protest against such action by your honorable body, and ask you to permit no such project to be carried out, in justice to the professors of an honorable calling; in justice to the honest men and women engaged in the business; in justice to master-printers, who have invested large capital in "the art preservative of arts"; in justice to the fair fame of the city of Boston. The printing required by the city gives employment to a large number of men and women who have devoted many years to learn the art,—which is not acquired in a few months,—and having acquired it, are pursuing their honorable calling, and endeavoring to educate their children, and make them, in time, good and honest citizens. They are taxpayers, and contribute their share to the support of this institution, and all others; and yet it is proposed to deprive these taxpayers of the means of living,—at least so far as the city is concerned,—and confer the benefits of an honorable business on the inmates of a reformatory institution, whose dissipated fathers, mayhap, have never contributed even a poll-tax to the city of Boston. And the injustice does not end here. What is to become of the hundreds of "printers" turned out every year by the city of Boston? Where are they to obtain employment? It has always been the pride of the city fathers in all countries to foster the arts and trades, and we are not aware that any city in Europe utilizes the labor of criminals to deprive honest workmen of the means of living. We would respectfully submit the following as a few of the many objections that may be offered in the premises:

1. It is the duty of a municipal or State government to foster and not hamper productive industry.

2. *Thoroughly educated and thoroughly trained labor* is essential to the perpetuation of our free institutions. This we claim cannot be obtained in any reformatory or penal establishment.

3. That such a system employs the money of free citizens in competition against themselves, and tends to the depreciation of property and the diminution of capital.

4. That an employer is a buyer of labor, as an employé is a seller of labor, and the taxes collected from all classes of our citizens should not be employed in the interest of any particular class.

5. That such action is subversive of the equality of free citizenship—the basis of republicanism,—and tends to bring skilled and honest tax-paying artisans in competition with unskilled and half-trained convict labor.

Gentlemen, we earnestly ask you to think well before you consent to this measure. Do not let it be said, that, in the year 1877—when the royalty and nobility, the professors of science, literature and art, the theologians and the scholars of England are honoring the memory of her great printer, William Caxton,—the city of Boston is

dishonoring the name of her famous and honored son—that son who loved his art so well,—Benjamin Franklin, printer.

Gentlemen, we ask you, in justice to good citizens, not to permit this monstrous wrong to be done in the name of the city of Boston.

And your petitioners will ever pray, etc.

Alderman O'Brien—I was not aware until within a very few days that such a petition was in existence. I understand that it was left in all the large printing offices in the city, and it was signed by every printer in the offices in which it was left, with scarcely an exception. I believe the five or six hundred names on the petition embrace nearly all the printers in the city of Boston at the present time. I move its reference to the Committee on Public Institutions, as it appears to me that that would be the proper committee to refer it to.

Alderman Viles—I have no objection to the petition being referred to that committee; but I am surprised that the teaching of a half-dozen boys at the House of Reformation the art of printing, so that they may go out in the world and earn a living, should frighten so many printers. We are learning a few boys the art of printing, and some of them are taking to it very rapidly. We hope to do some printing and save the city some money.

Alderman O'Brien—I would say in answer to the Alderman's remarks, that it has been reported in and outside of City Hall that it was the object of the Directors of Public Institutions to build up an office at Deer Island where all the printing of the city of Boston could be done. That is generally reported outside. Well, now, I can see how difficult such a task would be to build up a large printing office to do the printing of the city of Boston. I presume it was on such reports that the petition was got up.

Alderman Viles—As a Director for Public Institutions this is the first information I have had, of so large a project at the Island.

The communication, which was signed by several hundred printers, was referred to the Committee on Public Institutions. Sent down.

#### LICENSES.

Alderman Dunbar submitted reports from the Committee on Licenses as follows:

Victuallers Licensed—James Nelly, 226 Commercial street; Charles H. Wallace, Washington street, Dorchester; Georgiana Boss, 79 Phillips street.

Hack License Granted—James Mahoney, 11 Walnut street, Charlestown.

Circus Licensed—Murray's, for two weeks, beginning Aug. 27.

Wrestling Exhibition Licensed—Owens & Murphy, Music Hall, Sept. 19.

Intelligence Office Licensed—Mrs. Mary J. McMulkin, 81 Charles street.

Dealers in Second-hand Articles Licensed—James Gallagher and six others.

Wagon License Granted—Parker Heale & Co., 13-15 John street.

Severally accepted.

Ordered—That the license granted on the 6th inst. to Frederick Rudolph to maintain a shooting gallery on his premises on Boylston street, Ward 23, be revoked, the said gallery having proved a nuisance to the neighborhood. Read twice and passed.

#### INSPECTORS OF PRISONS.

Alderman O'Brien submitted the first semi-annual report of the Committee on Inspection of Prisons and Houses of Detention [City Doc. 76] in Suffolk County for the year 1877.

The committee visited the House of Correction and Lunatic Hospital, at South Boston, on the 26th of June; the Houses of Industry and Reformation, at Deer Island, and Suffolk County Jail, on Charles street, on the 27th of June. Copies of the reports, showing the condition of the several institutions, and covering the facts required by the statutes, are appended hereto. All the buildings connected with the institutions were found to be clean and, with the exception of the Lunatic Hospital, well ventilated. The construction of the latter building renders it impossible to ventilate it properly when the weather is such as to require that the windows should be closed. Your committee are of the opinion that some measures should be taken to remove the defect. All the inmates of the House of Correction were employed on contract work for New York and Boston firms, and, at the time of the visit, there were two months' work ahead. The inmates of all the institutions appeared to be under a good

state of discipline, and no complaints of ill-treatment or of insufficiency of food were made.

Respectfully submitted,

HUGH O'BRIEN.  
GEORGE DUNBAR.  
CLINTON VILES.

Committee of Inspectors.

*Houses of Industry and Reformation.* Number remaining Dec. 21, 1876, 792; number committed since Dec. 21, 1876, 3049; total, 3841. Number discharged since Dec. 21, 1876, 3127; number, remaining June 27, 1877, 714.

*Commitments for House of Reformation.* Number remaining Dec. 21, 1876—boys 286, girls 29; total, 315. Number committed since—boys 71, girls 11; total, 82—397. Number discharged since—boys 154, girls 10; total, 164. Number remaining June 27, 1877—boys 203, girls 30; total, 233.

*Truant School.* Number transferred from House of Reformation, May 7, 1877, 88; committed from May 7, 1877, to June 27, 1877, 28—116. Discharged as pardoned by Directors, 5; discharged for expired sentence, 11—16. Number remaining June 27, 1877, 100.

*Suffolk County Jail.* The total number of prisoners in Suffolk County Jail on June 27, 1877, the date of inspection, was 128. Total number committed from Dec. 22, 1876 (the date of prisoners' inspection), to June 26, 1877, inclusive, was 1445. Christian Johnson, held for non-payment of fine for illegal sale of intoxicating liquor, was pardoned April 4, 1877, by the Governor of the Commonwealth.

*Lunatic Hospital.* Number remaining at the previous inspection of Dec. 27, 1876: Males 95, females 96—191; admitted since: males 10, females 11—21; whole number under care during the term: 212; discharged since: males 9, females 9—18; remaining at last inspection, June 26, 1877: males 96, females 98—194; of those discharged there were: recovered 6, improved 1, not improved 1, died 10—18; the causes of death were: consumption 4, disease of brain 3, disease of heart 1, erysipelas 1, exhaustion 1—10.

*House of Correction.* The number of prisoners remaining at the last inspection, Dec. 27, 1876, was: males 507, females 71, total 578; committed from Dec. 27, 1876, to June 26, 1877, inclusive: males 390, females 47, total 437; discharged from Dec. 27, 1876, to June 26, 1877, inclusive: males 355, females 50, total 405; remaining, June 26, 1877: males 542, females 68, total 610. Miscellaneous: Discharged, expiration of sentence 380, pardoned by Governor 1, paid fine and costs 9, discharged by order of Municipal Court after serving three months 14, died 1. During the past six months a revival of business seems to have taken place, and at the present time all our machines are kept constantly employed, with good prospects for a continuance of the same.

#### THE VACATION.

On motion of Alderman Viles it was ordered—That when the Board adjourn it be to Monday, Sept. 10, at four o'clock P. M.

#### BRIDGES.

Alderman Thompson submitted the following from the Committee on Bridges:

Ordered, That the Committee on Bridges be authorized to expend the sum of \$500 in repairing the roadway, sidewalk and draw of Warren Bridge; said sum to be in addition to that already authorized, and to be charged to the appropriation for Bridges.

Read twice and passed.

Ordered, That the Committee on Bridges be authorized to expend the sum of \$1500 in replanking the roadway of Broadway Bridge; said sum to be charged to the appropriation for Bridges.

Read twice and passed.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Reports and orders of notice for hearing on Monday, Sept. 10, on expediency of constructing sewers in St. James avenue, between Dartmouth and Exeter streets. Order passed.

Orders for the construction of sewers in Maudlin street, Charlestown; in Maple street, Roxbury. Read twice and passed.

Order to take land of Mrs. Margaret McDonald and others, between Blue Hill avenue and Warren street, for sewer purposes. Read twice and passed.

Ordered, That his honor the Mayor be hereby authorized to release to Richard E. Cochrane the title of two parcels of land on Walk Hill street, they being a portion of the land taken by the Commissioners of Stony Brook of the town of West Roxbury, by an order dated Dec. 11, 1873,

and not now required by the city; being shown in blue on a plan dated Aug. 27, 1877, and deposited in the office of the Sewer Department.

Alderman Viles—This is a portion of the land taken in 1873 by the town of West Roxbury for the Stony Brook improvement. We have simply straightened the course and do not need this land, and therefore we ask that it be released back.

The order was read twice and passed. Sent down.

Order of notice of intention to take land of Old Colony Railroad, Franklin King and the heirs of Atherton Tucker for sewer purposes in Jenkins street, and for hearing thereon on Sept. 10, at 4 P. M. Passed.

Ordered, That \$50 be abated from the assessment levied upon Eunice Tucker for a sewer in Rockland avenue; also that \$32.28 be abated from the assessments levied upon Henrietta Tannerbaum for a sewer in Terrace street. Read twice and passed.

Order to pay Richard E. Cochrane \$252 for part of the land taken and all damages occasioned by the construction of the new channel of Stony Brook. Read twice and passed.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports of leave to withdraw on petitions of Daniel Osborn to be paid for damages caused by change of grade in Foster street, Brighton; Daniel Mahoney, for grade damages on Londau street, East Boston; Michael F. Lynch, that the city would purchase the property and franchise of the Metropolitan Railroad Company in Ward 24. Severally accepted.

Reports and order for edgestones in front of estates of Charles B. Cumings on Greenough avenue, and C. M. Weld on Centre street, West Roxbury. Order read twice and passed.

Reports and orders for edgestones in front of estates of the First Presbyterian Church on Columbus avenue and Berkeley streets; Berkeley-street Congregational Society on Gray street; J. N. Durell, 127 Brook avenue; Horace K. Batchelder, 66 Fort avenue; John C. Moorhead, Emerson and Fourth streets; Barnstable Savings Bank, 19 West Cottage street; Henry G. Denny, 186 H street and 502 Eighth street; H. G. Denny, attorney, 204, 206, 208 H street. Orders read twice and passed.

Orders to plank the Huntington-avenue Bridge and erect fences on the sides; to furnish stone blocks outside of and adjacent to the rails of the street railroad on Columbus avenue, and remove the wooden pavement and surplus material from said avenue after the same shall have been removed by the contractor, and to reset the edgestones and repave the sidewalks, or such portions thereof, as may be necessary, on said avenue, at an estimated cost of \$7000. Orders read twice and passed.

Report and order for edgestones and repaved sidewalk on the easterly side of Dartmouth place, and for edgestones, paved sidewalks and gutters on the westerly side of said place. Order read twice and passed.

Orders for edgestones and paved gutters on the northerly side of Sparhawk street, between Market and Murdock streets; to repave Meridian street with small granite blocks between Lexington and Eutaw streets, at an estimated cost of \$8000; to macadamize Washington street, Brighton, from Lake street to Oak square, at an estimated cost of \$3500. Severally read twice and passed.

#### FANEUIL HALL.

Alderman Fitzgerald submitted a report from the committee on Faneuil Hall in favor of granting the use of said hall to Charles W. Baker and others on September 5 for a public meeting. Accepted.

Alderman Slade submitted a report from the committee on Faneuil Hall in favor of granting the use of said hall to the First Massachusetts Infantry Veteran Association on the 5th and 12th of September, on the usual conditions, but not on the 17th.

Alderman Slade—The reason for the change in the time is the fact that the hall was asked for for a lecture and address on the 15th, and I don't suppose it will make much difference whether they have it on that day or not. The committee thought that the city might want the hall on the 17th for purposes of more importance than that for which this association ask for it, and the Produce Exchange tendered them the use of Quincy Hall provided they needed it.

The report was accepted.



These figures show that the cost of carrying on the various City Governments is higher, per capita, in Boston, than in any other city in the United States of America. We have a valuation that is very large, to be sure. It is a fictitious valuation, because it is a valuation that cannot be compared with the valuations of other cities. For instance, take the valuation of personal property. It is immense in the city of Boston. In the city of Philadelphia it is six one-hundredths of the entire valuation, in Boston one-third, in New York one-fifth, and so on, as given in the table. We value the real estate, and then value the mortgage on that real estate, and call it personal property, so that a house that is valued for four thousand dollars and mortgaged for two thousand, represents, on the Assessors' books, really a valuation of six thousand dollars. In Philadelphia it is evident that they do not value personal property to a very large amount. In the city of New York, I understand that the dry goods, clothing and other things in the stores are not valued high; yet we have a high value on everything, and with all that our taxes, per capita, are higher than in any city in the United States. Our tax, per thousand, is small as compared with some other cities, but in the result it is far greater than in any other city in the Union. I think it is time for us, here in the City Government, before we proceed farther in incurring greater liabilities and issuing scrip for city indebtedness, or before widening any more streets or buying lands, to know where we stand and receive an authoritative statement from the legal adviser of the city of Boston on this question, because it is a serious one in the minds of many lawyers whether, under section 10, we can contract the indebtedness which we contemplate. Some contend that that section was passed for the purpose of relieving cities which might be crippled by the creation of this statute, but was not intended to be a permanent affair; and, if they did not avail themselves of this section within a short period, that the time would come when they should come down to within the three per cent. allowed by this section 9, and beyond which they cannot go. I offer the order in good faith. I think it is a serious matter for the City Government, and we ought to have an authoritative opinion from the City Solicitor whether we can legally go beyond this or not, and whether we have not arrived very near, if not exceeded, the limit within one per cent.

Alderman O'Brien—It is very pleasant to hear the gentleman's voice again. He evidently comes back refreshed and invigorated after his sojourn at Saratoga. I can see no objection to obtaining the information sought for in the order. But in order to let the Alderman know that we have not been doing business loosely in his absence I would say that I took the liberty to inquire of our City Auditor as to the margin of our city indebtedness, and after consulting with the City Solicitor he made out that our margin at that time was six million nine hundred thousand dollars, and I suppose that the City Solicitor, in informing the City Auditor in relation to this business, looked into all the legal points bearing upon the question. I believe, with him, that every department of the City Government is run at a very high expense. I called attention to this matter some time ago, and the Alderman answered me that every department of the city of Boston was better than the departments of other cities. Some time ago I had occasion to inquire in relation to the expenditures for the City Hospital, and found that they were about ten dollars per week for each patient. In Bellevue Hospital, in New York, they amount to three dollars and a half for each patient. But shall we introduce into the City Hospital of Boston the system practised in the hospital in New York? I believe there are no physicians in the city of Boston at the present time who would give their time to the City Hospital if affairs were carried on in the hospital of Boston as they are carried on in the city of New York. It was only a day or two ago that I saw published in the Baltimore papers a statement in relation to the public institutions there, that they were one mass of filth; that the inmates were allowed to do almost anything they pleased; that hundreds of illegitimate children were born in those institutions, and that there was no proper care taken of them. But let any one go to our institutions here, and see the order, the regularity and the care that is taken of the inmates of these institutions, and then we can see why they are more expensive than similar institutions are elsewhere.

Let me take our police force; I believe we have a better police force than in any other city in the country; that they receive higher pay, with the exception of the police of New York and Brooklyn, than the police of any other city in the country, and still our people are not satisfied. The cry has been raised for more men; but at the same time I believe that today we have more men, in proportion to population, than any city in the country. Shall we reduce them? That is the question. Take our public schools, for instance. The Alderman knows that our public schools cost twice as much as those of any other city in the country; but how shall we make a change? That is a very important question. How shall we cut down the expense in that department? I have been trying to think of it in this City Hall for the last three years, and I must say that I have not been able to make any headway. I agree with the Alderman that the expenses of City Hall are much more than they ought to be; but how to cut them down is the question.

Alderman Fitzgerald—I don't know how to answer the speech of the gentleman who has just sat down, because he has answered himself. He rose, as I thought, with the object of showing me in error; but he ended by showing that the former part of his argument was wrong and that mine was right. I did not bring up the figures to cause remorse of conscience to the Alderman from Ward 21 for voting for widening a street after making so strong an argument that no more street widenings are necessary. I did not make it in reply to the argument that certain portions of the city should pay a certain portion of the expense; I simply rose to state certain facts. I rose not to ask the Auditor. The City Solicitor and the courts are the parties to pass upon it. As we cannot get the opinion of the Supreme Court, I think we ought to have an authoritative statement from the City Solicitor. I understand that we go to the Auditor, who goes to the City Solicitor, and the Auditor tells us. Now, I should prefer to have the City Solicitor tell us himself. I believe there is a well-grounded doubt in the minds of some persons as to the legality of issuing any more scrip, and I offered the order for the purpose of getting an official opinion from the City Solicitor. I agree with my friend as to the police. I don't want to cut down the police. I agree that the force is composed of efficient, intelligent men, and both the police and firemen deserve to be well paid. But I did not get up for the purpose of paying a compliment to the police or fire department, because I did not consider it necessary. I simply rose for the purpose of calling the attention of this Board to the increase of our municipal indebtedness, and to the fact that the city of Boston is more heavily in debt than any other city in the United States, not excluding Philadelphia, which is supposed to be in the hands of rings, and New York, which we suppose to be a corrupt city, and New Orleans, which we suppose to be swallowed up by carpet baggers.

Alderman Slade—Has not New York a sinking fund only about one-third that of Boston's?

Alderman Fitzgerald—She has a sinking fund; I do not know the amount. The point is that we pay taxes upon our gross indebtedness, three, five or six per cent., as the case may be, together with a sufficient amount for the Sinking Fund to meet the debt at maturity. But our real indebtedness—because we have to pay for it whether it is in the Sinking Fund or not—is \$43,000,000. We have the best-managed Sinking Fund in the United States, I suppose. The only sinking funds which come up to ours are those of Philadelphia, which amount to \$3,670,000. New York has a sinking fund; but we have the best managed sinking fund in the United States.

Alderman O'Brien—When the Alderman arose before to speak of the matters before the Finance Committee, I supposed he referred to the great intercepting sewer, for which we must raise three or four millions of dollars, and to the widening of Atlantic avenue, for which we must raise a million dollars, all in the course of three or four years. These measures were acted upon in his absence, and I supposed it was all right to show to the Alderman that the basis we had acted upon in those matters was given by the City Auditor, who is the highest authority in City Hall. But, as I said before, I have no objection to obtaining this information from the City Solicitor. Then the Alderman went on to compare the expenses of the city of Boston with those of other large

cities in the Union, and I did not think it out of place for me to say a good word for the city of Boston, and to show in what respect these large expenses exceed those of other cities. The expenses of our schools, hospital and public institutions far exceed—I should say more than double—those of similar institutions in all the other large cities of the Union; and how to cut them down has been a mystery to me since I have been here.

Alderman Clark—I am satisfied that the order has been offered, because I shall be glad to know what the opinion of the City Solicitor is. I have no doubt what it is, because it has been obtained by the Auditor several times, and is precisely as has been stated by him. Now, this is a gloomy foreboding, and it rather dampens my spirits to have such a sad state of facts brought before us at the present time, and I regret very much that it is brought up now. One reason why we are so heavily taxed is that we are paying our debts as we go along. We are taxed largely because we are creating a large sinking fund, and we are taxing the people, as we go along, to create this fund. That is one great reason why the people are taxed so heavily. With her enormous debt, I think the city of New York has a sinking fund of less than \$10,000,000; and one reason why we are taxed more heavily than the city of New York is the fact that we are yearly creating a fund with which to pay our debt. In a very short time, if we stop public improvements—which to a certain extent we can do, after we complete our water supply, intercepting sewer, and one or two other necessary improvements—we can cease making large expenditures of money; and if we continue this system of sinking funds, in a few years the city will be free from debt. Our expenditures are large, but, Mr. Mayor, we get more for our money in Boston than in any other city in the Union. The city is better governed, the streets are kept in better condition and are better lighted, less crime is committed here than in any other city in the Union. Instead of costing ten dollars per head for patients at the City Hospital, as the gentleman said, it is now less than eight dollars, as I see by the last report. The addition to the City Hospital has reduced the expense per capita to \$8. I think I am right.

Alderman O'Brien—I am aware that the Alderman is right by the last report, but I was taking the general average for a series of years.

Alderman Clark—And as for comparing Bellevue Hospital in New York with the City Hospital of Boston, you might as well compare the Lunatic Hospital at South Boston with the new State Institution at Danvers. Now, I regret that the Alderman should arraign this present City Government for extravagant expenditures. I contend that this has not been an extravagant City Government. They have only carried out projects introduced into and recommended by former City Governments. A system of sewers and parks were both recommended by the late Mayor while in office. The commission to prepare a plan of improved sewerage and the Park Commissioners, were all appointed by the late Mayor. This City Government have not inaugurated any large expenditures; they have simply brought to a head projects recommended by former City Governments, and admitted by them to be absolutely necessary for the benefit of the health of the citizens, and which, being deemed so by this Government, were brought to a conclusion. I do not now remember any extensive enterprises inaugurated by this Government. No street widenings have yet been concluded by this Government. Commercial street has been talked about and an order has been introduced to purchase a piece of land for market purposes; but those matters have not been passed upon by the City Council. So far as I can remember, no extensive enterprises have been inaugurated and carried out by this administration.

Alderman Fitzgerald—I did not rise to arraign anybody or any city government. The present City Government has been in existence only six or seven months, and could not be held accountable for all those things which have been done. The Alderman says the reason our taxes are high compared with other cities, is because we have to pay a certain amount into the Sinking Fund every year. Now, we pay \$800,000 into the Sinking Fund, and in the last five years we have paid into that fund more than was necessary or needed. But for all that

the amount per capita would be about two dollars and a little over, which would leave us still the highest taxed city in the Union. Deduct the amount per capita paid into the Sinking Fund, and it would still leave us one of the highest taxed cities in the Union.

Alderman O'Brien—Has the gentleman considered this question in all its bearings? For instance, we expend a million dollars a year in improving streets. That is not one of the expenditures of the city of Philadelphia; and I believe the city of New York taxes the abutters for all street improvements. Everything pertaining to laying out new ways, and repairing and lighting streets, enters into our tax levy; in New York and Philadelphia all those matters do not enter into the tax levies.

Alderman Fitzgerald—How do they get it?

Alderman O'Brien—They charge the abutters. There are a great many such matters, upon which I am not posted at this time.

Alderman Fitzgerald—The gentleman is determined to bring the tax levy down too low. In fact, the cities of New York and Chicago do light their streets and get it done cheaper than we do. I was talking with an ex-Mayor of Chicago about it, and he said they made a fuss about the cost of lighting the streets, and now it is done for \$16 a year. The Mayor of New York told me the other day that the lamps were lighted and taken care of for \$19, and ten or fifteen cents per lamp. The Alderman knows how much we pay per lamp because he has given special attention to that department. The people of New York have to pay for lighting the streets.

Alderman Robinson—I have not the facts and figures with me, but hearing the remarks of the Alderman who has just spoken has brought a little matter to my mind. I think the expense of New York, especially in the Police Department, is quite as large as in the city of Boston. I will endeavor to ascertain the facts before our next meeting.

Alderman O'Brien—All our appropriations for sewers go into our tax levy every year. In New York the cost of sewers is charged to the abutters, and does not go into their tax levy; and when once a sewer is built, no matter how many times we repair it, the city pays the expenses, while in New York all sewers are repaired at the expense of the abutters. Early in the year I noticed that the appropriation for laying out and repairing streets for one year in New York was \$350,000; in Boston we think, and the chairman of the Paving Committee believes, that \$800,000 is too small a sum to be appropriated for that object.

Alderman Slade—I believe that if the Alderman had stated the figures as \$250,000 for New York he would have got them just right.

Alderman O'Brien—It was in that neighborhood.

The order was passed.

#### THE HORSE-CAR BLOCKADE.

Alderman Robinson—One of the members of the Paving Committee [Alderman Fitzgerald] has been away for some time, and it is with some feelings—I don't know whether of joy or regret—that I find, in taking his hand today, that he has returned again to this Board to assist us with his counsel and advice, and to assist the Paving Committee; and with no more feeling than he had when he went away, that the city of Boston was his home, I welcome him back again. Previous to his going away, however, he introduced this order—

“Ordered—That the Committee on Paving consider and report the causes of the horse-car blockades on Tremont street and at the northern and southern depots, and the remedy for the same.”

The Paving Committee, with their other duties, have not been able to give sufficient time to the subject to make a report. Besides that, the Alderman [Alderman Slade] associated with me and myself could not seem to quite agree upon what was best to be done, and we have not taken any decided action in the matter. I have written out my views, and I think the Alderman has done the same with his, in regard to the cause of the blockade, and the remedy, except the strongest that might possibly be offered; and after we have stated our views to the Board we will be thankful for any suggestion before our next meeting.

The cause, in a word, is this: There are too many horse cars run on the localities spoken of in the order. At the same time there is a petition before the same committee to increase the number of cars. One of the members of the committee has

been absent, and the other member and myself have not been able to agree about this petition, and, therefore, no report has yet been made on the subject.

The primary cause of this multiplicity of cars on the circle of a given point, of which all the members of the Board know the locality, is, in my opinion, the granting of the right of one company to run their cars over the tracks of another company. This action of the Board released those favored companies from the restriction of their charters, which confined them to certain routes. I am unable to see any difference—that is, in principle—between granting horse railroad cars of one company the right to run over the tracks of another company and the granting of the right of any dry-goods merchant, or retailer, the right of using in common the store of another merchant or retailer in another part of the city. It may be said that there is no power to do it, but in my opinion the principle is just the same; or, even the editor of one newspaper to use the press, type or rooms of another editor on the plea that it would be a great convenience to him and would enable him to benefit the public and his subscribers so much the better. What would be thought of such a permit?

What would be thought, Mr. Mayor and gentlemen of the Board, of a petition being brought in here and a hearing being given thereon, whereby a party at the North End or South End would demonstrate by a multitude of witnesses that it would be a very great convenience (that is the word used, I believe, in almost all our hearings) to his customers if he was allowed to use the store of Jordan, Marsh & Co., R. H. White & Co., Hovey & Co., or Hogg, Brown & Taylor, etc., in common, by paying his portion of rent? What would be thought of a petition from some of the other newspapers not so favorably located to occupy or use the rooms, presses and other necessities of the Transcript, Herald, Post, Journal, Traveller or Globe, on the ground that it would be a very great convenience to them and to their subscribers and the public, because competition was the life of everything and must redound to the public good? I am inclined to think that those papers would protest against it pretty heartily, and if we had the power and should grant the petition there would not be much left of this Board but the soles of our boots and the skeletons of what we had been; and all the sawdust and cold cabbage that we might partake of at junketings would not restore the necessary flesh on our ribs. Yet, gentlemen, absurd as this may seem, I am unable, as I have before said, to see, *in principle*, any great difference between one case and the other. I know people may say the railroads and horse railroads are chartered companies; have no bodies to be kicked or souls to be saved; that they are the creation of the public and have no rights that the public are bound to respect, etc.; but when a spirit of fairness is departed from in any case it will bring trouble, and it will return its evil fruits to embarrass the public as a whole, although it may be an imaginary convenience to some particular locality.

Alderman Thompson raised the point of order that Alderman Robinson was not speaking to any subject before the Board, and was not in order, which the Mayor ruled well taken.

Alderman Robinson said he was giving his views as a member of the Paving Committee, in order to get advice from the members of the Board.

Alderman O'Brien thought Alderman Robinson was in order, as he was speaking as chairman of the committee.

The Mayor ruled that the Alderman was not making a report, and was not speaking in behalf of the committee. The Alderman could proceed by general consent.

Alderman Fitzgerald raised the point that a personal explanation was always in order. The Alderman had stated that the committee had been unable to agree, and he wished to make a personal explanation.

Alderman Slade—The committee have not tried to agree.

Alderman Thompson—If we had resolved ourselves into a committee of the whole, the Alderman would be in order.

Alderman Robinson—The Alderman declines to proceed if he is out of order. I will simply state here, with all due respect to Mr. Slade, that we had some talks on the subject and I said he might state his views to the Board of Aldermen and I would state mine. I rose to make such a state-

ment in hopes that we might get some information to enable us to report next week.

The Mayor—The Chair thinks the Alderman is in order if he rose for that purpose.

Alderman Robinson continued—

Now, Mr. Mayor and gentlemen, this very permission that was granted and the precedent established by former Boards has been injurious to the horse railroads themselves. It has created a spirit of emulation, or rather jealousy, between the different lines, that, to any calm and dispassionate mind, appears entirely useless, and no just reason can be assigned therefor except that neither of them wishes to be beaten. We all know, probably, the anecdote of the New Hampshire colonel in our late war, who, when apprized by a revival preacher that the work of grace was going on gloriously in another regiment a little distance off, and that nineteen had been baptised, commanded the orderly to detail twenty men at once to be baptised, for that he did not intend to have his regiment beaten at anything. Such, in spirit at least, it appears to me, are the motives that actuate the course of horse-railroad managers in interfering with the business of others rather than to follow their own routes, or with increasing business search out other routes which would be all their own, and would become, with proper management, perhaps, fully as valuable as the routes that had to be divided, shared with other lines. The public would soon fall into line with the arrangement, and peace and comfort between them all—that harbinger of the millennium—would soon exist.

By this application for routes, and permission to increase the number of cars, by their bringing in here clouds of witnesses and huge petitions setting forth the great convenience of frequent cars, people have been or are becoming educated to the actual belief in the necessity of having a car waiting for them at their own doorstep the very moment they open the door of the house. They are not content to ride in the vicinity or very near where they wish to go, but demand to be landed at the very spot; that their servants, even, will not be satisfied with waiting too long; that it is the obligation of the horse cars to accommodate them in every way they wish, whether the general public is injured thereby or not. Times have changed so much, it is said, that walking any distance or waiting any time for a car is entirely out of the question. If science admitted of it, the next thing would be to land them at their doors, across the sidewalk, by a machine impelled by compressed air, or some other motive power, that should shoot them over, as a very great convenience, especially in case of rain or snow on the sidewalk.

The cars went along quite regularly until Columbus avenue was added; those twenty-four cars per hour have done much mischief, and there is no necessity of so large a number. Six cars to each line would give a car every five minutes, if the managers of the two lines would act in concert, and the people on the avenue would be just as well accommodated as they are now. It should, however, be arranged that there should be five minutes between each car, and not two cars *together* every ten minutes. This requires the co-operation of the roads, and both would be benefited thereby.

As to rescinding the orders permitting the running over other tracks, it is out of the question now, probably, as things are; and it is, as in the case of the sick man, not so much matter how he became sick, but how to get him well. Therefore I will propose the best remedy for the present blockade obstructions I can think of, first giving the Board an idea how the cars now run.

There are now forty cars per hour that come from Park square to the corner of Boylston and Tremont streets—these, with the cars that come down Tremont street and those that come through Boylston street, say ninety-six cars per hour, increase the number of cars to 136 which pass along to the corner of Temple place. At Temple place, sixty-three cars per hour cross the inward track on Tremont street to the outward track, thus tending to block the track of 136 cars. Here is where the greatest blockade arises, as far as I can understand the matter of blockade.

There are 115 cars per hour passing through Temple place, sixty-three of which cross and pass down Tremont street and fifty-two pass up Tremont street, which, added to the 136 that come to Temple place, increase the whole number that pass to the burying ground to 188 cars per hour. A portion of these go back from there down Tre-

mont street, others pass to the northern depots, etc. Of the forty cars that come to the corner of Tremont street and Boylston street, eight per hour go to the depots, eight return from the burying ground and twenty-four, including both lines of Columbus avenue cars, go round Cornhill.

There does not seem to be any delay by blocks, as a general thing, at the burying ground, the stoppage to change the horses of the cars that return barely suffices for the people to get out and in to the cars, and everything appears to be well managed.

This appears to be the situation of horse-car matters on Tremont street at this time, and to which other portions of the route pursued by the different lines appears to be incidental to, and how to remedy the block occasioned by the cars passing through Temple place, and crossing the 136 cars on Tremont street, would seem to be the most important of matters connected with the present obstruction of the streets.

Now, if the cars of the Middlesex company that run to the southern depots, and the South Boston that run to the northern, could turn down Milk street, and through Hawley street to Summer street, they would thus run parallel to Washington street, and that too on the nearest street to Washington, and emerge out of Hawley street in Summer street, near Hovey's store and the retail trade of that section of the city generally; from Hawley street down Summer street to Lincoln street and through Lincoln street to the depots would be a continuation of the route; from the depots up Beach, a slight turn on Washington, then through Boylston to Tremont, as now.

The Highland and Metropolitan might continue up Washington street to Summer street, down Summer to Chauncy street, through Chauncy to Essex; up Essex and through Boylston street to the corner of Tremont street — and back on Tremont street, or continue to Kneeland street — and through Eliot street home. This would, I think, remedy the blockade in a great measure on Tremont street, for it would save or relieve Temple place of about half the cars that pass through it, say fifty-two cars per hour—thirty-six cars of the Highland and sixteen of the Metropolitan—and the obstruction, a detention caused by the crossing of the inward track to the outward on Tremont street, at Temple place, would be avoided. The cars on Hawley and other streets would all be travelling one way, and it would seem, with proper care, that the present number of cars could be run without detriment to the public, who have an equal right to the streets with the horse cars.

There is another remedy which, if available, might be equally advantageous; that is, another track from Temple place on Washington street to Boylston street; but any one in looking at that street and considering that the whole retail trade seems to be tending to that locality, and that even now it is subject to blockade in consequence of its narrowness, the crowds of people that continually throng that spot and the number of carriages, express wagons, etc., that are constantly passing, render it inexpedient to advise putting a track down, although it would, as in the first case, relieve Temple place from the cars that now pass through it and turn down Tremont street on the home trips.

It is, moreover, possible, as far as the horse cars are concerned, to run a track through Devonshire to Milk street, but when it is taken into considera-

tion that Devonshire street is crowded now, notwithstanding the dull state of business generally; when it is known that Devonshire street is the direct thoroughfare for the dry-goods wholesale trade of the city to the northern depot; when we consider that the wool of Federal street, the boots, shoes and leather of Pearl street, and the crockery, paper and all the heavy freight of Congress and the other streets of a wholesale nature, have to pass, if not through Devonshire, at least through that part of it from State street to Dock square, it would be the height of folly, it seems to me, to think of such a remedy for the horse-car blockage. Wholesale merchants, teamsters, express wagons, and citizens who come into town in carriages, have some rights to the streets, as well as that class of population that travel only in the horse cars, and this street should not be obstructed by any horse-car track. I understand that the Metropolitan Railroad petitioned for it at one time and the location was refused. If it were possible to pass through Merchants' row, that might aid matters by the market, but any person who will take the time to go to that spot and observe the enormous number of wagons of all descriptions,—the market cars and vehicles that are constantly standing and passing,—must come to the conclusion that that thoroughfare must not be further obstructed.

At our last meeting the Chairman of the Board called the attention of the Police Committee to the obstructions of the street at the northern depots. I find in looking over the ordinance that no person is allowed to stop a vehicle on the street more than five minutes, and this would seem to be a license for the cars to stop at the depots, if the crossings are left clear. Under the present ordinance that is all the police can do. In regard to conductors and drivers calling for passengers, I don't know that there is any ordinance that prevents them from telling strangers at the depots where the cars go. I have given this matter all the attention I could in the last four or five weeks, and if any member can suggest any better plan than I have I shall favor it.

#### DEDICATION OF SOLDIERS' MONUMENT.

Alderman Fitzgerald—I simply rise to a question of information. I want to ask the Committee on the Soldiers' Monument if a part of the programme for the dedication is to be a banquet? I have heard it stated that there was to be a banquet to which the members of the City Government and the various distinguished guests would be invited, and I would ask if that is a part of the programme of the proceedings on that day?

Alderman Thompson—The committee have not got along quite so far as that. The public have anticipated their action, but the committee have not considered that question at all. They have had to consider matters of more importance than any banquet. Whether or not there will be any banquet I am unable to say.

Alderman Fitzgerald—I merely asked for information. I hope it is n't so. I hope that a day devoted to the solemn ceremony of erecting a monument to the dead will not be ended by a grand banquet and jamboree. It would be inappropriate and not in accordance with the sentiment which should inspire those who take part in the celebration. I am very glad it is not so, so far; and I hope it will not be so.

Adjourned, on motion of Alderman Slade, and stood adjourned till Monday, Sept. 10.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

SEPTEMBER 10, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Three petit jurors were drawn for the September term of the United States District Court.

## EXECUTIVE APPOINTMENTS.

Sergeant of Police—Patrolman George Munroe. Referred to Committee on Police.

Superintendent of Intelligence Offices—Benjamin D. Burley. Confirmed.

Police Officers Without Pay—John F. Ham, Daniel Lyon, James Haynes, G. H. Hamilton, William F. Marston. Confirmed.

Lieutenant of Police—Sergeant Joseph H. Bates. Referred to Committee on Police.

Police Officers—Charles A. Moncrieff, Bernard Murray, Andrew Maguire, M. P. Daley, Edward F. Flannigan, William Burns. Referred to Committee on Police.

Constables—Francis M. Adams, Arthur F. Anderson, Richard F. Andrews, Ellery S. Ayer, James Ball, William S. Bangs, John R. Barry, Patrick Barry, \*Phineas Bates, Francis J. Baxter, \*Jacob T. Beers, Morrill P. Berry, William W. Blake, Charles S. Blood, Charles Booth, Charles A. Booth, Samuel Brackett, Frank B. Brown, Moses P. Brown, †Francis V. Bulfinch, Charles Burcham, Hiram A. Campbell, Samuel Canning, Jr., James M. Carter, Lemuel Clark, Joseph D. Coburn, \*Chase Cole, †George W. Conant, William P. Cook, †Daniel B. Curtis, Samuel A. Cushing, H. R. Darling, †William G. Davies, †Isaac W. Derby, David M. R. Dow, Alvin S. Drew, George G. Drew, John A. Duggan, William E. Easterbrook, Caleb S. Emery, Ephraim W. Farr, Norman Farr, George W. Farr, Thomas Fee, Jr., \*George M. Felch, †Thomas Folger, †Henry M. Forristall, William A. Fort, Elijah D. Foss, William T. Gardner, Sarell Gleason, James F. Goodwin, †Dennis J. Gorman, Augustus Grant, Thomas Hall, James G. Harrington, John C. Harrington, †Sylvester H. Hebard, †William L. Hicks, John M. Hodgate, †Solomon Hovey, Jr., Joseph Hubbard, Frederick P. Ingalls, Thomas A. Jackson, Isaac Jacobs, Charles P. Johnson, William K. Jones, Stephen P. Kelley, †Nathaniel P. Kemp, Henry P. Kennedy, †George P. Kingsley, Frederick P. Knapp, Russell R. Knapp, \*Abraham, M. Leavitt, \*James P. Leeds, Nicholas G. Lynch, †John MacConnell, †J. Stuart McCorry, Francis X. Macdonald, William D. Martin, John May, Charles A. McCaffrey, †William H. McIntosh, \*Samuel McIntosh, \*Edward F. Mecuen, †Benjamin Meriam, Michael Merrick, Jr., James Miskelly, Abel B. Munroe, George B. Munroe, Jotham E. Munroe, Samuel Nash, Alonzo F. Neale, Aaron F. Nettleton, John Newell, John B. O'Brien, George E. Orrok, Isaiah Paine, Jr., David Patterson, Alvah H. Peters, †Henry Prentiss, †J. Edward Priest, George B. Proctor, John D. Reed, †Augustus M. Rice, Edwin Rice, George Richardson, Frank T. Ricketson, \*Hannibal F. Ripley, John Robie, William D. Rockwood, John Rogers, Franklin T. Rose, Joseph Rowe, Joseph R. Rowe, Burnham Royce, George H. Royce, William Sherburne, Charles Smith, Lebbeus W. Smith, Lorenzo Smith, Thomas M. Smith, †Edwin R. Smyth, Asa Southworth, Henry F. Spach, †Edwin P. Spinney, \*Warren J. Stokes, George P. Stone, Barry Sullivan, †Denis A. Sullivan, \*Jeremiah M. Swett, William H. Swift, Charles S. Tasker, Henry Taylor, †William C. Thomas, Charles E. Townsend, George W. Tucker, \*Charles E. Turner, William G. Tyler, †Elbridge G. Wallis, Morris J. Walsh, Johnson Warren, William H. Warren, Jr., \*Sumner P. White, †George R. Williams, Wright W. Williams, \*Charles S. Wooffindale, †Abraham G. Wyman.

\*Truant officers.

†Health Department.

‡Collector's deputies.

Alderman Fitzgerald—The appointment and confirmation of constables may appear a very simple matter to those who have never come under the thumbscrew of an officer of the law in executing civil process; but it is a very important appointment, and I hope that the members of the

Board of Aldermen won't think it does n't amount to anything because we don't pay them a salary, and that the salary which they receive is simply the fees which they gather from the persons on whom they serve process. Now, we have here a list of constables which is about three times as large as it ought to be in the city of Boston. If that list is cut down about one-third, and the best men are selected from it, it will be a great service to the city, and I know it will be a great service to those on whom civil process is served. There are many constables—I am happy to say they are not all so; but there are a great many—who become constables for the purpose of enabling them to get hold of money which they could not get hold of save and except in their official capacity as constables. Lawyers know that very well. A few months ago an order was introduced into the City Council for the appointment of a committee to consider the passage of an ordinance limiting the number of constables in the city of Boston. It is very important to have the proper kind of men, who will know what their duty is and not overstep it; men who will not grind the poor and unfortunate, when they have the power of doing so, in the execution of civil process. I move, sir, that the confirmation of these constables be laid upon the table until such time as this committee whom we have appointed have time to report. I don't know whether any gentlemen here are on the committee, but I know that an order was introduced in the other branch for the passage of an ordinance limiting the number of constables in the city of Boston, and I move that this committee be requested to report as soon as possible.

The matter was laid upon the table.

## PETITIONS REFERRED.

*To the Joint Committee on Public Lands.* Henry Harwell *et al.*, for removal of conditions in deed of city to Abner Kingman, dated Jan. 17, 1863.

*To the Joint Committee on Public Buildings.* Mary W. Wightman, to be compensated for her right of dower in certain property held by the city and located on Common street, Charlestown.

*To the Joint Committee on Claims.* P. H. Roden, to be paid for personal injuries sustained by an alleged obstruction on Blackstone square; Thomas Coots, for compensation for damages received through an alleged defect in Main street, Charlestown.

*To the Committee on Licenses.* Robert E. Athorp, for the removal of certain horses and wagons from South Russell street, near Cambridge street.

*To the Joint Committee on Common, etc.* Charles E. Rice *et al.*, that the city would purchase and lay out as a public square a lot of land in Brighton.

*To the Committee on Common on the part of the Board.* Marie E. Zakrzewska for the removal of some trees from sidewalk of estate 139 Cedar street, Roxbury.

*To the Committee on Police.* Faneuil Hall Temperance Reform Club, for leave to project a transparency in front of 21 Hanover street.

*To the Committee on Sewers.* George Glover *et al.*, for a sewer in Linden street; William Donaldson, for extension of sewer in Maywood street; Thomas Heslam *et al.*, for a sewer in Heath place; Michael W. Carroll *et al.*, for a new sewer in Beacham street.

*To the Joint Committee on Water.* Jamieson & Aikens *et al.*, representing that a quantity of freestone was used in constructing the gate house in Wellesley, in connection with the Sudbury River works; that they were desirous of making a tender for supplying the same, but the matter not being made public they were debarred from so doing; and they request an inquiry whether the Water Board were authorized to contract for said work without publicly advertising the same, and whether said work was done at the lowest market prices.

*To the Joint Committee on Bathing.* Harriet B. Preston, to be paid for lease of land on bathing-house lot, Commercial Point.

*To the Committee on Lamps.* Calvin R. Page, for lamps on Washington and Beach streets, Ward 23; N. B. Stevens *et al.*, that Butler street, Ward 24, be lighted; Samuel Williams *et al.*, that Clarence place be lighted; B. Rogee *et al.*, that Leonard street, Ward 24, be lighted; W. G. Babcock, that Clark street, Dorchester, be lighted; A. Lobbiller *et al.*, for street lamps in Terrace avenue, Ward 23.

*To the Committee on Paving.* Petitions for brick sidewalks in front of the estates of Hannah Downing, No. 200, and Ann Kelly, No. 202 H street; Abram Q. Wendell, Jr., No. 464, Ella F. Wendell, No. 462, and Martha Smith, No. 460 Meridian street; Charlestown Five Cents Savings Bank, 49 Stirling street; William Cheyne, northeast corner of H and Ninth streets. For edgestones in front of estates of Howard Clapp, Fifth street, corner Jay street; Timothy McCarthy, Everett street, corner Cottage street; Alden E. Whitmore, 610-614 Ninth street; H. B. Webster, corner Greenough avenue and Elm street, West Roxbury. For edgestones and brick sidewalks in front of estate of Delano & Little, 534 Fifth street.

Edwin Jones *et al.*, that Union avenue, Ward 24, be graded and put in order; Albert Bowker *et al.*, that Lewis street, easterly of Marginal street, be repaved with granite blocks; also that Webster street, between Orleans and Cottage streets, be macadamized; George H. Plummer *et al.*, that Webster street, between Cottage and Orleans streets, be macadamized; Calvin Damon *et al.*, that Decatur street, Ward 16, be put in order; William Farrell, that the assessment levied upon estate 101 Athens street for edgestones and sidewalks be abated; David F. Decatur for abatement of assessment for edgestones on Bickford street; Benjamin F. Bean *et al.*, for edgestones on Woodward avenue; W. Elliott Woodward *et al.*, that Woodward avenue be graded and macadamized.

M. Ellis & Co., for leave to move a wooden building from Bennington street, Ward 1, to Church street, Ward 1.

David W. Williams *et al.*, for a cross walk on Blackstone street, at the New England House; William P. Hunt *et al.*, that Bowdoin street be graded from Olney street to Bellevue street; Henry Bean *et al.*, for crosswalks on Warren street and Blue Hill avenue, at Woodbine street; Margaret Coughlin, for abatement of edgestone tax; Lewis Mason and fifty-four others, for grading and repairing Adams and Richmond streets, at Lower Mills, Ward 24; William H. Jones *et al.*, that Massasoit avenue be paved with asphalt.

Highland Railway Company, to be heard upon Alderman Fitzgerald's order in relation to street-car blockades; to rescind a part of the location granted March 19, 1877; for location of track on Eliot street, west of Tremont street.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables—By Bartholomew Hickey, new wooden, one horse, Downer street; Josiah H. Carter, old wooden, one cow and one horse, on street between Commercial street and Neponset avenue; Francis S. Balch, executor, old wooden, four additional horses, Centre street; A. F. Quigley, new wooden, three horses, New Seaver street; Metropolitan Railroad Company, old wooden, thirty additional horses, Dorchester avenue and Park street; L. H. Jones, new wooden, three horses, Pleasant street; Dennis Sullivan, old brick, twenty-five horses, 85 Cove street, in rear; A. Hutt, new wooden, one horse, Franklin street; John A. Allen, old wooden, one horse, rear 249 Eighth street; H. Boghard, old wooden, 464 Parker street; Charles E. Paige, old wooden, four horses, 612 Fifth street; Charles N. Rowell, old wooden, two additional horses, 69 Bower street, Ward 21; William Doulen, new wooden, one horse, Baker street, near Mt. Vernon street; George W. Tuxbury, new wooden, four horses, Clapp street.

#### HEARINGS ON ORDERS OF NOTICE.

Hearings were had on orders of notice as follows:

*Sewers.* On expediency of constructing sewers in Jenkins street and St. James avenue, no objections were made. Recommended to the Committee on Sewers.

*Highland Railway Company.* On petition of said company for leave to run a portion of their cars to the northern depots, Moody Merrill, President, appeared for the Highland Railway Company; C. A. Richards, President, and Hon. W. A. Field appeared for the Metropolitan road, and J. W. Emery for the Union Railroad of Cambridge.

Mr. Merrill explained the route proposed, which was designed to avoid any blockade at the depots, and which could be prevented if an officer was at the depot. He would put no more cars on the crowded part of the circuit. The line would start from Cornhill, go through Scollay square, Court street, Bowdoin square, Green, Leverett, and by a new track through Causeway street, by the depots, thence through Beverly street, returning by

New Washington street. He thought it no more than just to his company to be allowed to run a few cars to the depots; and the Metropolitan road could use this new track in Causeway street if they desired to avoid the blocks at the depots. Mr. Merrill then called his witnesses.

William Morse, residing near Mt. Pleasant, said it would be a great convenience to the residents of that vicinity and on Blue Hill avenue, to have the Highland cars run to the depots. [To Mr. Richards]—Thought it would be more handy to take a Highland car direct to the depot. [To Mr. Merrill]—The extra accommodation by the Metropolitan has been furnished only a short time.

Andrew McDonald, residing at the end of Blue Hill avenue, thought it would be a public benefit to have the Highland cars run to the depot; they had been a great benefit to the people there; no cars run from Blue Hill avenue to the depot.

C. F. Drury, living on Mt. Pleasant place, accorded with Mr. Morse and Mr. McDonald; heard the desire expressed every day.

Arthur Hodges, civil engineer, drew the plan of the proposed route and considered it feasible and practicable, so as to avoid blockades, and he had that in view in laying out. [To Mr. Emery]—Know nothing of the number of cars, etc., now running through Green street. [To Mr. Field]—Don't know how many cars now run through Court street; think about one in two minutes. [To Mr. Emery]—There are places in Green street where a carriage cannot pass a car on one side. [To Mr. Field]—Saw a car go through Court street from Sudbury to Revere House in three-quarters of a minute; should say it is between 400 and 500 feet.

George H. Munroe, residing on Walnut avenue, said there is a general desire for the Highland cars to run to the depots; his family share in that general desire. Fully five-sixths of the neighborhood prefer to ride in the Highland cars. Mr. Munroe gave a resumé of the events which led to the formation of the Highland road, which grew out of the lack of accommodations furnished by the Metropolitan; and the result was greater accommodations even by the Metropolitan than the people had asked for. They enjoy the luxuries of horse-car travel, and they are loyal to and desire on principle to patronize the Highland road. They do not see why they can not have the privilege of going to the depots on their favorite road.

The petitioners here rested their case.

Alderman Clark in the chair.

Mr. Field then proceeded to make the argument for the Metropolitan Railroad in opposition to the granting of the petition. All the facts were well known to the Board, and he would not introduce any testimony, but merely call their attention to a few general principles. The Board have had occasion to study this question during the year, and the members are perhaps better acquainted with the subject than any other twelve men in the city of Boston. He reviewed the acts of the Legislature by which the Highland Railroad was chartered, and by which its subsequent locations were obtained, and the effect of the general railroad law, and said the question before the Board was whether public necessity and convenience required the granting of this petition. There are always two questions involved in such a petition—first, does public necessity require any additional accommodation along the route expressed in the petition? second, if public necessity does require the additional accommodation, what corporation should furnish that additional accommodation? The first is essentially a judicial, and the second a legislative question. If it is determined that public necessity requires the accommodation, then the question comes, shall it be done by the old corporation, who have done the business for fifteen years, or shall it be given to another corporation chartered for another purpose? The petition is deficient in that it asks for no power to run over the tracks of the Cambridge Railroad, and the petition will have to be amended in order to carry out the scheme. The question of public necessity before the Board is substantially the same as in regard to the laying out of highways, which are not laid out for the benefit of the inhabitants along the route, but for the benefit of the whole city, and the same moral necessity must be found before this petition is granted. It has not been shown that the Metropolitan Railroad does not run enough cars to accommodate the people at the Highlands who desire to go to the depots. It has merely been shown that it hurts the feelings of some of the residents of the Highlands to ride in the Metropolitan cars. The board do not deal

with feelings and sentiments, but they are to consider what, under the circumstances, is a good and reasonable accommodation for the citizens of Boston. Mr. Field gave a brief history of the origin of the Metropolitan road, and the purpose for which it was organized, and its consolidation with the Suffolk road, and of the business which has grown up in the past fifteen years of transporting passengers to and from the depots. About nineteen-twentieths of the people who take the cars at the depots leave them before they reach Boylston street, and generally the people who take the cars for the depots take them north of Boylston street. This business is entirely independent of the conception of the charter of the Highland road. It is in some respects a profitable business, and the Highland Company want a part of it, and that is the main groundwork of their petition. No marked public necessity is shown for it, as was perhaps the case when the Highland Company was organized. It is not pretended that the Metropolitan does not furnish good cars; it is only pretended that certain people prefer to ride in the Highland cars rather than the Metropolitan. They only say they want it, and that their patrons desire it. Mr. Field then gave some statistics of the number of cars now run by the Metropolitan road to the northern depots, substantially as follows:

By way of New Washington street, from 7 A. M. to 7 P. M.—From the Norfolk House, 91 round trips, or 182 single trips; from Lenox street, 24 round trips, or 48 single trips; from Columbus avenue, 24 round trips, or 48; from Tremont-street Crossing, 25 round trips, or 50—in all 164 round, and 328 single trips, in twelve hours.

Through Court street—From Warren street, (where the Highland cars will come from) 70 round trips, or 140; Boston Neck line, down Washington street, 16 round trips, or 32; from Lenox street, down Tremont street, 25 round trips, or 50—in all 111 round trips, or 222 single trips.

This makes in all 550 trips in 12 hours.

In addition to that there are 70 round, or 140 single trips of the West End cars through Charles, Cambridge and Court streets, and back to Lenox street by way of Washington street.

All these Court-street cars pass over the single track 470 feet long, in a street 22 feet wide, crowded with travel—326 trips, or a car every two minutes.

Mr. Field next showed the number of passengers carried to and from the depots, stating frankly that he believed more accommodation is furnished than is required. The numbers were taken on Saturday, Sept. 8, from 7 A. M. to 7 P. M.

Number of passengers who got in at the northern depots to come up into the city—In Metropolitan cars 1370 passengers took 170 cars, about 8 to a car; and 657 passengers took 144 South Boston cars, or between 4 and 5 to each.

Passengers to depots—On 275 Metropolitan trips there were 1607 passengers; and 548 on 144 South Boston trips. This shows the accommodation greater than is needed.

The law gave every one a right to a transfer check over another road, and recently the Metropolitan established a system of checks over their own lines for one cent additional.

Mr. Field contended that the Board had no right to undertake to apportion the cars upon any proposition of equity when no public necessity demands it, and it is an abuse of power to attempt it. One of three theories must be adopted: If they let every road run *ad libitum* over any tracks, the result would be more cars than are necessary, and finally consolidation into a giant corporation controlling all the tracks. They might permit a road to select its location where there is a good business, and where they will not be obliged to run any cars at a loss; and such a system would ruin the old companies and discourage the investment of capital in horse railroads. The third system is the one established by law—that a road takes a route with certain limits, and should be held to do the business within those limits, and be protected therein. The Board are not bound to furnish a public exigency for any one; it is not their office to furnish business for any man or his capital. In conclusion, Mr. Field discussed the question of compensation, which he claimed was wholly inadequate to the loss of business.

In reply to questions by Alderman Fitzgerald, Mr. Richards said his road are not now running any more cars on the circuit than before the Columbus-avenue route was established, except the addition of that line.

Mr. Emery, president of the Union Railway Company, alluded to the crowded state of Green and Court streets, as has been before shown, and the Union Railroad, bringing in and taking out 10,000 people, would be greatly inconvenienced if any more cars are allowed. For this reason he objected. He repeated the statistics presented at a previous hearing, showing the crowded state of Green and Court streets. He claimed that the term public necessity included every one using a street, and their wants should be considered. He had declined to press the petition to run the East Cambridge cars farther into the city, because of the crowded condition of Court street. If any more cars are to be allowed in Court street, the Union road should have the preference rather than a new corporation. He produced figures to show that there is more accommodation furnished there now than is required.

E. W. James said they had a coach in Green street every 2½ minutes, and if the Highland road is allowed to come there, he hoped the Board would order off a few of the Cambridge or Metropolitan cars, or else make the Highland cars go through North Charles street, which they could do in much shorter time than through Court and Green streets.

In closing the case, Mr. Merrill called a few more witnesses.

Ashabel Earl testified that, as a police officer, he patrolled Court street, between Sudbury and Green, for seven years; that there were no blocks there since the opening of New Washington street, which proved a great relief to Court street.

Policeman Perry, whose beat takes in Court street, said he had not lately noticed any blocks there. The cars average about forty-five seconds in going from Sudbury street to Bowdoin street.

Police Sergeant Eastman said he was around Court and Green streets a great deal and had never noticed any blocks.

Policeman Foster, whose beat is in the vicinity of the northern depots, thought there would be no trouble about blocks if the cars did not stop except to let a passenger in or out. [To Alderman Burnham]—Had known cars to wait five and seven minutes; one car will get in and wait till nine cars are on the track between the Lowell depot and the Boston & Maine track. This has been more since the South Boston cars went there. [To Alderman Robinson]—They used to stop on the crossing, but not now. [To Alderman Fitzgerald]—They stop longer now than formerly. [To Mr. Field]—Never see over two or three cars filled by the Eastern morning trains. [To Mr. Richards]—Think there is more holding of the cars at the depots than before the South Boston cars went there. [To Mr. Merrill]—If the cars were kept moving, there would not be more trouble than elsewhere. [To Alderman Fitzgerald]—There is a great deal of effort by drivers, conductors and starters to get passengers on the cars. Think the Metropolitan road runs more cars to the depots than before the South Boston cars went there.

To Alderman Fitzgerald Mr. Merrill said his company run four less cars on the circuit now than before the Columbus-avenue route was opened; when the avenue line was opened they took four cars off the circuit.

Mr. Powers, president of the Middlesex road, said he ran no more cars on the circuit than before.

Mr. Richards said to Alderman Fitzgerald that the Metropolitan ran no more cars on the circuit than before.

In closing the hearing Mr. Merrill said they had petitioned for this location in part for the purpose of completely remedying the blockade at the northern depots, and it will partly remedy the block on the circuit. He fully accorded with the argument of Mr. Field, but when the Metropolitan was allowed to run to the depots, the Alderman reserved the right to allow other companies to run over the same tracks. The Metropolitan got its right to run to the northern depots by making a fight with the Suffolk company, getting the location, and compelling them to sell out. The Highland wanted this location, to enter into a fair competition with the Metropolitan, which has earned more since the establishment of the Highland than it ever did before, for the conductors do not make such large dividends. The Board should equalize the travel on the circuit and on the tracks leading to the depots; and the whole thing can be equitably arranged satisfactory to the public. They in-

tend to run by the depots, stopping only to take in and let out passengers, and return by Beverly and New Washington streets.

Alderman Fitzgerald called Mr. Paige, Superintendent of Wagons, who has occasion to watch the wagons and cars; had noticed an increase of the blocks within two or three months. There is considerable competition on Causeway atreet, and he had seen one car hold a whole line of cars for several minutes. The only way to prevent the block is to have less cars. People often want the first car in a line. There are more cars on Tremont street than there were three months ago. If the cars could turn out on Tremont street and the horses turn the other way, it would cause a great relief. [To Alderman Clark]—Think that if the limit of thirty feet apart was observed, there would be a greater relief. [To Alderman Thompson]—A double track to Scollay square, and the shifting take place there, would be a great relief. [To Alderman Robinson]—One trouble is the running on time; the starter holds a car till the time for starting comes.

Rufus C. Marsh, Superintendent of Hacks, said he had noticed the blocks, and thought the turning at the burial ground and the crossing at Temple place are among the chief causes of the blockades on Tremont street. Do not think cars should stop at a depot to wait for a train to come in.

The subject was recommitted to the Committee on Paving.

#### REPORTS OF CITY OFFICERS.

*Fires and Alarms.* The report of the Fire Commissioners of fires and alarms in August was received. Sent down.

*Auditor's Exhibit* of the appropriations on Sept. 1, sent down.

#### DEPUTY SEALERS OF WEIGHTS AND MEASURES.

The Chairman submitted an order—That the Auditor or Accounts be and he hereby is authorized to transfer from the Reserved Fund the sum of \$1400 to the appropriation for Sealer of Weights and Measures, for the purpose of paying during the present financial year the salaries of the Deputy Sealers of Weights and Measures as established by an order of the City Council, approved Aug. 13, 1877.

In reply to a question by Alderman Slade, the Chairman said the order came from the Auditor and was necessary to enable him to pay the deputies' salaries.

The order was read twice and passed—yeas 11, nays 0. Sent down.

#### POLICE.

Alderman Robinson submitted the following from the Committee on Police:

Report that Andrew L. Johnson have leave to project a lantern at 212 Friend street. Accepted.

Report on the Executive appointments of Aug. 27, recommending the confirmation of the appointments of Owen T. Winn to be a lieutenant of police, and James J. Kane to be a police officer; and that the appointment of Joseph Givens to be a police officer be rejected.

Alderman Fitzgerald desired to know the cause of the rejection, having no doubt it was all right, but believing it should be stated, the same as reasons for other committee decisions are stated; and then a man rejected for physical disability would not be subjected to any moral stigma.

Alderman Robinson said the policy of the committee had been to do no one any harm where they could do no good. The individuals know all about it, and there was no necessity for the public knowing it. This person was rejected because he could not obtain the doctor's certificate of his physical ability.

Alderman Fitzgerald said the only reason for making it public was that the good might suffer with the bad.

Alderman Thompson thought the committee were right in not making the cause known; for any member could see the testimony.

To a question by Alderman O'Brien, Alderman Robinson said most of the candidates were rejected for physical disability, and Alderman O'Brien said that was generally understood.

Alderman Robinson said there had been other reasons, but he never wanted to injure any one by telling them.

The report was accepted, and the appointments confirmed and rejected as recommended.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports that leave to move wooden buildings be granted to John Quirk, Ezra Abbott, Cornelius Cotter, (two buildings each.) Accepted.

Report of leave to withdraw on petition of Michael Moley for leave to move wooden building from North Harvard to Cambridge. Accepted.

Reports of leave to withdraw on petitions of George Dennie *et al.*, that stone crosswalks be laid on Columbus avenue; South Boston Railroad Company *et al.*, for a crosswalk on Broadway at I street; Hiram Ames *et al.*, that the Ferdinand-street Bridge be widened and rebuilt.

Report in favor of granting petition of John M. B. Reynolds *et al.*, that crosswalks be laid at junction of Mount Pleasant avenue with Vine and Fairland streets. Accepted.

Order to repair the bridge on Albany street over the Boston & Albany Railroad; estimated cost, \$500. Read twice and passed.

Reports and orders for edgestones in front of estate of First Congregational Society of West Roxbury, on Centre street; and for edgestones and brick sidewalks in front of estates of Frances V. Barlow, 7 Claremont park, and Frances V. Miller, 11 Claremont park. Orders read twice and passed.

Schedules of the cost of sidewalks on Sherman, Akron, P and Washington streets, with orders for assessment and collection of the same. Orders read twice and passed.

#### SUPERINTENDENT OF PRINTING.

Alderman O'Brien submitted the following: The Joint Standing Committee on Printing respectfully represent that a vacancy exists in the office of Superintendent of Printing, and that the ordinance in relation to the department does not provide for filling the vacancy. The committee submitted the following questions to the City Solicitor:

1. Whether or not the existing ordinance in relation to the appointment of a Superintendent of Printing provides for the appointment of a Superintendent after the expiration of the first term?

2. The term of office of the Superintendent of Printing having expired, is it not necessary that the ordinance should be amended before the vacancy can be filled?

The committee received the following answer: "In my opinion the ordinance provides for one term only, and that the ordinance should be amended so as to authorize subsequent appointments before the office can be filled.

J. P. HEALY."

The committee therefore recommend the passage of an order—That the Committee on Ordinances be requested to report an ordinance providing for the appointment of a Superintendent of Printing.

Order read twice and passed. Sent down.

#### PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Order to declare forfeited to the city for non-payment and breach of conditions of sale the lot sold to Burrill & Whitney on June 15, 1869, situated on East Third street and in the rear of the street, and to cancel bond No. 2318 given for the same. Severally read twice and passed.

#### NORTHAMPTON-STREET DISTRICT.

Alderman O'Brien submitted the following:

The Joint Standing Committee on Public Lands respectfully represent that by an order of the City Council, and approved by his Honor the Mayor June 1, 1877, the sum of \$16,451.90 was appropriated to pay Joseph H. Hunneman and others for land surrendered by them and taken by the city in the Northampton-street district (so called). Since that time it has been found that said Hunneman cannot give a good title to a portion of the premises surrendered by them; they have therefore requested the committee to deduct this portion, which contains 2030 8-10 square feet, and to negotiate a new settlement for the remainder on the same basis as the former settlement. The committee have, therefore, agreed to pay them for the remainder of the land, which contains about 7417 2-10 square feet, the sum of \$13,409.25, and we recommend the passage of the following order:

Ordered, That the order passed by the City Council, approved by his Honor the Mayor June 1, 1877, to pay Joseph H. Hunneman and others the sum of \$16,451.90, in full settlement for the estates surrendered by them on the Northampton-street district (so-called), be and the same is hereby rescinded.

Ordered, That there be paid to Joseph H. Hunneman and others, the sum of \$13,409.25, in full

settlement for an estate containing 7417 2-10 square feet, situated on Hunneman street, on the Northampton-street District (so-called), being a part of the estate surrendered by them to the city of Boston, upon their giving a deed and release of the same satisfactory to the City Solicitor, and an acquittance and discharge for all damages, costs and expenses connected with said surrender; said amount to be charged to the appropriation for the Northampton-street District.

Ordered, That his Honor the Mayor be and he hereby is authorized to execute a release for a nominal consideration to Joseph H. Hunneman and others of a parcel of land situated on Plymouth court, containing 2030 8-10 square feet—being a part of the estate surrendered by them and taken by the city of Boston by an instrument, a copy of which is recorded with Suffolk Deeds, lib. 1356, fol. 90—said parcel being shown on a plan made by Thomas W. Davis, City Surveyor, dated Sept. 1, 1877, and deposited in the office of said City Surveyor.

Alderman Bnrnham—Is the sum named in the order greater or less than the assessed value of the land?

Alderman O'Brien—A month or so ago we passed an order paying Mr. Hunneman a certain sum for land on the Northampton-street district. The arrangement made with Mr. Hunneman was this: The committee selected by the Committee on Northampton-street District, fixed a price for the land. The assessed valuation was also taken at the time the city took possession, and we split the difference. The price was less than the assessed valuation, and rather more than the valuation put upon it by the referees. This arrangement fell through because Mr. Hunneman could not give a perfect title. We now deduct the property to which he could not give a perfect title and pay him on the same basis. The whole matter has been carefully gone into by the committee.

Alderman Thompson—Are the sums named in this order the same as in the original order to pay Mr. Hunneman?

Alderman O'Brien—They are the same, only the amount is reduced by giving him the land for which he cannot give a title. The city is relieved from taking the portion omitted, so that there is a gain, no matter which way you look at it.

The orders were read twice and passed. Sent down.

LICENSES.

Alderman Dnnbar submitted reports from the Committee on Licenses, as follows:

Hack License Revoked—John F. Nagle, 635 Washington street.

Passenger Wagon Licensed—J. H. Marshall, to run from Winthrop Junction, through Saratoga and Meridian streets, to South Ferry.

Auctioneers Licensed—W. K. Ritchie & Co., 37 Roxbury street.

Wagon Licenses Granted—William H. Ransom, 29 Pleasant street; Daniel Sullivan, Jr., Oliver street, near Milk; Josiah C. Merriam, 110 Chambers street; Robert H. Smith, 383 Atlantic avenue; John McDonald, Highland express; K. A. Livermore, 382-4 Atlantic avenue; E. H. Cummings, 215 State and 42 Oliver street.

Severally accepted.

SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Reports and orders of notice for hearing on Monday, Sept. 24, at four o'clock P. M., on expediency of constructing sewers in Rockland street, between Wakulla and Dale streets; in land of Morrill *et al.*, from Blue Hill avenue to Warren street; in Warren street, between land of Samnel Little and Crawford street, and in Crawford street; in Jenkins street, near Dorchester street; in Dorchester street, between Tnckerman street and the Old Colony Railroad Company, and through private land at the foot of Jenkins street to Vinton street. Also for hearing at the same time on expediency of taking land of George V. Woodman for sewer purposes. Severally passed.

Order to take land of Old Colony Railroad Company *et al.* in Jenkins street for sewer purposes. Read twice and passed.

Ordered, That the assessment for a sewer on Fairfield street, confirmed by the Board of Aldermen on Feb. 8, 1875, be declared null and void, the same being, in the opinion of the City Solicitor, not collectable by law. Read twice and passed.

Report that no action is necessary on petition of Richard Swallow for sewer in Commercial street, Ward 24. Accepted.

Ordered, That the Superintendent of Sewers be hereby directed to rebuild the sewer on Canal street between Causeway and Travers streets, and in Haymarket square.

STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted, on the usual conditions, to occupy stables by Highland Railroad Company on Blue Hill avenue; estate of William Seaver, on Moreland place, Ward 23; Jenness & Glover, rear of Mather street; David Scott, 16 East Eagle street. Severally accepted.

Reports of leave to withdraw on petitions for leave to occupy stables by Peter Garvin, corner Winter and Church streets; L. F. Pollard, 317 West Third street; Thomas Igo, Greenwich street; Sheppard & Chester, Washington street, Ward 23; James Galvin, 37 Bolton street, Ward 23; Edward Murphy, Greenwich street, Ward 24; George W. Park, Olive place, Ward 17; Phineas B. Smith, 42 Marcella street; Jacob Bancroft, 82 Cabot street, Ward 19; Metropolitan Railroad Company, School street, near Washington street, Ward 23; M. Farll, Chelsea street, Ward 3. Severally accepted.

Report on petition of Metropolitan Railroad Company for leave to keep 120 horses at 927 and 957 Tremont street—That leave be granted on condition that the windows on southwesterly side shall be closed up with solid brick, and the doors on Tremont street to be kept closed (other than those in continued use) and the stable to be thoroughly ventilated to the satisfaction of the Committee on Health and Superintendent thereof. Accepted.

LYING-IN HOSPITAL.

Alderman Viles submitted a report from the Committee on Health on the part of the Board of leave to withdraw on petition of Mrs. S. W. Jones for a hearing in relation to her petition for lying-in hospital at 80 Dover street. Alderman Viles explained that last fall the Board of Health unanimously gave her leave to withdraw; she then petitioned for license for hospital for invalids, but admitted that she intended to accommodate women in labor, and she was given leave to withdraw. Last week she had a full hearing and the committee are of the same mind. The matter properly belongs to the Board of Health. The report was accepted.

MANUFACTURE OF FIREWORKS.

Alderman Bnrnham submitted a report from the Committee on Fire Department on the part of the board—That leave be granted A. D. Williams to erect a frame building on the southerly side of Swett street for the manufacture of fireworks, provided the proposed building be situated 100 feet from any other structure. Accepted.

THE WATER WORKS.

Alderman Thompson submitted the following: The Joint Standing Committee on Water, to whom was referred the communication of the Boston Water Board asking for an appropriation of \$20,000 for an additional pumping engine at the station on Elmwood street, and an appropriation of \$27,000 for a second line of force main pipe for the Mystic Water Works, having considered these subjects would respectfully recommend that both appropriations be granted.

The committee would call the attention of the City Council to the recommendations of the Water Board and the City Engineer in relation to these two objects submitted in the report of the Boston Water Board for the present year.

The City Engineer says, "It will be noticed that the average consumption has increased largely. The consumption in the cold months, when large quantities are wasted to prevent the service-pipes from freezing, is considerably above the average, and at such times it has required the full safe capacity of one pump to keep up the supply during the past winter. To maintain a full supply during the coming winter it is essential that both machines should be in good working order, and safe from serious accidents. The valve chests of the pumps have for some time been considered rather weak for the service required of them, and, recently, one has cracked—not to an extent to throw it altogether out of use, but sufficiently to weaken it materially. The damage can be repaired at a moderate cost by substituting a new valve chest for the broken one; but the most complete, and by far the most satisfactory, remedy is to add a third engine of a capacity of about 3,000,000 gallons per day. The

estimated cost of such an engine, with a new boiler and the alterations in the buildings that must be made to accommodate them, is \$20,000. I would therefore recommend that a third engine of a capacity of 3,000,000 gallons and a new boiler be purchased and erected this season."

In relation to a second line of force main pipe for the Mystic Water Works the Water Board say, "Particulars in relation to the improvements made [Mystic Works] will be found in the report of the Superintendent. In addition to these changes the Mystic Water Board called attention specially to the need of a second line of force main pipe, and an enlargement of the gate house at the pipe chamber on Mystic River. The remark in their report that with the large quantity of water now required to be pumped into the reservoir it does not seem to be well to rely upon a single line of force main pipe has so much meaning in it that this board seem called upon to make a positive recommendation that a special appropriation for a new force main be made by the City Council this season. The estimated cost is \$27,000."

Your committee fully indorse the foregoing recommendations, and would recommend the passage of the following orders:

Ordered, That the Boston Water Board be authorized to expend a sum not exceeding twenty thousand dollars for an additional pumping engine at the pumping station on Elmwood street, connected with the high-service department of the Cochituate Water Works; and that the Committee on Finance be requested to provide the means.

Ordered, That the Boston Water Board be authorized to expend a sum not exceeding twenty-seven thousand dollars in constructing a second line of force main-pipe for the Mystic Water Works; and that the Committee on Finance be requested to provide the means.

Severally read twice and passed. Sent down.

#### STREET DAMAGES.

Alderman Thompson submitted the following from the Committee on Streets on the part of the Board:

Orders to pay William H. Quigley \$158.50 for his undivided interest in land taken by the widening of Beach street, and to rescind an order of June 1, 1875, to pay him \$594 for said land, etc. Read twice and passed.

#### THE CELEBRATION ON THE SEVENTEENTH.

Alderman Robinson, from the Committee on Police, offered an order—That the Chief of Police be directed to close against the passage of street cars and other vehicles the streets through which the procession will pass on the 17th instant during the progress of said procession. Read twice and passed.

Alderman Slade offered an order—That Faneuil Hall Market be closed at and after nine o'clock A. M. on Monday, the 17th instant. Read twice and passed.

Alderman Thompson offered an order—That on Monday, the 17th of September, the several departments of the City Government, with the exception of the Fire and Police departments, be closed, and that the employes be allowed a general holiday without loss of pay. Read twice and passed.

On motion of Alderman Thompson it was ordered—That when this Board adjourn it be till Monday, Sept. 24, at four o'clock P. M., and that all orders of notice returnable on Tuesday, Sept. 18, be postponed till Sept. 24.

#### BRIDGES.

Alderman Thompson submitted the following from the Committee on Bridges:

Orders authorizing said committee to replank the draw and repair the sidewalk of Mt. Washington avenue Bridge at not exceeding \$1200 expense; to rebuild Neponset Bridge at not exceeding \$19,000; to be charged to the special appropriation therefor. Severally read twice and passed.

#### INSPECTION OF LIME.

Alderman Fitzgerald presented the following: To the Honorable the City Council of the City of Boston—The undersigned dealers in lime in said Boston respectfully represent that Daniel Higgins, one of the inspectors of lime in said Boston, has seized and libelled large quantities of lime in the possession of dealers in said city for an alleged violation of law, in that the casks containing said lime do not strictly conform in size, number of hoops, etc., to the requirements of the statute of this Commonwealth. And said Higgins threatens

that he will seize and libel all the lime contained in such casks wherever found within the limits of said city. And your petitioners represent that since they have been engaged in the business they have bought and sold lime of good quality, and in casks and quantities satisfactory to consumers. That most of said lime comes from without this Commonwealth, and the casks and quantities contained therein conform to the laws of the respective States where the same are manufactured, which laws differ slightly from the requirements of the statute of this State relating to lime. That during all these years no inspection of lime has been demanded by any one interested in buying or selling lime, and none is required or requested now. That it is impossible for your petitioners to obtain, during the current year, the quantity of lime needed in the Boston market, in packages of the exact size required by the Massachusetts statute, and that the casks which they can obtain lime in are in size, capacity and strength satisfactory to purchasers and sellers, as well as safe and convenient. That it would be a serious public injury and great oppression to permit prosecutions and seizures by said Inspector according to the strict letter of the law. That your petitioners have requested said Inspector to suspend prosecutions and seizures until the assembling of the next General Court, in order that the amendments suggested by the experience of years may be made to the present statutes in respect to the size of casks, etc., but said Higgins refused to do so, and declares that he will prosecute every dealer in Boston; that said Higgins is not a proper person to fill said office, that he is oppressive, unreasonable and actuated by greed of gain rather than a desire to promote the public welfare. Whereof they pray that your honorable bodies will remove said Higgins from said office.

COBB LIME COMPANY,  
D. H. INGRAHAM, Agt.  
J. S. HOBBS & Co.  
D. ROBY & Co.  
H. B. EMERSON.  
HENRY CRAFT'S SONS.  
GEO. CURTIS.

And ten others.

Alderman Thompson—This seems to be a little violation of law which requires some whitewashing, and I move the petition be referred to the Committee on Licenses.

Alderman O'Brien—We ought to take more immediate action. This Board will probably adjourn for two weeks, and this man can do a great deal of mischief in the meantime. All the lime used by builders in Boston comes from the State of Maine, and in nearly every building contract it is specified that this kind of lime shall be used. Our statutes were originally the same as those of Maine; but they have been experimenting in barrels. It is difficult to handle and ship lime, and the size of the barrel now made for lime is exactly the size in which lime will keep the best. It is apt to become damaged in a larger barrel. Our builders and dealers in lime all feel that building operations may be suspended if the gentleman is allowed to go on as he is now doing. An order suggested itself to me as the proper one, and—

Alderman Thompson—I withdraw the motion.

Alderman O'Brien offered an order—That Daniel Higgins be and he is hereby removed from office for cause satisfactory to the City Council.

Alderman O'Brien—If we pass such an order as that, this matter can be settled this week.

Alderman Wilder—The facts in relation to handling lime have been properly stated; but I want to ask if it is n't rather a summary way of treating a culprit—to grant the prayer of the petitioners without giving the delinquent an opportunity to say a word? If the petitioners state facts, and the man is an obstruction to business, the passage of the order would be proper; but I am not prepared to vote for it now. Instead of passing the order, I hope a special committee will be appointed to permit this man to tell his side of the story, and that they will recommend what is the proper action. I don't believe it is right to deal with this man upon the first intimation of his guilt, giving him not the slightest opportunity to defend himself. The petition looks all right, but I cannot vote for the order now.

Alderman O'Brien—It is well known that a hearing has been had in City Hall in relation to this matter. Mr. Higgins was requested to suspend operations by the Mayor, and he agreed to do so for the time being. But he resumed operations the very next day, and why? Because every barrel he seizes is forfeited to him and to the at-

torney who is putting him up to this business. If he is allowed to go on, it may stop building. After he had agreed with the Mayor to suspend operations, as I understand, he commenced work in precisely the same way and seized a cask of lime; and he has done the same thing today. The longer you delay, the more lime he will seize, because he is strictly within the statute. The sooner you put an end to his work, the better it will be for the city.

Alderman Fitzgerald—The case, as stated by the petitioners, is, that we have appointed an Inspector of Lime whose business it is to see that the statutory regulations with regard to barrelling lime, and the making of the barrels,—especially when it comes from the State of Maine—shall be in a certain way; that the casks or barrels shall be of a certain size, and with a certain number of hoops; and that this man, in the exercise of his functions as Inspector of Lime, performs the duty which the statute prescribes he shall do. And because he does do it, we are going to discharge him. I am not going to put myself in such a position as that. The statute reads—

“Each city and town in which lime is manufactured, or into which it is imported, may, annually, choose one or more inspectors of lime, who shall be sworn, and shall inspect all lime manufactured in such place at the time when it is filled at the kiln, and all lime imported or sold therein.

“Every cask of lime so inspected shall be branded with the word *inspected*, with the first letter of the Christian name and the whole of the surname of the inspector, and with the name of the place where it is manufactured.

“The inspectors shall receive for the inspection and branding of each cask of such manufactured lime, four cents, to be paid by the manufacturer or owner; and for the inspection of each cask of lime so imported or sold, the same sum, to be paid by the purchaser.

“No stone lime manufactured within this State shall be sold or exposed to sale, or shipped on board of a vessel in casks, unless it is well burnt and pure, in good and sufficient new casks, containing either fifty or 100 gallons each, made of well seasoned heads and staves, with ten good and sufficient hoops on each cask, well driven and sufficiently secured with nails or pins.

“When an inspection is demanded of lime manufactured in and imported from the State of Maine, the inspector shall require that such lime be in casks manufactured from sound and well-seasoned lumber, with at least ten good hoops, well driven and secured upon each cask; the staves of the cask shall be thirty inches in length, and not less than half an inch in thickness; the heads shall be not less than three-fourths of an inch in thickness, and shall be well crozed in; each cask to be not less than twenty-six and one-half inches between the heads, and seventeen inches between the chimes, with a good and suitable bilge, and made in a workmanlike manner; and the same rules, regulations, restrictions and liabilities, except as to the size of the cask, shall apply to lime imported from the State of Maine as are provided respecting lime manufactured in this State.”

The petitioners say the Inspector of Lime has never performed his duty for the last ten or twenty years, and therefore because this man has performed his duty we shall discharge him. I have no doubt this man is acting officiously, and doing what men who want lime cannot have done at present. I have no doubt the statute can be changed to conform to that of the State of Maine, and that if this board requests the Inspector to cease his enforcement of the law,—that is what it is,—he will do it. If he does not, then he should be removed from his office. But I shall not say, We will discharge you because you have confiscated lime, which has never been done before. I sympathize with the gentlemen who put in this petition, but I shall not consent to the summary dismissal of this man until we have some official announcement of what he has done. I think he must be given a hint to allow violation of the law for six months.

Alderman Wilder—While I still shall hesitate to vote for the order, I should be happy to have an expression from this Board in the form of a resolution or request, unless the Alderman can give us further light upon this hearing. If the Alderman can assure us that the Inspector promised to cease annoying dealers, but continued his operations, then I am willing to vote for the order.

Alderman O'Brien—There was a hearing last Friday before the Mayor on this matter, and I understood the Mayor to say he requested the In-

spector to suspend matters until things could be arranged, and the Mayor understood that he would suspend seizing lime; but the very next day he commenced work again, and today he has been out seizing every barrel of lime he can find; and I believe he has a right to do it, and the only way to deal with him is to dismiss him. The Inspector of Lime is about as useful as the fifth wheel to the coach. Every builder knows what lime he needs, and seven-eighths of the lime consumed in this vicinity comes from Maine. Every builder knows what lime he buys, and which is Maine-inspected lime. I believe he has acted officiously and ought to be dismissed. If we enforced all the statutes to the letter—such as removing all bay windows and smoking in the streets—we would be in a queer fix.

Alderman Robinson—I saw a paragraph in the daily papers about Mr. Higgins, but I understood the Mayor to say he had nothing to do about it, and he thought the casks ought not to be seized. It seems to me the best course would be a special committee of this Board to take this matter into consideration and give good reasons. I therefore move that it be left with a committee of three of this Board.

Alderman O'Brien—A committee of this Board will have no power to regulate it.

Alderman Fitzgerald—I have no doubt this man is acting officiously, but the argument of the Alderman from Ward 21, as applied to all the statutes, would make them all null and void, simply because we don't care to enforce them. I rather like the suggestion for a committee. If they report persecution under a technical violation of the law, then this Board can be called together in an hour and an order removing him can be passed here and sent to the Council. I do not believe he should be discharged on a simple petition admitting a violation of the law. I should be willing to abolish the office, after a conference with this man; but I think we ought to hear what he has to say.

Alderman O'Brien—I am satisfied that if there is any unnecessary delay about this matter, building operations will have to be suspended. There is no lime in Boston now to meet the demand, and it is impossible for a dealer to buy lime in Boston. Unless you deal summarily with this man, building must stop in Boston.

Alderman Thompson—Has this Board power to suspend this officer?

The Chairman—It would require a joint vote. He is appointed by joint action.

Alderman Thompson—I understand that he agreed to suspend seizing, and I don't propose to allow him to continue two weeks until this Board meets again.

Alderman O'Brien withdrew his order, and offered the following:

Ordered, That Daniel Higgins, Inspector of Lime, be and hereby is suspended from duty, pending an inquiry into the conduct of his office.

Alderman O'Brien—By passing the order, we can appoint the committee. To suspend him will do no great injury to him, and allow the business of the city to go on as usual.

Alderman Fitzgerald—The only question is whether we have the power to suspend him. We have elected him for one year, and we cannot suspend him any more than we can the City Clerk. We can discharge him. Is the Alderman satisfied that we can suspend him?

Alderman O'Brien read from section 48 of the City Charter in regard to appointments, etc., which it appeared was a special provision and an exception to the general statute; and after some discussion, the City Clerk, being requested to express an opinion, said the Inspector did not come within the provisions of the section.

Alderman Fitzgerald said he would favor suspension if they could do it, but he hesitated to dismiss the Inspector for doing his duty. He felt sure the matter could be settled by the appointment of a committee. No court of justice in Suffolk County would confiscate those casks which were not intended to violate law.

Alderman Slade—As we know what the law in Maine is, and as we cannot make our law any different for six months, I move that the office of Inspector of Lime be abolished. I think there is good reason for it.

Alderman Burnham read from the law to show that the establishment of the office is imperative.

Alderman Wilder—The only way to abolish the office is to remove the present incumbent and refuse to appoint another. I am more than ever in favor of the committee of three to investigate;

they can call a special meeting, if necessary, for the order to go to the Council.

Alderman Slade—The two laws cannot be made to agree, and my impression is that the best way is to abolish the office.

Alderman Fitzgerald—It is evident we do not know enough to act intelligently upon the subject. We simply hear rumors of some hearing; but we have not the correct facts. I hope he will not be discharged on such evidence. The man's fees amount to four cents a barrel, and he is not going to throw away his office against the sentiment of this Board and the public.

Alderman Slade—If this man knows anything, he knows the law is unjust; and yet he has performed the work as we know he has done. Shall we let the thing go on? The dealers cannot sell lime after they get it here, and the builders cannot buy it.

Alderman Fitzgerald—He is sworn to obey the statutes of Massachusetts, and because he does not observe the statutes of Maine, we propose to turn him out. If he does not stop, then I should say remove him. I know nothing about it. We ought to have an official account from a committee appointed by this Board.

Alderman O'Brien—We cannot abolish the office or suspend him, and the only way is to discharge him. If we do him injustice we can reinstate him. I doubt if he will listen to a committee, because he has back of him a legal gentleman who will tell him we have no authority, and he may refuse to answer any questions. The City Council alone can dismiss him, and I believe it ought to do so. I believe this Board will do great injustice to the builders if they refuse to dismiss him.

Alderman Wilder—I have learned within a few moments that the lime is not inspected unless the dealer asks for it. We appointed Mr. Higgins, and some not very much over-worked legal gentlemen looked up the statute and suggested to Mr. Higgins that he had a right under the law to make a good deal of difficulty and disturbance and make a good deal of money out of the lime dealers. It looks very much like an effort to produce just as much confusion and annoyance as possible to the lime trade for the purpose of making fees out of them. But I still hesitate to act until after we hear from a committee.

Alderman Fitzgerald called attention to the fact that Mr. Higgins was sworn to carry out the law, and contended that with such a difference of opinion they should appoint a committee, and not summarily dismiss the man from office for doing his duty.

Alderman O'Brien withdrew the second order and renewed the first one.

The question was taken on the order removing Mr. Higgins, and it was rejected—yeas 4, nays 7.

Yeas—Aldermen Breck, O'Brien, Slade, Thompson—4.

Nays—Aldermen Burnham, Clark, Dunbar, Fitzgerald, Robinson, Viles, Wilder—7.

Absent—Alderman Gibson—1.

Alderman Thompson explained that he had voted to remove Mr. Higgins, because of his promise to the Mayor to suspend, and his not doing so.

Alderman Robinson's motion to refer the matter to a special committee of three was adopted

(a motion to refer to the Police Committee being lost), and Aldermen O'Brien, Fitzgerald and Slade were appointed said committee.

#### EDGESTONE ASSESSMENT ABATED.

Alderman Slade submitted the following from the Committee on Paving:

Ordered, That the edgestone assessment, amounting to \$289.44, against the estate of Richard W. Robinson, on Bowdoin street, Dorchester, be and the same is hereby abated.

The order was read twice and put upon its passage.

Alderman Viles asked for an explanation.

Alderman Slade—Two or three years ago the street was widened against the estate of Mr. Robinson, and in the settlement it was distinctly stated that when they paid Mr. Robinson the amount of damages, it covered all the expense, and that he was to be at no more expense whatever. The edgestones were set at the time, and were to be of no expense to him, as he supposed. I understand it was brought before the committee last year, and that they agree that he should not be called upon to pay the amount, and according to the best knowledge of the present committee they believe that an abatement should be made.

Alderman Fitzgerald—As I understand, the widening completely disfigured his home, and destroyed four or five trees which he would not have had destroyed for any amount of money, and it made him almost disgusted with the home in which he had lived, so that he left it for some time. His dealings were altogether with the Street Commissioners and not with the Paving Department. The edgestones were laid and Mr. Robinson was under the impression, and he was told that that was the end of everything he would have to pay, and that the amount he received was the final settlement between him and the city. It is surprising that the Paving Department sent in this assessment. Mr. Harris, the Superintendent, knows something about the facts, and that the order would have undoubtedly been reported last year. When the question came up last year, the committee thought it was an act of justice to Mr. Robinson to take off this assessment, as he was under the impression at the time that the city had no charges against him and that that was the final settlement between him and the city. Legally, I presume Mr. Robinson would be obliged to pay this assessment; but equitably I think he ought not to be called upon to pay it, especially as he received that money as a final settlement and with the understanding that there would be nothing for him to pay in the shape of betterments or anything else. That is why the Committee on Paving reported it. They saw no reason why they should refuse to do an act of justice to the chairman of the Committee on Paving any more than to a private individual. Mr. Robinson had nothing at all to do with the whole affair, and took no part with the committee.

Alderman Slade—We had the facts from the Superintendent of Streets, and he explained the whole matter to us.

The order was passed.

Adjourned, on motion of Alderman Burnham and stood adjourned to Sept. 24, at 4 P. M.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
SEPTEMBER 12, 1877.

Special meeting at one o'clock P. M., called by his Honor the Mayor, who presided.

## PETITIONS REFERRED.

*To the Committee on Paving.* James M. Brigham *et al.*, that the grade of Washington street, Ward 24, between Park street and Wheatland avenue, be raised; Mary E. Leach, to be paid for grade damages on Spring Garden street.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables by George Holmes, new brick, one horse, rear 549 East Seventh street, Ward 14; A. M. & C. M. Wood, new wooden, two horses, Winchester street; George W. Farwell, new wooden, one horse, Leander street; J. G. Shillaber, new wooden, three horses, Washington, corner Tremout street.

*To the Joint Committee on Public Buildings.* Samuel Downer and 470 others, that the wardroom of Ward 24 be removed to the police station at Field's Corner.

*To Joint Special Committee on Improved Sewerage.* M. F. Lynch, that none but citizens of Boston be allowed to contract for and work on the new sewer to Moon Island.

## THE INSPECTOR OF LIME.

Alderman O'Brien submitted the following:

The committee appointed to consider the petition of the Cobb Lime Company and others, asking for the removal of Daniel Higgins, Inspector of Lime, after hearing the petitioners and the Inspector, who were also represented by counsel, respectfully report—

That the statute regulating the inspection of lime, since its enactment some forty years ago, has been a dead letter—that the law has never been enforced, and that no one has ever asked for its enforcement.

That there is not a barrel of lime in Boston today, whether the product of Maine or Massachusetts or Connecticut, that comes up to the requirements of the statute. That no lime could be obtained for some months to come that would conform strictly to the letter of the law, and that its strict enforcement would seriously embarrass all building operations; might be the means of turning out of employment hundreds of mechanics and laborers; would interfere with the completion of contracts, and seriously embarrass dealers in lime by confiscating their property.

That it was not shown that dealers had any intention to defraud; that at least ninety per cent. of the quantity consumed was bought and sold as Maine inspected lime, buyers knowing precisely what they were purchasing; that the Inspector has seized about 1100 barrels of lime, for which the owners have given a bond; that after the bond had been given the Inspector allowed the owner to do what he pleased with the lime; showing that the object of the seizure was more to obtain the bond than to protect the public; that the Inspector has overlooked small lots of lime, where the law was as clearly violated, in the size of the package, and turned his attention wholly to large lots; that of the numerous dealers in lime he only notified four of his intention to enforce the statutes; and that the Inspector sought no advice or instruction from the Mayor, or from the City Council, to whom he was indebted for his election, and who can dismiss him at their pleasure; that no lime is now being shipped from Maine to this port; that there is only a sufficient supply on hand to last for a week or two; and that no more lime will be shipped from Maine until the owners are assured that their property will not be confiscated. An inspection law which has never been enforced since its enactment, it appears to the committee, should not be sprung upon the business community without due and proper notice, in justice to our citizens engaged in this trade, and in justice to the citizens of other States who forward the lime to this market in good faith. It is certainly taking an unfair advantage of what has always been considered a dead inspection law.

In regard to Mr. Higgins, the committee would state that he has acted within the limits of the statute; that it was a mistake on the part of the City Council to elect an Inspector of Lime until

such time as our laws could be so changed as to allow the importation of lime from other States, as we are dependent almost wholly on other States for a supply.

In view of these facts it appeared to the committee that there was only one course to pursue. The statutes provide that inspectors of lime may be elected by the City Council, and it is also in the power of the City Council to remove the Inspector.

The committee would, therefore respectfully recommend the passage of the following orders.

HUGH O'BRIEN,  
JOHN E. FITZGERALD, } Committee.  
LUCIUS SLADE,

Ordered, That Daniel Higgins, Inspector of Lime, be, and he hereby is, removed from office for cause satisfactory to the City Council.

Ordered, That his Honor the Mayor be requested to petition the General Court at its next session for such a change in the laws as will allow our citizens engaged in this branch of trade to import lime from Maine and other States without coming in conflict with the statutes of this Commonwealth.

Alderman Fitzgerald—When this matter came before the Board last Monday, I very strongly objected to the summary removal of this Inspector of Lime until he had an opportunity of explaining his position. I felt sure he had acted within the strict construction of the statute in seizing lime, because it was admitted by the petitioners for his removal that the lime which came from Maine, Connecticut and the West was all barrelled not in accordance with the statutes of Massachusetts, and was all liable to be libelled and forfeited by the Inspector of Lime. We simply heard the Inspector himself. He was four months in office. The law provides that all lime shall be inspected; but he inspected none, because he said he could not get a chance to. One firm that he went to told him they would let him know when they needed him, and whoever bought lime from them should pay for the inspection. He said he did such things and performed such acts as to give reasonable notice of his appointment to the office, so that all the dealers were acquainted with the fact. One difficulty in this case is that no barrelled lime that comes into the city of Boston is in accordance with the statutes of this State. Another difficulty is that if the lime is barrelled in Maine, the barrel has to be inspected there. The law of Maine prescribes that a barrel shall be of certain dimensions, and if the barrel is not of those dimensions, but of the dimensions of a barrel which the State of Massachusetts prescribes, the lime in Maine can be confiscated. If, on the other hand, the men who have lime kilns make the lime in accordance with the statutes in Maine, when it arrives here it is liable to be confiscated. And so it is in other States. In either case the manufacturers of lime, if their lime is not libelled and forfeited in the States in which it is manufactured and barrelled, it is liable to be libelled and forfeited when it arrives here. Then, the most ridiculous and the strangest thing in connection with the whole thing is that the libelling and forfeiture of the lime benefits nobody but the Inspector himself. For instance, a gentleman had 700 barrels of lime seized the other day because the barrels were not made in accordance with the statute. In order to get that lime out of the hands of the keeper or seizer, the owner gave a bond of double its value; and he can take that lime and sell it, so that the public are as liable to get cheated, if there is cheating in it—because there is not, for it is not a malicious intention to break the law. The man takes his 700 barrels and the Inspector takes his bond, and after deducting expenses all the money goes into the Inspector's pocket. The lime is sold and the public are not benefited. That is the case. The Inspector seems to be a man who knows his own duty and thinks he knows more than any one else about this lime business, and about the statutes. I asked him why he did not, when he found this conflict between the statutes of Massachusetts and the other States of the Union, and found that all the lime imported into the State was liable to seizure and forfeiture, why he did not consult somebody connected with the City Government, or why he did not present a report to the City Council setting forth the facts and asking for instructions; and he said that there was the law, and he thought he was not liable to anybody, and he was elected and it was his business to enforce the law; though he acknowledged that he consulted several lawyers as to whether

he had the authority. There is no doubt about his authority. He consulted the Attorney General and City Solicitor about the law, but he never consulted anybody, after waiting four months, as to whether it was advisable, under the circumstances, to make all those seizures, and he did that upon his own account. But I have reason to believe that it was n't altogether upon his own account that he did it. In such a case as that, where there is no intention to break the law, and where the law is to be strictly enforced, as he intended to do, he should have consulted some member of the City Government. After leaving the Mayor's office and after consultation with some six or seven lime dealers, he went out, and, in an hour afterwards, seized a hundred barrels of lime; and he gave as a reason that he wanted to show the Mayor and everybody else that he was master of the situation, and could do what he pleased under the law. Now, if that be the state of the case,—if no lime can be imported into Boston unless under the pains and penalties of seizure; if the City Council can by any means prevent it,—it seems to me that it is the plain duty of the City Council to do so. You cannot keep any of these Inspectors of Lime in office, and say they shall not enforce the law, because they are sworn to do it. If you enforce the law all the lime will be forfeited. When the lime is seized, the bond is given, the lime is released and sold the same as if it had never been seized; all the profit goes into the pocket of the Inspector, and the public are not protected. What should we do under those circumstances? All we can do is to discharge the Inspector. We can discharge the Inspector, and I think we should include the other one with Mr. Higgins. The office is more honorable than profitable, for Mr. Higgins

seems never to have earned anything unless he can capture two or three thousand barrels of lime—and he has shown how to do that. I move that the other Inspector of Lime be included. No harm has been done by the violation of the law; none can be done. Every purchaser knows what kind of lime he gets. If the law is enforced, no buildings will be put up in Boston; nobody will be benefited but the Lime Inspectors themselves. As the report says, there are several cargoes of lime awaiting importation to this port, and they will not be brought here until they find whether this zealous officer of the law shall cease trying to get any more bonds into his own pocket for his own benefit. I understand that the other inspector of lime is dead—I suppose his duties were so arduous—and that there is only one left. I shall vote to discharge Mr. Higgins, not because he performed his duty, but because it is absolutely necessary, from the nature of the case, to discharge him. If we allow him to remain in office, he will have seized all the lime barrels, and when the bond is given and the lime restored, the lime is sold again; he has the benefit of the bond, and the statute becomes a dead letter.

The orders were passed. Sent down.

#### CHELSEA BRIDGE.

A communication was received from the Mayor transmitting a notice from the city of Chelsea of petition to the Legislature to be released from the care of the portion of Chelsea Bridge within Boston. Referred to the Committee on Bridges.

#### SEWERS.

Alderman Viles, from the Committee on Sewers, submitted an order to build a common sewer in St. James avenue. Read twice and passed. Adjourned.





## CITY OF BOSTON.

Proceedings of the Common Council,  
SEPTEMBER 13, 1877.

Regular meeting, pursuant to adjournment, at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Auditor's monthly exhibits for July and August; reports of fires and alarms in July and August; quarterly reports of Superintendent of North Scales, Overseers of the Poor and City Clerk. Severally placed on file.

Resolution of thanks from city of St. John for a donation of school desks, etc., from this city. Placed on file.

Sundry petitions and other papers were referred in concurrence.

Reports of leave to withdraw on petitions, viz.: Mary McCarthy, to be compensated for damages from a defective sewer.

James D. McNeil, for compensation for injuries received on slips of East Boston Ferry.

Bridget M. Hernan, to be compensated for personal injuries from a defect in Way street.

Margaret S. McCarthy, for leave to surrender an estate on Indiana place.

Severally accepted.

Report and order to allow \$1000 to Erving F. Graves, as compensation for personal injuries from a defect in Washington street. Order read twice under a suspension of the rule, on motion of Mr. Wilbur of Ward 20, and passed in concurrence.

Order for repair of old, and purchase of new, furniture for the new Dorchester Everett School-house, estimated cost \$2500. Order read twice under a suspension of the rule on motion of Mr. Wilbur of Ward 20, and passed in concurrence.

Order to consider expediency of employing physicians to visit the houses of the poor and crowded sections of the city, for the purpose of aiding in the prevention of the large mortality among young children. Read twice and passed in concurrence.

Order to release to Richard E. Cochraue the title of two parcels of land on Walk Hill street, as therein set forth. Read twice under a suspension of the rule, on motion of Mr. Wilbur of Ward 20, and passed in concurrence.

Order to plank Huntington-avenue Bridge and erect fences on the sides of said bridge. Ordered to a second reading. A motion by Mr. Wilbur to suspend the rule was lost.

Order to forfeit to city a certain lot of land on East Third street in rear of M street, and to cancel bond therefor. Read twice and passed in concurrence.

Order to close the several departments of the City Government on the 17th of September, except Police and Fire departments, and to allow the employes a holiday without loss of pay. Read twice and passed in concurrence.

Report and orders to expend not exceeding \$20,000 for an additional pumping engine at pumping station, Elmwood street, and not exceeding \$27,000 in constructing a second line of force main pipe for Mystic Water Works; the Committee on Finance to provide the means. Severally referred to the Committee on Finance. Sent up.

Report and order for an ordinance to be reported providing for the appointment of a Superintendent of Printing. Order read twice and passed in concurrence.

Order of a transfer of \$1400 from Reserved Fund to pay salaries established by City Council to Deputy Sealers of Weights and Measures. Ordered to a second reading.

## NORTHAMPTON STREET DISTRICT.

A report came down, with orders to pay Joseph H. Hunneman and others \$13,409.25 for an estate on Hunneman street, as therein set forth, to rescind former order on the subject, and for a release, to be executed for a nominal sum, of a certain parcel of land on Plymouth court, as therein set forth.

The question was upon giving the order a second reading.

Mr. Thompson of Ward 9—I should like to know if there is any one here who can explain these orders. They are rather long and appear to be

important, and I should like to know something about them before voting for them.

Mr. Crocker of Ward 9—it seems that the chairman of the Committee on Public Lands on the part of this branch is not here tonight. I was not at the meeting of the committee at which this order was passed, but it was explained in the other branch, and from what I know of the matter I believe the explanation given there was correct and that the order is one that ought to be passed. Mr. Hunneman had a claim against the city for land taken on the Northampton-street district. The question came up about how much he should be allowed for that land, and the Committee on Public Lands reported in favor of a certain sum, about \$16,000, and an order to pay him that sum was passed by both branches of the City Government. Afterwards the City Solicitor examined the title to that land, and it was found that he had not a good title to the whole of it, and therefore the order passed before was not carried into effect. It is now proposed, as I understand, to pay him a proportionate price for the rest of the land, and I am quite confident it is a proper order to pass.

Mr. Thompson—My question was directed more to the order to execute a release for land for a nominal sum in Plymouth court; but after the explanation I have no doubt it is all correct.

Mr. Crocker—In regard to the release, Mr. Hunneman and all the other parties claim that the city had taken this land, and had got to pay for the whole of it; and the city had made up its mind to pay \$16,000 for the whole of Mr. Hunneman's land; and now they propose to pay him \$13,000 for thirteen-sixteenths of it, and give him back the other three-sixteenths without any consideration.

Mr. Sampson of Ward 17—I was on the Committee on Northampton-street District last year and was familiar with those cases, and the gentleman from Ward 9 has correctly reported the facts. At that time we took the land and agreed to pay \$16,000 for it. Since then a defect in the title has been discovered. Mr. Hunneman is to receive \$13,000 for the part to which he has a good title, and the remainder of the land is to be released to him.

On motion of Mr. Sampson, the rule was suspended and the orders were read twice and passed in concurrence.

## THE INSPECTION OF LIME.

A report and orders came down for the discharge of Daniel Higgins from the office of Inspector of Lime, for cause satisfactory to the City Council, and that his honor the Mayor be requested to petition the General Court at its next session for such a change in the laws as will allow our citizens engaged in this branch of trade to import lime from Maine and other States without coming in conflict with the statutes of this Commonwealth.

The question was upon giving the orders a second reading.

Mr. Webster of Ward 3—There is something so novel about this matter that I confess I hardly know how to get at it, or what to say concerning it. We have here an Inspector of Lime, who was appointed on my motion. As his friend who obtained his appointment, I previously had never known him; and after ascertaining, as in duty bound, that the man was honest and reliable and had a good character in every way, so far as I could find out, I made the motion, and he received the appointment. I find that, after executing the law, which he was bound to do, and it is admitted that he has not gone beyond the limit of the law, it is proposed to discharge him. Now, I am told on what I consider good authority, and I have no question about it in my own mind, that at the time he was first appointed Inspector of Lime he suggested to the lime dealers that he intended to enforce the law, and that one of the prominent lime dealers told him that if he dared to make an attempt to enforce the law they would have him removed. Other dealers laughed at him and sneered at the law, and I confess that I, for one, cannot blame him for getting a little vexed, although he went a little more strongly than I would. It appears to me that the action of the other branch is unparalleled. We find that a special committee was appointed to investigate the subject. Alderman O'Brien, who made the motion that the Inspector be discharged for reasons satisfactory to the City Council, was appointed chairman of the committee, and Alderman Slade, who expressed the opinion in debate that he should be discharged, was also a

member of the committee; and that is a committee, the opinion of a majority of whom had been expressed in debate, appointed to give this man a fair hearing. They went through the form of a hearing and reported that he be removed. It is like taking on a jury in a trial for murder men who have expressed the opinion in open court that the man was guilty. In my belief no precedent can be found for any such action. Now we are told that no law is necessary; that a man buys lime for what it is, and he knows what he is getting. I would not say this law should not be changed; and I do believe this action is going to cause the law to be changed. If the lime dealers can make the casks any size they choose and send them here half and two-thirds filled and sell them for full casks, then I think the law should be changed. But if the members of the Council will talk with the masons and builders and the men who buy the casks of lime, they will find that there are two sides to the story. If this matter is to be investigated, I believe it should be done by an impartial committee, and I should be happy to vote for the report of such a committee. Now, in regard to New York lime, no lime can be imported there unless it conforms to the law; the head of a barrel is knocked off, and if the cask is not plump, solid full it must be filled before the head is put on. If the law works well in New York, why not so here? While I admit that the law is not satisfactory at the present time, and it has not been for many years,—it is practically a dead letter, and should be changed; but here is a man who was pledged to do his duty; he has seized eight hundred dollars' worth of lime, and we are told that he is going to make a fortune out of it. There is the \$800, and out of all that comes the personal and court expenses and the legal fees, which gentlemen in this Council know is no small matter. I imagine that if the Inspector gets a couple of hundred dollars in making a test case he will be a fortunate man. We are told that building cannot go on if he continues in office. Now, I am willing to make for him a pledge that if the matter is allowed to remain just as it is, he will make no more seizures until the General Court settles the matter finally. He understands it to be the wish of the City Council not to have this law enforced. The question is whether we shall make an example of a poor man, and disgrace him perpetually by discharging him for simply following the letter of the law, or whether we will leave the matter as it now is until it is fixed by the General Court.

Mr. Thompson of Ward 9—In the discussion of this matter in the Board of Aldermen, and in the remarks of the gentleman just before me, there has been a misconstruction upon two points of the law which I think should be corrected before we can discuss this matter fairly. It has been stated and assumed by the Inspector himself that the penalty which is referred to in one section of the law goes into the pocket of the Inspector. I apprehend that that is not the object of the law. The law says that any person who sells lime within this State without inspection shall forfeit one dollar and fifty cents, or, that is, he shall be fined one dollar and fifty cents; and it not being expressly designated to be for the use of the Inspector, it must go to the treasury of the county of Suffolk, which is the treasury of the city of Boston. For instance, in section 8, of the same statute, under the head of bread, there is a provision that—

“Whoever violates either of the provisions of the three preceding sections shall forfeit ten dollars for each offence, to be recovered in an action of tort to the use of the party suing therefor.”

There is a difference. If, under that provision, a man is fined \$10, it is to go to the man who brings the suit; but in the case of so much of the law as relates to lime, it goes to the county of Suffolk. Then, it was assumed further in the debate in the Board of Aldermen, that if this lime is libelled and seized, that the parties owning it and giving a bond can get the lime back and sell it again. If it is forfeited, it must be forfeited to the county of Suffolk, and if sold again it must be sold by the county of Suffolk, and the purchaser will have fair notice of what he is buying. I have not had time to go into the action of this man, but I have been told by two or three masons that there is a great and serious cause of complaint in regard to the way in which this lime is sold, and I know two or three masons who are inclined to support the action of the Inspector. Now it seems to me that before

we go into this matter, we should have a little more definite hearing than was this one before the Board of Aldermen. We should have a hearing at which the masons could be heard, for some masons do claim that there should be a more rigid inspection; and we should have a hearing at which the masons can come and state their case. The Inspector may have acted injudiciously, but he has acted in strict compliance with his oath, and done nothing more than he was directed to do by the law of the State. That being the fact, it does not seem to me that he can be removed for reasons that are satisfactory to the City Council, unless we say that carrying out the laws of the Commonwealth of Massachusetts is a reason satisfactory to the Council for removing a man from office. He has said that if the City Council expresses the wish that he shall not enforce the law, he will suspend; and I am going to move a resolution—that it is the sense of the City Council that it is inexpedient to enforce the law until the matter can be acted upon by the Legislature. And I shall also move that the subject be referred to a special committee of five members of this Council to give all the parties a hearing. I move the following as a substitute for the order for the removal of the Inspector of Lime:

Resolved, That in the opinion of the City Council further action by the Inspector of Lime should be deferred until the next meeting of the General Court.

Ordered, That the subject be referred to a special committee of five on the part of this branch, with such as the Board of Aldermen may join.

Mr. Sampson of Ward 17—I would suggest that the Aldermen have already acted upon it.

Mr. Sibley of Ward 5—As I understand that motion, it is that the Inspector suspend operations until the meeting of the next General Court. I suppose it is not intended to cover the case of any man who wants his lime inspected.

Mr. Thompson—The intent of the order is that it shall affect the subject which has been under debate.

Mr. Pratt of Ward 21—Statutes like that to which this order relates are passed for protection and not for oppression. It has not been shown by any one here tonight, nor was it shown in the evidence before the committee on the part of the Board of Aldermen, that there is any useful duty under the sun for the Inspector of Lime. It was said by the gentleman from Ward 3 that it is a novel thing we have before us. The only novel thing I see in the matter before us is, the Inspector was appointed on the motion of the gentleman from Ward 3, and that when it is shown and confessed by the gentleman himself that the action of the Inspector has been such as to make his removal, or a change of the law under which he acts, desirable, he should then desire to have nothing done about it. Now, it is well understood that the best lime in use in Boston comes from Maine, Rockland lime being considered the best; and in the evidence here it is shown that three-fourths of the lime in use in Boston comes from Maine. We have two other ways to get out of it besides passing the order originally presented here. Either we can compel the importers of lime here to have their lime sent to New Hampshire or some other neutral State, and re-casked to suit an antiquated law of Massachusetts, or we can have all the supply of lime from Maine suspended for three months. Now I say, when we find a statute of this sort, involving no protection to the people of Massachusetts, but which is an oppression to the people, there ought to be something done toward relief as a matter of practical wisdom. It would not be practical and wise, certainly, in these extraordinary times, when there is a better feeling in business, to suspend building operations for the year, or put an embargo upon lime so that it cannot be used in Boston. One other point, and I am done. It has been suggested by my friend from Ward 3 that the reading of the order as presented here is to throw obloquy upon Mr. Higgins. I don't understand it so. I did not suppose any citizen of Boston would understand it so. It reads, “for reasons satisfactory to the City Council.” The reason is not that the gentleman enforced the law. I admit that he has enforced the law, but that is not the reason why we propose to abolish the office. The reason is that the statute under which he acted is an antiquated one, which, if carried into effect, works oppression. We have the option to fill

the office created by statute, or not fill it, and we have the option to vacate it after we have filled it; and for the reason that it is inexpedient that there should be an Inspector of Lime in Boston we excuse the incumbent from further service. Now, sir, all the lime that comes from Maine is inspected. The Maine Legislature has finally adopted the opinions of experts and determined upon the particular size of casks. Nobody can import lime from Maine in any other cask than that which is authorized by the statute of Maine. The builder is protected; the consumer of lime is protected here under the Maine statute; and I submit that rather than compel the suspension of the use of Rockland lime in Boston, rather than compel a circuitous method of getting it here from some place where it can be re-casked, we should remove the gentleman from office. Make the office entirely vacant, so that no one will feel unsafe. One word about the substitute. I am generally glad to agree with the gentleman from Ward 9, but I cannot in this matter. It does not seem necessary to spend further time in investigating this matter. The party who can give the best evidence has been examined at length, and his evidence covers several pages. It is upon his own evidence that the report and orders are based, and I can see no reason for making any further to-do about this matter. I hope we shall reject the substitute and pass the original order.

Mr. Sampson of Ward 17—I hope the original order will pass. It seems to me that the argument of the gentleman from Ward 3 is a puerile one, and that he cannot find any authority for it under the statute. The gentleman from Ward 3, who introduced the name of the Inspector to the Council, says if we will not pass the order, the Inspector says there will be no more seizures. But the Mayor of Boston called the Inspector to his office and showed him the effect it would have upon dealers, and requested him to desist from his operations. I find by the evidence here that the Inspector, instead of heeding this suggestion, seized a quantity of lime that same day, and went on performing his duties, as he undoubtedly had a right to do, up to the time of the investigation by the Board of Aldermen. It seems to me that the enforcement of this law is having an injurious effect upon the city, and I trust the order will be passed, and the gentleman suspended from further duty.

Mr. Crocker of Ward 9—It is very embarrassing to decide upon the proper course to pursue in this matter. It is certainly very unsatisfactory to pass a vote to remove a man from office for simply having performed his legal duties. It is something that I think we should be unwilling to do unless there was a necessity for it under serious circumstances. On the other hand, I can see that this gentleman, if he proceeds in his course and enforces an obsolete law, the only good apparently will be to himself, and it will cause a great deal of embarrassment to many people; and to allow him to go on would be equally unsatisfactory. It seems to me we have a short and simple way out of the whole trouble—one by which we can end it here and now. The gentleman from Charlestown, who first proposed this Inspector's name for office, says that he is ready to pledge—as I understand, and if I state him incorrectly, I hope he will correct me; but if this gentleman's removal is stopped, he will make no further seizures until the Legislature has had an opportunity to act upon the subject.

Mr. Webster of Ward 3—Until they do act.

Mr. Crocker—They might not act.

Mr. Webster—Until it is disposed of in some way. His term expires next April.

Mr. Crocker—It is to be supposed that this gentleman represents the gentleman whose election he obtained, and can control his action; and if he does that, all further trouble about this matter will be stopped, and no further seizures will take place. The man will hold a nominal office, perform no duties and collect no fees. If, as seems to be admitted on all hands, some change in the law is desirable, that change will be considered by the Legislature, which is the proper body to make the change; we shall be relieved from further bother about it, and the whole matter will be brought to the end to which it should have been brought sooner. It seems to me that we shall be relieved of a disagreeable duty in removing a man from office for performing his duty under the law. If we pass the second order that came up from the Board of Aldermen, and refuse to concur in the first one,

the matter will be disposed of and not trouble us any more this year.

Mr. Spenceley of Ward 19—I am in favor of the substitute of the gentleman from Ward 9. It covers the whole question. The logic of the gentleman from Ward 21 is strange, that when there is an obsolete statute, because we have a man with backbone enough to bring it out before the people, that there is something wrong in their lime cask, therefore that man ought to be discharged for enforcing that law. That is very strange logic. That man has done his duty, and if we discharge a few more city officials who do their sworn duty perhaps we might get better ones, and perhaps we might not. I think the substitute covers everything we need. The gentleman says it will suspend building not to have lime from the State of Maine. I hope we shall follow the State of Maine in some other things, but I don't believe that we get what we pay for when we get lime from the State of Maine. I don't believe there is a builder in this house but who, when he has opened a lime cask, has found it from a quarter to a third gone, and the barrel never full. If the Inspector can work upon this matter and get us what we pay for, he will do a good thing. I believe, as the gentleman from Ward 3 said, that the Inspector will not seize any more lime; and I am glad this matter has been brought to the attention of the people.

Mr. Kelley of Ward 3—I know something about this lime business; I have bought some lime, and in the last thirty years I have knocked in a good many heads of lime barrels. I am not afraid to say it here before this Council, that of the lime you get in Boston one-fifth of it is gone—the barrels are never full, and they will not average more than three-fourths full. I opened a whole load of lime not many days ago, and the owner refused to take it, and sent it back to the parties who sold it, and they said that is the way they get the lime, and they had to take it. Now, is the city of Boston to discharge this man for doing his duty? We recently found a man who was not doing his duty honestly, and he was discharged; and now we are going to discharge a man for doing his duty honestly. I should like to know what sort of logic there is in that? I have known this man twenty years. When he asked me the question about this lime, I will say that I had worked at my business since 1845, and had never taken the pains to measure a cask, never knew the size of a cask, never knew that there was a law to protect us, and thought that all the privilege I had was to grumble at not receiving a full cask of lime. I believe the masons of Boston should have some protection. No mason in Boston can take his oath that he receives a full cask of lime, for they will not get nine full out of ten. A gentleman on the other side says the law is no protection to masons, and that it is of no use. I say that if a man buys a bushel of potatoes, would he want to take three pecks for a bushel? As a mason I don't want to take three-fourths of a barrel of lime for a barrel. We have Inspectors of Marble, Provisions, etc., and why not have Inspectors of Lime to make them give us full barrels of lime. But we should not remove a man for doing his duty.

Mr. Hibbard of Ward 17—I know little about this matter, but I certainly cannot see the necessity of retaining a man in office who is not going to do anything. I look upon this matter as I do upon the Sealers of Weights and Measures. The complaints against this man were not for seizing lime because the casks were not full, but because they were not the right size. By looking this testimony over, I cannot see that the casks were not full. The State of Maine prescribes what size those casks shall be, and they have been sent here for years, and it does look to me as if this man had done this more for personal interest than for the benefit of the public.

Mr. Spenceley—It seems to me that the gentleman from Ward 17 has been a little dull of comprehension. He wants to know what this man has done. I think he has done a great deal, save putting money in his own pocket; for, according to the gentleman from Ward 9, it goes into the county treasury. I want to know his authority for that, for the Inspector says it goes into his pocket. I hope he will explain that.

Mr. Thompson of Ward 9—I will say that I had a conversation with the City Solicitor this morning in regard to the construction placed upon the statute, and he placed the same construction upon it that I do—that the fines and forfeiture go into the county treasury. Since I made that state-



ment, my attention has been called to a clause in another statute which will undoubtedly modify my statement of the effect of selling the lime. If the lime is labelled and sold, after paying the legal and other expenses, the balance will go to the Inspector; but so far as the fine of \$1.50 is concerned, I think that it will go into the county treasury. While I am on my feet I wish to state more correctly the reasons I had for offering the order I did. Without having time to investigate this matter myself, I was called upon by two or three masons who stated to me, as has been stated here by gentlemen familiar with the course of the lime trade, that there has been cause for serious complaint against the lime dealers in this city; and I judge from what has been said here that the Inspector has represented not only himself, but the feelings of a large number of the purchasers of lime. Now, we are called upon to take action upon what is practically an *ex parte* hearing. I believe we should not go ahead and allow a branch of trade to be seriously crippled under a law passed thirty years ago, and which has been in disuse for some time, and my motion will prevent this: I offer a resolve to be passed by the City Council declaring that in the opinion of the City Council the Inspector of Lime should cease prosecuting any further claims against parties who have sold lime in those packages until after the meeting of the General Court, and to see if the General Court will take action and change the law. The Inspector has stated to the City Government, through the gentleman from Ward 3, that he will cease action. Then I offer an order for a hearing on the part of this Council, that, proper notice being given, both sides may come in and this committee hear them and report the facts of the matter to us. I believe we will do well to pass this order in this shape, and avoid putting ourselves on record as removing a man for doing his duty.

Mr. Pratt—Why should we keep a man in office merely for ornament? It isn't contended by anybody here that the Inspector should do anything with this lime. It is contended, on the other hand, that if he has n't anything to do, he can step out of office. Which is more consistent? It is well known, and it ought to be admitted here, that the hearing was fair enough on this question. What does the gentleman from Ward 9 mean when he says it was an *ex parte* hearing? It is such an *ex parte* hearing as he is accustomed to hear in court where the plaintiff is heard and the judge finds that he does not state a case strong enough to make it necessary to call upon the defendant. The hearing was a public one. The committee gave a hearing to the Inspector of Lime, who was interested to continue in his office and promote the importance thereof—and very sharply interested, too, it seems. After giving him an opportunity to explain all the interests at stake, and all the reasons for continuing him in office, and all the reasons why he executed the statute, they found it necessary to hear nobody else. I don't wonder that they did n't find it necessary to hear anybody else. What are the facts? Let me state them again, as they do not seem to be understood. The State of Maine passed a statute in regard to the inspection of lime. Nobody can send lime out of Maine except in the prescribed cask. All our dealers who get lime from Maine must get it in this sort of cask. When this statute was passed, the spirit of it, as suggested by the gentleman on my left—it is seen on the face of it—was to make the statute conform to the laws of Maine, and the whole spirit of our statute was to cooperate with the legislation of Maine in throwing a sort of protection about the manufacture and sale of lime. Now, sir, we are simply wishing to carry out the spirit of that statute. I am informed that for the last twenty years there has been practically no inspection of lime in Boston; nobody has called it up, and nobody has been bright enough to see that he could make a dollar. The Inspector who held the office so long without doing anything is, I believe, deceased. Now, then, this Inspector finds that he can make something by enforcing this statute which has not been done before. In passing the original order I cannot see how we are discharging the man because he enforced the statute. That opinion was stated by two gentlemen here. We turn him out because he is executing a statute which has become obnoxious. We have the option whether we shall have an inspector of lime or not. It has been shown that that is an oppressive statute. The law is out of joint un-

der the present condition of things, and the abolition of the office is as far as we can go—that is, we send the incumbent out of office. We do not send him out with any opprobrium. The reason we send him out, as shown in the order, is because the statute works oppression. Now, sir, I do not find anything—and I would ask the gentleman from Ward 3 if he can point out anything—in the statute which regulates how full a cask shall be? The buyers are not protected in receiving a full cask. The statute prescribes how many hoops the cask shall have, the length of the staves, and all that; but the inspector cannot compel the dealers to furnish a full cask, and it would be ridiculous to undertake it. There is no injustice in it, and I don't see why the builders should whine about it. Why not have a law to protect retail dry-goods dealers against jobbers, and make them give so much cloth in a piece? As it stands now, the statute makes oppression to business in Boston, and will practically put a stop upon the importation of lime from Maine until the Legislature meets, which will not be for several months; and meantime the office will be vacant.

Mr. Webster of Ward 3—It seems to me that the last point made is the most absurd one I ever heard. You might say that when the sealers of weights and measures determine the size of a quart of milk; that it is a quart if the can is not full, and the same in regard to the quantity in a pound of groceries. The law determines the size of the cask, and it is supposed to be full. The gentleman's point may be metaphysical, but it is entirely devoid of common sense. I object to the substitute, in that it hardly seems proper for the City Council to compel an officer not to execute the law. If we lay the matter upon the table and leave it precisely as it is, I will vouch for the Inspector that no more seizures will be made. The City Council should not oblige anybody not to enforce a law; but there can be an understanding that it will not be enforced. If we are to have any action now, I should insist upon the committee as a matter of justice to ourselves and to the Inspector. If it is left till the next General Court, I fail to see any necessity for a committee. I would suggest that some move be made to end the matter right here.

Mr. Richardson of Ward 10—I don't see any more correct way to act in this matter than to vote for the order. It cannot be any greater hardship to remove a man than to keep him in an empty office in which he cannot do anything. It would seem to be an insult to a man to keep him tied to an office, with all the moral responsibilities of its requirements, and at the same time tell him he cannot do anything. It seems to me that a man of honor would not stand such an inconsistency. Then the other position is that the man shall hold the office, and yet, by an agreement with a private individual—I don't care if he is a member of the Council or Board of Aldermen or any body else—he shall not perform the duty. It seems to me that would be a precedent of the utmost danger, because if it can be done with regard to this office, why not with regard to any office? It will be a bad precedent. I cannot conceive how any member of the Council would wish to put himself in that light before the public by saying "Here is a man whom I got in this office, but I will agree that he shall not perform the duties." There has been a public hearing; the Inspector was represented by counsel in open court; both parties were represented; arguments were made, and to place the matter before us the evidence was printed. If this evidence is quoted correctly, the gentleman is not qualified to hold the office. If any one will read the evidence on pages six and seven, the Inspector's own answer—he substantially stated to his Honor the Mayor that he would suspend, and then went off in an hour and made a seizure—shows that he is unfit, in my judgment, to hold any office; and, although he may promise, and take a private oath to the gentleman from Ward 3—for I have no doubt his promise to him will be as binding as to anybody—if, after what he said to the Mayor he did not observe his promise, I have no confidence that he will observe any agreement with my friend from Ward 3. I think we are making a great deal out of this small matter. It has been stated here that parties who buy the lime are dissatisfied. Why, that is n't true, if this petition is true. Take the petition we see on page 3, that this man shall be removed. It is signed by Thomas J. Whidden, who, over his

own hand, states that this man has exercised this office in an oppressive and unreasonable manner, and is actuated by greed of gain rather than a desire to promote the public welfare. In substance, the public welfare does not require it. The lime dealers and builders agree that this is an obsolete statute, which has lain unnoticed for a generation, and is now brought up at this time and enforced in this manner for private gain. I was about to say to the gentleman from Ward 9 [Mr. Thompson], who made the point that the result of these complaints and forfeitures does not go into the pockets of the informer, that it is not so, as the gentleman afterwards corrected himself. By section 8, chapter 103, of the General Statutes, the title to which chapter is, "Of Seizing and Libelling Forfeited Goods," provision is made that, after paying expenses, the residue shall be paid to the party making the seizure. So far as I can see, if the lime is condemned under these complaints the proceeds will go into the pocket of the seizer, or, in other words, the Inspector. Now, here is another absurdity about this law. The statute in one place says it shall be sold, and yet in another part of the statute it says a certain person may sell it and pocket the proceeds. He has taken bonds to allow dealers to sell the lime over again. The statute prevents merchants from selling lime, but allows the informer to sell it. For myself I don't see any other way out of it. All seem to admit that the carrying out of this statute at the present time would work great hardship; and I don't see the propriety or consistency of keeping a man in office and telling him he should not do anything. It would be adding insult to injury. Nor should we allow a man to hold office and yet agree with a private individual not to perform the duties. Every feature of that is bad. It puts two parties in a bad position. After I have read this evidence I am ready to vote for this order. I have listened with attention to all that has been said on the other side. See how he has conducted his office. There is a statute against smoking in the streets of Boston. Suppose a policeman, tomorrow or at any time, should undertake, strictly and rigidly, by the letter of that law, to enforce it? Everybody knows it is n't called for, and that man would be removed before noon. There would be no other way to do, and, if it could be done, the law would be repealed at once.

Mr. Day of Ward 4—I don't think it would be a very good idea for us to discharge this man simply because he did his duty. There may be cases where an Inspector would be required. For instance, in the matter of disputes between buyer and seller, an inspection may be demanded. In that case the Inspector would be called upon to arbitrate between the parties. It is the general understanding that no more seizures shall be made, and I think it will be the best policy to indefinitely postpone the whole subject, and I make that motion.

The President ruled that the motion to indefinitely postpone was not in order while the amendments were pending.

Mr. Crocker—The gentleman from Ward 10 has said it is absurd for us to desist from proceedings against this man because he has said he will not execute the law any further. Now, I admit there is something unsatisfactory about doing that; but it seems to me it is the least unsatisfactory way of dealing with this matter. It seems to me it will be more unsatisfactory for us to remove a man because he has fulfilled the duties of his office. It is also objectionable for us to vote that he be requested to desist from making seizures according to law, and for that reason I dislike the resolution of my colleague. We do not want to vote formally that he be requested to desist from obeying the law. It is rather an awkward predicament for us to put ourselves in. As I said, we are in an awkward predicament, and cannot do anything that looks just right on the face of it, any way. The best way, after the representations that have been made—for I for one have no doubt they will be carried out—is to drop the question of removing him. I feel so because I don't believe we can legally remove him, and on that ground I would not vote to do so. It is a town office, that is to be filled annually; he has been chosen for a year, and we cannot turn him out of office before the year expires any more than the selectmen can be turned out. I believe it will be an illegal and void act, and therefore I am unwilling to vote to remove him.

But as we have been informed that he will not go on with these objectionable seizures any longer, it seems best to leave him in office to perform any proper duty, and not attempt to do what I believe we cannot do. As suggested by the gentleman on my left, there may be some ordinary duty for an Inspector of Lime to perform. There may be some inspection of lime needed. But it has been agreed and represented, in a manner upon which we can rely, that no more seizures will be made. The representation is not made upon our expressing a desire that no further seizures shall be made, but that the matter shall remain as it stands now. He is satisfied that the City Council do not desire him to go on making seizures; he don't want us to express any desire, and it would be quite objectionable for us to do so. It seems to me it would be better to omit that vote.

Mr. Sibley of Ward 5—This question of lime is very important, and requires great consideration. Lawyers disagree, and what are we to do? I talked with several builders today and did n't learn that anything terrible was going to be done by this gentleman who has been down on the wharf among the big fish. He has hunted up a law passed before he and the most of us were born. He seems to be a man who digs down to the bottom. He has found a law, and in executing it we find it is all wrong. How are you going to get out of it? The gentleman from Ward 3 says this Inspector was elected on his motion, and that he has a private agreement about what he will do. I don't want any private agreements. How are we to get out of this muddle? I think the safest way is to adopt the substitute of the gentleman from Ward 9, and that we shall certainly learn something by the report of the committee.

Mr. McGaragle of Ward 8—I hope this substitute will prevail. It seems to me to be a great hardship to pass this order. Lawyers disagree, and if I correctly read the evidence given by the Inspector, the Chief Magistrate of this city gave him to understand that his duty was to go and inspect lime when called upon by the dealers. If this is the case, he can do so, and that is the interpretation put upon it by the chief magistrate of the city. A great deal of hardship has been expressed by gentlemen because this man seized a few casks of lime; and they want us to take the matter into our hands, vote away statute law and discharge the Inspector. I only wish we could discharge the State police when they make a seizure under the prohibitory law. There is no more justice in one than in the other. This is an absurd law, and no one would enforce it if the Chief Magistrate's idea is right. If the Inspector has to be called upon by the dealers the lime will never be inspected. The consumers are the sufferers. The dealers put just what they please in a cask, and who is to change it? The statute says the lime must be inspected, and branded with the Inspector's name in full; but it would puzzle the dealers of this city to find a cask of lime with an Inspector's name upon it. It has not been inspected for many years. The dealers have gone on and got rich and sold half a cask of lime and the builders have bought it. I think it no more than fair to give this party a fair hearing. I wanted to raise the question whether, this being a matter for concurrent action, when one branch has made an investigation and voted to discharge the man, can it be properly before the Council?

Mr. Coe of Ward 23 moved the previous question, but withdrew it at the request of Mr. Thompson, who promised to renew it.

Mr. Thompson—The propriety of this resolution has been questioned, and I wish to call the attention of the Council to the fact that so much of the statute as alludes to inspection is imperative, and that so much as relates to seizure is permissive. There being certain duties which the statute makes imperative, if we remove him, no person will perform that duty. But if we say we don't want him to do that which we may do, we do nothing out of the way. According to the promise I made, I now move the previous question.

The main question was ordered.

The motion to substitute was adopted, and the resolve passed—31 for, 17 against—in the following form:

Resolved, That in the opinion of the City Council the Inspector of Lime should not make any further seizures of lime until after the meeting of the General Court.

Mr. Day moved to indefinitely postpone the order for a special committee, but no one objecting, Mr. Thompson withdrew it.

The order to petition the Legislature was passed in concurrence.

Sent up.

UNFINISHED BUSINESS.

Report and ordinance (new draft) for the occupancy of streets for building purposes. Ordinance ordered to a second reading.

ADJOURNMENT.

On motion of Mr. Sampson, it was ordered that when the Council adjourn it be for two weeks.

DRAW OF CHARLES-RIVER BRIDGE.

A report was received from the City Engineer in response to the order to examine into the condition of the draw of Charles-river bridge—

That the draw is now in good condition, and that with the exception of adding a hand apparatus for moving it, when the horse gear is out of order, I know of no action that can be taken to prevent the interruption to travel, short of building a new draw and draw foundation. According to the records of the draw tender, travel has been stopped but eight times since October, 1871, for repairs upon the draw. It appears, therefore, that the evil to be obviated is hardly of sufficient magnitude to call for rebuilding. A new apparatus for moving by hand would not cost more than \$500. Sent up.

PETITION REFERRED.

Petition of J. H. Marshall, to be paid for injuries done to his wagon by a projecting tree on Meridian street. Referred to Joint Committee on Claims. Sent up.

EAST BOSTON HIGH SCHOOL.

Mr. Pearl of Ward 1 submitted a report from the Committee on Public Instruction with an order—That the Committee on Public Buildings be authorized to provide suitable high school accommodations in East Boston by fitting up the old Lyman Schoolhouse for that purpose; the expense, not exceeding \$2000, to be charged to the appropriation for Schoolhouses, Public Buildings. Read once.

EXTRA PAY FOR SEVENTEENTH.

Mr. Spenceley of Ward 19 offered an order—That inasmuch as the members of the Police and Fire departments are to be deprived of the holiday on the 17th inst., there be allowed to each and every member of said departments on duty on that day the sum of \$3 as compensation for extra labor; the expense to be charged to the appropriations for the said departments.

Mr. Spenceley—I want just to leave that order to the good sense and judgment of the Council. During the year we have five holidays, and here is an extra one. I would like to ask any member of this Council when a fireman or policeman has had a holiday given to him during the year? Every policeman is ordered on duty on the 17th, and those away are ordered home. It used to be the saying with us boys, years ago, when a holiday came, it is fifty cents or play. It is no more than right, when those men do double duty, when all the rest of the departments are closed, that they should have extra compensation for extra work.

Mr. Crocker of Ward 9—This is opening the door to a large additional expenditure by the city. It

is also rather novel. It is simply voting and giving an extra number of dollars to your city officials who, by reason of their regular duties, have to work on holidays. It is simply increasing their salaries just so much. In every office there are certain advantages and certain disadvantages, certain good things and certain evil things, certain gains and certain losses. One of the losses of members of the Fire and Police departments is that they have to attend to duty on holidays. It seems to me it is rather absurd, when that is a part of the regular duties, to pay them extra for the awkwardness of it. The next attempt will be that every time they really have to work hard enough to bring out the perspiration they should have three dollars extra.

Mr. Richardson of Ward 10—I should like the gentleman who introduced the order to explain what he means by double duty. It may be harder on that day than the day before, but I don't understand what he means by double duty. No other day is put into the calendar of the year, and they don't have to work any more days than they agree to when they receive the office. He asks that they be paid double because they do double duty. I propose to work on that day and don't expect to get any more than I earned the day before, or shall the day after. If I earn the same I shall consider myself fortunate. I don't know what is meant by double duty.

Mr. Spenceley—Our legal friend is like all his brethren in the profession. They only see one side of the case, be it *pro* or *con*. He only sees his side. I should like to ask the gentleman why the order was put in "to close the several departments of the City Government on the 17th of September, except Police and Fire departments, and to allow the employes a holiday without loss of pay." Why did n't he say, they are allowed a full day's pay, and ought to work. I took a better stand than that. I did n't say that those men should be deprived of this holiday; I voted for it. But here are men deprived of the holiday—not only this one, but every holiday during the year. I say that if they are doing work on that day, while all the other departments have a holiday, they are doing more work than the others, and we ought to compensate them. What more right has a clerk in City Hall to go away than a member of the Fire Department? The gentleman from Ward 9 speaks of the ins and outs in City Hall; but he sees only one side. Perhaps it is n't the popular side, but I believe in right and justice. I believe we ought to deal with them just as we do by others.

Mr. Thompson of Ward 9—The gentleman will admit that these firemen are employed with the direct understanding that they are to work on holidays. The gentleman will recollect the story told in a certain book of the man who hired a number of laborers and paid those who came late the same as those who came early, and some of the latter grumbled; and the employer said he had a right to give away that which is his own. The city of Boston has the right to release certain of its servants and clerks on that day; but if it does not see fit to release the police and firemen they have no right to complain. I doubt the justice and right of giving away the city of Boston's money in that manner.

Adjourned on motion of Mr. Barnard of Ward 24, and stood adjourned for two weeks.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
SEPTEMBER 21, 1877.

Special meeting at 12 M., called by his Honor the Mayor, who presided.

## CONSTABLES.

On motion of Alderman Fitzgerald, the executive nominations of constables, submitted at the last meeting, were taken from the table.

Alderman Fitzgerald—It is important that this matter should be decided as soon as possible. The term of office of all constables expired on the 18th of the month, and they can perform no more duty. The position of constable is a very important one, and in it we should have men of good judgment and good honesty, and who should be equal, at least, to the deputies whom the sheriff appoints to execute civil process. In the hands of a dishonest and imprudent officer a writ of ejectment, execution or attachment can be made a source of great hardship and tyranny to the individual upon whom it is levied, whether upon his person or property. In my capacity as master in chancery I have an opportunity to know more about such officers than lawyers generally; and certainly more than any member of the Board of Aldermen. I am surprised that constables are not put to the same crucial test, at least, that police officers are put to. Year by year they have increased in numbers, until today they number about a hundred and fifty or sixty. I believe that many of the nominations on that list are such that I should under no consideration vote to confirm. I believe that the Mayor has not had, and could not have had, an opportunity to scrutinize the characters of some of those men. I believe that we should act cautiously, but in order that the public may not suffer, and that civil process may be served by some constables outside of the Sheriff's office, if people deem it expedient, I, with the assistance of Mr. McCleary, have selected all the names on the list of constables who are in the Collector's office, the Health Department and the truant officers, and those who hold office under the courts, and I move that those nominations be confirmed. The positions they hold are a sufficient guarantee that their characters are good; they are selected by the judges of the courts, by the School Board, the Collector and the Board of Health, and I am confident they would make no bad selections for these several offices. Outside of those officers I think that from twenty-five to thirty men would be quite sufficient to perform all the duties required of constables here, and it would, at the same time, afford them an opportunity to get a decent livelihood. There are several constables outside of the courts, whom I know to be very efficient, and I should propose their names now, but I think it would be better to leave them to a future meeting. I hope the remaining sixty-six or seven will be referred back to the Mayor, that he may select twenty-five or thirty of those whom he thinks are the most competent to fill that position.

Alderman Thompson—I heartily agree with what the Alderman has said. While there are some names that I would like to see added to the list, yet I shall wait till another time to do that. After the persons named in the Alderman's motion are confirmed, then we can select the best men from the remainder.

Alderman Viles—I have not that knowledge of the duties of constables that the Alderman who made the motion has, and I have no doubt there are too many lawyers as well as too many constables; still, it looks to me to be rather a hardship to turn out so many men.

Alderman Robinson—I move to add the names of Sarell Gleason and W. W. Williams to the list to be confirmed today. They have been highly recommended to me, and I hope their names will be added to the list.

Alderman Fitzgerald—I shall oppose that motion. If we begin with persons outside of the departments named, there is no knowing where we shall end. While I heartily indorse the character of those two men, whom I personally know, yet if the Board is going to confirm them, we might as well bring forward every man on that list whom

they know and whom they can recommend. To take such action would destroy the very object I have in view, which was to lessen the number of constables and select the best.

Alderman Burnham—I hope the name of each person will be checked on the list which the Aldermen have, and if any Alderman has any objections to any of the names that are to be confirmed, I hope he will jot down the name and have it passed over.

The Mayor read the list of names included in Alderman Fitzgerald's motion, and said nominations were confirmed in accordance therewith.

Alderman Fitzgerald moved that the remainder of the names be recommended to the Mayor.

Alderman Clark—It is rather a delicate matter for the Mayor to select twenty-five or thirty names from the sixty-six or seventy that remain, and I would suggest that the list be referred to the Alderman from Ward 21, as he appears to know more about constables than any other member of the Board, and that he be requested to report the twenty-five names next Monday.

Alderman Thompson—I move that the Mayor, the chairman of the Board of Aldermen and Alderman Fitzgerald be a committee to consider the nomination of constables, and to select twenty-five names.

Alderman Fitzgerald—I hope the motion of Alderman Thompson will prevail. I hope the Chairman of the Board of Aldermen will serve upon that committee. In the "sweet by and by" he may probably be called upon to nominate these twenty-five or thirty men, and my knowledge of these constables may be of infinite service to him. I hope he will be upon the committee, that he may have the benefit of my practical experience with constables to enable him to nominate a good list of such officers when that time comes.

Alderman Clark accepted the amendment of Alderman Thompson, and the remaining nominations were referred to the Mayor, Aldermen Clark and Fitzgerald.

## THE BLACKSTONE-SQUARE ACCIDENT ON THE 17TH.

Alderman Fitzgerald offered an order—That a committee of three on the part of this Board, with as many as the Common Council may please to join, be appointed for the purpose of investigating the cause of the late accident on Blackstone square, on the 17th of the present month, and also what person or persons are responsible for the same.

Alderman Fitzgerald—It is well known to everybody that this disaster, this lamentable and unfortunate accident, has occurred, and that somebody is to blame for it. The City Council having erected the stand, it becomes our duty to investigate the cause of this accident and report to the City Council and the public the facts in the case, so that the responsibility can be placed where it belongs. I understand that some other committee has taken some action in this matter. While I do not intend, by the order which I have introduced, to criticise the course of the committee in doing what they have done, yet I feel that the proper authorities, and those who alone could legally investigate this matter, are the City Council, or a committee appointed by them, and no committee of the City Council has now any authority to appoint anybody to make the investigation. In saying what I do, I do not intend to reflect upon the Committee on the Army and Navy Monument, for under the same circumstances probably nine out of ten members of the City Council would have done the same thing.

Alderman Thompson—No one deplored the accident more than did the Army and Navy Committee. They thought they had contracted with responsible parties to do the work, and with the approval of the Inspector of Buildings, they thought they were doing all that was in their power to do. With that view, I on Tuesday notified the Chief of Police to allow none of the debris to be removed from Franklin square. The committee met on the following morning and acted according to their best judgment in the matter; and I regret that their action did not meet with the approval of some of the press. It ought to be known, however, that it was impossible for them to consult everybody, and if they acted as the dictates of their consciences suggested to them, it was all that could be expected.

Alderman Wilder—I noticed in one of the morning papers, a day or two ago, an article headed "Wilder's Inquest," and in order to give a correct idea of what has been done toward investigating the cause of the accident, I should like the privi-

lege of stating a few facts in regard to the selection of the commission which has been alluded to. I came to the City Hall on Tuesday morning to consult with the members of the Army and Navy Committee in relation to an investigation, but I found none of them here except Captain Flynn. I stated the case to him, and suggested the subject of an investigation. I mentioned the names of several well-known gentlemen, and urged that it was due to the public that there should be the fullest investigation possible. Without seeing any one else, I went to the office of Mr. Lee, the Clerk of Committees, and directed him to write to Messrs. N. J. Bradlee, Nathaniel Adams and Benjamin Whitcomb, and request them to examine the premises and ascertain and report to the committee such facts as would be important in an investigation which I had no doubt would be due to the public. I have not seen Mr. Bradlee, and I do not know that either of the gentlemen has accepted the position they were requested to take. The committee had no purpose in view but to secure a thorough investigation by responsible parties in whom the public had confidence. They desired the most complete and entire and satisfactory investigation.

Alderman O'Brien—While I approve of what the committee did, at the same time I feel that the proper thing to do is to pass the order offered by the Alderman from Ward 21. It does not need any great scientific men to find out the cause of this accident, and I believe that a committee of the City Council can easily get at the facts in the case.

Alderman Robinson—I move that two citizens at large be added to the committee. All those who held tickets procured them from members of the City Government, and a committee might be accused of being prejudiced against those who put up these stands.

Alderman Fitzgerald—I hope that motion will not prevail. The City Council are competent to take care of any business which legitimately belongs to them. With regard to the issuing of tickets, I hope that if this disaster has taught no other lesson it will teach City Governments hereafter the propriety of erecting no stands exclusively for the benefit of themselves and their friends on public holidays and fête days. They can have a grand stand on the sidewalk, or in the window of some neighbor, for their friends, and the City Government had better give up erecting those stands (which, at all events, to say the least, are illegal). If these things are not done hereafter, it will take away a source of annoyance from the members of the City Government, as they would not be importuned for tickets which they never could procure.

Alderman O'Brien—I have been referred to as a great sufferer in connection with this matter. My little boy had a leg broken, it is true, but I consider it very fortunate that it was no worse, as in the course of four or five weeks he may be nearly well. I only wish that all the others had suffered

as little as he will. Compared with some of the others, I do not consider that he is a great sufferer.

Alderman Gibson—I supposed that the investigation of such a matter rested with the Committee on the Survey and Inspection of Buildings. This committee has not commenced an investigation as yet. I read in the paper that the Army and Navy Monument Committee had appointed a committee to investigate the matter, but did not believe it, supposing it was put into the paper as a joke.

Alderman Thompson—The Army and Navy Monument Committee had taken prompt steps in the matter, and I think its action should be approved. As far as newspaper comments were concerned, no notice should be taken of them. The committee did not go around and consult every one; it could not do so if it would. The committee was conscious that it had done perfectly right.

Alderman Burnham—I certainly commend the committee for their prompt action in selecting three experts to investigate the matter; but I think the order is a proper one and ought to pass.

Alderman O'Brien—I think it would be more appropriate for the City Council to look into this matter, because the question of putting up stands for the accommodation of the public, as suggested by the Alderman from Ward 21, is a doubtful one. The stands not only on Franklin and Blackstone squares were dangerous, but also the stand on the Common. If it had not been strengthened a short time before the people assembled, it would in all probability have gone down as did the one on Blackstone square.

Alderman Burnham—I would ask what authority the gentleman last up has for saying that the platform on the Common was insecure. I think that would be an unjust reflection on the Inspector of Buildings.

Alderman O'Brien—If I should tell the whole story I would say that the safety of the stand on the Common was owing to the steps taken by the Inspector of Buildings that the platform on the Common was made secure by additional props.

Alderman Wilder—Mr. Marston, the builder of the platform on the Common, had asked for an inspection. The Inspectors examined the platform and reported certain defects, and subsequently reported that these defects had been remedied. This report I had handed in to Deputy Quinn, on Monday morning, and this was the only report on any of the platforms of which I have any knowledge. No one had been allowed to go upon that platform upon the Common until it had been inspected by the Inspectors, and until they had reported that it had been altered to their satisfaction.

Alderman Fitzgerald suggested that the safety of other stands would be more properly discussed after the report of the committee had been made.

The order was passed, and Aldermen Fitzgerald, O'Brien and Breck were appointed on said committee. Sent down.

Adjourned.





CITY OF WASHINGTON

Department of Public Works

Office of the Engineer

Washington, D.C.

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## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
SEPTEMBER 24, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Forty traverse jurors were drawn for the Superior Court, Second Session, and thirty-four traverse jurors for the same court, First Session.

## EXECUTIVE APPOINTMENTS.

Police Officers Without Pay—Michael Farnham, James B. Mason, Bernard Madden, Patrick Falvy, D. Waldo Swallow, John H. Adams, Daniel Conners, Edward Whiting. Confirmed.

## HEARINGS ON ORDERS OF NOTICE.

Hearings were had on orders of notice on expediency of constructing sewers in Jenkins street; in Rockland street; John A. Andrew street; Warren street and Blue Hill avenue. No objections, and severally recommitted to the Committee on Sewers.

A hearing was had on the order of notice on petition of Butchers' Slaughtering and Melting Association for leave to lay down tracks across North Beacon street, near Parsons street. No objections and recommitted to the Committee on Sewers.

## PETITIONS REFERRED.

*To the Committee on Paving.* Benjamin James *et al.*, that East Fourth street, between Dorchester and Atlantic streets, be paved with granite blocks; W. K. Lewis & Bros. *et al.*, that Broad street, between Custom House street and Atlantic avenue, be paved with granite blocks; Solomon P. Stratton, for a crosswalk across Canton-street court.

Francis Burr *et al.*, for a brick sidewalk on Chelsea street, from No. 143 to Marion street; Isaac Jacobs of Ward 23, for relief from curbstone assessment on Burroughs street; W. E. French *et al.*, that Essex street be paved with granite blocks; E. F. Clapp *et al.*, for edgestones and brick sidewalk on Blue Hill avenue.

Petitions for edgestones and brick sidewalks in front of estates of Samuel Snow, 615 East Ninth street; Katherine Anthus, 43 and 45 Gates street; Levi B. Gay, Huntington and St. James avenues; for edgestones in front of estates of Florence T. Chickering, Quincy street, corner Bellevue, Dorchester; for brick sidewalks in front of estates of Jane Hubner, 109 Seventh street; Sabrina T. Ryder, 245 to 251 Lexington street; Abner Coburn, Stoughton street, Dorchester.

*To the Committee on Faneuil Hall.* Ancient and Honorable Artillery Company, for use of Faneuil Hall, Sept. 26 and 28, and Oct. 1, for drill; H. D. Cushing and fifty-five others, for the use of Faneuil Hall Sept. 27 and Nov. 5, for political meetings.

*To the Joint Committee on Streets.* T. F. Burns, for leave to occupy vacant land on Congress street, corner Post Office avenue, for sale of fruit, cakes and confectionery; W. C. Strong, for use of strip of land on Congress and State streets, for sale of trees and evergreens.

*To the Committee on Lamps.* Edward W. Nash *et al.*, for lamps in Mather street, Ward 24; H. G. Burgess *et al.*, for lamps on Bailey street; S. B. Shapleigh *et al.*, that Arlington Heights, a private way off Cambridge street, Ward 25, be lighted; B. F. Bean, that Fountain Hill, leading from 24 Fountain street, be lighted; F. H. Deering *et al.*, that Revere street, between Garden and Irving streets, be lighted; J. B. Maynard *et al.*, for an additional street lamp, etc., in Wesley street, Charlestown; G. M. Starbird, that a lamp be placed on the corner of High and Walker streets, Charlestown; J. Kehew *et al.*, that Gramplan way, Ward 24, be lighted.

*To the Committee on Streets on the part of the Board.* David W. Foster, that a betterment assessed upon his estate, corner of Shawmut avenue and Warrenton street, be refunded to him; Charles Davenport, for abatement of assessments for extension of Washington and Devonshire streets.

*To the Committee on Armories.* South Boston Iron Company, for payment of rent of armory of Company F, Ninth Regiment, for the year 1874.

*To the Joint Committee on Survey and Inspection of Buildings.* Albert P. Stearns, to erect

wooden building rear of Taylor street, near Water street, Ward 24.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables by Henry J. R. Gatz, new wooden, one cow, on Haven avenue; heirs of William P. Snow, old wooden, three horses, on Plain street, Nepouset; Joseph Reidell, new wooden, two horses, on German street; John L. Dakin, new wooden, one cow, Lamartine street; Asa P. Potter, new brick, two horses, rear Commonwealth avenue; William Lovett, new wooden, one horse, Lincoln street, Ward 25; John C. O'Callahan, old wooden, three cows, Columbia street.

*To the Joint Committee on Assessors' Department.* Isaac L. Rich, assignee of James Knowlton, for abatement of a certain tax of 1876.

*To the Committee on Sewers.* Sarah E. Danforth, for a sewer in Thornton street, near her estate; C. Ellery Stedman *et al.*, for a sewer in Dudley street, between Hancock and Humphreys streets; Louis Bonnie *et al.*, for a sewer in Ferry street.

*To the Joint Committee on Claims.* Anu Collins and Hannah J. Lynch, to be paid damages for injuries received on Blackstone square, on Sept. 17, 1877; Thomas Goggin & Co., for payment of claim for construction of the mason work on the new city hospital.

## CONSTABLES' BONDS.

The bonds of William A. Fort and twenty-six others, constables, being presented duly certified, were approved by the Board.

## LYING-IN HOSPITAL REFUSED.

A report was received from the Board of Health that it is unable to give the certificate required by law on the petition of Orinda Webber for leave to keep a lying-in hospital at 63 Hammond street. Accepted, and said application refused.

## DISCHARGE OF LABORERS.

Alderman O'Brien presented and had read a petition of Martin Murphy, James Burns, John Foley, John Magee, Robert White and James Fay, representing that they are citizens of Boston, living in Roxbury; that they have been employed by the city as laborers in the Paving Department; that they were discharged a short time ago, and they believe that they can show that the cause thereof was that they were witnesses before a committee of the Board of Aldermen; that they are married men, and that men who have no families are retained in the employ of the city since the petitioners have been discharged; and they ask for a hearing, and that they may not be allowed to suffer because they obeyed a summons from a committee of the Board of Aldermen. On motion of Alderman O'Brien, the petition was referred to the Committee on Paving.

## BRIDGE FROM COMMERCIAL POINT TO SQUANTUM.

A petition was received from C. E. Folsom, W. P. Hunt and 101 others for a bridge from Commercial Point to Squantum.

In connection with this subject Alderman Clark offered an order—That the Board of Street Commissioners be appointed to consider the expediency of building a bridge to connect Commercial Point with Squantum, in North Quincy, and ascertain upon what terms the existing charter can be obtained, with authority to consult with the County Commissioners of Norfolk County, and to determine how the expense of building and maintaining the same shall be apportioned. Passed. Sent down.

## PAPERS FROM THE COMMON COUNCIL.

Petitions, etc., were referred in concurrence.

The report and orders to expend not exceeding \$20,000 for an additional pumping engine at pumping station, Elmwood street, and not exceeding \$27,000 in constructing a second line of force main pipe for Mystic Water Works—the Committee on Finance to provide the means—came up referred to the Committee on Finance. Concurred.

Report of the City Engineer on the condition of the draw of the Charles River Bridge. Referred to the Committee on Bridges.

## THE INSPECTION OF LIME.

The order for the removal of Daniel Higgins from the office of Inspector of Lime came up with an amendment, "that in the opinion of the City Council no further seizures of lime should be made till after the meeting of the next General Court."

The question was upon concurrence.

Alderman O'Brien—I am very much surprised at the shape that this lime business comes back

to us. To pass the resolution would, I think, put the City Government in a wrong position. To request a sworn officer of the city to set aside and not enforce a statute law that he has sworn to enforce, I think, would be rather humiliating on the part of the City Government. I believe that this order ought to have passed the Common Council precisely as it passed the Board of Aldermen; but I don't want to send it back to the Council, and have it come back to us in this shape. I would consent to lay this whole matter on the table and let it rest there; and meantime, if the Inspector of Lime sees fit to interfere with the business of the city and act so as to deprive mechanics and laborers of work, we can take it up and dispose of him summarily. As he has pledged himself to remain passive, I think it would be better to let it lie upon the table. But perhaps we had better first take the vote on the question of non-concurrence with the Common Council. The Board non-concurred with the Common Council in the passage of the resolve. Sent down.

INVITATION ACCEPTED.

An invitation was received for the Mayor and City Council to attend the Caruey Hospital fair. Accepted. Sent down.

JAIL EXPENSES.

A requisition was received from the Sheriff of Suffolk County for \$1861.82, for expenses at the jail for September. Ordered paid.

CHARGES AGAINST AN INSPECTOR.

The following was received and read:  
The undersigned, a citizen of Boston, builder and carpenter, and interested in real estate in this city, respectfully represents that Thomas P. Sweat, an Assistant Inspector of Buildings, is an incompetent and unfit person for the position he now holds, inasmuch as he is ungentlemanly in his dealings, and is a man of strong prejudices; that he uses his office to the disadvantage and injury of others, in consequence of his need of mechanical knowledge and information; and also that he is in all ways an improper person for the office that he occupies, having had very little, if any, practical experience as a mechanic, thereby disqualifying him as an Inspector. Your petitioner therefore prays that some suitable person may be appointed in his stead.

WILLIAM B. QUIGLEY,  
18 Cobden street, Highlands.

Referred, on motion of Alderman Clark, to the Joint Committee on Survey and Inspection of Buildings. Sent down.

LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Minors' Applications Granted—Six newsboys.  
Wagon Licenses Granted—James F. Burnett, Navy Yard; Cresson's express, Court square; Patrick Coyle, Linden street, Dorchester; H. & J. Graham; C. Germesson, corner Pleasant and Fayette streets; Andrew Smith, 66 Prince street; Jones & Co., East Boston Express; C. F. Andrews, South End Express.

Dealers in Second-Hand Articles Licensed—William Howard, John O'Connor, Patrick Griffin, Edward Doherty & Riley, P. Hoge, Charles A. Ballou, M. Brophy, Patrick O'Brien, Cornelius Lane, L. Harris.

Pool Table Licensed—Charles Nelson, 269 Hanover street.

Victuallers Licensed—Frank J. Ham, 11 Dock square; Martha Crowell, 165 Commercial street; N. F. Packard, 1144 Tremont street; Philip Marzinski, 104 Eliot street.

Pawnbroker Licensed—Isaac M. Frissell, 10 Brattle square.

Shooting Gallery Licensed—Frederic Rudolph, Boylston street, Jamaica Plain, to close before seven o'clock P. M.

Passenger Wagon Licensed—William W. Burnett, to run through additional streets in East Boston.

Intelligence Office Licensed—Jennie A. Forsyth, 673 Washington street; Mary Kelley, 1 Mt. Vernon avenue; Mary E. Whitney, 687 Washington street.

Auctioneers Licensed—Jacob M. Ezekiel, 765 Washington street.

Amusement License Granted—George E. Lothrop, Boylston Museum, during season of 1877-78.

Billiard License Transferred—W. P. Stahl to David Hooper.

Report that Charles S. Higgins have leave to convey and ring a chime of bells through the

streets, as a means of advertising, for a period not exceeding ten days.

Severally accepted.

FANEUIL HALL.

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall in favor of granting the use of said hall to the Ancient and Honorable Artillery Company on Sept. 26 and 28 and Oct. 1, for drill. Accepted.

SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Reports and orders of notice for hearings on Monday next on expediency of constructing a sewer in Beacham street, Charlestown. Order passed.

Orders to build sewers in Rockland street between Wakulla and Dale streets; in Jenkins, Tuckerman, Dorchester, and through private land at foot of Jenkins street to Vinton street; through private land of Morrill and others from Blue Hill avenue to Warren street, and in Warren and Crawford streets. Severally read twice and passed.

Order to take land of George F. Woodman in J. A. Andrew street for sewer purposes. Read twice and passed.

CONSTABLES.

Early in the session the Mayor submitted a communication nominating the following-named persons to be constables of the city of Boston:

Richard F. Andrews, Ellery S. Ayer, James Ball, William S. Bangs, F. J. Baxter, Charles S. Blood, Charles A. Booth, James M. Carter, Lemuel Clark, H. R. Darling, Alvin S. Drew, Ephraim W. Farr, Thomas Fee, Jr., William T. Gardner, Sarell Gleason, John C. Harrington, John M. Hodgate, Frederick P. Knapp, Russell R. Knapp, Nicholas G. Lynch, John May, Jotham E. Munroe, Samuel Nash, Alonzo F. Neale, Isaiah Paine, Jr., George B. Proctor, Joseph R. Rowe, William Sherburne, Asa Southworth, Barry Sullivan, William H. Swift, George W. Tuckerman, William H. Warren, Jr. Wright W. Williams, David L. Fagin, Frank H. Butler and W. M. H. Copeland.

The question was upon confirmation of the appointments.

Alderman O'Brien—The Committee on Ordinances have had the subject of the appointment of constables before them for some time, and I believe they are prepared to make a report this afternoon. I therefore move to lay the confirmation on the table until such time as the Committee on Ordinances make their report.

The motion prevailed.

Later in the session Alderman Breck submitted the following:

The Committee on Ordinances who were requested to consider the expediency of providing by law the maximum number of constables to be appointed by the Mayor for the service of civil processes, and what rules and regulations are necessary to protect the public from the frauds and impositions practised by a few of these officials, having considered the subject, beg leave to submit the following report:

The committee are of the opinion that in addition to those who are appointed or designated for a special duty, viz., truant officers, constables in the Health Department, Collector's Deputies and those on regulation duty in the Supreme and Superior Courts, the number of constables appointed to serve civil process in the city of Boston should not exceed fifty.

They are also of the opinion that a violation by any constable of either of the provisions of chapter 17, section 64, chapter 18, section 65, or chapter 121, section 4, of the General Statutes, should be deemed sufficient ground for his removal. In view of the fact that the appointment and removal of constables is vested by law in the Mayor and Aldermen, the committee are of the opinion that it is not within the power of the City Council to limit the number; but they believe that it is competent for the Board of Aldermen to establish the maximum of constables that may be required for the public service, and by a rule of the Board provide for the appointment of that number only.

Accepted. Sent down.

During the session a communication was received from the Mayor appointing W. A. Wright a constable in connection with his duties as truant officer. Confirmed.

Near the close of the session, on motion of Alderman O'Brien, the executive communication nominating constables was taken from the table.

Alderman O'Brien—Since the last meeting of the Board, I have thought that the cutting down of the constables to twenty-five in number was too radical a change; but as the gentlemen to whom it was referred have increased the number to thirty-five or six, I do not see but it is a great improvement. The reason why the Committee on Ordinances reported fifty as the limit is the fact that we have twenty-five wards in the city, and on election days it is understood that two constables are stationed in each one of these wards; and in order to give two constables to a ward it required fifty outside of those connected with the courts. There are four lawyers on the Committee on Ordinances, and they have also considered this matter very thoroughly, and they feel that fifty ought to be the limit of the constables appointed every year. But I have no objection to the confirmation of the appointments now presented. I would ask for information what the meaning of this clause is in the bond given by the constables: "Having been appointed by the Mayor and Aldermen of the City of Boston one of the constables within said city for one year only, and until another be appointed in his place." I understood, during the discussion here at the last meeting, the time of service of these constables had expired; but, according to the bond that they give to the city of Boston, they continue in office until their places are filled. I don't know whether it has any binding force or not.

Alderman Fitzgerald—Not the slightest. They were appointed on the eighteenth day of September, 1876, and hold office until the eighteenth day of September, 1877. Their term of office is for one year simply. Perhaps it is better that the bond should remain so; there may be a reason for it.

The nominations were confirmed.

#### POLICE.

Alderman Robinson submitted the following from the Committee on Police:

Reports recommending the confirmation of the executive appointments of Charles A. Moncrieff, Bernard Murray, Andrew Maguire, M. P. Daley, Edward F. Flannigan and Williams Burns to be police officers. Accepted, and said nominations confirmed.

Report that leave be granted the Faneuil Hall Temperance Reform Club to project a transparency in front of 21 Hanover street.

Report recommending that the executive nomination of John Doherty to be a police officer be rejected.

Alderman Fitzgerald—Are physical causes the reason why this confirmation is not recommended?

Alderman Robinson—I have a line from that individual asking and begging me not to state the reason for his non-confirmation.

Alderman Fitzgerald—Do I understand the chairman of the committee to say that he won't tell why? I ask whether they are physical or moral causes why he should not be confirmed.

Alderman Robinson—At the last meeting I expressly stated that it was not the intention of the Committee on Police, any more than any other committee, to state the reasons why they do not confirm the appointment. That was approved by the Board of Aldermen, I think, and besides this I had a line from the individual asking and begging me not to explain it.

Alderman Fitzgerald—The chairman of the Committee on Police says that they will not give their reasons any more than any other committee. There is not a committee of this Board but, when they recommend that a matter should not be passed, always give the reasons when they are called upon. When a nomination is made, it is always presumed that it will be confirmed unless there are good reasons to the contrary. If any man comes before this Board of Aldermen as a candidate for office, and thus places himself in a position to be criticised, he should not find fault if that criticism is made. If there is anything in his physical condition that renders him unfit for this position, he should find no fault if he be criticised and the reasons given. He had better not have applied for the office. I can see a very good reason for giving the cause of rejection in all these cases. The Mayor and every member of this Board and the Committee on Police may be dead fifteen years from this time, and if this same person comes up for examination there will be this report against him, recommending that his nomination be non-confirmed, and he may be rejected on that account. That is why I say that every man who offers himself as a candidate for office should be sure that his moral and

physical condition is good. If we report that a man's moral and physical condition is not good, I tell you it will deter a great many from offering themselves for the position of policemen.

Alderman Robinson—The Alderman's remarks are very good, but they don't apply to the case. If the gentleman had gone and looked at the rules of the Police Department he would have seen that all this eloquence was for nothing. There is something that people who apply have that they are tenacious about keeping away from the knowledge of the public. Therefore, unless instructed by this Board of Aldermen, I shall not tell why persons are rejected. Of course, if the Aldermen choose to dictate, the records are open to them.

Alderman Fitzgerald—I have no doubt the report of the committee will be accepted; but I simply state, as a rule we should stick to and stand by, that there is no good reason why this committee should not give the reasons for their report, as well as any other committee. That is what I say.

Alderman Robinson—We have applications for the widening and paving of streets, and for all sorts of things, and the chairman of the committee simply reports leave to withdraw. If there is any objection to the same report in the case of policemen, the members of the Board of Aldermen can go to the records and see what it is. As I said the other day, if we cannot do a man any good, we will not do him any harm. I thought that the opinion of the Board of Aldermen had settled this thing forever.

Alderman O'Brien—This appointment was referred to the committee, and it is now in the hands of the Board of Aldermen, and—

Alderman Robinson—Is is a nomination, not an appointment.

Alderman O'Brien—It was referred to a Committee of the Board of Aldermen, and it was their duty to report it back to us with their objections to the appointment. But what settles the matter in this man's case is, that he don't want the objections—whether physical or moral—named. I should consider that the best way to dispose of this matter.

Alderman Fitzgerald—The way for a man to do in such a case as that is to ask the Mayor to withdraw his name. I think that if the Committee on Police were to adopt the rule of giving the reasons why they reject nominations—whether physical or moral—I venture to say you would n't see half so many persons applying for the position of policeman. The Alderman says we never give reasons for street widenings or paving. Why, no Alderman would be so foolish as to refuse to give his reasons for or against any such measure. Every member would give it. The proper course for a man who is brought up for policeman, in such a case as this, is to request the Mayor to withdraw his name. But I think that if the Committee on Police and this Board adopt the rule of reporting the reasons why the committee do not recommend this Board to confirm any nominations referred to them, you will have persons applying who are more particular about their physical and moral characters. They will examine their consciences more before coming up here and asking you to appoint them.

Alderman Thompson—It seems to me that the better way to remedy this difficulty would be to return to the old custom of having these examinations made before the appointment is made, and then when the appointments are made the committee are ready to act upon the confirmation. I think that would be the better course hereafter.

Alderman Viles—As the person whose name is before the Board lives in my section of the city, and as he does not wish to have it known why he is rejected, I would say that I have known him for some time, and that morally he is all right.

Alderman Clark—I fully agree with the Alderman from Charlestown, that every man who applies for the position of policeman should be examined by the Mayor, the committee and the Chief of Police before his name is brought before this Board of Aldermen. Then if there are any moral objections to a man the Mayor will not send his name in. During the whole time that I had the honor to serve upon the Committee on Police, there never was a man appointed that was n't first examined by the Committee on Police as to where he was born, and as to his previous character; and he was examined by the Mayor and the Chief of Police and the entire Police Department before his name was put before the Board of Aldermen for confirmation. After undergoing an investigation of that kind, there

is but little chance of a man's name being presented for confirmation if there is anything against his moral character. He may be physically disabled, but if he is morally disabled his name will not be put before us. Now, here is a man with a reflection upon his character. Morally he is all right. I had reason to suppose that morally he is all wrong, but the Alderman says his moral character is all right. There is no objection to saying that a man could not pass the medical examination. Had it not been for the explanation I should have supposed that he had been before the courts for some misdemeanor. That question is always asked—whether a man uses intoxicating drinks, whether he has been before the courts for any misdemeanor, and everything of that kind. I believe, with the Alderman from Charlestown, that the safest way for the appointee is to return to the old custom of having men examined before they are appointed.

Alderman Fitzgerald—I don't care how the thing is accomplished; but what I care about is that I am obliged to give my vote, and as a member of this Board I want to vote intelligently, and I shall never give my vote against any man unless I know why I am doing so. I do not know this man. I am very glad the Alderman from Ward 6 has spoken as he has. I am glad to know that there are no moral objections to him. From the report of the chairman of the committee any one would come to the conclusion that the objection was of such a nature that it would cast an odium upon him before the public. I don't care in what way you arrive at it—whether by examination before the nomination or not—but I say that if a man comes before this Board of Aldermen every member of this Board should know what are the defects in his character, if there are any; and if the Mayor makes a nomination we should know the reasons why it should be rejected. I agree with the Aldermen opposite that the man should be examined before he is appointed, to see whether he has varicose veins or not, and whether he stands five feet eight in his stockings. If a report is to be made to this Board, I think it is quite proper that we should know all about it. I don't care how the conclusion is arrived at, so we have the report. I am very glad the gentleman has got up and said there is no objection to the character of this man. Then it must be on account of his physical condition. No man need be ashamed of that, because it is something over which he has no control.

Alderman O'Brien—I suppose, like every member of the Board, I have had quite a number of applications to use my influence and assistance for an appointment upon the police force. I believe I have introduced two or three parties to your Honor for a position of that kind. I am sorry to say that they were not appointed in every instance. But I have understood your Honor to say that every question which the gentleman opposite says ought to be propounded to applicants for positions on the police, has been propounded to every applicant before you put the nomination before this Board. I have understood that you asked them every question suggested by the Alderman, and that your Honor sent in the nomination when the answers were satisfactory. I do not suppose, Mr. Mayor, that you are expert enough to go into the physical examination of the party; and I suppose that you cannot answer so well for his physical ability to perform the duties; but I presume that every appointment that has been rejected by this Board has been for some physical disability. I believe I mentioned that fact the other night. When an application is indorsed by two or three Aldermen and twenty or thirty Councilmen, and by a Governor and an ex-Governor, it is almost impossible for such a man's character to be anything but all right—so far as his moral character is concerned.

Alderman Clark—I have not the slightest doubt about all these questions being asked by the Mayor; but I have known a case where the Mayor investigated a case that some questions came up after his character had been thoroughly investigated. I have no doubt that the utmost care has been taken, but there is no danger of giving this matter too thorough investigation. So far as an applicant having been recommended by Governors and ex-Mayors, I have known some of the poorest characters presented having the recommendations of some of the best men in the community.

Alderman Gibson—I can readily see why the committee desire to keep silent and not give their reasons. Perhaps they have evidence that the

moral character that a man bears debars him from being a police officer, although he may not have been convicted in any court, for a man is always deemed to be innocent until he is proved guilty. I suppose that the committee has such evidence before them as convinces them that the man is not fit to be a policeman. They may be so certain of it that they feel it their duty to recommend that he be not confirmed; but in the absence of positive evidence they cannot get up here and state that this man did a certain thing on a certain day. It is known to be the case where parties, having a large number of persons in their employ, have set traps for some of them, and although they have not obtained any positive evidence of crime, they have learned sufficient to warrant them in discharging their employes. I have known parties discharged because their services were not wanted any longer, for there was good reason to believe that they took the funds of other persons. They apply to know the reason, and we give them no reason. We simply don't want their services any longer. Now I can see that this committee are in the same position. They drop a man off and let him down as easily as they can. But so far as this matter is concerned, the Alderman opposite has said that there is nothing against his moral character. If there was, and I was on that committee, I should state it.

Alderman Clark—I wanted to say that this year confirmations have been rejected on account of moral character. I thought so; and I am substantiated in that by a member of the committee. Some two years ago an appointment was made, and it was laid over one week; some citizens brought in a charge against the party, another examination was gone into, the charge was found to have been correct and the nomination was rejected. So that this year there have been rejections on account of a man's moral character, as well as physical disability.

Alderman Gibson—I think it is well for all these nominations to lie over one week, so that the public may know about them. I would move that hereafter they lie upon the table one week, so that the whole public may know and have an opportunity to come in and state their objections to a man. There are so many seeking the position that we shall always hear the objections.

Alderman Robinson—I am happy to say that in this case there is not a single flaw in the man's moral character, and it was with some considerable degree of feeling that I was obliged to report against him.

Alderman O'Brien—I think that ought to be satisfactory, and I hope we shall go on and act upon the nomination. I have no doubt that a policeman might be put through all kinds of cross-questioning, and still there might be a flaw in his character. There are exceptions to every rule, but I maintain that the great number of the rejections by this Board are on account of physical disability. There are few men who are perfect both physically and morally.

Alderman Clark—in regard to appointments lying over a week, I understand that they are to be referred to the Committee on Police, and if any one desires to make objections they have an opportunity to do so during the week they are in the hands of the committee.

The report was accepted and the appointment rejected.

PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Report that petition of H. S. Bean *et al.*, for cross walks on Warren street and Blue Hill avenue at Woodbine street, be granted. Accepted.

Reports and orders for brick sidewalks in front of estates of Charlestown Five Cent Savings Bank on Sterling street, and for edgestones and brick sidewalks in front of estate of Delano & Little, 534 Fifth street. Orders severally read twice and passed.

Report and order of location for a railroad track by the Butchers' Slaughtering and Melting Association, with the usual conditions. Order read twice and passed.

Report and order to abate the sidewalk assessment of \$74.04 against the estate of the heirs of Isaac Callbeck, on White and Eutaw streets. Order read twice and passed.

Report and order for a hearing on Oct. 8 next, on expediency of changing the position of the tracks of the Cambridge Railroad Company, on Washington street, Brighton, between Foster

street and Oak square, from the side to the centre of the roadway; and any person objecting thereto may then appear and be heard. Passed.

Report of leave to withdraw on petition of the Highland Street Railway Company, for leave to run their cars to the northern depots. Laid on the table on motion of Alderman Fitzgerald, until the question of the blockade is settled. Alderman Fitzgerald gave notice of intention to submit a minority report.

Report of leave to withdraw on petition of Highland Street Railway Company to rescind part of location granted March 19. Accepted.

Report that leave be granted M. Ellis & Co. to move wooden building from Beunington street to Church street, Ward 1. Accepted.

Reports of leave to withdraw on petitions of Mary E. Leach to be paid for grade damages on Spring Garden street; Bridget McMamarny for abatement of assessment for sidewalk at 205 London street, East Boston; Bridget Clay for abatement of sidewalk assessment. Severally accepted.

Order to pave Richmond street, between North and Hauover streets, with small granite blocks; estimated cost \$2000.

Alderman Thompson—I cannot vote for the acceptance of the report of this committee. I desire to know why this committee do not answer the petition of a large number of citizens in Charlestown, when they petitioned early in the year for the paving of Main street, which is one of the thorough avenues of this city, and which, I venture to say, is in a worse condition than any other street or avenue in the city. I have inquired of the committee why they do not report something of this kind, but I have been told that there is no money. I find that there is money enough to pave side streets which I know do not compare with the condition of Main street in Charlestown. If members of this Board would visit that section of the city they would see that the condition of that street is such as to endanger the city for damages in consequence of its being in an unfit condition for the travelling public. Here every week we have appropriations for this street and that to be paved, which do not compare with that thoroughfare in importance or in its bad condition. I would like a report from this committee why they should not pave that street. It certainly is in a worse condition and needs attention more than any other street in the city. Now, sir, I have been accused by a certain paper in this city of representing a certain ward. I desire to say that the ward in which I reside has not had one dollar for paving, or any such thing. The district which I reside in—and which I don't represent any more than I do the whole city—has had one street paved, and that at the expense of leaving Main street in its present dangerous condition. I hope this report will be laid upon the table this afternoon, and that the committee will report the reason for not paving Main street.

Alderman Robinson—The appropriation for paving—and I was told by the chairman that it was by the instrumentality of the Alderman from Charlestown—was cut down one hundred thousand dollars. There was a small amount to be divided between the five hundred miles of streets in this city. The only just course for the committee to do was to divide it around honestly and fairly, so far as the committee could do. In Charlestown there was quite enough to do to take the whole of the appropriation; the paving of Bunker Hill street was urged upon it as hard as anything could be. There is Main street, which would cost a hundred thousand dollars to pave; and there is Cambridge street, which we did do at an expense of twenty thousand dollars, and Charlestown has had its proportional part of the money which the City Government gave to the Committee on Paving. They complain in South Boston, in Roxbury, in West Roxbury, and everywhere, that there is not enough done on the streets, when the fact is there is not half enough to do with. Now, the committee went over to Charlestown and looked at Cambridge street, and in the opinion of the committee it needed repaving most, and consequently they did it. It will cost nearly a hundred thousand dollars to pave Main street. It is not the fault of the committee; they would be glad to do these things, but they have not got the money to do it with, and the City Government did not give them money enough. They would be glad enough to pave Main street or any other street in Charlestown, if there was a special appropriation for it. If they had been given that extra hundred thou-

sand dollars, they would have been able to do more about the city.

Alderman Thompson—I am very glad the Alderman has given me an opportunity to answer him in public as to my being punished, or as to the district I live in being punished because I voted in the Committee on Appropriations to reduce the appropriation for Paving from \$950,000 to \$850,000, because it was represented that this year eight hundred and fifty thousand would go as far this year as a million did last year. But that amount was increased, and nine hundred and fifty thousand was appropriated for the Committee on Paving this year against a million last year. Now, sir, that has been thrown at me two or three times because I voted thus; and so the district in which I live was not to be noticed, but was to go on in its present dangerous and unfit state. My idea is that it is the duty of that committee, as well as of every other committee, to attend to that section of the city that needs attention the most. If Main street, in Charlestown, needs paving more than any other street within the city limits, it should be paved and attended to this year; not that a certain portion of the money must go here where it does n't need attention particularly, but simply because it is one section of the city. If one section of the city is in a dangerous condition, it should receive the attention of the Paving Committee, and they should spend their money where it will do the most good, rather than apportion it out in order to satisfy this or that party; that is what I complain of. The chairman says we have not got money enough to do this, that and the other, when day after day orders come in here to pave this and that street. Now, in regard to paving Cross street, there is nothing like the need of paving that that there is of paving Main street; and I question the wisdom of spending so much money in the paving of Cambridge street. Why, sir, Cambridge street is merely an avenue off Main street, with which there are four other avenues connected, to carry off the travel that comes through Main street. Main street has to take the travel from these four avenues, of which Cambridge street is but one. All the travel from those four avenues passes through Main street. It has n't been paved for thirty years, and is in a most outrageous condition. When the Alderman says they cannot pave it, I say that if we cannot pave the whole of it, pave all you can. They say there is no money; yet orders come in here to pave all those streets, and I object to it. If they cannot attend to it, I want them to give the reason why, and then we will answer the objection.

Alderman Viles—The Committee on Paving have judiciously and wisely reported in favor of repaving Richmond and Cross streets, in my section of the city. This is the third year that the people have petitioned for the repaving of Richmond street, and they have had leave to withdraw every year. A captain of a steamer tells me that he has to avoid that street, and it takes two or three minutes longer to reach the steamer. Cross street is an up-grade. One of the largest iron firms is located there. The street is very much out of repair, and the paving of both streets costs less than \$4000. I hope the Board will adopt the report of the committee.

Alderman Robinson—I am surprised that the Alderman from Charlestown said I wished to punish him. I distinctly said that there was not money enough, and that Charlestown had had her portion of what money there was. Now, I went through Main street, the other day, and if you were to compare it with many avenues in New York, you will find it is much better—I think much better. If the committee had money enough they would be glad to do it. But you know that the appropriation is divided into certain parts—not certain localities, but certain kinds of paving—so much for repairs of streets, so much for bridges, so much for edgestones, so much for crosswalks, so much for macadamizing, etc., etc. There were petitions in for twelve hundred and fifty thousand dollars' worth of paving, for which there was only three hundred and fifty thousand dollars. Since that time there have been a hundred and fifty or two hundred thousand dollars more of expense that we did not know anything about at the commencement of the year. The Columbus-avenue bridge had to be built—we did not know that that had got to be done. All that is so much out of the appropriation for paving. Columbus avenue required to be paved with asphalt. Charlestown has had as

much of the appropriation as any other part of the city, in proportion to the condition of the streets; and they have had considerable going on in the several wards. They have had as much as any other part of the city.

Alderman Fitzgerald—What is the question before the Board?

The Mayor—The passage of the order to pave Richmond street.

Alderman Fitzgerald—Then I raise the point of order that no other question is in order here except the paving of Richmond street.

The Mayor—The Chair thinks the point well taken.

Alderman Thompson—I think I made a motion that the report of the committee be laid upon the table in order to give them an opportunity to report why they did not answer the petition made in the early part of the year, and I am sure every year since Charlestown has been a part of this city, in regard to this street.

The motion to lay on the table was lost, and the order was passed.

Reports and orders to pave Marginal street, between Lewis and Clyde streets, with small granite blocks; estimated cost, \$8000; and to pave Cross street, between North and Hanover streets, with small granite blocks; estimated cost, \$1800. Severally read twice and passed.

Reports and orders for edgestones in front of estates of A. J. Tibbets, 90 and 92 Blue Hill avenue; Howard Clapp, Fifth street, corner of Jay street; Timothy McCarthy, Everett street, corner of Cottage street. Orders read twice and passed.

PUBLIC GROUNDS.

Alderman Clark submitted the following from the Joint Committee on Common and Public Grounds:

Reports of (leave to withdraw) on petitions of Young Men's Christian Association for leave to hold religious meetings on the Common; and Eliza T. Clapper for the reopening of the well on the Eaton lot, Dorchester. Severally accepted. Sent down.

PETITION FOR COMPENSATION FOR INSPECTION OF A CHURCH.

Alderman Clark presented the following: The trustees of the Charles-street Baptist Society, while making general repairs upon the church corner of Mt. Vernon and Charles streets, this summer, were visited by Inspector Shaw, who condemned the cupola, and ordered it either to be taken down or strengthened in such a manner as to meet his approval. It has been repaired and pronounced by Mr. Shaw entirely safe and satisfactory to him.

The town and city of Boston have had the use of the bell for seventy years. The city has the entire control of the bell and cupola no other parties having access to it. The bell was used in experimenting upon the present system of fire alarms, and, feeling satisfied that the city desired to continue the use of the bell in connection with the clock and fire alarms, we believed that the city would willingly pay for any necessary repairs rather than have the cupola and bell taken down; thus necessitating the city to put up a tower and purchase a new bell at a much larger expenditure of money than the amount expended for repairs. Mr. L. M. Burgess, the carpenter who made the necessary repairs, has rendered us a bill for \$481.74, which is annexed, and is entirely for the work upon the cupola under the direction of Inspector Shaw.

We therefore respectfully ask your honorable Board to allow and have paid this bill after examination of the items and facts above stated, or allow so much of the bill as in your judgment is just and equitable (under the circumstances) for the city to pay.

Respectfully submitted,  
BENJAMIN F. BROWN,

Treasurer of the Trustees of the Charles-street Baptist Society, 163 Devonshire street.

Referred to the Joint Committee on Claims. Sent down.

THE ARMY AND NAVY MEMORIAL.

Alderman Clark offered an order—That the Clerk of Committees be requested to prepare and print an account of the ceremonies attending the dedication of the Army and Navy Monument; and that 1500 copies be printed for the use of the City Government, to be distributed under the direction of the Committee on Printing; the expense to be charged to the appropriation for Incidentals.

Alderman Fitzgerald—What is the cost going to be? Are we ever going to get through with this Army and Navy Monument? Is there any expenditure connected with this volume?

Alderman Clark—No amount is named. It is simply to have prepared and printed 1500 copies, as is usual in cases of this description, where there has been a celebration which has given such general satisfaction to the community as the dedication of the Army and Navy Monument has given. An account of the celebration, together with the addresses made on that occasion, will be an interesting volume for coming generations. It is necessary and important to preserve in some form the speeches and oration delivered on that occasion. I should imagine the expense would be about a thousand dollars. Memorials of the celebration of the Seventeenth of June, and of Charles Sumner have been printed, and form a valuable part of the libraries of the members of the City Government of those years. I hope the same courtesy will be extended to the Committee on the Army and Navy Monument.

Alderman Fitzgerald—While I have no objection to the order, I think it ought to be referred to some committee who can report to this Board the cost. It may be that there will be no need at all of taking it from the incidental expenses; perhaps the appropriation for the dedication of the Army and Navy Monument might be quite sufficient to pay all the bills. The President of the United States did not come to the celebration, and as I understood, it was calculated that four or five thousand dollars would be saved—fifteen hundred, the Alderman [Alderman Wilder] says—by the non-appearance of the President of the United States at this celebration. The banquet given on the night of the celebration, which the chairman of the committee said no one had in contemplation, or thought about—that banquet, that frugal banquet, indicates that there must still be something left of the appropriation for the Army and Navy Monument. I presume that the fifteen hundred dollars intended for the President of the United States and his entertainment may not be spent, and probably that would pay for the printing of this little volume. As the members of the City Council had not the privilege of sitting upon the stands, perhaps they would publish that part of the programme of the day. It would be well that they should have a memento or memorial of what occurred; but I should wish to see the Committee on Printing investigate and report what fund this should be taken from, how much it would probably cost, and how many copies it would probably require. The Army and Navy Committee must have something left of the appropriation still. I think that if the money that was given for a banquet, and which the members of this Board, by their speech and private conversation, showed to the Committee on the Army and Navy Monument, would be out of place on that evening—I think a great many of the members so expressed themselves—I think if that money had been devoted to the purpose which this order covers, it would be better than giving a banquet at the close of the day devoted to dedicating a memorial to those who fell on land and sea. I think the money would have been better spent than in a banquet on such a solemn day, which brought sorrowful memories to the hearts of so many fathers and mothers. I think the Army and Navy Committee must have something left still.

Alderman Thompson—I do not propose to advocate the publication of the doings of the committee, or the sayings of those who took part in the ceremonies of that day. If the City Council do not choose to preserve the account of the dedication of the monument, it makes no difference to me; it is only in conformity with the usual custom. An account of the centennial of Bunker Hill was published, and I am sure that the citizens were well satisfied with it, as the demand for the copies of that record will testify. There was also a memorial of the celebration of the anniversary of the siege of Boston. I presume we have not more interesting works in our libraries than those. The President of the United States was not present last year, to be sure, but the City Government deemed it of sufficient importance to preserve the record. Now, the Alderman proposes to ascertain the cost of this. I presume it would be impossible for the Committee on Printing to estimate the cost, because it will take some time to prepare the work. My idea is that there are many letters that the committee received from distinguished men in the United States, and

I should wish to see preserved the sentiments they contain. All that will take time. Then again, the Alderman refers to a balance that may be left in the hands of the committee. If there is any balance left it will go into the city treasury, and it makes no difference whether this expense is paid from one appropriation or another. Now, a great deal has been said about this banquet; it was not a banquet. It was one of the most economical entertainments ever given by the city. The Committee on Monument saw that it would be impossible to get through with the celebration before dark. The members of the City Government and the invited guests were invited to be here before nine o'clock, and we knew it would require until late in the afternoon before the ceremonies were concluded. Then the question came before the minds of the committee, whether or not this was a proper way to treat the guests of the city—keeping them in the hot sun without anything to refresh them. It seems to me it would be a rude thing to do; and for myself I am willing to bear my share of the blame for preventing rudeness to the guests of the city, which I consider would have been the case had not some refreshment been provided for them. But, sir, there was no banquet. It was as simple as could be. The Alderman referred to the sorrow of those whose friends died; but I am sure that all returned officer enjoyed themselves as much as possible at meeting their old friends.

Alderman Fitzgerald—I did not refer to the gentlemen who took part in the jollity of the banquet. I have no doubt it was a very pleasant entertainment. But I think the Committee on Printing should have charge of this matter. I move that it be referred to the Committee on Printing, and that they report the cost of each volume. I don't think this general order should be passed.

Alderman Clark—I have not the slightest objection to the order being referred to the Committee on Printing.

The order was referred to the committee, with the request that they report to the Board the cost of each volume. Sent down.

Subsequently Alderman Thompson offered the following, which were severally passed by a unanimous rising vote:

Ordered, That the thanks of the City Council are due and they hereby are tendered to Colonel Augustus P. Martin, for the very acceptable and successful formation and management of the military and civic procession on the 17th inst., in honor of the completion of the Army and Navy Monument on Boston Common.

Ordered, That the thanks of the City Council be presented to Hon. Charles Devens for the very eloquent and patriotic oration delivered by him before the municipal authorities of this city at the dedication of the Army and Navy Monument, upon Boston Common, on the 17th day of September, A. D., 1877; and that he be requested to furnish a copy of the oration for publication.

Ordered, That the thanks of the City Council be presented to Commodore Foxhall A. Parker of the United States Navy for the valuable services and assistance rendered, by his permission, to the Committee of Arrangements at the dedication of the Army and Navy Monument on the 17th inst., and especially for the escort furnished to the City Government by the Marine Corps and sailors which formed so conspicuous a feature in the procession on that day.

Severally sent down.

#### STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the board

Reports that leave be granted, on the usual conditions, to occupy stables by George W. Farwell, Conder street; A. M. and C. M. Wood, Winchester street; Bartholomew Hickey, Downer street; Josiah H. Carter, on street between Commercial street and Neponset avenue; F. V. Balch, Centre street; L. H. Jones, Pleasant street; A. Hutt, Frankliu street; William Dolon, Baker street; J. G. Shillaber, Washington, corner Tremont street; George W. Tnxbury, Clapp street; R. P. Paine, Jr., four stables on rear Buckingham street, each one-story high; James E. Bowe, Douglas street, Ward 14. Severally accepted.

#### COLLECTOR'S DEPARTMENT.

Alderman Gibson offered an order—That there be paid to D. G. Quirk the sum of \$52 from the appropriation for Collector's Department; to Edward W. Dolan, \$23, and to John Pierce \$20, the

last two amounts to be charged to Real Estate Advertising. Read twice and passed. Sent down.

#### IMPROVED SEWERAGE.

Alderman Birnham offered an order—That the City Engineer, under the direction of the Committee on Improved Sewerage, be authorized to employ such assistance and incur such other expenses as may be necessary in the construction of the improved system of sewerage. Read twice and passed. Sent down.

#### PERMIT FOR STEAM ENGINE.

Alderman Gibson submitted a report from the Committee on Steam Engines in favor of granting a permit to Frank J. Nelson to locate and use a steam engine and boiler at 173 and 177 Sumner street. Accepted.

#### NEPONSET BRIDGE TO BE CLOSED.

Alderman Thompson offered an order—That Neponset Bridge be closed to the public travel on Monday, Oct. 1, 1877, and remain closed until the repairs thereon are completed. Read twice and passed.

#### MESSENGER FOR TREASURY DEPARTMENT.

Alderman Gibson submitted the following:

The Joint Standing Committee on Treasury Department respectfully request that they are in receipt of a communication from the City Treasurer (herewith submitted), in which he makes application for a messenger to be attached to his office, and duly sets forth the necessity existing for the employment of such an officer.

Your committee having conferred with the Treasurer, are in favor of granting his request, and respectfully recommend the passage of the accompanying order:

Ordered, That the City Treasurer be authorized to appoint, subject to the approval of the Joint Standing Committee on Treasury Department, a messenger to be attached to his department, who shall furnish a bond for the faithful performance of his duties in the penal sum of ten thousand dollars, with sureties satisfactory to said committee; and that the compensation of said officer be established at the rate of one thousand dollars per annum, beginning with the date of his appointment and continuing until otherwise ordered.

Read twice and passed. Sent down.

#### PUBLIC LANDS.

Alderman O'Brien submitted a report from the Joint Standing Committee on Public Lands, on the petition of Henry Norwell and James M. Smith, for the renewal of the conditions placed in deed given by the city of Boston to Abner Kingman, dated Jan. 17, 1863, recommending the passage of an order—That the Mayor be authorized to execute an instrument drawn in a form satisfactory to the City Solicitor, whereby the city shall, so far as it legally may, release the parcel of land on Springfield street, described in a deed from the city to Abner Kingman, dated Jan. 17, 1863, and recorded with Suffolk Deeds, lib. 822, fol. 37, from the conditions contained in said deed; provided that the owners of said estate at the same time execute a proper instrument, whereby the said estate shall be made subject to the following restrictions: That no building erected, or to be erected, upon said premises shall be used for a livery stable, or for foundry or manufacturing purposes, or for any other business which shall be offensive to the neighborhood for dwelling houses, and that no building shall be erected thereon within ten feet of said Springfield street.

Read twice and passed. Sent down.

#### LICENSE COMMISSIONERS.

Alderman Clark presented a communication from the License Commissioners, requesting that, on investigation, their salaries may be fixed at more adequate rates, and submitting the following statement for information:

Last year the commission paid to the city \$173,000. This year the commission paid, estimated, \$250,000; expenses last year (leaving out the pay of thirty police as below referred to), \$29,000; expenses this year, estimated, \$30,000; city paid State last year one-quarter, \$42,999.87; city will pay State this year about \$64,000; net income to city last year, about \$100,000; net income to city this year about \$157,000; excess this year, \$57,000; city paid for legal services to parties outside the commission, \$3165.45; this year the members have done all legal work, will save the city \$3165.45; last year the commission had on an average eight officers at its rooms, \$8000, and two at each station, \$30,000, making the whole expense of office really \$38,000; \$30,000 was charged to Police De-



partment; this year the Board have had fifteen officers, none others permanently detailed, costing \$15,000; licenses last year, 1400 odd, this year, 2000 odd, 180 cases in court thus far. We have one clerk less this year than last. In the expense of last year are included salaries of commissioners, \$3000 each; in the expense of this year same salaries at rate proposed, \$1000 each; last year 1400 licenses, 2400 places where liquor was sold.

Alderman Clark—I hardly know what disposition to ask to have made of that; but it seems to me that for the work the License Commissioners are doing a salary of \$1000 is a mere pittance for these three men. They make a very excellent showing as compared with the work done last year, turning in some \$50,000 more into the city treasury, and doing the work of members of the Law Department. It is a subject worthy of investigation at least, and I move that it be referred to the Committee on Salaries.

Alderman Fitzgerald—The Committee on Retrenchment made a report in February last, which was acted upon in March; they reduced the salaries of the License Commissioners to one thousand dollars each; and it was understood that that would be the salary of the License Commissioners for a year. Now I, as a member of the Retrenchment Committee, cannot vote for the increase of any of the salaries which we decreased but two or three months ago. The gentlemen who are members of the License Commission are all particular and special party friends of mine. I am well acquainted with them. Whenever an effort has been made in this Board to increase the salaries of any of the heads of departments I have risen here as chairman of the Committee on Retrenchment, as I feel it my duty to defend the report of that committee, and oppose the increase of these salaries. The Committee on Salaries reduced these salaries to \$1000 a year. While I feel that the present commission are as efficient—yea, sir, I would say more efficient—than any other commission that has ever been there, yet as a member of the Committee on Retrenchment I cannot vote to increase the salaries of these gentlemen. We marked the limit and I think we ought to stick to our report for at least one year. The act says the salaries shall be fixed each year. They go out of office at the end of the year, and no license commission can be created again until an order passes the City Council that it is expedient to grant licenses; and as the salaries of the commissioners die at the end of each year, they must be fixed with the nomination of the men. But the opinion of this City Council, as expressed by that vote, was that the salaries of the License Commissioners should be at the rate of \$1000 a year. I know the gentlemen well. They have performed their duties excellently, and in accordance with the public sentiment of the city of Boston, and have given more satisfaction than any other commission who have occupied the position they now hold. While I respect them, and give them credit for what they have done, at the same time, as chairman of the Committee on Retrenchment, I must vote against increasing their salaries.

Alderman O'Brien—As one of the Committee on Retrenchment, I hesitate to go back on any of the recommendations they made. But nearly six months have elapsed since that report was made, and it appears to me that in some instances we did injustice. It is only a month or so ago that the Committee on Public Library presented a statement to the City Council that we would have to lose the services of Mr. Winsor, or vote him a larger salary. I believe the order to increase the salary of Mr. Winsor passed unanimously, and that the three Aldermen of the Retrenchment Committee voted for it. There is one instance where we have gone back on our record. Now, as chairman of the Committee on Claims, I am aware of one fact. When the License Commission was first appointed, the Mayor came before the Committee on Claims, with the chairman of the commissioners, and told us that it would be impossible for them to do their work unless some lawyer was connected with that department. The Committee on Claims authorized the Mayor to employ a lawyer; and during the two years before the present commissioners came into office, the city of Boston paid that lawyer—if I remember rightly—\$250 a month, or \$3000 a year, for services rendered that commission. Well, now, we pay the License Commissioners \$1000 a year each—no more for all three commissioners than we paid the lawyer connected

with that department last year. I look upon it in this light: We will do an act of justice if we pay these three men \$1000 a year more than we voted them early in the season, when they actually show that they have saved the city of Boston that amount in doing the work of the lawyer that was attached to their department last year. I believe I can still maintain all that the Retrenchment Committee did, and conscientiously vote \$1000 a year more to the License Commissioners, because they are actually doing the work of the lawyer attached to that department last year, and who received \$250 a month for his services.

Alderman Clark—The remarks just made are all very well; but it seems to me they are premature, inasmuch as there has been no report made. I was requested to present this petition, but I do not know that I shall vote for an increase of the salary or not when it is reported upon by the committee. This is a question of reference for a committee to see whether any injustice has been done; and I propose to act upon it when the case comes from a committee who have investigated it fairly, as my judgment may dictate. I have no preference whether it be referred to the Retrenchment Committee or the Committee on Salaries, if the Committee on Retrenchment is still in existence. I presume it is—the chairman of that committee shakes his head; then I presume it will go to the Committee on Salaries.

The matter was referred to the Salary Committee. Sent down.

COMMERCIAL STREET.

Alderman Thompson presented the following: The Committee on Finance, to whom was referred by the City Council an order requesting the Committee on Finance to provide an appropriation of \$1,000,000 for the widening of Commercial street between Eastern avenue and Charles River Bridge, would respectfully report that they deem such widening at this time inexpedient, but, if the City Council decide that a public necessity exists for said widening, and a loan for the same can be legally made at this time, then the following order providing the means for the accomplishment of that object should be passed.

For the Committee,  
FREDERICK O. PRINCE,  
Chairman.

Ordered, That the Treasurer be and he hereby is authorized to borrow, under the direction of the Committee on Finance, the sum of one million dollars (\$1,000,000) to constitute a special appropriation for the widening of Commercial street, between Eastern avenue and Charles River Bridge, said amount also to defray the cost of grading and repaving said street and all damages arising in consequence of said widening, grading and repaving thereof.

The question was on the acceptance of the report.

Alderman Viles—Do the Finance Committee report on the expediency of a measure, or simply report on the ways and means?

The Chairman—Under the rules and orders, the Committee on Finance can report upon the expediency of an expenditure as well as to provide the ways and means.

The report was accepted and the order laid over, at the suggestion of Alderman Viles.

THE HORSE-CAR BLOCKADE.

Alderman Fitzgerald moved that the Paving Committee be requested to report on the street blockades within two weeks from today.

Alderman Thompson hoped that final action would not be taken on that day, as he would be absent.

Alderman O'Brien—If it was n't so late in the year, I think I would offer an order that a special committee of the Board of Aldermen be appointed to consider the question of these horse railroads and their blockading our streets; but it is so late in the year that the present members of the City Government would scarcely be able to attend to the work. I believe the Paving Committee have too much work on their hands, between this horse-railroad business and the general matters relating to the department. I also believe that there is too much pressure brought to bear upon this Board by horse railroads. I believe it would be a good thing for this city of Boston if this question were taken out of this Board and put into the hands of some permanent commission. The Alderman on my right [Alderman Viles] suggests the Street Commissioners, and I think it would be a good thing to put it into their hands to tell these horse railroads where they

should or should not go, and not allow them to block up our streets.

Alderman Fitzgerald—No question created so much lobbying and log-rolling and wire-pulling and pipe-laying in the Legislature as that of horse railroads of the city of Boston.

Alderman Thompson—There was the Hartford & Erie Railroad.

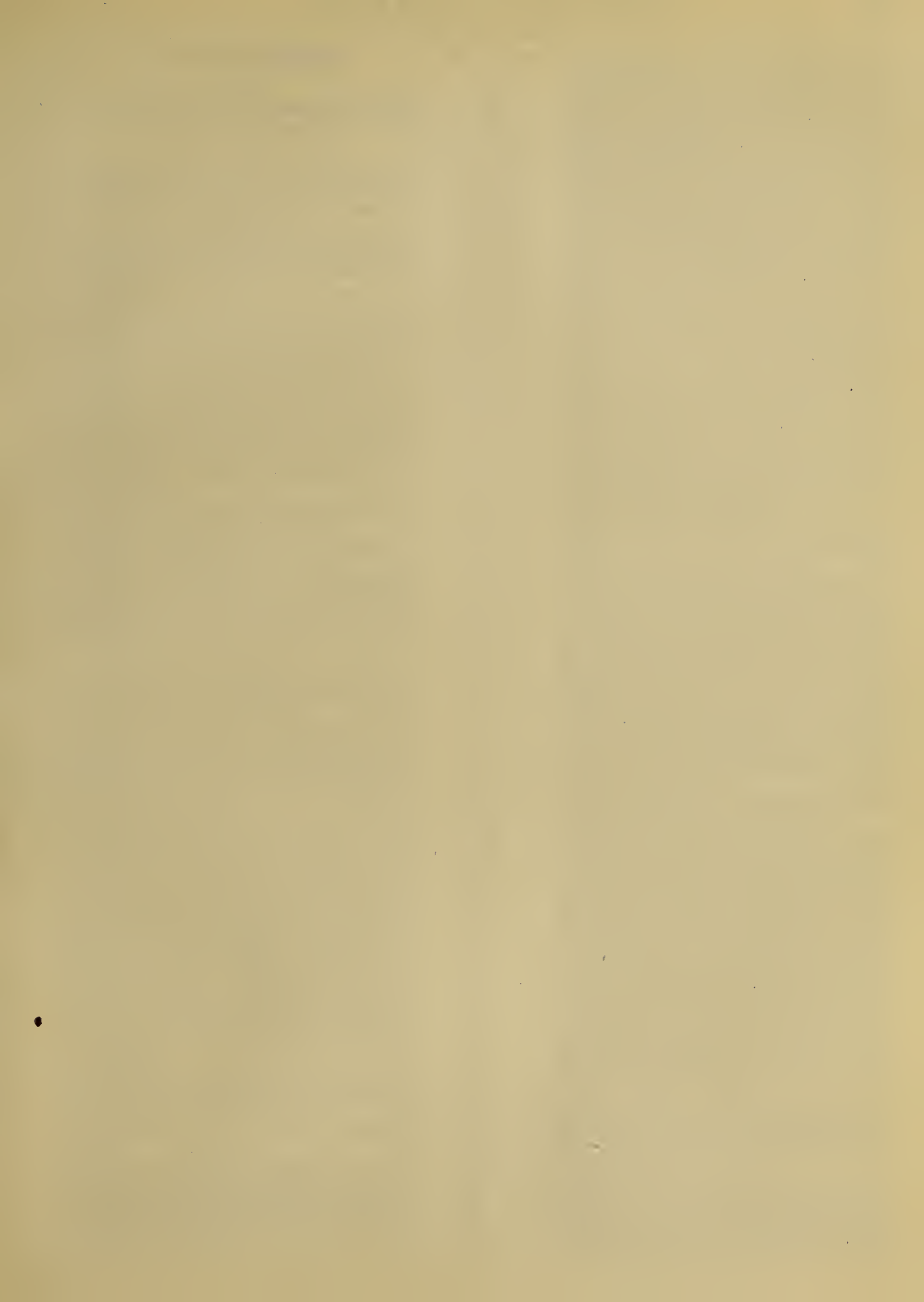
Alderman Fitzgerald—That was a bankrupt corporation, and only came once. These things became so annoying that the Legislature passed the general steam and horse railroad laws, so as to get rid of them, and they threw it upon and gave all their powers to the boards of aldermen of cities. Now, the Board of Aldermen are troubled week in and week out, and one-third of their business for the last nine months has related to horse railroads. If the pressure has been so strong upon a Legislature with 240 members in one branch, and if the pressure is so strong upon twelve men here, who are supposed to be independent in their action, how would it be with the Street Commissioners? You will have two Street Commissioners elected with a view of fulfilling the interest of two horse railroads against the other. My idea is that there should be a joint special committee on horse railroads, who should have nothing else to do, and that the responsibility for horse-railroad locations should be divided between the Common Council and the Board of Aldermen. Then no horse railroad could get any track through a street until public necessity was so strong that the City Council could not get out of granting a location; and the Common Council should share the responsibility. I agree with the Alderman that the Committee on Paving have too much to do. If the general horse-railroad law could be so

amended as to relieve us of the necessity of having the public hearings we have here, and which two-thirds of the members of the Board of Aldermen pay no attention to—and I say this with all due respect to the members of the Board—and if a special committee could be appointed on horse railroads, I think we would be relieved of a great deal of trouble and bother. I think that at the proper time the Legislature ought to be asked for authority to appoint a special committee on the horse-railroad petitions that are brought in here; but I should object to placing in the hands of any three men the authority to grant locations, and then have a pressure to elect Street Commissioners in the interest of horse railroads and not of the citizens of Boston.

Alderman Robinson—I have spent some considerable time during the last two months and a half, or thereabouts, in trying to solve this question, which is as perplexing as the most difficult problem in Euclid. But I have got somewhat in my head the manner in which the horse cars run, and I hope to be able to make a report a fortnight from tonight, and one which will alleviate the matter somewhat. The great trouble seems to me to be that there are too many cars on the streets. I should have been glad to do something earlier, but I shall be compelled to be absent two or three days, and could not attend a hearing before the earlier part of next week. I trust that we shall be able to make such a report a fortnight from tonight as will alleviate the matter, if it does not relieve it entirely.

Alderman Fitzgerald's motion was adopted, and the committee were directed to report in two weeks.

Adjourned, on motion of Alderman O'Brien.





## CITY OF BOSTON.

Proceedings of the Common Council,  
SEPTEMBER 27, 1877.

Regular meeting pursuant to adjournment, at 7½ o'clock P. M., Benjamin Pope, President, in the Chair.

## MISCELLANEOUS PAPERS FROM THE BOARD OF ALDERMEN.

Petitions, etc., were referred in concurrence. Reference to the Committee on Printing of an order concerning the printing of a memorial of the dedication of Army and Navy Monument. Concurred.

Invitation to attend the Carney Hospital Fair. Accepted in concurrence.

Reports leave to withdraw on petitions, viz., Eliza T. Clapp *et al.*, for reopening of the well on the Eaton lot; Boston Young Men's Christian Association, for leave to hold religious meetings on Common. Severally accepted in concurrence.

Resolution of thanks to Colonel Augustus P. Martin, the Chief Marshal, and his aids and assistants, for their services on occasion of the dedication of Army and Navy Monument; order of thanks to Hon. Charles Devens for his oration on said occasion, and requesting a copy for publication; order of thanks to Commodore F. A. Parker for the escort and other assistance furnished on above occasion. Severally read twice and passed in concurrence.

Order to pay D. G. Quirk \$52, Edward W. Dola n \$23, and John Pierce \$22, to be charged as therein set forth. Ordered to a second reading.

Report of Committee on Ordinances on the subject of the maximum number of constables, etc. Accepted in concurrence.

Order for the appointment of a joint special committee to investigate the cause of the accident in Blackstone square. Read twice and passed in concurrence, and Messrs. Felt of Ward 13, Richardson of Ward 10, Wolcott of Ward 11, Thorndike of Ward 2, and Jackson of Ward 16 were joined to said committee.

## MESSENGER FOR CITY TREASURER'S OFFICE.

A report came down with an order authorizing the appointment of a messenger for the Treasurer's office, at a salary of \$1000 per year, said messenger to furnish bonds of \$10,000.

The order was passed to a second reading, and Mr. Stone of Ward 3 moved a suspension of the rule, that the order might be passed tonight, stating that it was important that the officer should be appointed and enter upon his duties at once.

Mr. Thompson of Ward 9—I hope some explanation will be given of the necessity of this officer before we pass the order.

Mr. Stone—The Treasurer has large sums of money coming in, particularly at this time of the year, which he has to send to the bank for deposit. Heretofore he has trusted to a police officer to do this duty. He had perfect confidence in the officer, and he did it at his own risk. That officer has been removed or sent elsewhere, and there is nobody that he feels like trusting, and he would like a special officer appointed for the purpose. Some days the deposits come up to a hundred thousand dollars, and he wants an officer who is under bonds, and who will have and feel that he has some responsibility. That is all the explanation that I can give. I would also state that he has been in the habit, since this officer has been removed, of detailing one of his clerks to take the deposits to the bank; but when the pay rolls are being made up, as they are just now, it is impossible to detail a clerk without detriment to the work of the office.

Mr. Thompson—Would it not do as well to direct the Chief of Police to detail the officer whom the Treasurer has confidence in, and return him to his old station and save the city the extra expense?

Mr. Spenceley of Ward 19—Has not a police officer been doing that duty within the last month?

Mr. Stone—I think not. The officer who formerly performed the duty has been assigned to duty at the rooms of the School Committee.

The President read the communication from the City Treasurer to the Committee on the Treasury Department, explaining the need of additional assistance in the department.

Mr. Richardson of Ward 10—I should like to inquire if any one can tell me whether or not the appointment of this officer would not relieve the Treasurer of his present responsibility in that respect. If it relieves the Treasurer of his responsibility to see that the moneys of the city are properly deposited in bank from his office, I should hesitate before appointing an officer who is to be intrusted with a hundred thousand dollars a day on a bond of \$10,000. My own impression is that the appointment of this officer by a power independent of the City Treasurer, by whom the Treasurer must send that money to the bank, would relieve him of all responsibility in that respect. It ought to be so, and I think it would be so, because he is compelled to use that messenger to transfer that money. If that is to be the result, I should hesitate before voting for that order. At least, I hope the order will lie over until that question is decided.

Mr. Stone—This does not relieve the Treasurer; the Treasurer is still responsible under his bond for every dollar that comes into his possession until he deposits it. This bond runs to the Treasurer and not to the city. The order only gives him a responsible, instead of an irresponsible, party to take the deposits to the bank, and prevents his detailing one of his clerks, whom he can ill afford to spare at this or at any time.

Mr. Richardson—I do not want to go into a discussion of a question of law, even with my learned friend; but it is my opinion, without examination, that the appointment of an officer by the committee and the Mayor, who is to be an officer for the purpose of carrying these moneys from the City Hall to the bank, must of necessity relieve the Treasurer of that duty.

Mr. Stone—Does the appointment of the Deputy Collectors, who give bonds of \$5000 each to the Collector, relieve the Collector of any responsibility?

Mr. Richardson—They are in his office under his direction. The other man is not under the direction of the Treasurer, except to take the deposits to the bank. After this appointment the Treasurer cannot intrust it to anybody else. If this person, whom it is proposed to appoint under this order, should embezzle the money on the way to the bank, I should like to know in what sense of right you could call upon the Treasurer to be responsible for the acts of a man whom he does not appoint, and whom, in this respect, he cannot control.

Mr. Stone—The order contemplates the appointment of this man by the Treasurer subject to the approval of the committee, the same as the Collector appoints his deputies, subject to the approval of the Committee on the Treasury Department.

Mr. Flynn of Ward 13—Is the appointment of any other employes of the Treasury Department subject to the approval of the committee?

Mr. Stone—I should think so; yes, sir.

Mr. Danforth of Ward 10—I do not think this is exactly understood. The Treasurer came before the committee and asked for extra help. He calls this officer a messenger, because he intends to employ him as a messenger and send him with checks for indorsement. He has been employing the policeman stationed on the lower floor to show strangers over the building. He is short of help, and he proposes to employ this man to get checks for indorsement, and take deposits to the bank, and employ him in writing at other times in the office. He appoints this officer himself, and he gives bonds to the Treasurer. The City Government does not appoint the officer; he is appointed as all the other clerks in the Treasury Department are appointed. I do not see how he is in any different position from the rest. All the clerks in the treasury are responsible to the Treasurer in a bond, which they bring to the committee for approval. I think the order is a proper one, and I hope it will pass.

Mr. Pierce of Ward 24—After the statement of the last gentleman, I think it would simplify the matter to authorize the Treasurer to employ an assistant clerk at a salary of a thousand dollars a year. The Treasurer could detail him for such duties as he chose.

Mr. Richardson—That will do.

Mr. Crocker of Ward 9—It occurred to me that probably the point suggested by the gentleman from Ward 10 [Mr. Richardson] might be avoided by amending the order by adding after the word "department" the words, "and for whom he shall be responsible in like manner as for other officers

appointed by him." I see in the ordinance a provision that the City Treasurer shall give bonds for the faithful performance of his duties, and the safe custody of the money and other property intrusted to him and the other officers appointed by him. Now, if we say that a messenger shall be attached to his department, and for whom he shall be responsible in like manner as for the other officers appointed by him, we avoid all possibility that any such question may be raised. I therefore move to amend in that way.

The President ruled that the question must first be put on the motion to suspend the rules.

The Council refused to suspend the rule, and the order was laid over.

#### PROPOSED BRIDGE TO SQUANTUM.

An order came down to appoint the Street Commissioners to consider the expediency of building a bridge to connect Commercial Point with Squantum, and to determine what shall be the city's proportionate expense of maintaining the same.

Mr. McGaragle of Ward 8—Does that order say how those Street Commissioners are to be appointed?

The President—The order says they are appointed.

Mr. Thompson of Ward 9—What is the effect of the latter part of the order authorizing them to confer with the Commissioners of Norfolk County how the expense is to be apportioned? Does that mean that they can make a binding contract for the building of the bridge?

The President—They are to consult with them.

Mr. Pratt of Ward 21—I move to amend by erasing the word "appointed" and inserting the word "requested," and also by erasing the word "shall," and inserting in place of it the word "should."

Mr. Pratt's amendment was adopted, and as amended the order was passed. Sent up.

#### IMPROVED SEWERAGE.

An order came down for the City Engineer to employ assistance and to incur other necessary expenses in construction of improved system of sewerage.

The order was read twice and put upon its passage.

Mr. Spenceley of Ward 19—Before the order passes, I should like to have a little light on the subject, whether or not this is an appropriation we have already made, or whether it is some new work to be done. It seems to give them permission to spend an indefinite sum in carrying on this sewer.

Mr. Sampson of Ward 17—It will come out of the appropriation already provided, and will be done as all the work of the city is done, by committees. The committee supposed they had authority to authorize the City Engineer to employ such assistance as was necessary to carry out this work, but under the advice of the City Solicitor this order is brought in here to get authority from the City Council. It is no new expenditure, but simply to carry out the work already begun.

The order was passed in concurrence.

#### THE INSPECTION OF LIME.

The report and order for the removal of the Inspector of Lime came from the other branch, with non-concurrence in the amendment adopted by the Common Council.

The question was on receding or concurring.

Mr. Day of Ward 4—I move that the subject be indefinitely postponed.

Mr. Flynn of Ward 13—I hope the matter will not be indefinitely postponed, but be laid upon the table, so that if this man seizes any more lime from Boston dealers it can be acted upon. If it lies on the table it is safe until he commits some other misdemeanor in seizing lime from those people. I move that it be laid on the table.

The subject was laid on the table.

#### UNFINISHED BUSINESS.

Order to plank Huntington-avenue Bridge and erect fences on the sides of said bridge. Passed in concurrence.

Order to fit up old Lyman Schoolhouse for high-school purposes in East Boston; cost not to exceed \$2000. Passed. Sent up.

An ordinance (new draft) for the occupancy of streets for building purposes. Passed. Sent up.

Order of a transfer of \$1400 from Reserved Fund to pay salaries established by City Council to Deputy Sealers of Weights and Measures. Passed in concurrence—yeas 50, nays 8:

Yeas—Messrs. Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Burke, Cannon, Clarke, Cox, Cross, Danforth, Day, Dee, Duggan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Hibbard, Jackson, Kelley (Ward 6), Kidney, McClusky, McDonald, McGaragle, Morrill, Mowry, Mullane, Nugent, O'Donnell, Pearl, Perham, Pope, Pratt, Reed, J. B. Richardson, Roach, Roberts, Ruffin, Sampson, Souther, Spenceley, Stone, Thorndike, Vose, Warren, E. R. Webster, Wilbur—50.

Nays—Messrs. Barnard, Coe, Crocker, Felt, J. H. Pierce, O. H. Pierce, Thompson, G. B. Webster—8.

Absent or not voting—Messrs. Doherty, Fagan, Hiscock, Howes, Kelley (Ward 3), Loughlin, O'Connor, M. W. Richardson, Shepard, Sibley, Smardon, Upham, Wolcott—13.

#### EXTRA PAY FOR FIREMEN AND POLICEMEN.

The order to pay \$3 to each member of the Police and Fire departments on duty on the 17th of September, as compensation for extra labor, was considered under unfinished business.

The question was upon giving the order a second reading.

Mr. Spenceley of Ward 19—In putting this order in I had but a single point to make, which I did, and I was very ready to let it go then by the vote, whether it was defeated or not. But it seems to me, after the celebration we have had, if any gentleman here has given this matter a thought—perhaps it is a matter that they don't consider—they must see that these men did double duty. The procession on the 17th of September was fully as long as the one on the 17th of June, 1875, and at that time there were three hundred extra policemen on duty, while on the 17th of September there were no extra men, and many of the regular men were on extra duty for twenty-four hours. I say that when we give all the help in the other departments of the city a holiday, and reserve these men and give them no holiday, and compel them to do double duty, it is no more than right that they should be paid for it. Of course, I have nothing in view but the mere matter of doing them justice. If a man is deprived of what the employes in other departments have, it is no more than right to compensate him for what extra duty he has to perform.

Mr. Flynn of Ward 13—I would say that the Committee on the Celebration received a bill from the Police Department for refreshments for police officers.

Mr. Spenceley—Many of these men were on duty from seven o'clock in the morning till nine o'clock at night without anything to eat. I don't know but the committee had a bill for refreshments for the police, but many of the police officers did not have anything to eat.

Mr. Crocker of Ward 9—As I said at the last meeting, it is absurd to pay these men extra for doing what is part of their regular duty. It would be just as reasonable to offer an order to pay them three dollars extra whenever they go to a fire. Last night the firemen had to go to two fires, and it is just as reasonable to say that they ought to be paid five dollars extra for it.

Mr. Clarke of Ward 23—Does the gentleman from Ward 19 know that there were three hundred extra policemen on duty in 1875? My impression is that the Chief of Police did not employ any extra help on that occasion.

Mr. Spenceley—I saw the order today, sir.

The question on giving the order a second reading was put and declared lost. Mr. Fraser of Ward 6 doubted the vote, and on his motion the yeas and nays were ordered.

The order was refused a second reading—yeas 19, nays 39:

Yeas—Messrs. Cannon, Duggan, Fernald, D. A. Flynn, Fraser, Jackson, Kelley (Ward 6), Kidney, McClusky, McDonald, McGaragle, Mullane, Nugent, O'Donnell, Roach, Souther, Spenceley, Vose, E. R. Webster—19.

Nays—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Burke, Clarke, Coe, Cox, Crocker, Cross, Danforth, Day, Dee, Felt, J. J. Flynn, Ham, Hibbard, Morrill, Mowry, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pope, Pratt, Reed, J. B. Richardson, Roberts, Ruffin, Sampson, Stone, Thompson, Thorndike, Warren, G. B. Webster, Wilbur—39.

Absent or not voting—Messrs. Doherty, Fagan, Hiscock, Howes, Kelley (Ward 3), Loughlin, M. W. Richardson, Shepard, Sibley, Smardon, Upham, Wolcott—12.

BRIGHTON SCHOOLHOUSES.

A request was received from the School Committee that the grounds of the high-school building in Brighton be graded and put in suitable condition, and that proper walks leading to the schoolhouse be constructed. Referred on motion of Mr. Warren, to the Joint Committee on Public Buildings. Sent up.

A request was received from the same board for some immediate action whereby the Allston School may be provided with suitable accommodations, as the increase in the number of pupils belonging to the school has already outgrown the rooms provided by the city. Referred to the Joint Committee on Public Instruction. Sent up.

PETITIONS PRESENTED.

A petition was received from Henry J. Nazro and others for the completion of the park on Bowdoin street, Ward 24. Referred to the Joint Committee on Common and Public Grounds. Sent up.

Mr. McGaragle of Ward 8 presented the petition of the Massachusetts College of Pharmacy for permission to use a room on the second story of the Franklin Schoolhouse for purposes connected with the college. Referred to the Committee on Public Buildings. Sent up.

WATER WORKS.

Mr. Sampson of Ward 17 submitted a report from the Finance Committee on the report of the Committee on Water, in favor of granting the request of the Boston Water Board for an appropriation of \$20,000 for an additional pumping engine for the Cochituate Water Works high service, and \$27,000 for constructing a second line of force main for the Mystic Water Works. That it is against the present established policy of the city to borrow money for so small sums as those asked for. They therefore report the orders in a new draft, so that the expenses to be incurred by the above-mentioned undertakings be defrayed from the revenue to be received from each of said works, the excess of which revenue is set apart to pay debt created for the respective works. The revenue will be sufficient for the purpose, and meet other required expenditures.

Ordered, That the Boston Water Board be authorized to expend a sum not exceeding \$20,000 for an additional pumping engine at pumping station on Elmwood street, connected with the High Service Department of the Cochituate Water Works, and that the expense thereof be defrayed from the revenue received from said Cochituate Water Works.

Ordered, That the Boston Water Board be authorized to expend a sum not exceeding \$27,000 in constructing a second line of force main pipe for the Mystic Water Works.

Mr. Fraser of Ward 6 said it was very necessary that this work should get under way as soon as possible on account of the lateness of the season, and on his motion the rule was suspended, and the orders were read a second time and passed. Sent up.

THE POLICE BOAT PROTECTOR.

Mr. Stone of Ward 3 offered an order—That the Committee on Police report why the Harbor Police boat Protector was at Marblehead on Saturday, Sept. 1; also the number times the boat has been taken from her regular beat this year for pleasure purposes, and the amount the city has paid for refreshments furnished aboard of her since Jan. 1, 1877.

The order was passed to a second reading, read a second time and put upon its passage.

Mr. McGaragle of Ward 8—Does the order contemplate a reference of the subject to the Committee on Police on the part of this branch? If it does, I have no objection to it.

The President—As the Chair understands it, it is to go to the Committee on Police on the part of the Council.

Mr. Stone—It was intended to be referred to the Committee on Police on the part of the other branch. I move that it be sent up.

Mr. Crocker of Ward 9—I understand that it is now proposed to send this order up to the Board of Aldermen. I fancy that if that is done, we shall not get the information. I do not fancy having it sent where we shall never hear from it again. I am not prepared at this moment myself to suggest any other way to get the information, but it seems to me that we shall not get the information by such a disposal of it.

Mr. Stone—I believe we have authority to direct the Mayor to do certain things, such as petitioning the Legislature for the passage of bills, etc.,

and I don't know any reason why we have not authority to direct the Police Committee to report the facts called for by that order. My reason for putting the order in is that it is currently reported on State street—or pretty generally reported there—that the city of Boston is running a pleasure boat for the benefit of the chairman of the Committee on Police on the part of the other branch and his friends. They go down to Marblehead once or twice a week, and refreshments are furnished pretty liberally. They not only take the boat from her beat, but take the Harbor Master from his duties to pilot them down and back. If we can dispense with the boat two or three times a week, it seems to me we can dispense with it altogether and turn it over to the Harbor Master, where I think it belongs, instead of giving him a row boat in which to attend to his duties.

The President—The Chair understood the order to mean the Committee on Police of this branch.

Mr. Pope of Ward 14—The Committee on Retrenchment.

Mr. McGaragle—The Committee on Police on the part of the Board of Aldermen, being a standing committee of that Board, we have no right to pass an order calling for information from them, as they have entire control of all matters relating to the Police Department.

The President—The Chair thinks the Council has no power to refer it to the Police Committee, except the committee on the part of this branch.

Mr. Stone—Perhaps we shall get more information from the committee on the part of this branch.

Mr. Spenceley of Ward 19—I would suggest that it be referred to the Joint Committee on Police.

Mr. Stone—It is not a joint committee.

Mr. Thompson of Ward 9—If there is a Joint Committee on Police, I should have no objection to the reference of the order to that committee. Otherwise, I shall move that the whole matter be referred to a joint special committee.

Mr. Spenceley—I withdraw my motion.

Mr. Thompson—I move that it be referred to a joint special committee of three members of this branch and such members of the Board of Aldermen as they may see fit to join.

Mr. McGaragle—I would ask the ruling of the Chair on that point. This is a matter entirely within the control of the Board of Aldermen, and I don't think we can pass an order for such a joint special committee.

The President—The Chair is of the opinion that it would be in the power of the City Council to appoint such a committee.

Mr. McGaragle—To investigate a matter within the control of the Board of Aldermen?

The President—The Chair so rules.

Mr. Crocker—It seems to me that we can make an inquiry into what the other branch of the City Government is doing. But I suggest that it would be better to amend the order, so that instead of referring this matter to a special committee of this branch, with such as the Board of Aldermen may join, that such a committee be appointed to report.

Mr. Thompson—I accept the amendment.

The amendment of Mr. Crocker was embodied in the following: Strike out the words, "Committee on Police," and insert "Special committee consisting of three members of this branch, with such as the Board of Aldermen may join, be appointed to report," etc.

Mr. Flynn of Ward 13—It appears to me that the proper committee to make this investigation is the Committee on Police on the part of the Common Council. It is a matter which pertains to their duties, and I don't suppose their duties have been very arduous this year. They have been called together once this year by the chairman of the Committee on Police; they have had no other duties to perform, and I think they are the proper committee to refer it to. I move as a substitute that it be referred to the Committee on Police of the Common Council.

Mr. Thompson—The matters referred to in the order which the gentleman introduced—if the charges intimated are true—are fit subjects for the serious investigation of both branches of the City Government. It is not for this branch alone to investigate if the Board of Aldermen are in fault; but it is a matter for the investigation of both branches of the City Council. As there is no Joint Committee on Police to refer it to, it seems to me to be proper that it should be referred to a joint special committee of the City Council.

Mr. Flynn's amendment was lost.

Mr. Thompson's amendment was adopted, and

the order as amended was passed to a second reading and read a second time and put upon its passage.

Mr. Crocker—I think the order wants one more word in it. I move to amend so that the committee will be instructed to inquire and report. There is no order for them to make any inquiry.

Mr. Crocker's amendment was adopted, and the order as amended was passed in the following form:

"Ordered, That a joint special committee of three members of the Common Council, with such as the Board of Aldermen may join, be appointed to make inquiry and report why," etc.

The President appointed Messrs. Stone of Ward 3, Blodgett, of Ward 8, and Spenceley of Ward 19 on said committee.

A motion to reconsider the vote whereby was passed the order, by Mr. Stone, hoping it would not prevail, was lost. Sent up.

#### ARRANGEMENT OF TELEGRAPH WIRES.

Mr. Spenceley of Ward 19 offered an order—That the Committee on Ordinances be requested to report an ordinance requiring that all telegraph wires which are now or may hereafter be stretched across any public street shall be placed in such a manner as will not interfere with the elevation of ladders in case of fires.

Mr. Spenceley explained that the Chief of Police could not make people conform to the order which had been passed on this subject, and that it would have to be done in the form of an ordinance.

The order was passed. Sent up.

#### MYSTIC VALLEY SEWER.

Mr. Brintnall of Ward 5 offered a resolve—That it is the opinion of this Council that the Water Board should not deduct from the laborers that have been and now are employed on the Mystic Valley Sewer twelve cents per day as fare to and from the works, as it is the opinion of this Council that \$1.50 per day is as small compensation as they can possibly support themselves with and their families.

Referred, on motion of Mr. Brintnall, to the Committee on Water. Sent up.

#### REFRESHMENT BILLS.

Mr. Barnard of Ward 24 moved to take from the table the substitute order concerning the approval, e. c., of refreshment and other bills; with a notice of motion to reconsider the vote whereby the same was adopted for the original order.

Declared lost. Mr. Thompson of Ward 9 doubted the vote, and the Council divided—22 for, 26 against.

Adjourned, on motion of Mr. Fraser of Ward 6.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

OCTOBER 1, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Thirty-six traverse jurors were drawn for the October term of the Superior Criminal Court.

## EXECUTIVE APPOINTMENTS.

Police Officer—David F. Harkins. Referred to Committee on Police.

Police Officers without pay—A. B. Bradstreet, John F. Madden, G. H. Williams. Confirmed.

Inspectors of Elections for Three Years (Chap. 246, Acts 1876)—Ward 1, Isaiah Whitten; Ward 2, George O. Parker, James E. Fitzgerald vice George L. Thorndike, disqualified; Ward 3, Nathaniel D. Toppan; Ward 4, Alonzo Hall; Ward 5, James F. Dacey; Ward 6, John F. Kelley; Ward 7, John P. Swift; Ward 8, David A. Latham; Ward 9, J. B. F. Thomas; Ward 10, A. Kendall Tilden; Ward 11, Henry W. Daniell; Ward 12, Joseph S. Olds; Ward 13, Edward M. Wescott; Ward 14, Francis James; Ward 15, William H. West; Ward 16, Patrick M. Denon; Ward 17, William H. Cundy; Ward 18, William H. Thomes; Ward 19, Romanzo M. Wiswall; Ward 20, Charles Erskine; Ward 21, Arthur M. Keith, resigned, Arthur W. Willard vice C. H. Hovey, resigned; Ward 22, Samuel D. Crafts; Ward 23, Cyrus M. Marshall; Ward 24, John H. Dillon; Ward 25, Richard B. Smart. Severally confirmed.

## CONSTABLES.

A communication was received from the Mayor nominating the following-named persons for constables:

Morrill P. Berry, for duty with Street Commissioners; Hiram A. Campbell, George G. Drew, Caleb S. Emery, James G. Harrington, Thomas A. Jackson, Isaac Jacobs, Daniel J. Holland, John D. Reed, James Miskelley, William D. Rockwood, Lebbeus W. Smith, William H. Badlam (the latter for duty in Collector's Department).

Alderman Fitzgerald—I do not rise to oppose the confirmation of the persons, Mr. Mayor, whom you have brought forward, but I do rise to ask the Board to stop right here with confirming any more, because I think we have enough. If the pressure is so great for the confirmation of these men, I think the consequences will be that we might as well take up the whole list, and instead of the Mayor nominating, and we confirming them by piecemeal, Monday after Monday, we might as well take the whole list as originally submitted, because it looks as if the whole of them are to be nominated and confirmed before we get through with them. I hope the Board will adopt some order limiting the number to be appointed, so that this pressure will be taken away from the Mayor, and the Board of Aldermen will take the responsibility of limiting the number. We have now gone beyond the number recommended by the Committee on Ordinances at the last meeting. They recommended that fifty be the maximum number of constables to be appointed, outside of those appointed for duty in the Superior and Supreme courts, the Collector's and the Health departments. With these out we have fifty-four officers, and I think that is sufficient to do all the work for the city of Boston. If no other Alderman will do so, I will introduce an order limiting the number to be appointed to the number already appointed, so that this continual pressure upon the Mayor shall not be continued.

Alderman O'Brien—As I understand this matter, the number of constables appointed is only thirty-six, outside of the courts and the Collector's and the Health departments. Well, now, Mr. Mayor, I feel that we have proceeded very hastily in this matter. I do not believe in discharging a single man from the list of constables, if that man's character for integrity is all right. If we wish to adopt a list, I should rather proceed in this way—that we might fix the number of constables that we ought to appoint and then not appoint a single new constable until the number came down to that list by death or resignation. I think, as I said before, that we have proceeded too hastily in this matter. We have always considered this matter every year, Mr. Mayor. It was the custom of the pre-

vious Mayor to call a meeting of the Board of Aldermen in his private room; the printed list of constables was submitted to the Aldermen, and they were given a week to inquire into the character, standing and integrity of the constables appointed. A week after that another private meeting was called, and if any objections were made to the integrity or standing of any constables on that list they were generally rejected. For my part, I was not acquainted with any of the constables, and I submitted my list to a well-known lawyer of this city, upon whom I could rely, and I asked him to mark any objectionable name upon the list. I suppose that every Alderman at this Board asked men acquainted with the constables if any objectionable man was on that list. Now, this year not a single Alderman has scarcely had anything to say about the appointments. When I asked the Chairman of the Board this week if he had looked into these new appointments, he answered that he did not know any of them. I understand that the Mayor scarcely knows the constables he has appointed, and I think we have proceeded altogether too hastily in this matter. For my part, I would rather see the whole list adopted than to see injustice done to one or two or three of the constables that have been left off. I do not think it is our business to cut the heads of these men off if they have faithfully performed their duty, in order to make work for the balance. I hope we shall go into this matter more thoroughly, and I think we ought to appoint fifty constables outside of the courts and Collector's and the Health departments. Before the Ordinance Committee submitted that report the subject was looked into and inquired into by one of the clearest-headed lawyers in this city, and it was his opinion that we ought to have fifty constables outside of those in the courts and the Collector's and the Health departments.

Alderman Fitzgerald—It is very evident that the Alderman has not read the recommendation of the Committee on Ordinances. The substance of their report is that the number of constables shall be fifty, and shall exclude those who are in official positions, either in the Health or the Collector's departments, or in Superior or Supreme Court. The report reads—

"The Committee on Ordinances, who were requested to consider the expediency of providing by law the maximum number of constables to be appointed by the Mayor for the service of civil processes, \* \* \* are of the opinion that in addition to those who are appointed or designated for a special duty, viz., truant officers, constables in the Health Department, Collector's deputies, and those on regulation duty in the Supreme and Superior courts, the number of constables appointed to serve civil process in the city of Boston should not exceed fifty."

Now, we have in addition to that list of thirty-six constables, eighteen or twenty who do service in the Superior and the Supreme courts, and also in the Municipal District courts of the city of Boston—in Brighton, in Roxbury, in West Roxbury, Dorchester, East Boston and in Charlestown. These constables number about eighteen. In addition to the short work that they perform in court, about an hour and a half each day, they also serve civil process in West Roxbury, Brighton, and the other districts. Those constables are excluded by this report, and they make the number about up to fifty-four, as I find by examining the list in the hands of the City Clerk. This will make the number about sixty-two or three, so that we really have had nominated about twelve or thirteen more than the Committee on Ordinances recommended. I think that the Committee on Ordinances, and the clear-headed gentleman who drafted this, did it designedly. I know he did it designedly. He intended that they should be excluded from the list of officers, and that they should be included in the list of fifty to be appointed as constables for serving civil process. I know that to be the case, and I know it is so. However, I don't object to confirming these men, if we are going to stop here. The Alderman says that nobody knows anything about these men. If nobody knew anything about them it was their own fault. This matter has been under consideration two weeks. I hardly think the Alderman meant what he said, when he said that the Mayor did n't know anything about those persons when he appointed them. I think the Mayor must have known something about those men when he appointed them. As I said, the practice has grown up, year by year, of appointing these men; from fifty to

sixty are appointed during the year on account of the pressure of friends, so that the number of constables has swelled entirely out of proportion to the business, and some of them are starving. My object is to get such a class of men as will be equal to the deputies of the Sheriff, if we can find them, and to make the number so small that they can earn a decent livelihood. I grant you that all the blame should not rest upon the constables who perform their duties according to law, and in doing so they make the process oppressive upon the defendants. A great deal of the blame rests upon cheap lawyers, as well as upon cheap constables, in attaching property for the mere purpose of squeezing a claim out of a man. I want such a class of men appointed that when a lawyer says he wants a constable to do so and so, he will say, "I like your business, but I cannot do so, because it will be oppressive upon this man. That is the kind of a constable we want. Where the number of constables is small, and if we have somebody over them here in City Hall, to whom people can appeal for redress when the constables do not perform their duty properly, I venture to say that we will have a set of constables who will be a credit to the city, and who will do a great deal of good to those upon whom they serve civil process.

Alderman O'Brien—I did not mean to say, and don't think I said, that your Honor appointed those men without knowing something about their standing and character and position. What I wanted to say, and what I think I said, was, that you were not acquainted with them personally. Of course they come to you very highly recommended. You have to appoint many men to prominent positions upon the recommendations of others; but you don't know them personally. I still contend and believe that it was the intention of the gentleman who framed that report to take in the number of constables scattered around in the courts in the outlying districts of the city, because, as an argument to induce us to accept it, he said we had twenty-five wards in the city, and it required two constables at the polls in each ward on election day, and that they should be outside of those who held official positions in the courts, the Collector's and the Health departments. Now, I am willing to admit that the Alderman from the Highlands knows more about the character and standing of these constables than any member of this Board; but I say again that we have proceeded hastily in this matter. At a special meeting of this Board, called for another purpose, this matter was introduced, and the Alderman selected some twenty-five names from the list. We had no voice in this matter. After the selection of the twenty-five constables this same Alderman made a motion to appoint a committee to select a list of constables from the other names left, and that committee was composed of the Alderman from the Highlands, the Chairman of the Board, and the Mayor. The list submitted at the last meeting was their report. So far as the Aldermen of this Board are concerned, we have had nothing to do with it. Heretofore we have had a printed list given us, and have had an opportunity to look into the characters of those men.

Alderman Fitzgerald—The memory of the Alderman is very short. I did not select any twenty-five men. I simply suggested that the number ought to be limited to twenty-five. I selected nobody. I made no such motion as he states. I asked that it be referred back to the Mayor, because he was the person who should assume the responsibility of nominating these men. But the Alderman from the Charlestown District made an amendment to the motion of Alderman Clark, that the matter be referred to me; that it be referred to the Mayor, the Chairman of the Board and myself. I did not make any such motion at all. The motion to refer to the committee was passed with the vote of the Alderman; at least, he did not vote against it; and when the nominations were reported to the Board, he did not get up here and state that he had not had time to consider the subject, and he voted for their confirmation; or if he did not vote for it, he did not raise his voice and ask that they be laid over one week. So that his claim that the Aldermen had no voice in this matter is mere nonsense. Whatever was done was by unanimous voice and vote, and by the wish of this Board. The committee to look over the list were appointed by the unanimous vote of this Board, so that I had as little to do with that as the Alderman from Ward 21 himself. I was simply appointed by this Board to look over the list. The

list was reported, and the Alderman had a splendid opportunity, if he was not satisfied with it, to speak of the characters of the men appointed; and I should have been only too glad for some one to have gotten up and said that they did not see those men in the character that they were presented. It is rather late now, when all these men are nominated by the committee appointed not by their own volition, but by the unanimous vote of the Board, to come forward and criticize the committee for what they have done.

Alderman O'Brien—I still contend that we have proceeded too hastily in this matter. I am willing to stand the consequence of it; but I say we have proceeded too hastily, and have allowed the Alderman from Ward 21 to do about all he pleased, or that suited his views in relation to this matter. If I understood the members of the committee aright, he not only pointed out what men we ought to nominate in the first place—those connected with the courts—but he selected all the other candidates. I think the Chairman of the Board stated the fact, or somebody stated that fact, that he selected all the other names reported on that list. Now, I believe we have proceeded too hastily in this matter. I am willing to take the blame for not standing up and objecting to it. I did stand up and object to it in the Board. I believe that on last Monday I said I considered this too radical a change to make; but as the committee appointed to investigate the matter had reported thirty-five names, instead of twenty-five, as instructed by this Board, it was one redeeming point in the matter. I do not believe in cutting off the heads of innocent men for no cause, and I feel that in this act of the Board they have cut off the heads of innocent men for no reason except to give work to those whom we do appoint. I would rather thin out the number by death or resignation. If I did not get up and object at the last meeting, I have no hesitation in doing it now.

Alderman Fitzgerald—The Alderman says he would rather thin them out by death or resignation. We take a more merciful course than that. He says we cut off their heads. Their terms of office expired and we appointed new constables. He charges that I nominated all the constables, and that appears to be the whole of his charge in this matter,—that I did the whole business, and therefore we should not swallow it. Now, the Alderman did not make that objection the other day. Further than that, the Mayor was present, for the Mayor had to make the nominations of all these persons. To be sure, I had my share in the business, as I always do in any committee I am on, because I know the constables as well, and perhaps better, than any other Alderman. I am personally acquainted with nearly all of them, and for that reason, perhaps, I did my share, and perhaps more than any other member of the committee. They were the nominations of the Mayor, and not mine, although I happened to be on the committee. The Mayor had to assume the responsibility of making these nominations. Nobody objected. I think the Alderman himself asked if some certain person was on, and I told him that some certain person was on, and he appeared perfectly satisfied.

Alderman O'Brien—I would say to the Alderman that I never asked him such a question.

Alderman Fitzgerald—The memory of the Alderman is very short, but I remember distinctly that he did.

Alderman O'Brien—I don't remember the conversation. Will the Alderman state the name?

Alderman Fitzgerald—I cannot state the name, but I remember the fact quite distinctly. And so it was with some other persons. As members of this committee, I supposed that we could not please everybody; and I know that since the appointments were made, there has been a pressure for me to intercede for certain persons. It is far easier for an Alderman to rise up here and make a speech in behalf of injured innocence, it is always more pleasant to do that, than it is to rise up here and endeavor to bring about what somebody considers a reform, and one very much needed by the lawyers and others. I did that portion of it. I know that I have incurred the sharp criticism of a great many persons, the friends of constables who were left off, and some others. It is far pleasanter to make a tirade against those who cut short the corps of officials; it is much easier to do that than to make an appeal for the better service of civil process and the administration of the law, and for the un-

fortunate individuals who come under its thumb. It is far easier to ask for the extension of officers, than to rise up here and protest against it, and say thus far shalt thou go and no farther. Our committee have done it; and they only did what the Aldermen asked us to do. We should not be blamed for that. I protest that I did not do it, for the Mayor had as much to do with it as I had. The Mayor nominated some that I should not have nominated. The Alderman opposite had something to do with it. If that be the only crime I am guilty of—the cutting down of the list of constables—I am willing to stand the consequences.

Alderman O'Brien—I regret prolonging this discussion, but the Alderman upon the committee himself got up here and made a tirade against the men whom we have cut off, and he hoped that not one single more constable would be confirmed than has already been confirmed. He stood up here and made a tirade against those men, and I stood up here in their defence, because I don't want to cut off the heads of innocent men, even if it does give more employment to others. It is not a question of how much it will injure the men we cut off. I would like to ask the Chairman of this Board if he was present at the meeting of the committee when these constables were selected—that is, this last batch of thirty-six introduced at our last meeting.

Alderman Clark—I was late at the meeting of the committee. Most of the appointments had been made up, but they were submitted to me. I knew but very few of the constables personally or by sight. Several names had been sent to me as being very excellent men, by different attorneys in the city. I noticed that every name recommended to me by first-class attorneys had been put upon the list by his Honor the Mayor and the Alderman from Ward 21. I therefore made up my mind that they had used a great deal of discretion in making the selections. Every name that I had upon my list was presented to the Board. Although I was not present when the list was made up, yet it was presented to me and received my approbation. Now, I believe that the appointment of constables belongs to the class of men represented by your Honor and the Alderman from Ward 21. You are about the only class who come in contact with constables, except the poor debtors. I have heard it said by a great many lawyers that we had too many constables, and that we had a great many among the number who should not be appointed. I am not personally acquainted with them. Two names were left off that I have since asked to have appointed. One of them is the officer who does work for the Street Commissioners, and if this list is to lie over I shall ask that he be confirmed, as there is work in the hands of the Street Commissioners which should be done. If this list is not satisfactory I shall ask that it lie over, so that we may have a private meeting of the Board in the Mayor's room.

Alderman Fitzgerald—In whatever I said I did not mean to impugn the character and honesty of the men left off. I did not mean to say because those men were left off that they were not honest. I did not intend any such thing. The Alderman says his object is to help those poor men. Our object is to do good to the public, and not help a few in the selection of those men.

Alderman Viles—I am of the opinion, and always have been, that we should not leave off any constable who has done his duty faithfully and well. I believe I was the only Alderman who rose in his seat and so stated the other day. I believe we should appoint every constable who has been in office before, unless there is something against him, instead of leaving him off. And if there is anything against an officer, let his name be dropped. I move that the subject be laid upon the table for further consideration.

Alderman Clark—I would ask that the nomination of Mr. Berry be confirmed, because there is work in the hands of the Street Commissioners waiting to be done.

Alderman Viles—I shall not object to that.

Alderman Thompson—I hope the matter will not be laid upon the table, but that we shall confirm the appointments submitted to the Board. There are some names that have been left off in the wisdom of your Honor and the committee, that can be appointed hereafter. But I have been visited by certain parties who asked that certain names on the list you have submitted may be confirmed this afternoon, as the parties wish them

to do their business. I hope the list you have submitted will be confirmed.

Alderman Viles withdrew the motion to lay on the table and the nominations were confirmed.

#### PETITIONS REFERRED.

*To the Committee on Police.* Mary J. Jones, for permission to place a lantern in front of 144 Pleasant street; Rebecca Greene, for leave to project a lantern from 34 Temple place.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables—James O'Brien, new wooden, one horse, 606 Parker street; Bates College, old wooden, two additional horses, Ward 22; James O'Neil, for change of location of stable for one horse on Greenwich street, Ward 24; Laurin A. Noyes, new brick, forty horses, Sumner street, corner Orleans; H. C. Curtis, new wooden, one horse, Savin street, Ward 21; Thomas Brady, new wooden, one horse, Dorchester avenue; William White, new wooden, one cow and two horses, Chestnut Hill avenue.

*To the Committee on Common on the part of the Board.* C. J. Spenceley *et al.*, that the tree standing in front of 776 Shawmut avenue be removed.

*To the Committee on Sewers.* Joshua M. Sears, for leave to lay an iron pipe under the roadway of Court street, between Sears Building and the opposite side of the street, through which to conduct steam pipes.

*To the Committee on Lamps.* W. B. Foster *et al.*, for lights on M street, from Eighth to Ninth street, and on Ninth street, from M to K street, South Boston; George Warren, *et al.*, for an additional street lamp on Adams place, Ward 19; Charles J. Grinnell *et al.*, that Parker place be lighted.

*To the Committee on Sewers.* Robert R. Rose, *et al.*, for a sewer in Thomas street, Ward 23.

*To the Committee on Market.* Warren K. Blodgett, for leave to transfer lease of stall No. 30, Faneuil Hall Market, to J. H. Russell.

*To the Committee on Paving.* Petition for edge-stones in front of estate of Alanson Kelly, 611 and 613 Ninth street.

Petition of F. O. & J. T. Reed, for leave to move a wooden building from Main street, Ward 4, to Fred street, Ward 4.

T. F. Fitz Gerald, *et al.*, that West Fourth street be paved with granite blocks between D and E streets; Peter Fay and others to grade and light Avon place, Highlands.

#### OLD RECORDS OF SUFFOLK COUNTY COURTS.

A communication was received from W. H. Whitmore, Record Commissioner, reporting that the records of the Suffolk County courts, prior to the Revolution, are at present inaccessible to the public, and even to those persons especially interested in such matters. The old court files are kept in drawers in the Clerk's office, without order or arrangement, and are thus practically useless. This confusion is owing to the lack of proper care in the past, and it is understood that, owing to this neglect, many valuable papers have been taken away. Of late years, in other counties, care has been taken to arrange and index all these interesting relics of the past. The Commissioner is confident that these Suffolk files can be put in good order at a very small expense, and that the results will fully justify the expenditure. Referred to Committee on County Accounts.

#### CONSTABLES' BONDS.

The bonds of James M. Carter and sixty-two others, constables, being presented duly certified, were approved by the Board.

#### HEARING ON ORDER OF NOTICE.

A hearing was had on an order of notice of intention to build a sewer in Beacham street, Charlestown. No objections, and recommitted to Committee on Sewers.

#### REPORTS OF CITY OFFICERS.

*Inspector of Lighters.* Quarterly report for Sept. 30: Vessels inspected, 215; fees received, \$858.85. Sent down.

*Paymaster of State Aid.* Report for quarter ending Sept. 30: Receipts, \$20,045; payments, \$19,580; balance, \$465. July applicants, \$1300; August applicants, 1286; September applicants, 1359. Sent down.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions, etc., were referred in concurrence.

The order for the appointment of the Street Commissioners to consider the expediency of constructing a bridge to Squantum, came up amend-

ed so as to request said commissioners to consider that subject. Concurred.

Request of the School Committee for increased accommodations for the Allston School. Referred to Committee on Public Instruction in concurrence.

Request of the School Committee that the grounds around the high schoolhouse in Brighton be graded, etc. Referred to Committee on Public Buildings in concurrence.

Report and orders for expenditure of \$20,000 for an additional pumping engine at the station on Elmwood street; and of \$27,000 for a second line of force-pipe on the Mystic Water Works. Orders passed in concurrence.

Order proposing the enactment of an ordinance to regulate the construction and location of telegraph wires over the public streets. Passed in concurrence.

An ordinance (new draft) for the occupancy of streets for building purposes. Passed in concurrence.

A resolve that the Water Board ought not to make any deduction from the wages of laborers on Mystic Valley Sewer on account of expenses of their conveyance to and from their work. Referred to Committee on Water in concurrence.

#### EAST BOSTON HIGH SCHOOL.

An order came up to fit up old Lyman Schoolhouse for high-school purposes in East Boston; cost not to exceed \$2000.

The question was upon the passage of the order in concurrence.

Alderman Fitzgerald—I should like to ask the chairman of the Committee on Public Instruction to explain this order to the Board.

Alderman Thompson—This subject was brought to the attention of the Committee on Public Instruction. The people of East Boston petitioned the City Council to fit up the upper part of the Lyman Schoolhouse for the purpose of establishing a branch of the high school. It was represented that it would be a great inconvenience to the pupils in that section to attend the school over here. They contended that if that school was fitted up for certain branches, the pupils could attend that school three years, and then complete their studies here the fourth year with a great deal less expense. The committee considered the matter very carefully, and the sub-committee of the School Committee recommended it so strongly that the Committee on Public Instruction were, I think, unanimous in recommending it.

Alderman Fitzgerald—The Board of Aldermen must understand the meaning of the passage of this order. It simply means—and I want the Board to understand it—nothing more or less than the beginning of a high school in East Boston and of a high school in every other section of the city where the people may think it is needed. Now, if the City Council are complaining, as they have been, of the enormous expenditure of the School Board, of the enormous salaries paid to our teachers in our public schools, if they are complaining of that—and that seems to be a chronic complaint—here is an opportunity for the City Council to stop the beginning of what is going to be an annual expenditure of at least thirty thousand dollars for high-school apparatus for at least two sections of the city. In the city of New York, with a population of over a million, they have, away up in Sixty-ninth street and Fourth avenue, a school for some fifteen hundred girls—what they call a normal college; and these girls come to it from all sections of the city. The master, Mr. Hunter, told me that they came from the Battery, and from the other side of the city, and that they came five or six miles. When I asked him why it was that the city of New York did not provide high schools down in the Battery and midway from Fourth to Fifth streets, he said that the people thought that if the education was good enough, the distance was short enough to travel. I saw in the New York papers of last week that there was an intention of calling upon the School Board to abolish the Girl's Normal College, because of the enormous expense it is to the city of New York. Now, the question for us to determine is, whether we shall increase these high schools, or rather these nominal high schools, for that is all they can be. An appropriation of two thousand dollars would not buy the chemical apparatus necessary to carry on a high school. The place in which this is going to be kept is unfit to take girls and boys to. It is over a Police Court, where criminals are brought every day. That is where you will bring your high-school boys and

teach them education, I suppose, on the same principle that the Prussians taught their children sobriety, by showing them drunken men and women. But I do not object so much to the location as I do to the measure itself; and the question for us to consider is, whether we have not done enough in this high-school business. We have bought land on Warren avenue, assessed for two hundred and eighty thousand dollars, and five years ago we paid three dollars and fifty cents a foot for it, and before the children get into it the land will have cost nearly five or six hundred thousand dollars, and the building must cost three hundred and fifty thousand dollars more, and it will cost from thirty to forty thousand dollars more to furnish it. We will have accommodations there for two or three thousand boys. If we are going to divide up the whole city into high schools, I see no necessity for building this high school at all. If you pass this order it is but the beginning of the high school in East Boston and some other sections where one is demanded, because it is urged that we must bring the high schools to the doors of all the people of this city. Now, I want to bring this question before the Board, so that they may understand it when the School Board bring this matter before the City Council for teachers, the City Council cannot say that the School Board is extravagant in its expenditures. East Boston would not be satisfied with poorer accommodations than Charlestown or Dorchester, or West Roxbury and Brighton; and the salaries alone of the teachers in those districts amount to \$29,550. We have two thousand boys and girls attending our High and Latin schools, and the salaries of the teachers of the Latin School are \$29,150; for the High School for boys, \$25,318; High School for girls, Newton street, \$29,000; Normal School, \$6614, Dorchester High School, \$9533; Charlestown High School, \$13,408; West Roxbury High School, \$7479; Brighton High School, \$5483—making a gross sum of somewhere about \$160,000; so that the cost for teachers alone for each pupil, and not including the interest on the school buildings or the books given to poor children, or the drawing books and chemical apparatus, is \$80 per capita for every boy and girl taught in the high schools; and the other expenses must be double that amount, including interest at five per cent., and that is putting it too low. Now the question for this Board to decide is whether we shall go further in this work. The order simply asks for an appropriation of \$2000 to fit up the old Lyman School to have a few classes meet there; but it really means \$30,000 for salaries; and if you have a high school in East Boston you must have one in South Boston, for there is no reason why they should not have one there if they want it. What I object to is that the gratification of the wishes of a section is not made subservient to the good of the whole. If we want a good high school, that would be worthy of the city of Boston, we must have it in such a location, with such a corps of teachers and such apparatus of all kinds, as will make it worthy the name of a high school. This dividing of our high schools around is detracting from the central high school, and if it is to be done it is a question whether it is worth while to complete this central high school. When the city annexed the territory of the outlying districts, the high schools there were left, and the policy of the old School Board was to contract instead of extending them. The question for us to consider is the extension of this high-school system, with the enormous salaries that will have to be paid to the teachers. It means not merely the fitting up of these rooms with a corps of teachers, but the erection of a high-school building at a cost of forty or fifty thousand dollars. Shall we begin it? I know some members of this Board and the School Committee are in favor of it. I know there is so great pressure here for all these things that the general good of the whole city is apt to be lost sight of in the gratification of the wishes and desires of a few from a certain section. I hope the Board will think this matter over seriously, because the \$2000 means the beginning of a large expenditure for that section of the city. I am not opposed to East Boston having a high school; but I want our central high school so good that they will all come to it. If the education is good enough to get, it is good enough to come to.

Alderman Gibson—I can indorse the remarks of the Alderman. I do not know how many high schools there are, but as our city is small, and the

distance is not very great from any portion of it to the centre, if there is room in this large school, the children could go there. But if we are going to establish high schools out in every section of the city, and if we are building one now at the South End, it seems to me it would be better to put them all into one high school. I know nothing about the merits of this order, and I ask that it be laid over.

Alderman O'Brien—I hope that order will pass. This subject was before the Board some years ago, and as we were about to change our school organization at that time, it was referred to the new School Committee. I believe the City Council was in favor of it at that time; but they preferred to leave it in the hands of the new School Board to decide. Now what is the position of things? You have a high school in Charlestown, one in Brighton, in West Roxbury, in Roxbury and in Dorchester; and a Latin school in Roxbury. East Boston and South Boston are left out—if I may use a vulgar expression—in the cold. East Boston, with 30,000, and South Boston with 60,000 inhabitants are left out, and in order to obtain the advantages of a high-school education children have to travel several miles every day. The gentleman talks about sectionalism, but I should like to know how you could plan out a sectionalism that would compare with this? If East Boston is not entitled to a high school, Charlestown, Roxbury and Brighton are not; and will you abolish the high schools in those districts, and establish one large central high school that will rise in magnificence and educate all our children? Is that the way you want to educate your children? Do you want to make them travel by ferries, and then by horse cars, three or four hours a day? Do you want to educate your sons and daughters in that way? I supposed there would be no debate on this question today, although I agree with the Alderman that it is an entering wedge for high schools in East and South Boston, for I believe these sections of the city ought to have their high schools; but every time this question comes up I cannot help thinking of the remark Mr. James Sturgis made before this Board when he came to testify about the horse car blockades on Court street. He said he didn't care about the car blocks, but what he did care about was the fact that every block caused such blasphemy and swearing that he dreaded to have his children and friends in the neighborhood. Just think of sending your daughters to the extreme South End of the city by horse cars, day after day and week after week! Is that the way you want to educate your children? The Alderman refers to this grand high school in New York. A large portion of the citizens of New York have the advantages of private schools, where their children are educated in the higher branches. You cannot compare Boston with New York in educational matters. There is no comparison. But I look upon it, that if we have our high schools in Charlestown, Brighton, Roxbury, West Roxbury and Dorchester, and in East and South Boston, with this central high school to accommodate the children of Boston proper, then we will have a perfect system of education. I believe the order ought to pass, even if it is an entering wedge for new high schools in these districts.

Alderman Fitzgerald—I do not want to address myself to the maudlin sentimentalism of the gentleman who spoke about not allowing our daughters to go through the streets of Boston, for I think they are as free from plaspheamy as are the streets of East or South Boston; and that portion of the argument simply amounts to nothing. The Alderman simply says that if we have a high school here and there, and then another big high school in the centre, then it would be a grand system. Well, it would be so in a measure; but it would be a grand system in appearance. The great difficulty with the Alderman's argument about the sectional portion is this: When the city of Boston annexed those outlying territories, there was a harmonious system between the grammar and high schools, which the School Board did not want disturbed, and it took a year in some sections to make them conform to the school system of the city of Boston. The School Board wisely concluded that, although they were opposed to the establishment of new high schools they would allow those in the annexed portions to remain

as they were. But the policy of the old School Board was in opposition to the extension of these high schools. The Alderman says that New York is n't to be compared with this city. Why should n't it? They have the same grammar and high school system; only they say if you want a high-school education it is worth going three or four miles for. But we do not propose to fit up a school in every street, misname it a high school and support it; we will have a high school that is one in nature as well as in name; and so they established this high school in Sixty-ninth street, that contains 1500 girls, which, in proportion to population, is as many as our high school for girls contains. They go four, five, six or seven miles, and are there at nine o'clock in the morning. The distance from East and South Boston to the high schools is not three or four hours. This City Council ought to decide whether they are in favor of the extension of the high-school system. You are providing a central high school that will accommodate two thousand pupils, and after we have provided those magnificent accommodations, with all kinds of apparatus to illustrate every subject, shall we say that we want to accommodate you a little further, and if you don't want to avail yourselves of this education, we will establish a school in East and South Boston and at the North End, and we will call it a high school. It will cost \$19,000 to \$27,000 a year for teachers, and four or five years from now there will be an expense of \$60,000 or \$70,000 for a new schoolhouse? It is a question for this City Council to determine whether they will enter upon this expenditure as long as they are beginning this central high school.

Alderman O'Brien—I don't feel like discussing this question any longer, but I would merely call the attention of the Board to the fact that this high-school arrangement is on the same plan with our Public Library. We have a branch library in the city that is superior to any other library in the country; and yet we are extending its branches to every section. If we want to cultivate our children, I don't see why we should n't do the same thing with our high schools.

Alderman Fitzgerald—That argument is not pertinent. The Alderman might as well say, because we have a water cart in some street we must have a water cart in some other street.

Alderman O'Brien—I allow the Alderman to use the argument he has made to illustrate this matter with. That was his argument, not mine.

Alderman Thompson—I desire that the members of the Board should understand this question, as well as the members of the committee. It was represented to the committee that there should be an intermediate school where pupils, for two years after leaving the grammar school, could be taught in this room, and then complete their education in the high school in Boston proper. It was supposed by the committee, in their conference with the members of the School Committee, that it might be a step towards a high school there; but if I remember correctly the members of the School Committee disclaimed anything of that kind, and they don't care anything about a high school. In regard to the location, in the judgment of the committee, it is a very poor one; but with all that, there is a desire on the part of the people of East Boston for this school. The expense was so trifling, comparatively speaking, that the committee thought they would recommend it, although the location is not a proper one. It is over and has the same entrance as the Police Court; but the argument was so strongly in favor of fitting up the room for the purpose, that the committee, with the exception of the Alderman opposite, voted in favor of it.

Alderman Fitzgerald—If this is laid over I hope it will be referred to the Finance Committee to provide the means, as the Superintendent of Public Buildings informs me that the appropriation for Public Buildings will not be sufficient to do this and the necessary work of the department.

The order was laid on the table—7 for, 4 against.

#### POLICE BOAT PROTECTOR.

An order came up for appointment of a committee (Messrs. Stone, Blodgett and Spenceley to be joined) to inquire why the police boat went to Marblehead on Sept. 1; how many times said boat has been taken from her regular beat this year, and the amount paid for refreshments on said boat since Jan. 1, 1877.

The question was upon concurrence.

Alderman Robinsou—I hate at all times to speak on matters of a personal nature; but that order, followed as it has been with some little squibs in the papers, reflects somewhat upon the chairman of the Police Committee and his associates.

Alderman O'Brien—If the Alderman will allow me to interrupt him for a moment I would like to say a word. Mr. Stone, the Councilman from the Charlestown District, called upon me today and stated that he regretted that he offered that order in the Council on facts that have subsequently not been substantiated, and he regretted very much that he had ever introduced it. I would suggest to the gentleman that, after that explanation, an indefinite postponement of the order would be a proper disposal of it. If the Alderman from Dorchester does not intend to go on with his explanation, I shall move the indefinite postponement of the order.

Alderman Robinson—After the explanation made by the Alderman, perhaps it would not be in good taste, or proper for me to say much more on the subject, as far as a personal nature is concerned. Therefore I will let that go. But, with the permission of the Board, I will simply say that neither myself, as chairman, nor my associates, have ever spent one single cent of the city's money in any outside excursions on this boat. That I state here; and although there may have been some other gentlemen who have gone down on the boat and made the circuit around the harbor to enjoy the cool breezes and a sail, it has been of no expense whatever to the city, because the bills would have been brought before me as chairman of the Committee on Police, and none have been presented. As hard as the men here work, if they have an opportunity to enjoy a sail down the harbor it ought not to be denied them. After working at City Hall for two or three hours I have gone down to the boat; I have taken some members of the Council and sometimes my family, and sometimes invited a gentleman to go with me; and we have sailed and smoked our cigars, and come home very well satisfied with the beauties of Boston Harbor. But as for furnishing refreshments, we never dreamt of charging the city one cent for it. But we considered that we have precisely the same right to enter upon that boat, as the Committee on Police, that we have to enter a police station. I will say nothing about the personal matter, so that we may have no more reflections of that kind.

Alderman Breck—I only rise to say that I fully indorse what the Chairman of the Police Committee has said. I have been down with him several times—possibly two or three times; but never at any time has the city been subjected to any expense. He is entirely free from blame in the matter.

On motion of Alderman O'Brien, the order was indefinitely postponed in non-concurrence.

#### WIDENING OF COMMERCIAL STREET.

The order for a loan of \$1,000,000 to constitute an appropriation for the widening of Commercial Street.

The Mayor read remonstrances from Patrick K. Hughes and a large number of others, citizens of Wards 2 and 6, against the widening, alleging that it would ruin the property of those wards.

Alderman O'Brien presented petitions from Patrick Haverly *et al.*, Wendell Phillips *et al.*, and Patrick Malone *et al.*, in favor of the widening of Commercial street.

The question was on the passage of the order.

Alderman Clark—I was not present at the meeting of the Committee on Finance when that report was made. I believe they do not deem the widening advisable at the present time; but if the City Council deem it advisable they recommend the passage of a certain order. Now, as a member of the Finance Committee, I should have dissented from the report of the committee, because I believe that public necessity and convenience require the widening of Commercial street at the present time. I hope the Board of Aldermen will at least come to that conclusion, as it is but the carrying out of a system inaugurated by the laying out of Atlantic avenue many years ago, by the widening of Broad street to a hundred feet; and the widening of Commercial street in conjunction with this great improvement will give to the city such facilities for travel as no other city on this continent possesses. Any member of the City Council can see the importance and the wisdom of laying out Atlantic avenue and widening Broad street, even in

this slight revival of business, by going down there and seeing the crowded condition of the street by the transportation of merchandise. In 1872 the Board granted permission to the Marginal Street Railway to lay down tracks in Commercial and in other streets for the purpose of connecting the northern and southern depots, and to grant facilities to the shipping at Constitution, Battery, Central and Rowe's wharves; and, in fact, extending around the southern part of the city. The street is used almost exclusively by the railroads, and travel is blocked by the cars. Unless Commercial street is widened, this Board should order the railroad tracks to be taken up. It is wrong to take away the property of citizens by granting the use of a street to the detriment of the citizens. The wharf owners desire that street widened, and I believe it will be a most excellent thing for the business of the city, and that the increased valuation will repay the cost in a short time. There is no occasion for me to go into an elaborate discussion at this time. The ground has been very thoroughly covered by the Alderman opposite [Alderman O'Brien], and I believe every member has made up his mind how he is going to vote. There is no question about the necessity; it is only a question whether this is the proper time. The Committee on Streets and Street Commissioners have considered it very carefully, and I hope the order will be passed.

Alderman O'Brien—The petitions which I presented this afternoon were in addition to those that have been previously presented to the Board, and they represent at least one hundred millions of capital of the city of Boston. I think I can show the remonstrants, by a few facts and figures, that they need not be apprehensive of any injury to Wards 1 or 2 or 6—that there is business enough for all, and it only requires action on our part to cultivate it. As the Alderman opposite has said, I don't intend to detain the Board by any lengthy remarks, because this subject has been fully considered before. I believe that it is of the greatest importance to the commercial prospects of Boston that our water front should be improved, and I am surprised at the report of the Finance Committee. When we consider that the completion of Atlantic avenue has been indorsed and recommended by the Board of Street Commissioners, who have given this subject much of their attention for some years past—that it has been thoroughly investigated and unanimously indorsed by the Committee on Streets, after six months' consideration—the report of the Finance Committee, who have hardly had time to look into the matter, is even more than a surprise. This improvement, so long neglected, has also met with your approval, and I am satisfied that the brief report of that committee, without assigning any reasons, will not change your minds or your votes. I could not help asking the question, after reading this report, if Boston was an inland city, like Worcester, or Springfield, or Lowell, or Lawrence? If our commercial importance is anything more than a dream? Here we have a water front that other cities would consider a priceless jewel, and not a single dollar has been expended on it for fifty years. Here we have an improvement, commenced, I believe, some eight years ago, and when it reached a point where the improvement was most wanted, there it has stopped, and the citizens of that thickly-settled locality have petitioned in vain, year after year, for its completion. Is this doing justice to that section of the city? Is this the way to increase our business, by refusing to give facilities to our merchants to compete for the export trade of the country? Should we legislate as if Boston was only an inland city, and adopt the report of the Finance Committee, that says it is inexpedient to improve our water front?

We should remember that of whatever importance Boston has been in the past, and of whatever importance Boston will be in the future, it is on account of her maritime position. A few hours' sail from the deep water of our wharves, in one of the best harbors of the country, places our mercantile marine on the ocean, and our merchants are able to enter into competition for their share of the commerce of the world, provided we give them proper terminal facilities. Our export trade is increasing beyond all precedent, and what are we doing to get a fair portion of it? Do the Aldermen know the magnitude of this trade? Last year our crops were a partial failure, far less than an average, and we had 36,059,793 bushels of wheat to spare for export, 61,293,394 bushels of

corn and rye, and immense supplies of other material. This year, in the West and Southwest our crop of wheat alone exceeds the crop of last year some 100,000,000 bushels, and we have at least 130,000,000 bushels of wheat to spare for export, and markets abroad are ready to pay us a good price for it. If we allow 40,000 bushels to an ordinary cargo, this would load 3250 vessels. Our corn crop promises to be immense, and can be landed in Europe at a fraction over one cent per pound. We exported last year, from September to September, 59,000,000 bushels, and this year we will add largely to this amount. A large crop of corn is followed by a large crop of pork, and there is no limit to the quantity of pork and hams and cut meats that will find an outlet in the markets of Europe, because every year they are more dependent on us for supplies. The steamer that left this port on Saturday last had 125,000 pounds of fresh beef in a new patent refrigerator, and this is believed to be the beginning of a very large trade, because shipments of fresh meats, it is believed, can be made in this way even in the warmest weather. The shipments of petroleum will amount this year to 300,000,000 gallons, filling up at least 1000 good-sized vessels, and this trade is yet in its infancy. The shipments of cheese will amount this year to at least 100,000,000 pounds, and American cheese is known throughout Europe as an article of food that cannot be dispensed with. American butter is exported quite largely, and has found its way even to Denmark. Leather is now a very large article of export, while a few years ago there was not a side shipped. The United States consul at Rotterdam reported to the State Department only a few weeks ago that a large firm in that city, formerly large shippers of leather to America, are now not only large importers of American leather, but also of New England shoes, finding that European manufacturers cannot compete with them either in price or quality. We are, in fact, fast becoming independent of foreign countries for supplies, while largely increasing our export trade. Russia leather is made in Connecticut, Bordeaux wine is manufactured in California and in the West, Italian macaroni is made in Philadelphia, superior to the imported article, Italian marble is produced in Kentucky and Vermont, Marseilles lichen is produced in Massachusetts, English cassimeres are made in Massachusetts, Maine and New Hampshire, Havana cigars are made in every city, so that the genuine article is difficult to find; Brussels carpets are made in Philadelphia, and Parisian art work is now a Boston production. We have already driven iron and coal almost from the list of imports, and American iron and coal must soon become articles of export. There is scarcely a ton of iron now received from Great Britain, where thousands of tons were received a few years ago. The Alderman from Charlestown must be aware of this fact. We scarcely appreciate our position, but to others at a distance it is quite apparent. The London Times of the 11th, commenting upon the abundant harvests in the United States, says, "It has been anticipated by those versed in United States commercial affairs that the gloom which has overspread the trade of the world for so long would be first dispersed on the other side of the Atlantic, and there seems to be a probability of this prediction being verified. Of all things there is nothing like a good harvest to help a country to turn the corner of its commercial depression, especially when such an opportunity as the present presents itself for selling the surplus produce."

I have alluded only to a few of the leading articles of export to show to the Board how immense this trade has become, and I would ask again, what are we doing to secure a fair portion of it? The Finance Committee can see no necessity for improving our water front and increasing our facilities for shipment, because their eyes appear to be closed to the magnitude of this trade. You, gentlemen of the Board of Aldermen, will have to take this matter in hand and pass the orders to complete this improvement outside of any recommendation of the Finance Committee that it is inexpedient. The deep-water fronts of the North End, East Boston and South Boston are of more importance to our trade and commercial prosperity than all other interests combined, but without proper terminal facilities they are almost useless.

Through what ports will this immense export trade pass on its way to the great consuming markets of Europe? You can count them on the ends of your fingers. Portland, Boston, New York,

Philadelphia and Baltimore. The race is between these five ports. New York takes the lead, because the men of New York appreciate the situation, and do all they can to encourage and foster this trade. Philadelphia and Baltimore have already outstripped us in the race, because this trade receives more encouragement in each of these cities, and the result is New York, Philadelphia and Baltimore almost monopolize the business. Our increase has been remarkable the past few years, but with increased facilities would be still more remarkable.

Are we too poor to complete this improvement, and do justice to a section of the city that has been neglected? Boston today is the wealthiest city in the country, and it will not do for us to speak of poverty. But it is said that this City Government is running the city hopelessly in debt, although not a single new bond has been issued, and no money has yet been expended for any improvement. We have had the courage to commence work on an improved system of sewerage, a work that ought to have been commenced years ago, a work that will take years to complete, and the expenditure for this improvement will run over a series of years. Does any member of this Board regret that we have commenced this work? For one I am willing to stand on that record. We have made provision for a one-hundred acre park on the Back Bay territory, and will pay the owners about one-half the value of the land, or about one-half the assessed value we have put upon it; and in doing so we abate a nuisance and redeem \$100,000,000 of property that has been pledged there. If any one who voted for that measure regrets it, let him visit this territory, and he will find that it has already imparted new life to improvements in that locality, and costly dwelling houses are being erected on all sides. I am not afraid to stand on that record, and am willing to be denounced for voting for and advocating it, because every year will show the wisdom of the measure and the shortsightedness of those who opposed it. The honor of the city has been pledged to the completion of Atlantic avenue, an improvement that has been too long neglected, and I feel I should fail in the performance of my duty if I did not vote for it and advocate it. No one who visits that locality but must see its necessity.

I still contend that our limit of indebtedness is \$6,900,000, but all who assert that we are running the city hopelessly into debt had better turn to pages 198 and 199 of the Auditor's report, and they will find that the debt maturing for the next four years is as follows:

In 1877-8.....	\$1,165,500
1878-9.....	1,242,705
1879-80.....	3,018,300
1880-81.....	724,500

Total in four years.....\$6,151,005

All of which has been provided for by our sinking funds. Now, the improved system of sewerage, the park on the Back Bay and the completion of Atlantic avenue will not cost so much, while these improvements are in progress, during the next four years, as the debt that will mature and be cancelled during that time, so that there is no probability of adding one dollar to our debt during these years. I should like to see every dollar of our debt paid off in a few years, but to accomplish that we must stop all improvements and admit that Boston is a dead city. Besides, why should this generation pay in full for improvements that are made for all time?

We should remember that every improvement that we commence will give employment to the professional man, the mechanic, and the laborer. When these improvements are a necessity and must be commenced, if not today, next year or the year after, this is an important consideration. I know that when any scheme of improvement is urged because it will give employment to men who are greatly in need of employment, it is denounced as buncombe, but that will not deter me from saying that it is a good reason why these improvements should be commenced now. Who is there in this Board, after witnessing the pressure for employment during the year, by men who are willing to work and cannot find work, who will stand in the way and block every improvement that will give them employment, when it is generally admitted that all these improvements are necessary not only for the health of our citizens but for the future prosperity of our city? No improvement has been



brought forward and acted upon but has been admitted as a necessity, has been asked for time and time again, and the people of the North End now demand the completion of Atlantic avenue as a right. I have no hesitation in acknowledging the justice of their claim.

As the second commercial city of the country, I believe that it is of the greatest importance that our water front should not be neglected, that Atlantic avenue should be completed, and that the order for its completion should be passed without delay.

Alderman Viles—I believe with the Alderman opposite, that quite enough has been said on this question. Every member fully understands it and has made up his mind, and all the talk from now till tomorrow will not change a vote. I am somewhat surprised to hear that remonstrance read. I have been in the ward twenty-three years, and this is the first time I have heard of business men objecting to this widening. The person who heads the petition is a stranger to me. I say that in justice to the people on that street we ought to settle this question, for they can neither sell nor lease their property. The Fitchburg has under consideration a plan of leasing two of the wharves, but they cannot utilize them as the street now stands. The street should be widened or the tracks removed. This is no new improvement. It was commenced six years ago, and we of Ward 6 hope to see the child born this afternoon, and we will christen him Atlantic-avenue Extension.

Alderman Fitzgerald—Two reasons seem to be urged for promoting this widening; one is that one section of the city shall get its fair share of the improvements going on; and a petition comes in here to the effect that the laboring men require it in order that they may get work. The laboring man has been made a tool of in and around City Hall for the last nine months by those who want to make improvements in parks and streets. I do not yield in my desire to see laboring men get work; but I say it is time to cease using that argument. Now as to the sectional argument. It is a question whether the whole city demands the widening, and not whether the North or West End demands it. I am not opposed to widening Commercial street; I believe the time will come when it must be done. But I oppose it for the same reasons I opposed all the improvements coming up this year—that they can afford to wait, for we are not financially in a condition to do it; that we can wait until the times come. But, as I have not had time to prepare anything upon this question, I cannot do better than read the remarks of the Alderman [Alderman O'Brien] last year:

I regret that the state of our finances will not permit me to vote for it, for it is an improvement that must be made at some future day. With a debt of \$45,000,000, the interest on which has to be raised by taxation every year, I believe that it is time to stop expensive street-widenings, and in fact all street-widenings for the present. \* \* \* I hope the Board; by their vote on this matter, will give our taxpayers the assurance that no street-widening projects will be entertained this year. It is not a matter of necessity. It will not add to our facilities for doing business, for we have now all the avenues that the business public require connecting the railroads that line Causeway street with other sections of the city. A street-widening not demanded or required by the public generally, or not wanted to facilitate business, is nothing more or less than taking money out of the treasury to improve the property of real-estate owners. I trust that the good sense of the Board will reject this order, and that no more street-widenings be commenced until the times are more propitious and the debts already incurred for these improvements are paid in full, or at least until our debt is considerably reduced.

I am also convinced that street-widening as it has been carried on in the city of Boston for the past ten years, has been the poorest investment the city has ever made. I have no doubt that hundreds would be glad to be back today in their old buildings on the old streets; and that many would be glad to be back today in their old warehouses instead of paying taxes now that are perhaps more than equal to the rents that they had to pay at that time. I believe we ought to check these street-widenings.

I think I might have alluded very properly to a document published in the morning papers. I

don't know how many columns it occupied; but those several pages of the morning papers were for lands to be sold for non-payment of taxes—taxes brought about by these very street-widenings such as we are now entering upon. And you see the effect of it too. Today the Alderman presents a petition, or rather an order, for the widening of Brimmer place; and I have no doubt gentlemen will come before this Board, or before the Committee on Streets, and the Street Commissioners, and prove point-blank that there is a real necessity for the widening of those streets. There is n't a scheme of the kind but men will come up and say that a necessity for it actually exists, and that it ought to be carried out. I again contend that a fifty-foot street is wide enough for any business in Boston. I don't care how many teams and vehicles you put in South street; make it fifty feet, and under good police regulations, as the Alderman suggested, there will be no blocks there. I believe that a fifty-foot street is all that is required under the circumstances.

These were speeches delivered here in opposition to the widening of Portland street and South street, and I make them a part of my speech in opposition to the widening of Commercial street. The same reasons the Alderman urged in opposition to the widening of those streets are applicable to this measure. I have no doubt Commercial street will be widened some time, but until some portion of this debt of \$44,000,000 is paid it is time for us to pause. I am sorry the Alderman has changed his views so suddenly, because, of all champions against street widenings last year and the year before, he was the strongest, and all because of the enormous debt which the city had incurred. What Board of Alderman have so generously responded to all calls made upon them? Ask and you shall receive; knock and it shall be opened unto you. That seems to have been the motto, and we have passed all the orders when they have come and knocked. Is n't it time for us to stop? Is n't it time to let the next City Government do something? Is n't it time to let the City Government after the next do something? There will be some others in the seats we occupy. Three short months from now my seat will be left warm for somebody, and there should be an opportunity left for our successors to distinguish themselves by street widenings. In justice to the City Treasury I think we have done our fair share.

Alderman O'Brien—When the Alderman said he did not come prepared to make a speech, and commenced reading his speech, as I supposed, I thought he had better write out his speeches all the time, because I never thought he could make a better one. I indorse everything that has been read of what I said last year: but this is not under such an argument as that. Here is a work that the city commenced and has not completed; and I say the city is in honor bound to complete it, and that it is not honorable and creditable to have neglected this improvement so long. I opposed South street last year, but I would not oppose another widening there today, because when the City Council passed an order to widen South street, when it was an open question, I fought it just as hard as I could; but if a continuation of a widening already begun comes up, I feel in honor bound to vote for it, because the city has pledged itself to carry it through. So with Portland street. When School street was brought up I opposed it, and I should oppose it again, because it is a new widening. This City Government is not committed to any new act of that kind, and that is the reason why I shall vote for the completion of Atlantic avenue.

Alderman Fitzgerald—The argument seems to be, because I give a man half a loaf I am in duty bound to give him the whole of it. It is no reason because the city widens a street two or three hundred yards one year, it will widen it the remaining 600 yards the year following.

Alderman Viles—I am informed that the remonstrance was not intended to come before this Board. It was got up to see if it could be sold out, and it was stolen from a gentleman's store this morning.

Alderman Gibson—I am in favor of the extension of Commercial street. In the first place, the property holders have been injured by the City Government chartering the railroad there, and all travel through there by small carriages is virtually abandoned. There is n't

more than three feet to spare between the cars and the carriages. All property there is tied up on both sides.

Alderman Viles—The Legislature chartered the railroad, and the city cannot take it up.

Alderman Gibson—Had not this street been widened and the railroad chartered, I would not vote to commence any new widenings; but here are people who have been injured, and this widening will gradually restore property to its original value.

The order was passed—yeas 10, nays 1—Alderman Fitzgerald voting nay. Absent—Alderman Dunbar. Sent down.

#### STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted, on the usual conditions, to occupy stables by A. F. Quigley, New Seaver street; Joseph Reidell, German street; John L. Dakin, Lamartine street; H. J. R. Gotz, Haven avenue; heirs of William P. Snow, Plain street, Neponset; William Lovett, Lincoln street, Ward 25; Asa P. Potter, rear Commonwealth avenue; Edmund C. Frulan, Highland street, Ward 24. Severally accepted.

Reports of leave to withdraw on petition of Dennis Sullivan, for leave to occupy old brick stable for twenty-five horses at 85 Cove street, in rear, and Charles E. Paige, for stable at 612 Fifth street. Severally accepted.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Reports and orders of notice for hearing on Monday next, on expediency of constructing sewers in Washington street, near Blue Hill avenue, Dorchester; in Dndley street, between Hancock and Humphrey streets; in Ferry street; in Thornton street, between Valentine and Ellis streets. Severally read twice and passed.

Reports of leave to withdraw, on petition of John Gilhenney *et al.*, for a sewer in Wendell street, south of Preble street; and that no action is necessary on petition of M. F. Lynch for a sewer in Wesley street, Ward 15. Severally accepted.

#### ARMY AND NAVY MEMORIAL.

Alderman O'Brien submitted a report from the Committee on Printing on the order to print a memorial of the dedication of the Army and Navy Monument—That as nearly as estimated the memorial will make a book of 136 pages, royal octavo, similar in style to the Bunker Hill memorial, and will probably cost \$1.33 per volume. This includes the printing of General Devens's oration, which the City Council have voted to print, and which will cover about twenty pages of the volume. The committee are of opinion that not less than 1500 copies should be printed. They recommend the passage of the order referred to them.

Alderman Fitzgerald moved that the number printed be one thousand instead of fifteen hundred.

Alderman O'Brien—The reason why the committee recommended fifteen hundred was on account of the demand for such volumes by historical societies, public libraries, etc., throughout the country. Even now, the Committee on Printing receive calls for the Seventeenth of June memorial, almost every week, from some historical society, or some city institution, that we ought to accommodate if it was in our power; but the edition is completely exhausted, and we can supply no more copies. I think the memorial we are about to print will be one of the most interesting memorials that has ever been printed by the city of Boston. It is not only the dedication of this monument to our dead, but we also ought to remember that the work of art that perpetuates their memory is the work of a Boston artist, who, a hundred years from this time, will be better known than he is today. We ought at least to have fifteen hundred copies of this little volume, because I think that number will not more than supply the demand.

Alderman Fitzgerald—Beyond the dedication of the monument the day has no special significance. As for perpetuating the memory of the artist, I think he will survive the book, and if he goes on as he has begun I think he will, and will not need the publication of a book to hand down the name of Martin Milmore to future ages. It did not need a book to perpetuate the name of Phydias, and it will not need a book to perpetuate the name of

Martin Milmore. It seems to me that one thousand copies will be quite sufficient to meet all the demands that we ought to supply. If each member of the City Council receives one book, and if the others are distributed around, I think that will be quite sufficient. I can see no good reason why each member should receive six or seven books. If each member gets one it will be quite sufficient to add to his library. I have no doubt, many others will want it to add to their libraries; but not having the good fortune to be members of the City Government this year they will have to do without the book. Besides, the day is not like the 17th of June, which was the celebration of a great day in American history. It brought together men from the North and the South; and it was the first act of reconciliation that occurred before the eyes of the American people. It was a great and a grand day; and I am not surprised that the books are called for which gave a history of it. But beyond the dedication of the monument and the procession, there was nothing extraordinary to mark the day in the history of the country, as was the case with the Seventeenth of June, 1875. I think that 1000 copies would supply not all the wants, but all we ought to supply.

Alderman O'Brien—I would merely call attention to another fact—that distinguished generals who fought during the war visited the city on that day quite numerously. I think it would be just to send each distinguished general a copy of the volume, and I feel more convinced than ever, after listening to what the gentleman has said, that fifteen hundred copies would be as small a number as we ought to print.

Alderman Slade—What would be the difference in the expense of fifteen hundred and a thousand?

Alderman O'Brien—The difference in the expense would be perhaps four or five hundred dollars. One thousand copies would cost more, proportionately, than fifteen hundred would.

Alderman Fitzgerald's amendment to make the number one thousand was lost—yeas 4, nays 7.

Yeas—Aldermen Fitzgerald, Gibson, Viles, Wilder—4.

Nays—Aldermen Breck, Burnham, Clark, O'Brien, Slade, Thompson, Robinson—7.

Absent—Alderman Dunbar.

The order to print 1500 copies was then passed unanimously.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Minors' Applications Granted—One bootblack, eight newsboys.

Auctioneers' Licensed—Washington A. Coles, 37 Hanover street; Calvin Bird & Co., 3 Tremont row.

Innholder Licensed—C. A. Hackett, Superintendent, 36 Harrison avenue (Friendly Inn).

Wagon Licenses Granted—C. H. Doherty, corner Tremont and Hammond streets; C. H. Gavett, 75 Kilby street; James H. Quinn, 625 East Second street; William Carey, 1361 Tremont street; John Currier, 100 High street.

Billiard License Granted—C. L. Allen, treasurer, 13 Province street.

Victuallers Licensed—J. H. Griffin, 18 Travers street; Stewart & Macomber, 26 Portland street.

Intelligence Offices Licensed—Jane C. Elder, 52 Leverett street; Eliza A. Roberts, 20 Garden street; Carrie L. Belcher, 33 LaGrange street; Maria J. Bent, 27½ Carver street.

Amusement Licenses Granted—Jarrett & Palmer, to exhibit a magical entertainment at Horticultural Hall for two months from Oct. 1.

Severally accepted.

#### COMMON AND PUBLIC GROUNDS.

Alderman Clark submitted a report from the Joint Committee on Common and Public Grounds, representing that an additional appropriation will be required for that department for the remainder of the financial year. The expenditures for the six months ending Oct. 1 are as follows: Labor, \$32,131.68; trees, plants and shrubs, \$3205.60; teaming and hire of horses, \$3870; red gravel, \$3538; loam and gravel, \$3073.15; tools, repairs and sundry items, \$2739.65; repairs on fountains, fences and walks, \$2661.23; sods, \$2280.45; manure, \$1215.00; care of South End squares, \$1200; care of East Boston squares, \$700; watering streets, \$625; total, \$62,239.76. The total appropriation for the Department of Common and Public Grounds for the present financial year is \$65,100, thus leaving a balance of \$2860.24. The

committee estimate the sum required to cover the expenses of the remainder of the financial year at \$15,000, a portion of which will be needed to pay the bills incurred in grading the grounds around the Army and Navy Monument, lately dedicated by the city. They recommend that the subject be referred to the Committee on Finance, with a request to provide the means. Accepted and referred to Committee on Finance. Sent down.

THE BACK BAY IMPROVEMENT.

Alderman Clark offered an order—That the Joint Standing Committee on Streets be authorized to sell by public auction the building now standing near the junction of Boylston street and West Chester park, on the land recently purchased from Lydia Ellis by this city; the removal of said building being necessary to complete the improvements on said street and park. The proceeds of such sale to be paid into the city treasury. Passed. Sent down.

CLAIMS.

Alderman O'Brien submitted the following from the Joint Committee on Claims:

Report of leave to withdraw on petition of John Danehy to be paid for personal injuries received by an alleged defect in Cambridge street, Charlestown. Accepted. Sent down.

MARKET.

Alderman Slade submitted a report from the Committee on Market in favor of approval of the transfer of lease of stalls Nos. 87-89 Faneuil Hall Market by Albert A. Kane to L. D. Nichols. Accepted.

PAY FOR WATCHING THE MONUMENT.

Alderman Thompson offered an order—That there be allowed and paid to Thomas J. Anderson the sum of one hundred and thirty-five dollars, for services as night watchman at the Army and Navy Monument; to be charged to the special appropriation for the Army and Navy Monument. Read twice and passed. Sent down.

Adjourned, on motion of Alderman Thompson.





## CITY OF BOSTON.

Proceedings of the Common Council,  
OCTOBER 4, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Quarterly reports of Inspector of Lighters and paymaster of State aid. Severally placed on file.

Report of leave to withdraw on petition of James Danahy to be paid for personal injuries from a defect in Cambridge street, Charlestown. Accepted in concurrence.

Order to sell by public auction the building near junction of Boylston street and West Chester park. Read twice and passed in concurrence.

Report in favor and passage of order for preparation and printing of an account (1500 copies) of the ceremonies attending the dedication of Army and Navy Monument.

Mr. Mowry of Ward 11—Why was it decided upon this number of copies?

Mr. Pierce of Ward 24—It has been found that that was the number usually needed to answer the requirements of such publications. Some of them have already become very scarce and difficult to obtain, and the committee have been unable to grant all the requests which they thought might well have been granted if the copies had been in hand. We therefore thought best that that number should be printed. Of course it is not a matter that the committee have any particular preference about.

The order was read twice and passed in concurrence—yeas 47, nays 0.

Order to pay Thomas J. Anderson \$135, for services as night watchman at Army and Navy Monument.

Mr. McGaragle of Ward 8—As this is to be charged to the special appropriation for the monument, and as the party who has done the service there has not had any money since he commenced, and is in great need of it, I move a suspension of the rules in order that it may take its second reading at the present time.

Mr. Pratt of Ward 21—I do not rise in any opposition to the order, but to ask why, if this is to be charged to the special appropriation for the monument, why it comes before us in the shape of an order?

Mr. Flynn of Ward 13—This gentleman is a Second Assistant Assessor, and the order is obliged by the ordinance to come before the City Council for any extra services that he may do outside of that duty.

The rule was suspended, and the order was read a second time and passed in concurrence.

## COMMON AND PUBLIC GROUNDS.

A request of the Committee on Common, etc., for an additional appropriation of \$15,000, came down for reference to the Finance Committee.

Mr. Coe of Ward 23—I would inquire of some member of the Committee on Common how much is likely to be spent in the care of the grounds around the monument. I am asking for information.

Mr. Howes of Ward 18—As a member of that committee, I should say that I had not the slightest idea how much should be spent around the monument. The estimates seem to vary greatly. At one time it was thought the work would cost about five thousand dollars, at another time fifteen thousand and at another time it was said that it could be done for between five and six thousand. At present I am not prepared to give any definite statement.

Mr. Coe—I asked because I supposed it was necessary for the Council to have information in regard to it. The Committee on the Auditor's Estimates cut down the appropriation for Common and Squares only \$5000, and yet, notwithstanding this, the Committee on Common are asking for ten thousand dollars in excess of what they asked from the City Council at the beginning of the year, and I was hoping to get some information from them that might justify me in any vote I might be called upon to give.

Mr. Crocker of Ward 9—If I understood the report, no particular reason was given why the committee had exhausted their appropriation for this year. It seems that they have exceeded the amount appropriated by about one quarter. That

is rather a large amount to overrun. If it was due to the Army and Navy Monument, that might be considered a special reason for an extra expense; but it don't appear, from what we can learn, that that is the reason, and it seems as though it is due to the Council that the reasons why they have overrun the appropriation should be given. If they deliberately used more money than they were authorized to use, it seems to me that the Council might have something more to say about it. If it was an accident arising from unforeseen causes, we should not be very strict; but if they used more money than was appropriated simply because they chose to use more—and so far as I have heard it may be that—it seems to me it ought to be taken notice of.

Mr. Mowry of Ward 11—I should like to ask the committee wherein and for what they have exceeded the appropriation.

Mr. Howes—The appropriation has not yet been exceeded. There is still a balance on hand. In reply to the gentleman from Ward 9 I would state that the probable reason for this expenditure arises from the fact that a very great pressure has been put upon Mr. Galvin during the past year to employ laborers. It is my personal opinion that he has employed a great many more laborers than is necessary, and the employer has been due to the pressure brought to bear by the members of the City Government. Whether he was right or wrong in that I am not in a position to state. But I should say that I am as much surprised as any other member of the City Government to see that committee obliged to ask for an additional appropriation, and it was not with my vote that this matter came before the City Government.

Mr. Thompson of Ward 9—The sixteenth joint rule provides—

"In the present and every future financial year the specific appropriation for the several objects enumerated in the general appropriation order shall be deemed and taken to be the maximum amount to be expended by the several committees, boards and officers having the charge thereof, for the entire financial year, and shall be expended with a proper regard thereto."

Now, some person has not only blundered, but they have done more than blunder; they have deliberately disregarded the law of this city, and I, for one, say here that I shall vote against this order passing. I would rather see the Common and the Public Garden abandoned for the remainder of this year than to vote one cent more to be put upon them. The money has been expended improperly, because a proper expenditure would have been such as to carry the department through the year. The only way to bring the head of that department to a realizing sense of what is due to the City Government is to stop the expenditure.

Mr. Crocker of Ward 9—We have derived some information so far, and perhaps there may be room for more. I should like to inquire of some gentleman representing the committee whether this extra help has been employed by Mr. Galvin on his own responsibility, or by the authority of the committee or of the chairman of the committee. It is well to know where this responsibility lies. From what the gentleman says we don't know.

Mr. Howes—So far as I am aware, the employment of the laborers that have been engaged in the work upon the Common and other public grounds has been left solely in the hands of the Superintendent.

Mr. Felt of Ward 18—I notice that the appropriation read \$65,000, and I see it is put down in the record as \$75,000. I should like some explanation of that.

Mr. Coe—I think the estimates submitted by the Committee on Common and Squares to the Committee on the Auditor's Estimates has been stated by the gentleman from Ward 18 as \$7500. The Committee on the Auditor's Estimates reduced that amount \$1000, leaving the amount of the appropriation \$65,000. But it seems that the committee are likely to spend not only the amount appropriated, but \$15,000 in addition to that—\$10,000 more than they asked for in the first place.

The question on the acceptance and reference of the report to the Committee on Finance was put, and the Chair, being in doubt, was about to divide the Council, when, on motion of Mr. Wilbur of Ward 20, the yeas and nays were ordered. The Council refused, in non-concurrence, to accept and refer the report—yeas 26, nays 30:

Yeas—Messrs. Burke, Cannon, Clarke, Cross,

Dee, Duggan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Hiscock, Jackson, Kelley of Ward 3, Kelley of Ward 6, Kidney, McClusky, McDonald, McGaragle, Mullane, Nugent, O'Donnell, Reed, Roach, Ruffin, Sibley, E. R. Webster—26.

Nays—Barnard, Beeching, Blanchard, Blodgett, Brintnall, Brown, Coe, Crocker, Danforth, Fagan, Felt, Hibbard, Howes, Morrill, Mowry, Perham, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, Roberts, Sampson, Spenceley, Stone, Thompson, Thorndike, Upham, Vose, G. B. Webster, Wilbur—30.

Absent or not voting—Messrs. Barry, Cox, Day, Doherty, Ham, Loughlin, O'Connor, Pearl, Pope, M. W. Richardson, Shepard, Smardon, Souther, Warren, Wolcott—15.

Sent up.

#### WIDENING OF COMMERCIAL STREET.

Petitions for and remonstrances against the widening of Commercial street came down with report of inexpedient to widen Commercial street, between Eastern avenue and Charles River Bridge, at this time; but, it public necessity requires it, recommending an order for a loan of \$1,000,000 for said widening, and also for grading, repaving and damages.

On the question of passing the order to a second reading, Mr. Pierce of Ward 18 called for the yeas and nays, which were ordered, and the order was passed to a second reading and laid over—yeas 30, nays 27:

Yeas—Messrs. Beeching, Blodgett, Burke, Cannon, Clarke, Crocker, Cross, Dee, Duggan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Hiscock, Jackson, J. Kelley (Ward 3), J. Kelley (Ward 6), Kidney, McClusky, McGaragle, O'Donnell, Perham, Roach, Sibley, Thompson, Thorndike, Upham, Vose, E. R. Webster, Wilbur—30.

Nays—Messrs. Barnard, Blanchard, Brintnall, Brown, Coe, Danforth, Day, Fagan, Felt, Hibbard, Howes, McDonald, Morrill, Mowry, Mullane, Nugent, J. H. Pierce, O. H. Pierce, Pratt, Reed, J. B. Richardson, Roberts, Ruffin, Sampson, Spenceley, Stone, G. B. Webster—27.

Absent or not voting—Barry, Cox, Doherty, Ham, Loughlin, O'Connor, Pearl, B. Pope, M. W. Richardson, Shepard, Smardon, Souther, Warren, Wolcott—14.

#### UNFINISHED BUSINESS.

Order to pay D. G. Quirk \$52, Edward W. Dolan \$23, and John Pierce \$20; to be charged as therein set forth.

Mr. Thompson of Ward 9—I would ask what this order means.

Mr. Stone of Ward 3—That these men are Second Assistant Assessors, and they were employed because they were better acquainted with the ward than new men would be, and it is necessary to have a vote of the Council on the payment of the bill.

Mr. Thompson—What were they employed for?

Mr. Stone—For distributing notices of sales.

The order was passed in concurrence.

Order authorizing the appointment of a messenger for the Treasurer's office, at a salary of \$1000 per year, said messenger to furnish bonds of \$10,000, with amendment that the Treasurer be responsible for him the same as for other officers in the department. Amendment adopted and order passed as amended. Sent up.

#### PETITIONS PRESENTED.

By Mr. Burke of Ward 2—Petition of M. H. Leonard, for compensation for injury to his horse by alleged defect in Trenton street. Referred to Committee on Claims. Sent up.

Petition of John H. Walsh for leave to enlarge a wooden building on Cambridge street, Ward 25. Referred to Committee on Survey and Inspection of Buildings.

#### PRISON POINT FLATS.

Mr. Sibley of Ward 5 submitted the following:

The Joint Committee on Health, to whom was referred the petition of S. D. Sawin & Co., that Prison Point flats be filled up, submit the following report:

Your committee, from a careful examination of the locality and the testimony of many residents of different sections in the Charlestown District, find that a great nuisance exists on the premises referred to in the petition, and consider the same dangerous to public health; and whatever may be the cost of abating this nuisance, it should not be suffered to continue there another summer, and they would earnestly recommend the passage of the following order:

Resolved, That in the opinion of the City Council, the Board of Health should take immediate measures to abate the nuisance created by the Mill Pond Flats and adjoining flats in the Charlestown District.

The resolve was read twice and passed. Sent up.

#### IMPROVED SEWERAGE.

Mr. Sampson submitted the following:

The Committee on Improved Sewerage respectfully represent that in their opinion it is necessary that measures should be taken for obtaining the most complete and latest information respecting the intercepting systems of sewerage now in practical operation, in order that the most valuable features of each system may be applied to the works now under construction in this city, and that we may profit by the experience of other cities and thus avoid introducing any features which are not of any practical utility. During their investigation of the subject the committee have been impressed that any fuller information than they have now cannot be obtained in this country. They have been compelled to rely upon reports which, while giving a general knowledge of the subject, do not enter sufficiently into details to warrant their being depended upon for the purpose of construction. This is especially the case with regard to the elaborate machinery required for the construction and operation of the works about which little is at present known. The committee believe that the desired information can only be obtained by an inspection of the works in actual operation, and as no intercepting system of sewerage is in use in this country it will be necessary to send an agent to Europe for the purpose. The committee therefore unanimously recommend that the City Engineer be granted leave of absence for a sufficient length of time to enable him to visit the several cities in Europe where the intercepting systems of sewerage are in operation, for the purpose of studying the details of said works, and obtaining plans and other information. The committee believe that the expense of so doing will be fully justified by the knowledge which will be obtained and applied to the construction of a system of improved sewerage adopted for this city. To that end the committee recommend the passage of the following orders:

Ordered, That the City Engineer have leave of absence for a term not exceeding four months, for the purpose of examining the systems of sewerage in Europe, and that the expense of so doing, and also such other expenses incidental thereto, as may be authorized by the Joint Special Committee on Improved Sewerage, the City Treasurer be authorized to furnish a letter of credit for an amount not exceeding one thousand pounds sterling; the sums drawn against the same to be charged to the appropriation for Improved Sewerage.

Ordered, That during the absence of the City Engineer, Assistant Engineer Henry M. Wightman be authorized and empowered to discharge the duties belonging to the City Engineer.

The orders were ordered to a second reading, and Mr. Sampson moved a suspension of the rules that they might be put upon their passage tonight.

Mr. McGaragle of Ward 8—I hardly like this. This is an expenditure of \$5000, and it is rushing it through in a pretty lively manner for the City Engineer to take a trip to Europe. I should like to look into this thing, and it wont hurt any by looking into.

Mr. Sampson—It is not an expenditure of \$5000. The committee ask for a letter of credit, and it comes out of the regular appropriation for Improved Sewerage. The engineer who went to Europe is not the engineer who is to build the works, and this is one of the measures contemplated when the appropriation was made. I have no desire to press this, but the work has so far progressed that, if Mr. Davis is to go, the earlier he goes the better. The earlier he goes the earlier he will get back, and the earlier he will be ready to begin work in the spring.

Mr. McGaragle—I have no objection; but I thought when we appropriated three or four millions for a system of sewerage that the committee had considered the feasibility of the plan.

Mr. Sampson—The feasibility of the plan was considered. The Engineer has among his plans the pumping works of London, but they have been in operation twelve years, and other works have been established since then, and he is unable

to get the plans except by a personal inspection. It is no additional appropriation. It is merely authorizing Mr. Wightman to act in his absence. The committee have already sent Mr. Davis to various parts of the country, and could have sent him abroad. They come here for authority for Mr. Wightman to act in his absence.

The rule was suspended and the orders were passed. Sent up.

#### THE USE OF THE POLICE BOAT PROTECTOR.

Mr. Thompson said that he had to leave the city in a few moments, and obtained permission, although not in the regular order, to offer the following:

Whereas, It appears that members of the City Government have been in the habit of using the city police boat for pleasure excursions in the harbor for themselves and their families and friends;

And Whereas, Such use of the city property for the private advantage of individuals has been publicly avowed and justified:

Resolved, That in the opinion of the Common Council all such use of the police boat or any other property of the city is without right and unjustifiable and should forthwith be discontinued.

Mr. Thompson—I offer the resolve on account of the course which was taken with the order introduced here at our last meeting. I knew, and still know nothing of the facts which induced the bringing in of that order. When it was brought in, it seemed to me to be a matter for investigation. It was met in a trifling manner, so to speak, in the other branch; there was no attempt to explain it. A part of the facts were admitted, and it seems to be conceded that the Committee on Police have taken the ground that they have the right to take the police boat down and use it for purposes of their own pleasure. Now it seems to me that that is a principle in the use of public property that is entirely inadmissible. No member of the Committee on Police has any right to go upon that boat and divert it to his own use any more than any citizen of Boston has. If it were once admitted that any citizen had the right to go down and make use of that boat, its usefulness would be entirely destroyed, and we should cease to make an appropriation for its maintenance. I hope this resolve will pass as an expression of the opinion of the City Council.

Mr. Stone of Ward 3—When I offered the order last Thursday to investigate the use of the Protector, I considered I had good and sufficient reasons for believing that the boat had been misused, and at the expense of the city for refreshments. The next day I was accused of putting in an order for political buncombe, and two days after I ascertained that the boat had been used for private purposes no more than the Bradlee or any other boat has been used in the same way; that its use was indefinite, and that it had not been taken off its beat but once at Marblehead; and that all refreshment bills had been paid by the gentlemen themselves. I thought we had had newspaper talk enough about certain members of the Board, and I came to the conclusion that the investigation would do no good; and I therefore requested Alderman O'Brien to move to indefinitely postpone the order.

Mr. Crocker of Ward 9—I must say I was rather surprised at the conduct of the Aldermen in dropping all inquiry upon this subject, when it seems to me that if they had not been doing anything that they were ashamed of, an inquiry which would bring out the facts and show their innocence, would be just what they wanted. But their conduct in refusing to make an investigation rather tended to create a suspicion that there was something that they wanted to keep behind. I do not mean to say that there was anything; but it seems to me to be an unfortunate way of disposing of the matter. It seems to me, however, to be a matter calling for remark when an Alderman claims that it is proper for the Aldermen, after being exhausted by the labors of the day in City Hall, to use the police boat as a pleasure yacht, when it ought to be on duty as a police boat, and to go sailing in it with their families and friends around Boston Harbor. It seems to me that that was an extraordinary doctrine to avow in City Hall, and still more extraordinary that no member of the Board of Aldermen was found to say a word against it, but that all acquiesced in it. It therefore seems to me to be very proper that this branch should have something to say about it. The Aldermen seemed to think, that because they did not partake of any refreshments at

the expense of the city, their pleasuring was all right. It strikes me that if the use of the boat in that way is admitted to be all right this year, next year we may find them adding champagne and the luxuries of the season. It ought to be stopped now. The Alderman said—

“We considered that we had the same right to enter upon that boat, as the Committee on Police, that we have to enter any police station.”

He seems to think that that disposed of the whole matter, and that he was doing as straight, upright, and proper a thing in going upon that boat as he would be in going into a police station. Now, if the gentleman thinks that does cover the whole case, it does seem to me that he stands in need of enlightenment. Every member of the Committee on Police has no doubt the same right to go into that police boat that he has to go into a police station; but when they take this boat and go down the harbor for pleasure, they do the same thing they would do if they went into a police station and said, We don't want this used as a police station tonight; we want to have a dancing party here; we will furnish our own provisions and refreshments, and it will be a nice place to entertain our friends and have a dance. I think that everybody will admit that that would be an improper use to make of a police station; and I think that this taking of the police boat from its proper business of patrolling the harbor, and using it in going down the harbor for pleasure excursions for Aldermen and members of the City Government and their families and friends is entirely improper and ought not to pass without notice.

Mr. Sibley of Ward 5—I have felt very much interested in this matter, but I don't see that there is any great matter to investigate. The Aldermen stated openly and fairly that they have done it. One Alderman says that they passed several very pleasant times on the boat, and that he received some benefit. It is cool and pleasant down the harbor. But, above all, you must remember that the Aldermen are a very laborious body; that they work hard for the city, and get up an extreme heat, both of brains and muscle; and that they, perhaps, don't have the time to go into the country, as other gentlemen do. Their vacation is not so long as ours, and where should they go? They thought they had the right, and they have done it; and what is done cannot be helped, and what is there to investigate? They openly state that it is just so; that they paid their own bills. They don't say what they did; but one said they enjoyed their cigars. It seems to me the less said the better. If it is a bad egg, let it pass. They have done it; if it is wrong, it cannot be helped. If there is any way we can put any restriction upon it in the future, I should be glad to vote for it.

Mr. Brown of Ward 23—I do not think it is proper or necessary to criticise the action of members of the other branch on matters wholly within their control, and I move that the resolve be indefinitely postponed.

Mr. Howes of Ward 18—I should like to tell the gentleman from Charlestown one way in which his plan can be carried out, and that is by taking the police boat from the Committee on Police and putting it into the hands of the harbor master, and making it of some practical use. At present the money expended on the police boat is thrown away. She is not of the slightest use to the city, and has not been since she was first built. The sooner some change is made to put her to some use, the better.

Mr. Ruffin of Ward 9—I don't know that we have enough to act upon in this case. All the facts we have have been given by members of the other branch. I don't know that it has been shown that this going down the harbor is of frequent occurrence. I think the Alderman said they made a circuit of the harbor on several occasions. That was his language, or something like that. I don't believe it was of so serious a nature as some are disposed to look upon it at present. I understand that it is the custom of the police boat to make two trips a day down the harbor. As I understand it, they go down as far as the Great Brewster; that they go to Hull, and have to board any inward coming foreign vessels and make some inquiries. That is a sail which the boat must make twice every day, morning and afternoon; and if members of the Police Committee are passengers, I don't see that any great harm is done, if they do not take the boat off its duty. It is in the line of its duty; the boat is large enough to take the Police Committee



and any friends that they may have. I don't believe it would be a very serious thing for the members of the Police Committee to go aboard of that boat. It would certainly give them an opportunity of seeing what the duty to be performed by the boat was and whether it was well done. They would have better knowledge on the subject; they would be able to manage the police affairs, so far as that boat is concerned, very much better after getting that information; and if nothing more than that has been done, I don't look upon it as a very grave offence, and it certainly is not one which ought to engage our attention here. If there is anything behind this—some cat in the meal—which I have n't heard of, and if this is a mere pretence and the boat has been taken off its beat, that is another thing. But from the information we have today, I cannot see why it is n't a very reasonable thing, on a summer afternoon, for the members of the Police Committee to go on that boat and make a circuit of the harbor, while it is making a regular trip.

Mr. Crocker of Ward 9—The gentleman says it don't appear that the boat has been taken off her regular beat. If she has not, and if all this excursioning has been going down the harbor and not taking her from her regular duties, I don't think we have any cause to find fault. But the charge originated from the fact that she went to Marblehead once. She has no business in Marblehead. One occasion like that is perhaps not worth talking about; but the charge has been that she has been off her regular beat; and when the chairman of the committee answered the charge in the Board of Aldermen, he did not say she has *not* been taken off her regular beat. It would have been easy for him to say so. I think that, as he has not denied it when he had the opportunity, it may fairly be assumed that she has been. The gentleman from Charlestown seems to think there is no need of an investigation. This is not an order for an investigation. That has been nipped in the bud. This is a resolution expressing our disapproval of such use of city property. It is about all we can do, and if there is anything more that we can do, let us do it. It seems to me that it is proper for us to resolve that this is a thing that should not be done any more, and that is all that the resolution amounts to.

Mr. Webster of Ward 3—As long as this order was simply for an investigation, I voted for it, for of course I cannot refuse to investigate any man. But I cannot support it in this shape and I think it ought to be postponed. In my judgment, reform, like charity, should commence at home. This matter is entirely foreign to the duties of this Common Council, and is entirely in charge of the Board of Aldermen. I would state that to my personal knowledge there are many worse abuses than this that occur on the part of the Common Council. If we could have a resolve including ourselves as well as them, I will vote for it. People in glass houses should not throw stones; and while many similar things like this do exist, I think it is something like self-righteousness and political humbug for us to take charge of matters belonging to the Board of Aldermen.

On motion of Mr. Beeching of Ward 9, the main question was ordered.

The resolve was declared ordered to a second reading. Mr. McGaragle of Ward 8 doubted the vote, and on motion of Mr. Barnard the yeas and nays were ordered. The resolve was refused a second reading—yeas 20, nays 32:

Yeas—Messrs. Barnard, Blodgett, Coe, Crocker, Cross, Danforth, Felt, Hildard, Howes, McDonald, Morrill, Mowry, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, Sampson, Stone, Upham, Wilhnr—20.

Nays—Messrs. Beeching, Blanchard, Brintnall, Brown, Burke, Cannon, Clarke, Dee, Duggan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClusky, McGaragle, Millane, Nugent, O'Donnell, Reed, Roach, Ruffin, Sibley, Spenceley, Thorndike, Vose, Warren, E. R. Webster—32.

Absent or not voting—Messrs. Barry, Cox, Day, Doherty, Fagan, Ham, Longhlin, O'Connor, Pearl, Perham, Pope, M. W. Richardson, Roberts, Shepard, Smardon, Souther, Thompson, G. B. Webster, Wolcott—19.

#### SCHOOL SESSIONS.

Mr. Spenceley of Ward 19 offered the following: Resolved, That in the opinion of the City Council

the change in the sessions of the schools from one session on Wednesday and Saturday to two sessions on Wednesday is highly injurious and detrimental to the health and requirements of the pupils, and in consideration thereof the City Council most respectfully petitions the School Committee that the sessions may be established in accordance with former custom.

Mr. Webster of Ward 3—I believe this Council should attend to its regular duties, and that the School Committee can well be allowed to attend to theirs. I move that this resolve be indefinitely postponed.

Mr. Pratt of Ward 21—I hope, unless some extraordinary reason is given, that the motion to postpone will prevail. The question to which it relates is one that was agitated very considerably and for some length of time before the School Committee; that board gave it very careful and intelligent consideration. I think that any candid man who will take the pains to give it the consideration it deserves, before any action is taken upon it, will come to the conclusion that the School Committee acted wisely in doing as they did. I agree with the gentleman from Ward 3 that it is a matter which would be an impertinence to come from us, as instructing the School Committee.

Mr. Webster of Ward 3—I don't object to the City Council instructing the Fire Commissioners; but when we attempt to instruct the School Committee I think we carry it too far, and it is time to stop.

Mr. Spenceley—I think this is a matter that concerns me and my fellow-citizens to consider whether it is wise and judicious for my children to attend school from Monday morning until Saturday night. I have a little boy who has more books than he can carry, and I say this way of crowding children in the schools is worse than anything else, and I say it is wrong to keep children in school all the week without any vacation. I have here what the Superintendent says upon this subject:

Our primary and grammar schools have ten sessions a week, namely, six forenoon sessions and four afternoon sessions, no sessions being held on the afternoons of Wednesday and Saturday. This has been the custom for very many years, and it is a custom which has certain advantages. The break in work in the middle of the week affords relief to both teachers and pupils, which is no doubt beneficial. In years past I have not been quite willing to see this arrangement changed. Nor am I now thoroughly convinced of the expediency of a change.

That is what Superintendent Philbrick says, and I think he knows something about this. I have not heard of any good argument for the change; but I do know this, and I feel a certain responsibility upon myself, and many other gentlemen with whom I have talked about this matter for several weeks past believe in the old system. I think we have a right to bring this matter before the City Council. The gentleman has well said that we can attend to our own duties. I think the School Committee have gone a good way out when we cannot bring a resolution of this kind into the City Council and pass upon it yea or nay. I think we have something to do with the City affairs. I don't know but it may be better to give all the city affairs into the hands of commissioners and do away with the Common Council and Aldermen.

Mr. Webster of Ward 3—The School Committee derives its power from the same source from which we derive ours, and is equal with and independent of us. While I agree with the gentleman on the general merits of this question, I differ with him seriously in regard to the action proposed. I would also add that in case he sees fit to depart from this Council, and wish to take a seat upon the School Board, I will use my influence in the Bunker Hill District in attaining that end.

Mr. Spenceley—Thank you. I don't want it.

The motion to indefinitely postpone was lost—22 for, 22 against, and the question came on giving the resolve a second reading.

Mr. Pratt—I don't know but we have a right to pass resolves like this, as the gentleman claims. We have a right to do a great many things that are not expedient. Among other rights that belong to us, is that of making fools of ourselves. The inimitable Bilings says that nature seldom makes a fool; she merely furnishes the raw material. I think very probably nature has furnished this Common Council

cil with its fair proportion of raw material for making fools, and if we choose to finish the job we have a right to do so, individually and collectively. Now I think that the gentleman in his solicitude for the welfare of the children who are brought under the care of the School Committee would have shown himself much wiser to have got his resolution introduced into the School Board. He cannot be without sufficient influence to get a resolution presented there. If he is at present without such influence, he had better see that such a committee is elected as will give him a respectful hearing. It is a very short time since the School Committee came to the conclusion to change the sessions so as to give a holiday all day Saturday. I am very sure that with a large proportion of our citizens it has given very general satisfaction; and so far as my memory of school days goes, it would have been very grateful to me if I could have had a holiday all day. So far as I understand the feelings of the children from observation and conversation, they are very much pleased with the change. I think the teachers prefer it, and I think a large portion of the parents like it, because schoolable children are not easy to take care of, and they prefer to make a business of taking care of them for one whole day than of having two days' work divided by it. Beyond all this, I think one of the principal reasons why the School Committee acted as it did, and why we should hesitate to ask it to do otherwise, is the fact that a portion of our fellow citizens, who furnish a large number of children, desire Saturdays to be kept in some other ways than in schooling. So long as the schools are open on Saturday, that part of the scholars will be kept away. It is a question of principle and conscience with a large portion of our fellow citizens, and as such is entitled to respect; and I think it was out of respect to that feeling that the School Committee acted as they did. It was found impossible to keep the schools up to the proper standard with so many pupils absent on Saturday forenoon. I am entirely unprepared to fully express my opinion on such a resolution to-night; but I am certain of this, that no thinking man will presume to vote on such hasty notice as this upon such a resolve when he reflects that a body elected by the people for the express purpose of regulating the schools, and composed of eminently respectable gentlemen, have given a great deal longer time to it, and come to a conclusion exactly the reverse of what the resolution contemplates. Out of respect not only to the School Committee, but to ourselves, I think that we are required not to pass it hastily, and I therefore move that it be laid upon the table.

Mr. Spenceley—I hope it will not be laid upon the table. I think the gentleman's argument is on the principle of judging other people by themselves, and that he has quite a quantity of the raw material. I put this resolve in not on my own consideration alone, and after talking with some members who did not vote, but who agreed to it not ten minutes before. I look at it just as I look at my own children going to school day after day, from Monday morning till Saturday night, without any cessation from study. Gentlemen know very well nowadays that children in a city like Boston have active brains and study more than we used to in the country schools. A gentleman told me the other day that when his boy graduated at the public schools he fell on the floor and never rose again, simply because he had so much study, and died of brain fever. It is in the mind of every child in this city to excel and be at the head of his class, and a child cannot stand such brain work all the time. Now, the Superintendent of Schools has said that it is good to have a little vacation in the middle of the week, on Wednesday, when they can go away and forget their studies and their laborious duties, and then go to school again Thursday morning. The gentleman has raised the argument of religious toleration, and I don't believe that that is a good one to be made in this city. Suppose the Arminians should come here; their Sabbath is on Thursday, and they would not want to go to school on Thursday. Suppose some other denominations come; they will want another day, and I believe that there are denominations which have a Sabbath on each of the days of the week. I should prefer to see no school on Wednesday and Saturday rather than see it go on as it is now.

Mr. Barnard of Ward 24—I hope the motion to

lay on the table will prevail unless something more extraordinary can be given by the gentleman from Ward 19 to show that the old system works better. He has not given the new system a chance. It is something new; it has been in operation but about four weeks, and if we have complaints from children and teachers that it does not work to their advantage, then will be time enough to do something.

Mr. Fraser of Ward 6—I hope it will not be laid upon the table. I entertain as high an opinion of the eminent qualifications of the School Board as any gentleman here, and have no doubt they have given this matter very serious consideration. But the question for us to decide is, whether or not we have a right to petition. We have no right to dictate to them. Under the present law they can run the public schools even if we do not vote them one dollar. They are a perfectly independent body, and out of our control; but surely we have not become so humble that we have not the right to petition. This is merely an expression of opinion, and I hope it will pass. I believe the absence from school on Saturdays is beneficial only to the teachers who live out of town and want to go away on Friday evening to remain till Monday. Not a man in this Council who has seen children in school from Monday morning till Tuesday but will see that it will benefit them to have a holiday on Wednesday afternoon. Let any gentleman go into our schools and see five, six or seven pupils asleep because they are exhausted and require more rest. I have noticed it quite often. I hope the opinion of the Council will be taken on it. I don't think it will do any harm, and I believe it will be a benefit. I know the honest, hard-working teachers of Boston, if their opinions were fairly taken, would not vote for the change; and the class benefited by it is those who live in the country.

Mr. Pratt—Nobody questions our right to petition. I do not stand here opposed to the right of petition. If anybody desires to petition the School Board for a change, a simple way is to pass a petition around here. The proposed petition is nothing that the School Committee would need to take any notice of. I should be very glad to have the gentleman circulate a petition and see how many signatures he would get. It would be a curiosity to find children who sit in a schoolroom from Monday morning till Wednesday.

Mr. Fraser—I am afraid they would take no notice of the petition. It is not many weeks since we passed a resolve of which they took no notice.

The resolve was laid on the table.

#### CARE OF HOT ASHES.

Mr. Howes of Ward 18 offered an order—That the Committee on Ordinances he requested to consider the expediency of so amending section 51 of the ordinance relating to health, that the regulation of the storage of ashes be transferred to the Fire Department.

Mr. Howes—It was called to my attention some time since that a large number of the fires that had occurred in Boston within the past year in manufacturing establishments were due to the fact that ashes were stored in barrels, or on the floor in unsafe places. There is an ordinance covering this, which is section 51 of the ordinance relating to health, which says—

"Ashes kept for removal by the Health Department shall not be mixed with other substances, but shall be kept separate and apart, in a convenient locality, in suitable iron or other metallic vessels, and in such a manner as to prevent the spread of fire."

The fact was also called to my attention that there was some mistake in drafting the ordinance, as this matter should have been left in the hands of the Board of Engineers or the Fire Commissioners, as might be best. All that needs to be covered in that respect is the storage of ashes in large manufacturing establishments, which I know is the cause of a large number of fires, and of great loss to our citizens.

The order was read a second time and put upon its passage.

Mr. Spenceley of Ward 19—I always believe in adding more firemen, but I don't know how many this is going to add to look after all the ashes in Boston. It seems to be a new departure. Because a fire may be caused by lucifer matches, must all the matches in the city be placed under the disposition of the Fire Department? It might be well to pass an ordinance to keep ashes in wooden vessels, and then carry it out.

Mr. Howes—The gentleman has misconstrued

my remarks. I spoke of manufacturing establishments, and avoided saying anything of buildings at large.

Mr. Spenceley—I simply said I did not see how the Fire Department could care for all the ashes.

Mr. Richardson of Ward 10 thought the order was merely for investigation, and the committee could better ascertain the facts than the Council.

Mr. Sibley said the Health Committee had had considerable trouble about it, and hoped some more satisfactory arrangement would be made.

Mr. Spenceley said he wished it placed where the law could be enforced, and suggested that the police was the proper department to have the care of it.

The order was passed. Sent up.

#### WINES, CIGARS AND LAGER AT CITY ENTERTAINMENTS.

Mr. Pratt of Ward 21 offered a resolve—That it is the opinion of the City Council that no wine should be furnished or used at any entertainment which is to be paid for out of the city treasury.

Mr. Pratt said a great deal of scandal had arisen in the papers on this subject, and although there may have been no great depletion of the treasury, yet it is well to avoid the appearance of evil. He was a total abstainer, but thought members could take wine at their own expense. He hoped to be able to point to this Common Council as foregoing the expense of champagne and wine at dinners. He hoped the resolution would not be met in the spirit of levity which previous resolves of the kind had received. The

entertainments recently given by the Directors for Public Institutions were very satisfactory and pleasant, though wine was absent.

Mr. McGaragle thought that as they would have only three months more of feasting it was rather late to bring in such an order. He moved its reference to the Retrenchment Committee.

Mr. Spenceley moved to add "and cigars" after "wine."

Mr. Clarke moved to add "or lager" after "and cigars."

Mr. Spenceley said that although we read in scripture that we can take a little wine for our stomachs' sake, it nowhere says we can smoke for our stomachs' sake. He considered the smoking of a piece of rolled-up tobacco the height of folly.

Mr. Jackson asked Mr. Spenceley what he would do with the millions of capital invested in tobacco and the thousands employed in the trade?

Mr. Spenceley replied by making a familiar quotation as to the Indian origin of tobacco.

The two amendments were adopted.

Mr. Pratt had no objection to the amendments. The fact is the taxpayers look at the items of a bill, and while they do not object to paying for dinners of members of the City Government, they think members should dine at the city's expense as they do at home. In order to have a sober view taken of the subject, he moved that the yeas and nays be taken on the passage of the resolve.

The yeas and nays were ordered.

Adjourned on motion of Mr. McGaragle of Ward 8.





## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
OCTOBER 6, 1877.

Special meeting at one o'clock P. M., called by the Mayor who presided and said he had called the Board together to lay before them the propriety of offering a reward for the arrest of the persons who committed the highway robbery yesterday. If it is to be offered at all it should be done as speedily as possible, and there will be three days before the Board could act upon it in regular session.

Alderman Robinson offered an order—That his Honor the Mayor be and he is hereby authorized to offer a reward of \$500 for information which shall lead to the detection and conviction of either or both of the parties who committed the highway robbery of Mr. Asa A. Breed, near Fort Hill square, in this city, on the 5th inst.

Alderman Viles said it was a bold outrage to be committed in our streets, and suggested that \$1000 would be more apt to catch the parties.

The Mayor said any reward over \$500 would require concurrent action and cause delay.

Alderman Robinson said the Chief of Police had all the force on the case that could be spared. It was strange that in such a crowded locality so few persons were found to take an interest in the matter. The chief thought the reward would be the best means of securing the arrest.

The order was read twice and passed.

Adjourned, on motion of Alderman Robinson.

## OCTOBER 8, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Nine grand and six petit jurors were drawn for the October term of the United States Circuit Court.

## EXECUTIVE APPOINTMENTS.

Police Officers without pay—P. M. Dennon, Henry Weltch, William R. Gray, William S. Denny. Confirmed.

Undertakers—James Mullens and James B. Shannon. Confirmed.

Inspector of Elections in Ward 9—James J. Snlivau, vice J. B. F. Thomas, who declines to serve. Confirmed.

## PETITIONS, ETC., REFERRED.

*To the Committee on Paving.* John McCall *et al.*, that certain streets in Ward 23 be called Everett street and Starr street. John F. Bispham *et al.* and Nathau Carruth *et al.*, that the recent extension of Dix street, Ward 24, be graded and put in proper condition for public travel; Atlantic Works, for leave to move a steam street car from the Eastern Railroad tracks at East Boston to their works; Andrew McDermott *et al.*, for cross-walks on Dudley street at Hampden street.

*To the Committee on Markets.* James F. Cooper, to be refunded the rent of stand No. 4, Faneuil Hall Market for April, 1877.

*To the Committee on Lamps.* Joseph B. Bra man, administrator, to be compensated for a lamp post taken from the estate of Isaac G. Bra man, deceased; B. E. Perry *et al.*, for street lamps in Jess street, Ward 23; William Raymond Lee *et al.*, for street lamps on Boylston and Amory streets in Ward 23.

*To the Committee on Police.* W. L. Lewis *et al.*, for a permit to drive at the rate of twelve miles per hour between the hours of 4 and 7 P. M. on Swett street, between Hilton and Ellery streets.

*To the Committee on Sewers.* Mary M. Hnghson *et al.*, for a sewer in Summit street; Elizabeth A. Unshing *et al.* for extension of sewer in Northampton street, west of Tremont street; Stephen Hull, for a sewer in Parker street, Charlestown; Thomas Dowd *et al.*, that the sewers in Magazine street and Norfolk avenue be enlarged.

*To the Committee on Health on the part of the Board.* Michael H. Leonard, for leave to occupy new stable for two horses at 301 Bennington street.

W. H. Baker, M. D., for leave to establish a hospital for women at 60 East Springfield street, in place of the one now located at No. 16 same street.

*To the Committee on Bridges.* Notice of proposed petition of city of Chelsea to be relieved of the care of a certain portion of Chelsea Bridge.

## HEARINGS ON ORDERS OF NOTICE.

Hearings were had on orders of notice as follows:

*Sewers.* On proposed construction of sewers in Ferry street; in Thornton street, between Valentine and Ellis streets; in Dudley street, between Hancock and Humphrey streets, and in Washington street, Ward 24, near Blue Hill avenue. No objections, and orders severally recommitted to Committee on Sewers.

*Cambridge Railroad.* On proposed change of location of track of the Cambridge Railroad from the side to the centre of the roadway of Washington street, between Foster street and Oak square.

Alderman Breck—The President of the Cambridge Railroad called upon me this morning and stated that he had not been able to have a full meeting of the Directors of the company, and would not be able to do so until next Saturday, and he would like to have the hearing postponed for one week. I therefore make that motion.

The hearing was postponed for one week.

## PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Report and order for Board of Health to abate the nuisance on the Mill Pond and adjacent flats in the Charlestown District. Passed in concurrence.

Order proposing an ordinance to place the care of ash barrels and contents in charge of the Fire Department.

The order for the City Treasurer to appoint a special messenger for his department came up amended by the addition of the following words: "And for whom he shall be responsible in like manner as for other officers appointed by him." Concurred.

## VISIT OF CITY ENGINEER TO EUROPE.

A report of Committee on Improved Sewerage came up, with order to allow Joseph P. Davis, City Engineer, four months' leave of absence to examine the several systems of sewerage in Europe, and to allow him the sum of £1000 sterling to meet the expense of such visit; also an order to authorize Henry M. Wightman to act as City Engineer during the absence of Mr. Davis.

Alderman Bnrham—As set forth in the report of the committee, it is well understood that this system of intercepting sewerage is entirely new in this country. The reasons for recommending this measure are perhaps fully set forth in the report and in the discussion in the other branch. The committee feel that the expense is comparatively small and trifling, when taken in connection with the large outlay which we propose to make for the intercepting system of sewerage. It is to be understood that this is no pleasure trip for our City Engineer. In the construction of large works of this and other characters, other cities have sent their engineers to Europe to obtain information bearing upon the subject—notably Chicago, Brooklyn, and other places. The sum of \$5000 is named; but it is not necessary that so large a sum shall be expended, as we all know the economical habits of our City Engineer. To see the works in actual operation is certainly a proper thing to do in order to gain all the information; and it is a proper thing to do to obtain all the information we can. It seems to the committee that the information can best be obtained from cities where the works are in operation. This information may prevent the making of mistakes which other cities have made. It is well known that all the information which can be gained here is, to a certain extent, from the plans published by the engineers abroad, and the best information can be gained by witnessing the works in actual operation, and studying the various parts of the system. It is no additional appropriation, but comes before us in the form of a request for a letter of credit and for authority for Mr. Wightman to act in the absence of the City Engineer. The committee have already sent Mr. Davis to other cities to witness what may be seen in actual operation in this country, and they trust the order will pass this Board as it has been passed by the other branch.

The order was passed in concurrence.

## REPORTS OF CITY OFFICERS.

*Chief of Police.* Quarterly report to Sept. 30. Arrests, 7247; males, 5536; females, 1711; American, 3048; foreigners, 4199; non-residents, 1313; minors, 1309. Placed on file.

*Auditor of Accounts.* Monthly exhibit for Oct. 1. (City Doc. 81.) Total appropriations, \$13,757,454.71; expended, \$5,510,415.09; balance unexpended, \$8,247,039.62. Sent down.

*City Registrar.* Annual report. Sent down.

*Fire Commissioners.* Report of fires and alarms for September. Sent down.

## RELOCATION OF WESTERN AVENUE.

The following was received:

IN BOARD OF STREET COMMISSIONERS, }  
Oct. 3, 1877. }

The order of the City Council of the city of Boston of July 13, 1877, represents "That the Street Commissioners be requested to relocate Western avenue, in Brighton, between Charles River and the bend in said avenue west of and near North Harvard street."

This petition was presented to the commissioners and duly entered upon their records at the meeting of said commissioners held at the City Hall in Boston on the sixteenth day of July, 1877, and the twentieth day of August then next at eleven o'clock in the forenoon at the schoolhouse on North Harvard street, in that part of Boston formerly Brighton, and now a part of the county of Suffolk, were appointed by the commissioners as the time and place for commencing and proceeding to view the premises and to hear and act upon the subject of said petition; and they thereupon caused a copy of said petition and of this order thereon to be served upon the City Clerk of the city of Boston thirty days at least before the time appointed for said view; and also caused copies of said petition and order to be pasted in two public places in said city; and also gave notice to all persons interested, by causing a like copy to be published three weeks successively in the Boston Daily Advertiser, a newspaper published in said county, said pasting and the last publication of said copy having been fourteen days at least before the time appointed for said view; that all persons or corporations interested for or against said petition might then and there appear and be heard if they saw fit.

And on the said twentieth day of August the commissioners met at the time and place specified in said order, when and where the petitioners appeared by Thomas W. Davis, City Surveyor of the city of Boston, and the said commissioners then viewed the route and premises and heard all persons and corporations interested, and said hearing was then continued and adjourned to a meeting of the commissioners held at the City Hall, in Boston aforesaid, on the 21st day of August, 1877, when and where the said commissioners proceeded to consider and adjudicate upon the prayer of said petition, and thereupon the said commissioners did adjudge that common convenience and necessity required that said Western avenue, in Brighton, between Charles River and the bend in said avenue, west of and near North Harvard street, should be located anew, for the purpose of establishing the boundary lines of said avenues, as prayed for the petitioners.

And upon the adjudication aforesaid, the said commissioners appointed Wednesday, the 26th day of September, 1877, and three o'clock in the afternoon, at the schoolhouse in North Harvard street, in that part of Boston formerly Brighton, and now a part of said county of Suffolk, as the time and place when and where they would proceed to further view the premises, and take such order in relation to said adjudication as by law they might be authorized to do.

And having given notice of such adjudication, and of the time and place appointed, and for the purpose aforesaid, in the same manner as the notice and publication were given and made before the first proceeding to view, the said commissioners met at the time and place appointed, and then and there heard all persons and corporations interested, and said hearing was then adjourned and continued to this meeting.

And now the said commissioners do lay out and locate anew said Western avenue, between Charles River and the bend in said avenue, west of and near North Harvard street.

And said relocation is as follows: Southwardly by a line beginning at a stone monument at the westerly corner of land now or at one time of Michael Barry, at the junction of Western avenue and a street leading northeastwardly from it to

North Harvard street, and marked A on a plan of said relocation of Western avenue, prepared for the purpose by Thomas W. Davis, City Surveyor of the city of Boston, said line thence running eastwardly, crossing North Harvard street, straight to a stone monument at the southerly corner of Western avenue and North Harvard street, marked B on said plan; thence continuing eastwardly, with a slight change of direction, by a straight line, to a stone monument on the division line between land now or at one time of Roxana Eaton and land now or at one time of John Fuzzard and Warren Sawyer and marked C on said plan; thence continuing eastwardly with a slight change of direction, by a straight line between land now or at one time of said Fuzzard and Sawyer and land now or at one time of Joseph O. Bullard, and marked D on said plan, to Charles River; eastwardly by Charles River; northwardly by a line shown on said plan as parallel with and sixty-five feet distant northerly from the above-described southerly line; and southwestwardly by another portion of Western avenue by a dotted red line running from a stone monument marked E on said plan to the first above-mentioned stone monument marked A.

And it is determined by the commissioners that the city of Boston shall within one year from the date of this order complete said way in accordance with and upon the line herein established.

And having heard the proprietors of land and property, rights and interests, taken or affected by their proceedings, the commissioners direct that all said proprietors shall have the right to take off and remove their buildings, structures, trees, hedges, walls and fences from the lands so taken at any time within six months from the date of this order.

And the commissioners estimate the damages sustained in the premises under these proceedings at nothing.

Ordered, That the foregoing order be accepted, passed and recorded, and that an attested copy thereof be transmitted to the City Clerk of the city of Boston, within the limits of which said highway described therein lies, that the same may be recorded by said Clerk within ten days in the Clerk records.

NEWTON TALBOT.  
JOSEPH SMITH.  
ISAAC S. BURRELL.

Street Commissioners.

A true copy.

Attest:  
Placed on file.

J. H. JENKINS, Clerk.

## LOCATION ACCEPTED.

A communication was received from the Butchers' Slaughtering and Melting Association, accepting the location of railroad tracks granted by this Board on Sept. 24, ultimo. Placed on file.

## BONDS APPROVED.

The bonds of Nathaniel P. Kemp and twenty-four others, constables, being presented duly certified, were approved by the Board.

## POLICE.

Alderman Robinson submitted reports from the Committee on Police, recommending the confirmation of the appointment of David F. Harkins to be a police officer; Patrolman George Munroe to be a sergeant, and Sergeant Joseph H. Bates to be a lieutenant. Reports accepted and said appointments confirmed.

Report that Reuben Greene have leave to project a lantern at 34 Temple place. Accepted.

## SALARIES OF LICENSE COMMISSIONERS.

Alderman Duubar submitted a report from the Committee on Salaries on request of License Commissioners for an increase of salary—That, having carefully considered the subject, they are of the opinion that the position of License Commissioner should command a salary of \$2500 per annum, and that such a sum is not more than an adequate compensation for the labor which has been performed by the members of the present board. They recommend the passage of an order—That the salaries of the members of the Board of License Commissioners shall be at the rate of \$2500 each per annum, from the date of their service until otherwise ordered, payable monthly, subject to the deduction of any and all sums due from said officers to the city.

On motion of Alderman Dunbar, the order was read twice and put upon its passage.

Alderman Fitzgerald—As chairman of the Committee on Retrenchment, I feel it my duty to oppose this order. As I said before, when the peti-

tion was presented to the Board, the gentlemen whose salaries it is proposed to raise are gentlemen with whom I am politically and socially acquainted; but if we begin with the salaries of the License Commissioners there is no good reason why we should not go through the whole of the departments and raise the salaries of the heads of them. The City Council lowered the salaries of the heads of the several departments, and the reasons for doing so four months ago hold good today; in a fit of economy and retrenchment the salaries of the heads of the several departments were cut down. Now, sir, if we are to begin with these officers, the easier and better way to do it, in order to avoid any more trouble, would be for this Board and the other branch to pass an order restoring the salaries of all the city officers to their salaries of last year. I heard the petition of these gentlemen read. It was stated that \$3000 are spared this year from what was spent last year for legal expenses. Now, that is not so. Four months before these gentlemen were appointed there was no such office as the legal officer for the prosecuting of liquor cases, and there is no reason why there should be. There is no more reason for appointing a special attorney to look after liquor cases than there is to appoint one to prosecute burglars, thieves or any other of the whole range of criminals. In my opinion, it was wrong from the beginning to appoint this special officer to prosecute liquor cases in court. I was in the Common Council when this officer was first appointed, and it was the understanding that it should be a temporary affair; but, much to my surprise, he was continued month after month and year after year. When the gentleman who was first appointed was made Assistant City Solicitor, some three or four months before this City Government was inaugurated, there was no such officer known as a prosecutor for liquor cases, and if he had had any existence at the time that the Retrenchment Committee were looking up the salaries of officers, I feel that they would have abolished the office, the same as they did some other offices connected with the License Department. So that their claim that \$3000 in legal expenses is saved all falls to the ground, as there was no such officer, and no such money was paid for five months before those gentlemen came to be License Commissioners. Now, I say that if we begin here, there is no knowing where this thing shall end; and I think that, after lowering the salaries, as we did, they should remain as they were fixed for one year, at least. If you raise this salary from \$1000 to \$2500 you will have others coming in here asking for an increase. I was asked by one gentleman if a petition was presented from his department for an increase of salary to the former amount, whether such a petition would not be entertained; and I told him I did not know what the City Council would entertain; but I knew what I would do—I should vote against it. I shall vote against this order because I do not think it is in exactly the line of conduct which this Board marked out at the beginning of the year.

Alderman Thompson—The Alderman who has just taken his seat knows I would go as far as anybody in his economical recommendations, especially so when they are tempered with justice. The Alderman forgets that two years ago the compensation of these commissioners was \$3500, and last year, after a great deal of exertion on the part of the retrenchment members of the Board, the compensation was reduced to \$2500. That was a great reduction, and his reasons for not increasing their compensation this year will not apply to the License Commissioners as it does to other officers, because they have been reduced so much, whereas the other heads of departments have only been reduced ten per cent. The License Commissioners are doing double duty, not only as commissioners—and as far as I can understand they are very acceptable in that respect, and perhaps more so than any commissioners we have ever had, and I think we ought to take that fact into consideration, and they are not only doing duty as License Commissioners—but as attorneys. Now, the Alderman says that there was no attorney attending to this duty last year. I was a member of the Committee on Claims last year, and remember that his Honor Mayor Cobb came before the committee on two occasions advocating—

Alderman Fitzgerald—The gentleman misunderstood me. I said for five months before this Board of License Commissioners came into office, that such an officer had no existence, and that he had no existence at the time the Retrenchment

Committee were considering this matter, and if there had been such an office it would have been abolished and that money saved to the city treasury.

Alderman Thompson—So much the more reason for increasing this compensation, because I know that there was allowed for this attorney for this special duty a salary of \$2500 last year. The chairman of the Committee on Claims will bear me out in this statement, I think, and I am not quite certain that that was not the second occasion that the Committee on Claims were petitioned to make an allowance for the services of this party to be employed by the License Commissioners. Now, nobody questions the ability of the present commissioners. They have done their duty faithfully and well, their returns to the city treasury warrant that statement, and they have certainly given satisfaction to the citizens generally. We know that \$1000 is no kind of a compensation to give them, and the reduction from \$2500 to \$1000 a year was really not intended, in my judgment, to be lasting. It was done on the spur of the moment, and passed through because it was considered that if an error was made it could be corrected afterwards. Under all the circumstances, I think the recommendation of the committee just and proper, and I shall cheerfully vote for them.

Alderman Fitzgerald—I don't know what this double duty which the commissioners have performed is. I know what their duty is. If they have assumed any other duties, it is entirely gratuitous on their part. If they have assumed the rôle of prosecuting officers, it is no part of their duty, and they should not ask for compensation from this Board for it. I say there is no more reason for paying for special officers for the prosecution of violations of the liquor law than there is for the violation of other statutes. The District Attorney and his assistants are paid by Suffolk County to do that work, and if the District Attorney thinks it of sufficient moment he will look after them; and it is not the duty of the License Commissioners to become prosecuting officers in the Police Court and then demand additional compensation for having performed a duty that the law does not impose upon them and which nobody asks them to do. Their duty is to examine each petition presented to them, and see whether the petitioner has the necessary appliances to carry on the grade of business which he asks a license for, and to grant him the license; and if he violates the provisions of the license, then it becomes the duty of the police officers, and not the License Commissioners, to prosecute him; and when the case comes in court it is the duty of the District Attorney of Suffolk County and his assistants to look after the prosecutions there. I hold that it is not the duty of the License Commissioners to be grantors of licenses and prosecuting officers at the same time, and that that position should not be assumed by the License Commissioners of the city of Boston. I think it would be better for the License Commissioners if their office would be purely executive. They are executive and not prosecuting officers, and they should confine themselves to the duty which the law imposes upon them—the granting of licenses; and the seeing that persons comply with the provisions of their licenses, after the license has been issued, is an interference which they should not undertake, and they should not claim compensation for it from the city of Boston. I grant you that they have performed their duty well. They have performed their duties as License Commissioners in accordance with the public sentiment of the city of Boston. The law is so framed that they can go between both free rum and extreme prohibition, and the sentiment of a community can regulate the enforcement of the law. I grant that the commissioners have carried out the law in Suffolk County in accordance with the sentiments of the community. We knew all that five months ago when we fixed their salaries. I think that other officers here have worked as hard as the License Commissioners. The Superintendent of Streets and the City Engineer have had more work thrown upon them this year than ever before, and there is no reason why their salaries should not be increased as well as the License Commissioners. If we raise one there is no reason why we should not raise the other.

Alderman Slade—I am unfortunate enough to be on both the Salary and Retrenchment committees. When the salaries of the License Commissioners came before the Retrenchment Commit-



tee, I was very much in favor of reducing it to the figure at which it now stands, and my reasons for that were principally from the idea that I had that the commissioners had not done their duty, although they were respectable men. It seemed to me, from my knowledge of their doings, that some liquor dealers were selling rum without a license just as freely as those who paid for a license; and it seemed to me to be a hardship that a man, one man paying for a license and keeping a bar-room, should have another man two doors from him doing the same amount of business and paying for no license at all. There was great complaint among the dealers about the way the law was executed, and I had the idea—and I guess I was not far from right—that the office was one of pleasure more than of hard work. In fact, gentlemen offered to take that office and run it as well as it was done for nothing, for the simple privilege of having an office where they could go and stay when they were down town, as they expressed it. I believed that the office was not carried on as it should be, and I was satisfied that the salary should be reduced very materially. That salary was reduced very much more below what the salaries of other city officers were reduced. The Committee on Salaries were not in favor of cutting the salary down so low, and reported in favor of twenty-five hundred dollars. Now, it seems to me that at the present time the commissioners are doing their duty in every respect. I don't hear the complaints this year that I did last year of the injustice done to liquor dealers, and the Sunday and other laws seem to be faithfully executed. I was not in favor of making this salary so high as the committee recommend; but all the committee except one were in favor of making it twenty-five hundred dollars, and I did not make any objection. Therefore, after looking the matter over, I don't see how I can very well help voting for this increase.

Alderman Fitzgerald—While I am willing to concede to the License Commissioners of this year what everybody else concedes—that they have performed their duty faithfully and well—I wish to say at the same time that the License Commissioners of last year performed their duty conscientiously, as they understood the law. I have no doubt that they were faithful and painstaking, and in order to reject some thousand or more applications they were obliged to examine each and every case, and it required a great deal of scrutiny to distinguish between when they should grant a license and when they should not, and in consequence it required a great deal of investigation. They interpreted the law very stringently and strictly, and did not grant so many licenses as there have been granted this year. I think they executed the law as they interpreted it. And it required a great deal of work to decide when they should give and refuse a license. The measure of the work is not the amount of fees turned into the city treasury. If it is measured by that, the License Commissioners who sat in their offices and said to all who came along that all they had to do was to pay their money would be the best commissioners so far as the money is concerned. I feel that this order is going to pass. I am not foolish enough to think that it is not; but I want to enter my protest against it and stand by the report of the committee.

Alderman Gibson—What time do those gentlemen spend in their offices, and between what hours?

Alderman Dunbar—According to the statement of the chairman of the board, I think they spend about six hours a day in the office. He appeared before the committee and made that statement.

Alderman Clark—I presented the petition of the License Commissioners, asking for an increase of salary, not because I had investigated the subject or had made up my mind clearly as to what additional amount they should receive. But at the commencement of the year I was opposed to cutting down their salaries to a thousand dollars. I believed then that if the office was of any value to the city it was necessary to have competent men in it, and if they did their duty, not less than \$2500 should be paid them for their services. It is admitted by all—even by those who are opposed to the increase—that the office has been well filled; that the gentlemen who occupy the position are competent and honest, and have perhaps performed the duties with as much satisfaction to the community as any three men who could possibly have

been appointed. If this is so, I believe that the salary recommended by the committee is none too much, and that they earn that amount, whether they go there at nine o'clock in the morning and remain till nine o'clock in the evening, or whether they spend only as much time as may be necessary to perform all the duties which devolve upon them with satisfaction to the community. I know the gentlemen, and they happen to belong to a different political party from what I do, although two of them are personal acquaintances of mine. But I look upon that office as I do upon all other offices in City Hall—that political considerations should not enter into any of the heads of departments; and that whether a man is a Democrat or a Republican should not affect the amount of the salary which he receives. I believe, furthermore, Mr. Mayor, that the License Commissioners of last year fulfilled their duties as faithfully and as ably as any other men could have done it under the circumstances. It was a new office; there had been no office of that character before in the city; it was beset with many trials and tribulations, and I believe that the old commissioners did their duties as well, perhaps, as any three men could have done at that time. If the present commission is an improvement upon the old one, I am very glad of it, for I believe in progress in commissions and heads of departments and everything of that kind. Now, I see in the Auditor's report that twenty-five hundred dollars was paid to Mr. Nettleton for the service which he rendered to the License Commissioners during the term of service of the commission prior to the present one. If the present commissioners are able to render that service without the employment of an attorney, it seems to me that the city is saved the salary which was paid to that attorney to do the identical work which the present commissioners are now doing. I don't know whether they have a legal right to perform the duty or not; but I believe that men who occupy this position earn \$2500 a year, and that if the office is of any service to the citizens they should be paid that amount. I am inclined to think that the license commission has been a good thing for the people. So far as my observation goes, there is less disorder, a less number of dram shops open, especially on Sundays and late in the evening. I am inclined to think that the morals of the city have been somewhat improved since the establishment of the License Commission. There is one thing very sure—the city is in receipt of quite a fund which arises from this commission—from \$150,000 to \$200,000 per annum, and the salaries of the commissioners and all other expenditures for the office are paid from the receipts for licenses. I believe that the proposed salaries are no more than the commissioners should receive if they are able and competent men; and if they are not they ought not to hold the position.

The order was passed. Sent down.

#### THE HORSE-RAILROAD BLOCKADE.

Alderman Robinsou submitted the following from the Committee on Paving:

To the Honorable Board of Aldermen of the City of Boston—The Metropolitan Railroad Company respectfully petitions for leave to construct an additional track in Washington street, from Dover street to Summer street, there to connect with the track of the South Boston Railroad in Washington street, with suitable curves and connections.

Also, for leave to construct a track in Milk street, connecting with the tracks of the South Boston Railroad in said street, to Devonshire street or Congress street, and through Devonshire or Congress street, across State street, to connect with the tracks of the Middlesex Railroad in Washington street, with suitable curves and connections.

Also, for the right to enter upon and use with its horses and cars the tracks of the South Boston Railroad in Washington and Milk streets.

METROPOLITAN RAILROAD COMPANY,

By C. A. Richards, President.

Boston, Oct. 8, 1877.

Upon the foregoing petition it is hereby ordered, that notice be given by the petitioners to all persons interested that the Board will on Wednesday, the 24th day of October, at 4 o'clock P. M., take into consideration the expediency of granting the prayer of said petition, when any person objecting thereto may appear and be heard. Said notice to be given by the publication of a copy of said petition with the order of notice

thereon in the Boston Post, Journal, Traveller and Transcript.

Alderman Clark—Why cannot the hearing be had on Monday, the day of the regular meeting?

Alderman Robinson—It is a petition in regard to laying down additional tracks. The Committee on Paving have had several meetings, and the question of the horse-car blockade has been one of a very difficult nature for us to consider. They had conferences with the railroad managers, all of whom seemed to be actuated by a sincere desire to relieve the blockade on Tremont street; and that petition was put in consequence of those several meetings which we had with the railroad presidents. The law requires that there should be fourteen days' notice. If the order is passed tonight, it would not be possible to publish it before tomorrow morning, and the fourteen days will not have expired until after our regular meeting two weeks from today; and it was thought best to call a special meeting for that purpose. In view of all the matters connected with the street blockades, the presidents of the horse railroads met us in a fair and cordial spirit, and seemed to be governed by a desire to relieve the blockade and of all the circumstances connected with it. It is a very difficult question to manage; but if the proposed plan is accepted by the Board of Aldermen, each president of a railroad is placed upon his honor as a man to get rid of the blockade in the streets of Boston. I do not say that it will do for all time, because, making due allowance for the increase of population (which statisticians say doubles every twenty-five years), some gentlemen around this Board may see the city of Boston with seven or eight hundred thousand inhabitants. Between now and then the location of the retail trade will no doubt be changed. But I think the passage of this order, with its accompaniments, which can be arrived at hereafter, will relieve the blockade in this city for several years to come. It is not possible to have the hearing two weeks from today, in consequence of the law requiring fourteen days' notice.

Alderman Clark—For one I cannot see why we should have a special meeting for a hearing of this character. We have given certainly twenty-five per cent. of the year to horse-railroad hearings on Monday afternoons. Now, if this cannot take place in two weeks from this afternoon, what is the great hurry? Why not three weeks from this afternoon? Aldermen wish to go away on special business. I am in the same position. I wish to be home to attend every meeting of the Board, and I do not want to come here to special meetings unless it is perfectly convenient, or absolutely necessary. If it cannot be held two weeks from this afternoon, I do so see why it cannot be held three weeks hence. I hope the Alderman will not press this. I have no doubt they have had an harmonious meeting of the presidents of the horse railroads. They are always harmonious when they ask the privilege of laying down tracks. They have done nothing to this Board of Aldermen that they have not done to every Board of Aldermen since 1871. They are the most harmonious class of people in the world when they ask for tracks; but when they get the track they will pull each other's hair the same as they did before. Every Board of Aldermen since 1871 has refused the privilege of laying down another track in Washington street, from Dover street to Summer street. There are other ways of getting rid of this blockade besides this, and before the committee recommend that the prayer of the petitioners be granted, I hope they will devise and report some other plan, because the travelling public between here and Roxbury have some rights in Washington street. To lay down another track where it is utterly impossible for a two-horse team to pass between a car and the curbstone is a project which it seems to me this Board of Aldermen should not adopt. In my opinion, these harmonious petitioners can wait three weeks instead of having us come together in a special meeting. The Alderman [Alderman Robinson] frequently has occasion to go to Maine, and the Alderman on my right [Alderman Thompson] would like to go to New York. I have been trying to get an opportunity to go to New York for some time. I move to amend the order so that the hearing will be given three weeks from today at four o'clock.

Alderman Robinson—The reason the hearing was fixed at the earliest possible moment was in consequence of the pressure that has been brought

to bear upon the committee by public sentiment and feeling to relieve the blockade on Tremont street as soon as it could possibly be done. In regard to the harmonious meeting, it is not very often that you get a number of gentlemen together in a colloquial manner, that you cannot bring them to matters of common sense and realize that there is only one object in view, that they cannot agree upon something necessary to be done. In the first place it was necessary to make those persons believe that there was a blockade on the streets, and that it must be removed in some shape or other; and the only question that came up was what is the best way to do it. It may be all very well to say that this Board has a perfect right to pass an order taking off cars, restricting the number, and doing what they please with the cars on the streets; but they don't like to do those things, because the whole city is interested in the matter. Dorchester, where I live, and Roxbury, Charlestown, Brighton and West Roxbury are all interested; and all the lines of cars which come from different sections of the city seem to centre upon this particular spot. A few weeks ago I made some remarks here showing that there are 136 cars an hour running from Boylston street to the Tremont House, and I showed how absurd it is for cars to pass out as they do. If you will calculate, you will see that the same number of cars, in passing from the Tremont House to the Museum, allowing only four stops, and fifteen seconds only to a stop, the cars will have to go at the rate of nine miles an hour to keep out of the way. You see that it is absolutely impossible for them to do that. Now, if this track is laid in Washington street, it will take something like seven or eight hundred cars a day off Tremont street. It is proposed to send those cars in another direction—on Washington street, and the cars will all be going one way. Considering all things, the committee thought it was probably the best way of getting rid of the blockade. There may be other ways, but the committee have not seemed to have found them, without taking a large number of cars out of the streets. There are some few cars which might be taken off—some of the Columbus-avenue cars, for instance—but they are not sufficient to meet the question. More cars cannot be taken off the streets without injuring the trade of the city. The blockade is pretty serious and it was thought best to get rid of it at the earliest possible moment. Of course if it is objected to by the Board of Aldermen I shall not oppose it. It is for them to take the matter into consideration.

Alderman Clark's amendment was adopted, and the order was passed as amended, fixing the hearing at three weeks from today.

Alderman Robinson submitted the following petitions appended to which were orders for hearings as in the previous order, but the time of the hearings was changed to three weeks from today and the orders passed as amended.

To the Honorable the Board of Aldermen of the City of Boston—The Highland Street Railway Company respectfully petition—

1. That a location of tracks be granted your petitioners on Eliot street, between Park square and Tremont street, either by single or double tracks, with suitable curves, switches, connections, to unite the same with the tracks of the Metropolitan Railroad Company on Park square, Columbus avenue and Tremont street, and across Tremont street with your petitioners' tracks on Eliot street.

2. That a location for an additional track be granted your petitioners on Eliot street between Washington street and Tremont street, with suitable curves, switches and connections to unite the same with the tracks already authorized to your petitioners on Tremont street and Washington street, and with the tracks above petitioned for.

HIGHLAND STREET RAILWAY CO.,

By Moody Merrill, President.

To the Mayor and the Aldermen of the City of Boston—The Cambridge Railroad Company respectfully prays that, in addition to the location of tracks already granted, they may be granted a further location as follows: Beginning at the junction of Lowell and Causeway streets; then by a single track in Merrimac street as far as Portland street; then an additional track beside the track of the Metropolitan Railroad in Merrimac street to New Washington street; there connecting with the tracks laid in that street; and for a curved track in Leverett street to connect with

that in Causeway street. And they further ask for leave to run their cars from East Cambridge as follows: Coming in through Leverett street to Causeway street; through Causeway street to Portland street; through Portland street to Merrimac street; through Merrimac street to Washington street; through Washington street to Milk street; through Milk street to Devonshire street; through Devonshire street to Dock square and Washington street to Merrimac street; through Merrimac street to Lowell street; and then by their present tracks to Canal Bridge.

CAMBRIDGE RAILROAD COMPANY,  
By its Attorney.  
THE UNION RAILWAY COMPANY,  
By James W. Emery, President.

When the petition of the Highland road was presented, Alderman Clark asked if this was for leave to run to the northern depots.

Alderman Robinson replied that it was for a location in Eliot street.

Alderman Clark—I thought that if it was I might get in a suggestion as to how Tremont street might be slightly relieved, and that is by running down North Charles street and take off about one-half of the Metropolitan cars, which now average ten passengers to a trip. Tremont street would be relieved to a great extent.

Alderman Fitzgerald—The great difficulty in that case is that the Alderman is not president of a horse railroad company. They will not offer to petition for the location. They refused to petition for that route. We will have ample opportunity to discuss the harmony of the horse-railroad presidents, and I think we had better spare our speeches till we come to consider the different routes presented.

#### THE BLACKSTONE-SQUARE ACCIDENT.

Alderman Fitzgerald submitted the following:

The joint special committee appointed to investigate the cause of the accident on Blackstone square on the 17th of September, and also what person or persons are responsible for the same, having considered the subject, beg leave to submit the following report:

The committee gave a public hearing, and heard the testimony of a number of persons, relative to the construction of the stands, etc. From the evidence presented, the committee believe the following to be a correct statement of the facts: The committee appointed to make arrangements for the dedication of the Army and Navy Monument, having in view the erection of spectators' stands upon Franklin and Blackstone squares, were waited upon by Mr. Joseph F. Paul, who, at a meeting of the committee, held on the 6th of September, offered to erect a spectators' stand on each of the above-named squares for the sum of \$300. Subsequently at the same meeting, the committee, relying upon Mr. Paul's good reputation as a mechanic, voted to employ him to erect the stands at the price named. The clerk was directed to notify Mr. Paul that his offer was accepted, but deferred sending a notice until the next day. On entering the City Hall on the morning following, the clerk met Mr. Paul, and was informed by him that he had already been notified. There being a great demand for seats on the stands, Mr. Flynn, who was on the sub-committee to whom the subject of spectators' stands had been referred, accompanied by the clerk of committees, went to Blackstone square on the 13th of September, for the purpose of seeing Mr. Paul in relation to enlarging the stands. They found workmen engaged in erecting the stands, and on inquiring for Mr. Paul were told that he had been there a short time before, but had gone away. The object of their errand was stated to a person who appeared to be the foreman, but who it now seems was Mr. Warren Hayford, and he was asked if he could get Mr. Paul. He replied that he could, and was told to take the carriage and bring him to the place. In a short time Mr. Hayford returned with Mr. Paul. Mr. Flynn stated the object of the visit, and Mr. Paul explained the manner in which the stands could be enlarged, and gave the price for which he could make the alteration. He also gave a price for some additional work to be done at the South Burying Ground. At a meeting of the committee, later in the afternoon, Mr. Flynn reported the result of his interview with Mr. Paul, and a telegram was sent to that gentleman, requesting him to do the work. Throughout the whole transaction the committee negotiated with no one except Mr. Paul, and relied solely upon him. On the 15th of September the Inspector of Buildings detailed

Assistant Inspectors Frye and Sweat to examine the spectators' stands which had been or were to be erected along the route of the procession, south of Dover street. They were instructed to see that all such stands were constructed in a thoroughly safe manner, and were authorized to forbid the use and occupancy of any that might be, in their opinion, in any way unsafe and dangerous. On the same day Mr. Frye reported that the stands on Franklin and Blackstone squares were all right, with the exception of some cleats which he required to be nailed on the back posts, under the stringers, and which Mr. Paul promised to have done. On Sunday afternoon, Sept. 16, Mr. John W. Fraser informed the Chief of Police that he had reasons for believing that the stands on Franklin and Blackstone squares were unsafe. The Chief of Police notified Alderman Wilder and the Inspector of Buildings that he had been so informed. These notices were delivered Sunday evening. Upon receipt of the notice the Inspector ordered Assistant Inspectors Frye and Emery to examine the stands the next morning (Sept. 17). On the same morning he himself started to examine a stand at the South End which had been reported unsafe, hoping to meet his inspectors, but with no intention of stopping at the squares, as his time was limited. On his way he did meet Messrs. Frye and Emery, who reported to him that the stands were perfectly safe. Mr. Shaw, after receiving this report of his assistants, drove to the squares, got out of his buggy and looked at the stands, and then drove on to examine the stand to which his attention had been previously called. Alderman Wilder, on arriving at City Hall on the morning of the 17th, inquired at the office of the Inspector of Buildings, and was told there were no reports of inspection of stands, excepting of the one on the Common. On the 18th of September Alderman Wilder requested Messrs. N. J. Bradlee, Nathaniel Adams and B. D. Whitcomb to examine the stands and report their opinion regarding their construction and the cause of the accident. These gentlemen reported that, in their opinion, the accident was caused by the unworkmanlike manner in which the stands were constructed. The opinions of these gentlemen were sustained at the hearing by the testimony of Messrs. George Nowell and A. S. Ripley, both practical builders. It was also in evidence that the stand on Blackstone square fell when the seats were only about half or two-thirds full. The committee are satisfied that the accident was caused by the unworkmanlike manner in which the stands were constructed. Mr. Paul claims that throughout the whole transaction he only acted as the friend of Mr. Hayford, who was in reality the builder of the seats. He admits, however, that the committee probably believed him to be the contractor. Mr. Hayford testified that he did not know whether he or Mr. Paul had the job. Mr. Paul designed the seats, made the price, furnished the lumber, and in all things acted as the principal throughout the whole transaction. The committee knew only him, and Mr. Paul must, therefore, be held responsible for the defects in the construction of the stands. The Inspector of Buildings claims that he was misled by his assistants, who reported the stands to be safe, and that he had such confidence in their ability that he deemed it unnecessary to make a personal examination. He claims that when he stopped at the stands, on the morning of Sept. 17, he did not inspect them, but merely took a hasty glance at the additional seat, which attracted his attention when driving by. He also claims that under the building law he was authorized to delegate his authority to his assistant inspectors, and that having done so he has fully complied with the law. The opinion of the City Solicitor to that effect is submitted. Sections 11 and 12 of chapter 298, acts of 1873, provide that whenever any building, staging or other structure shall from any cause be reported dangerous or unsafe, it shall be the duty of the Inspector of Buildings to inspect the same, and, if in his opinion, it is dangerous, he shall notify the owner, agent, or other party having interest therein, to cause the same to be made safe or removed. And in cases where the public safety requires immediate action, the Inspector is authorized to enter the premises with such assistance as may be necessary, and cause the unsafe structure to be made safe or taken down without delay. The Inspector could delegate his assistants to perform this duty, and, under the circumstances, would have been justified in accepting their re-

ports as final, especially as he was pressed for time in attending to other duties, which, at the moment, appeared to be of greater importance; but, having gone in person to a structure which had been reported as unsafe, the committee are of the opinion that it was his duty, notwithstanding the reports of his assistants, to inspect the same. The assistant inspectors frankly admitted that it was an oversight on their part in not requiring proper braces to be put upon the stands, and do not attempt to give any explanation. It was in evidence that Assistant Inspector Sweat did not examine the stands subsequent to four o'clock on the Saturday preceding the accident, at which time the stands were unfinished.

The committee arrive at the following conclusions:

First—That the accident was caused by the unworkmanlike manner in which the seats were constructed.

Second—That Mr. Joseph F. Paul, as the builder of the stands, is responsible for their defective construction.

Third—That the Inspector of Buildings, who visited the stands on the morning of Sept. 17, and the assistant inspectors who inspected them, did not use sufficient care in a matter of so much importance to the public safety.

For the committee.

JOHN E. FITZGERALD, Chairman.

The report was accepted.

Alderman Fitzgerald—If it is accepted, is it adopted?

The Mayor—The acceptance of the report is the adoption of the conclusions of the committee.

Alderman Fitzgerald—That is why I want the members of the Board to read it. It is given with the verbatim report of the testimony taken by the committee. Perhaps some members want to read the full report of the investigation before they vote to adopt the report, and if they do I shall ask that it be laid over for one week so that members can read the report and come to an intelligent conclusion. Some members of the committee had views different from those of others as to the degree of responsibility; but they all finally agreed upon that report as the one which they could unanimously make. After reading the testimony I have no doubt members will come to exactly the same conclusion that the committee did, and place the responsibility exactly where it belongs.

Alderman Robinson said it had been his experience that the acceptance of a report merely discharged the committee, but it did not necessarily mean the adoption of the report. He had not known what the practice of the Board had been.

The Mayor said he was informed by the Clerk that the practice of the Board had been that the acceptance of a report was the adoption of the recommendations of the committee.

Alderman Fitzgerald said it was for that reason that he wanted members to read the reports so that their acceptance of it should carry some weight.

On motion of Alderman Fitzgerald the vote of acceptance was reconsidered, and the matter was laid over till the next meeting.

#### CLAIMS.

Alderman O'Brien submitted a report from the Committee on Claims of leave to withdraw on petition of Patrick H. Roden to be compensated for personal injuries caused by an alleged defect in Blackstone square. Accepted. Sent down.

#### BRIDGE CLOSED.

Alderman Thompson offered an order—That Albany-street Bridge, over the Roxbury Canal, be closed to all public travel on Thursday, Oct. 11, 1877, and remain closed until certain repairs thereon are completed. Read twice and passed.

#### ROXBURY CANAL.

Alderman Clark asked if the Committee on Health had not a petition before them for the filling up of Roxbury Canal, and what progress had been made.

Alderman Viles—The committee have it under consideration. They had one enthusiastic hearing, and will probably report in a few weeks. The question is connected with the building of the system of improved sewerage. If we take away the sewage from this canal, it will cost three or four hundred thousand dollars, and we want to know where the new sewer will go.

Alderman Burnham—The location of the intercepting sewer in this immediate vicinity is not as yet definitely settled, but it unquestionably will be before a long time.

#### STREET DAMAGES.

Alderman Clark submitted the following from the Committee on Streets on the part of the Board:

Order to pay for land taken and damages occasioned by laying out and widening streets, as follows: Joseph G. Russell and Everett Torrey, assignees of John A. Power, \$40 for land taken in the name of John A. Power by the widening of Adams street. Read twice and passed.

Report on order of notice of proposed relocation of Western avenue, that the city was properly represented at the hearings before the Street Commissioners on the subject; that the avenue has been accordingly relocated in due form by the commissioners, and that no further action is required on these notices. Accepted.

Report on petition of Charles Davenport for abatement of assessment for extension of Washington and Devonshire streets—That settlement was made with the petitioner by the committee of 1876, upon terms to which he then agreed, and the City Solicitor was instructed to take judgment in the court for such terms in the suits the petitioner had brought for a revision of his betterments, which was accordingly done, placing the matter beyond further interference of this committee in it, and rendering unnecessary any further action thereon. Accepted.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Order to construct a sewer in Thomas street, West Roxbury. Read twice and passed.

#### STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the board:

Reports that leave be granted, on the usual conditions, to occupy stables by Thomas Carey, on passageway, near Codman park, Ward 21; Metropolitan Railroad Company, (30 additional horses) Dorchester avenue and Park street; Bates College, (two additional horses) on Ward street, Ward 22; Laurin B. Noyes, Sumner, corner Orleans street; Henry C. Curtis, Savin street, Ward 21; Thomas Brady, Dorchester avenue; William White, Chestnut Hill avenue; James O'Neil, rear Greenwich, near Davenport street. Severally accepted.

#### APPROPRIATION FOR SALARY OF TREASURER'S MESSENGER.

Alderman Clark offered an order—That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund the sum of \$500 to the appropriation for Treasurer's Department, for the purpose of paying, during the present financial year, the salary of the messenger as established by an order of the City Council approved Oct. 8, 1877. Read twice and passed—yeas 12, nays 0. Sent down.

#### FIELD DRIVER AND POUND KEEPER.

Alderman Burnham offered an order—That William T. McChesney be and he hereby is appointed Field Driver and Pound Keeper at South Boston. Read twice and passed. Sent down.

#### IMPROVED SEWERAGE.

Alderman Burnham offered an order—That the Joint Special Committee on Improved Sewerage be authorized, whenever they shall deem it expedient, to accept sufficient collateral as security for the faithful performance of contracts awarded by them in the construction of the system of improved sewerage; said collateral to be deposited in the city treasury, and the Treasurer to duly receipt for the same and to return it to the owners when the contracts are satisfactorily completed.

Alderman Burnham—I don't know that any explanation is necessary. In the proposals for building the various sections, the committee are required by the provisions of the contract to see that sureties are residents of Massachusetts. We have found that favorable bids have come to us from other sections of the Union, but there is great difficulty in gentlemen from remote sections furnishing bonds in Massachusetts. We find that by accepting collateral as security we can obviate a difficulty that might be hard to overcome. If we accept collateral, it seems to be necessary that some one should receive it. In the case under consideration the committee find that the proffered collateral is better than any bondsmen, and more satisfactory; and they therefore thought it proper to put in this order. I ask that it may take its second reading.

Alderman Clark—I hope it will not be pressed this afternoon. I think some change can be made for the advantage of the city.

Alderman Burnham—I would not press it, but the parties with whom the committee are dealing are gentlemen of standing. The bondsmen offered are alone sufficient, but they do not come under the requisition. The parties are here from New Jersey; not only the contractor, but an ex-Mayor of Jersey City and a gentleman who is a resident of Massachusetts a part of the year. When the contractor not only offered bondsmen that are satisfactory, but also offered collateral sufficient, we thought we ought to have the privilege of accepting them. I ask that it may be passed at the present time for the convenience of the contractor and his bondsmen. It is well known that there has been quite a pressure upon the committee, and that some of the contracts are ready to be put in operation immediately; and as we are approaching the winter season, it seemed to be the opinion of the committee that we could save time by the passage of the order immediately.

On motion of Alderman Fitzgerald the order was laid on the table for the time being.

Subsequently it was taken from the table, on motion of Alderman Burnham, who amended the order, inserting after "authorized" the words—

"In addition to the bond accepted by the committee."

As amended, the order was passed. Sent down.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Auctioneer's License Granted—Martin Van Nason, 41 Temple place.

License for Intelligence Office Refused—C. S. F. Nieper, 88 Dover street.

Billiard Licenses Granted—Henry Sartoris, 626 Broadway; R. W. Harding, 109 Court street.

Bowling License Granted—William H. Moore, 66 Portland street.

Intelligence Offices Licensed—Anna E. Pope, 69 Church street; Annie S. McDonald, 43 Roxbury street (renewal); Elizabeth Ruck, 2945 Washington street; Ann Ripley, 125 Dudley street.

Wagon License Granted—William Appleton, 382 Commercial street.

Dealers in Second-hand Articles Licensed—Helen Caldwell and seven others.

License for Intelligence Office Transferred—Julia R. Wood, 415 Washington street, to Mrs. H. S. Folsom.

Severally accepted.

Ordered, That the licenses to keep intelligence offices in this city heretofore granted to George Brown, 11 Montgomery place, and to Henry Lincoln, 28 Sudbury street, be revoked for cause. Read twice and passed.

#### MARKET.

Alderman Slade submitted a report from the Committee on Market, recommending the approval of transfer of lease of stall No. 30 Faneuil Hall Market, by W. K. Blodgett to J. H. Russell. Accepted.

#### DRESSED POULTRY.

Alderman Slade submitted the following:

The Committee on Markets respectfully represent that section 14 of the ordinance in relation to Faneuil Hall Market, which requires that all poultry sold or offered for sale in said market shall be dressed, by removing the heads, crops, entrails and feathers, is operating to the disadvantage of the dealers in poultry located in said market, and should be repealed. The requirement does not extend to poultry sold without the limits of the market, consequently poultry dealers doing business in other localities have an advantage over the occupants of the market, which enables them to sell at lower prices. During the season of the year when poultry is brought to market in a frozen condition it is impossible to comply with the regulation, and if it were to be enforced it would practically put a stop to the sale of poultry in Faneuil Hall Market. The public are not benefited by the regulation, and it is something which is unknown in any other market in the country. The committee recommend the passage of the following:

An Ordinance

To amend an ordinance in relation to Faneuil Hall Market.

Be it ordained, etc.,

Section 1. The ordinance in relation to Faneuil Hall Market is hereby amended by striking out the fourteenth section thereof.

Alderman Slade—The poultry dealers in the market appeared before the committee and represented as stated in the report. In a large portion of the country poultry is not dressed suitable to be sold in our markets. A dressed chicken or turkey is not known in New York, further than the taking off of the feathers. In fact, any one acquainted with the poultry trade knows that undressed poultry will keep longer than dressed poultry. The ordinance requires that no poultry shall be sold in the market unless it is dressed; but it has not effect outside of the limits of the market, which subjects dealers in the market to a hardship, and in the winter season they have to thaw out poultry and dress it before it can be sold. Canvas-back ducks have to have their heads cut off, and it is not possible to comply with the law, because very few can distinguish that kind of duck except by the head. Then again the heads of poultry are as much sought for as the body. Parts of the head have become very valuable, and dealers in the market have great difficulty in getting as many as are needed by the hotels. Further than that, immediately after this ordinance was passed dealers from Canada, who bring large quantities of poultry, venison and game here, went to New York. They used to take the feathers off and sell the poultry in South Market street; but when they were thrown out of the street they went to New York; and the whole trade has gone there simply because of the passage of this ordinance. It is a hardship upon the dealers in the market, is of no advantage to anybody, and tends to drive away trade that would come here.

On motion of Alderman Slade, the report and ordinance were referred to the Committee on Ordinances. Sent down.

#### REMOVAL OF HORSES FROM SOUTH RUSSELL STREET.

Alderman Fitzgerald submitted a report from the Committee on Licenses, on petition of Robert E. Apthorp, recommending the passage of an order—That the Union Railway Company be notified to remove their tow-horses from South Russell street, as their occupation of said street has proved to be objectionable to the neighborhood.

Read twice and passed.

Subsequently the vote passing the order was reconsidered on motion of Alderman Robinson, who said the Society for the Prevention of Cruelty to Animals required the company to keep these horses on the street; that they were placed there with the consent of most persons on the street. He thought that sufficient time should be allowed to find some other place, rather than order them to be removed at a moment's notice.

Alderman Viles asked if they were to be removed from the street entirely, or only from South Russell street.

Alderman Fitzgerald said Mr. Apthorp owns a respectable tenement house there and the tenants object to the nuisance made by the horses standing there. No one would like to have them in front of his house. It is not for the Board to get another place; the railroad company must do that.

The order was passed.

#### EAST BOSTON HIGH SCHOOL.

On motion of Alderman Gibson, the Board took from the table the order to fit up the Lyman Schoolhouse for a high school in East Boston, at an expense of \$2000.

Alderman Gibson—I have been informed that there are seventy to eighty scholars who will patronize this school, which seems to be quite a large number. They represent to me that they propose to run it for two years. I did not know but that another house there might be fitted up; but I find that it is not possible to do it, and there is no other suitable place without building a new schoolhouse. This seems to be the best place for it.

Alderman Fitzgerald—My objections to the passage of the order were stated last week. It is not the two thousand dollars which we spent fitting up a place that is unfit for the education of boys and girls—over a police court. It can have none of the accommodations and appliances which a high school ought to have, and it is simply a question whether we are to have high schools in the different sections of the city. I think East Boston ought to be content with what this City Government has done for it. The English High School is as near East Boston as it is to the southern part of the city or South Boston Point: while they propose to get as good

an English high-school education in East Boston for the paltry sum of \$2000 as you can at the central school for boys and girls. In view of the fact that we have spent so much money this year, this City Government ought to hesitate before making this entering wedge for an expenditure of \$50,000 for a high school in East Boston and ten or twelve thousand dollars for salaries for teachers. We are building a large high school for the accommodation of 2000 pupils, which is intended to accommodate the wards of the city for a great number of years, and I want this Board to understand what they are voting for. It means not only this school in East Boston, but a petition for another such school in another section of the city; and if you grant it to East Boston, the same argument will apply to this section of the city. Two years ago they asked for a high school in South Boston, and that petition will come here again if this one is granted. We have expended quite enough upon all these improvements and conveniences so far, and I think we ought to allow our successors to take up a few matters of this kind. There is no absolute necessity for the passage of this order—none whatever. I oppose it not because I am antagonistic to East Boston, or any other section of the city, but because I am opposed to the establishment of local high schools. If we are to have so many little high schools, we had better consider whether we had not better divide the whole high-school system into little schools.

•Alderman O'Brien—I don't know that anything I can say upon this subject will enlighten the members of the Board, because this question has been discussed year after year for a long series of years. The Alderman says there is no necessity for the passage of this order. A great many citizens differ with the Alderman on that point, because petitions have come here year after year showing that there is a necessity for it. The people of East Boston, who are no insignificant portion of our population, have petitioned for it year after year. I believe that our local high schools are fixed facts. You cannot revolutionize the system, destroy them and erect two or three grand central high schools to take the place of these local high schools. They are fixed facts, and will continue just as they are. The only places in the outskirts of the city where we do not have these local high schools are East Boston and South Boston. The Alderman ought to bear this fact in mind. I might ask the Alderman from Brighton if he is willing to vote against the establishment of a high school in East Boston, and by that vote strike a blow at the high school in his own section, because the defeat of this measure means the establishment of this central high school to take the place of all the local high schools in the city. By the by, I will say that the people of Dorchester appreciate high-school education more than any other class, for according to population Dorchester has more scholars in the high school than any other section of the city; and I presume that is what makes the people of Dorchester so intelligent and enterprising. I don't believe the Alderman from Dorchester can vote against this order, because it will strike a blow at his own high school. I might say the same of the Alderman from the Highlands, but I am afraid it would not change his mind, because he only looks at one side of a question; but I suppose that is owing to his professional training for a long series of years. Is the Board aware of the injustice it is doing to East Boston by depriving it of a high school? Let me tell them what they are doing. Charlestown, with a population of 33,000, has 261 scholars in the high schools; East Boston, with about the same population, has only 157; Roxbury and West Roxbury, with a population of 62,000, have 427 scholars in our high schools; South Boston, with precisely the same population, has only 272—about one-half. I don't suppose that the people of East or South Boston appreciate high-school education less than the people of Dorchester, West Roxbury or Charlestown. The only reason why three or four hundred of their scholars do not take advantage of a high-school education, year after year, is because you do not furnish them the means for doing so. You send them travelling two or three or four miles from their homes; and that is the only answer to that. Dorchester has 208 high-school scholars to a population of 15,000, and I attribute that to the fact that she has her own high school in the midst of her other schools, and the people are ready to take advantage of it.

In relation to our local high schools I would like to read what our superintendent says;

"The petition of citizens of East Boston in 1874, for the establishment of a high school in that section of the city, raised the question as to the future policy of the city in respect to the maintenance of this grade of public schools. Nobody openly questioned the necessity or expediency of providing high-school instruction as a part of the system of public instruction. It is too late to raise that question in this community. But the substance of the question to be decided was this: Shall all the instruction in this grade of schools be limited to two or three central schools of different descriptions, or shall provision be continued for district or local high-school instruction? And if local provision is continued, shall it be in branch schools or in independently organized schools? The responsibility of settling this important question fell upon the present board, and, in my judgment, it has been wisely disposed of by deciding to continue the local schools, with some limitations as to the length of the courses of study."

The School Board approve of this measure. I know there is a difference of opinion among them, but they approve of it. Now, in relation to this grand central high school, I guarantee it will never lack scholars. The great difficulty will be too large a number of scholars, and that question is already before the School Committee. From the discussion in that board on the union of the Latin and High schools, I will quote a few brief remarks, because it also has a bearing upon this question:

"It is to be considered, also, that the number of pupils in a high school ought never to exceed the limit at which the proper influence of the head master over them, individually, ceases to be effective. A good man ought to impress himself strongly upon the whole school,—the more strongly the better. This personal influence will have very much to do with the formation of individual character, and is of the highest importance, intellectually and morally. It is plain enough that it will be diluted and weakened in proportion to the numbers in the school, and it is equally plain that the opportunities of exerting this influence in a public day school cannot be compared with those enjoyed by a college president in this country, or by a head master of a great public school in England."

You see that every year there is great danger of increasing the number of scholars in a high school so that it will be completely unmanageable, and it will be impossible for the head master to superintend all the doings of the school. You can imagine it yourselves, Mr. Mayor and gentlemen of the Board. Take a high school with 2000 scholars. Just imagine the responsibilities and cares that would fall upon the head master of a school with 2000 scholars under him. How can he have the oversight, and how can he know all of the doings of that school? But, Mr. Mayor, I think the board understands this question, and I believe they will favorably dispose of it.

Alderman Fitzgerald—The report from which the Alderman has read is one which I signed when in the School Board, and I know all about it. The object of writing it was in response to an order offered in the School Board to consolidate the Latin and English High schools. It states that it would be utterly impossible for any master to devote his time to two separate schools whose objects and aims are entirely different, without doing injustice to one or the other; and that his time should be wholly devoted to one of these schools, in order to impress his personality upon these schools, and we reported against their consolidation. The Alderman asks what master can take care of that number of scholars? The high-school house on Warren avenue is intended for both the Latin and English High schools; they are in the same building, but the accommodation for the 2000 pupils and the responsibility are to be divided between two masters. But we have grammar schools in the city in which there are twelve or fourteen hundred children, with one master over them. He speaks of Mr. Philbrick, and says they wisely concluded not to change this local system. The School Board left things as they found them; but you have found no instance in the history of the School Board where they began, *de novo*, the establishment of a high school where one was not already established. When towns with high schools were annexed, the School Board let them remain, and made them

conform to the system of Boston. That was the case with Dorchester, Brighton, West Roxbury and Charlestown. But there is no instance in the history of the School Board where they established a new high school in addition to the one originally established. This thing has been up for years, and has invariably been refused. One of the best educators that, perhaps, we have ever had in our schools, and who has resigned his position [Dr. Eliot], came before the Committee on High Schools twice and pleaded in behalf of this high-school arrangement, that the teaching might not be spread all over the surface so thin that it would amount to nothing. The change asked for is not a high school. They propose a one or two years' course, and that the boys and girls shall then come up to the central high school and finish the course there. It is to be a little branch, away from the impress of the head master; but the little stream will become a mighty river if they can make it so—mark my words. It is modestly asked to have it misnamed a high school. They do not propose to have a master over it; they propose to have a man make his impress upon it a mile and a half away from the high school. I have paid attention to the subject for four or five years. The Alderman made a specious argument to the Aldermen from Brighton and Dorchester, and to myself, and I am surprised that he don't turn to the Alderman from South Boston and ask him if he is going to vote against this high school. If this is passed, perhaps the request will be put in here for \$1500 to fit up a high school in the upper story of the Harris School in South Boston. That cannot be called an argument. It is what is called in the South a bull-doing argument. I want to see this matter tried upon its merits, and not by saying that because Dorchester and Brighton have high schools we want one in East and South Boston. With equal propriety could the people of the North End say their children cannot go to Warren avenue and we must turn one of our grammar schools at the North End into a high school. Never before have the City Council established a high school outside of the central one; this is the first instance of it. I have no doubt the arguments of the Alderman will be potent with the Aldermen from Dorchester and Brighton, and that the same argument will be used with the same force against the Aldermen from South Boston and Charlestown. I am sorry this City Council is going to initiate the establishment of a high school in East Boston. It will be no high school. It will only be a class, and away from the supervision of the master and teachers who ought to be there; it will only be a high school in name, and not such a high school as I should want to send my child to; and I know that the people of East Boston, with their energy, will not be content with it. It is but a crumb from the table, and they will want a loaf by and by.

Alderman O'Brien—East Boston has 157 pupils in the high schools, and as soon as the high school is established there there will be an increase of forty per cent. Now they have to go three or four miles by cars and ferries to the central high school. This location is satisfactory to the people there; and perhaps in three or four years it will take the place of the Police Court, which can be transferred to the police station at comparatively small expense.

Alderman Fitzgerald—The Alderman thinks that by and by this high school will grow until the Police Court will be removed and a large school established at an expense of \$12,000 or \$14,000 for teachers. It is time for us to pause, and, as we have done so generously, to let this go over to a future City Government to decide whether they will have these small high schools. I know it is no use pressing this matter, because the arguments of the Aldermen have been potent with the Aldermen from Dorchester and Brighton and other sections.

Alderman Robinson—My friend, Alderman O'Brien, has alluded to me in connection with the Dorchester High School, and my other friend, Alderman Fitzgerald, has said that the city did not build the high school there. I differ with my friend, Alderman O'Brien, that it is impossible for a man to take care of 2000 scholars. How does a general command an army of 200,000 men? It is not supposed that the general drills each soldier in the manual and in all the evolutions; nor is it supposed that the head master drills all the scholars in the rudiments of education. I supposed that this central high school was to give a

higher grade of education and be more like a college for the city of Boston. I feel that this \$2000 will do no good to East Boston, and shall oppose it; not that I have any feeling against East Boston, but that it is not a proper place for a high school, so far as I can judge.

Alderman Slade—This subject was pretty generally discussed in the School Board when I was a member of it. The School Board have once or twice passed an order for it, but the City Council did not furnish the means. A gentleman appeared before the Committee on Public Instruction this year and said he had a daughter twelve years old that he wished to send to a high school; he lives a mile from the ferry, and she has to go by car to the ferry, then by boat and then by car. If the cars could carry them all the way, I don't think this would be forced upon us at all. The great argument is that it is dangerous for such young people to go so long a distance unless they have some one to go with them. They desire to have a school where their children can go one or two years—and, by the way, that is as long as most girls go at all. If the school is established I think more girls will go. The entrance to this schoolroom is different from the entrance to the Police Court. I don't think the court amounts to much any way; the people don't object to it. I don't take much stock in the bugbear of a \$50,000 schoolhouse; I don't think it is contemplated in East Boston. It is simply to have a school where they can send their children for a year or two until they arrive at the age to go to the central school; and I think they ought to have it.

Alderman Gibson—There is no trouble about the entrance to the high school; it is separated from the Police Court. There are some disadvantages about the location, and my idea was that the Webster Schoolhouse would be better, as it is much nearer those who have no cars. This plan will be entirely satisfactory if it can be carried out.

Alderman Thompson—The question is whether we shall appropriate \$2000 for this school, and not whether we shall make an appropriation for a high school to be built in the future. The petition came before the committee in regular course and the people did not ask for a high school there. It will be three or four years before our new high school will be built, and this is proposed as an intermediate school for temporary relief. I don't think the people of East Boston desire a high school; if I lived there I should not. In view of the incomplete accommodations now furnished, the committee thought it wise to recommend this appropriation as a temporary relief.

Alderman O'Brien—The branch of the Public Library occupies this same building; a primary school is within eighty feet of it, and a large grammar school within three or four hundred feet of it. If it is so objectionable for a high school it ought to be objectionable to the branch library and the primary and grammar schools.

Alderman Fitzgerald—It is not the Police Court; the place is not fit; the accommodations are insufficient, and it is not going to be a high school. It will be impossible to give boys and girls a high-school education there. I venture to say the masters of the English High School would oppose it. The distance is not so great to the Central School as other Aldermen and myself walked when we were boys. The setting off of a colony of boys and girls and calling it a high school is what seems sheer ridiculousness to me. Would the Citizens' Trade Association of East Boston be content with anything of that kind? Of course not. They want a high school, and have been saying so for the last three or four years.

Alderman Burnham—The section of the city where I reside has been referred to. I have no prophetic vision by which I can tell what the residents of that section may do; perhaps some one from there may stand in this Board and claim a high school; but I have suggested that the citizens of South Boston are content. They appreciate the advantages of our high school, send their children there, and I think they are content. The means of communication are very easy. This matter simmers down to a small point, and the trouble is with the ferry. The Alderman opposite spoke of a gentleman and his twelve-year-old daughter; and I think that is a point to be considered by this Board.

Alderman Viles—Perhaps it is not well-known that East Boston is made up of intelligent mechanics who can ill afford to send their children to school at the South End by cars. It is quite a

tax on their hard earnings. I think the location is all right, and that the court will die a natural death in a year or two. The people of East Boston are so moral they will get rid of it in that way.

Alderman O'Brien—A very small percentage of the children who enter the Central High School go through; but they will go two or three years to these local high schools. That is an important consideration. I believe that but about fifty per cent. of all the children who enter a high school ever go through the whole course.

Alderman Fitzgerald—The Alderman does n't state it properly. When girls graduate from the grammar schools they go to the high school for a

short time and then get tired out; but those who go through the second year generally go through the whole course. No girl can be admitted under the age of fourteen years of age, and the average age of admission is between fifteen and sixteen.

The order was passed in concurrence.

PETITION FOR CONSTABLE.

Alderman Clark presented a long petition signed by P. A. Collins and many other lawyers urgently requesting the appointment of John A. Duggan as constable. Referred, on motion of Alderman Fitzgerald, to his Honor the Mayor.

Adjourned, on motion of Alderman O'Brien.





## CITY OF BOSTON.

## Proceedings of the Common Council,

OCTOBER 11, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Auditor's monthly exhibit for September; annual report of City Registrar; and report of fires and alarms for September. Severally placed on file.

Reference to Committee on Ordinances of an ordinance to amend an ordinance in relation to Faneuil Hall Market.

Mr. Crocker of Ward 9 stated that the Ordinance Committee, at a meeting today, voted to authorize him to state that they were prepared to recommend its passage. On his motion the Council non-concurred in the reference of the ordinance, and the rule was suspended and it was read a second time and passed. Sent up.

Report of leave to withdraw on a petition of P. H. Roden, to be paid for personal injuries from an alleged obstruction in Blackstone square. Accepted in concurrence.

Order that William T. McChesney be appointed as a field driver, etc., at South Boston.

Mr. Thompson of Ward 9—I would like to ask who knows anything about Mr. William T. McChesney and the reasons in favor of electing him?

Mr. Webster of Ward 3—If he is going to make as much trouble for us as did the Inspector of Lime, I think it is well for us to know all about him before we pass this order.

The order was read twice, and, on motion of Mr. Howes of Ward 18, laid upon the table.

Order for Committee on Improved Sewerage, in addition to the bond accepted by them, to accept, when expedient, sufficient collateral or security for the faithful performance of contracts, as therein set forth. Read twice and passed in concurrence.

Order for a transfer of \$500 from Reserved Fund to appropriation for Treasurer's Department, to pay the salary of the Messenger, for said department, during the present financial year. Ordered to a second reading.

## SALARIES OF LICENSE COMMISSIONERS.

Report came down with an order that the salaries of the License Commissioners be at the rate of \$2500 each per annum, from the date of their appointment.

Mr. Webster of Ward 3—This looks to me like a gross outrage, and I believe the citizens of Boston share my view of it very generally. I intend to move that it be indefinitely postponed, but propose to first give a few reasons, talking to the point and saying just what I mean. In the inaugural address of His Honor the Mayor, we were informed that the present City Government were elected upon the issue of urban reform, and that partizanship should have no place in city affairs—or words to that effect. How genuine has been this urban reform, and how persistent the efforts of the present City Government in behalf of retrenchment, has been shown in regard to the department of License Commissioners during the entire year. In the first place the Retrenchment Committee reported that two clerks in City Hall could be dispensed with; but when the new commissioners were appointed they elected two clerks, and the one which was employed in Mr. McCleary's office has been continued. In the second place, the same committee reported that the special police for the License Commissioners would be entirely unnecessary; and while we saved \$5000 we turned around a few weeks afterward and voted them fifteen regular policemen—not the men who could be dispensed with at the end of the year and were dropped out, but the regular policemen—which made a permanent outgo of \$15,000 a year. In the Commissioners' communication requesting more salary, they seem to make odd misstatements—if I am correctly informed in regard to the fifteen regular police officers now doing what the other special police were doing, that two policemen at each station did so entirely in connection with their other duties. We get the impression from their communication that these two officers did the duties of the commissioners only, while that was a very small part of their duties, and that they did

not increase the force in the least. So I don't see but the idea of saving anything by dispensing with the services of these men at the police station is a false one. The argument was used very freely about city hall that the place was merely nominal; that any number of first-class men could be found to fill it just as well as the Overseers of the Poor and Directors for Public Institutions, and that \$1000 salary was enough for an ornamental office of one or two hours' duty a day. Whatever were their failings I venture to say that the old board of License Commissioners was composed of three men who were appointed without any regard to party services. While they were in office, the cutting down of the salaries to \$1000 was the most popular feature of the entire retrenchment bill; no gentleman will deny that it did more to carry that bill than any other feature. It was one I disliked to swallow, and I came near bringing in a minority report, because I believed the salary ridiculously small for any three competent men who would assume the responsibility; but I accepted it in order to bring in a unanimous report. I contend that what is sauce for the goose is sauce for the gander, and what was an ample salary then is an ample salary now, and that we shall stultify ourselves by making a change. Show me any gentlemen whose salaries were cut down unnecessarily low, and I will go as far as anyone to make it right; and on that account I have already been put in an awkward position. I might add that when his Honor wanted to find three men for License Commissioners at that salary he only had to step outside of his own office to find them all three in the same building. I think their request is the clearest example of "cheek" I ever witnessed. Another thing—I was informed at the Auditor's office that they have not drawn their salaries, though they have drawn that of their subordinates. It goes to show that the whole thing was a mere dodge, and that it was expected and understood by them that the salary would be raised after a while; if otherwise, why should n't they do as the other commissioners do. I oppose this order because I want to be consistent; but I hope it will pass, because I am an honest opponent of the present Administration, and believe that its whole scheme of economy is a humbug. If this order can be passed the honest citizens will see what a humbug it is, and I believe it will be one of the best campaign documents for a citizens' government that can be had.

Mr. Danforth of Ward 10—I hope it will pass, but not for the reasons given by the gentleman who just sat down. When the Salary Committee first investigated the duties of that office, they fixed \$2500 as a fair salary for the duties, and not for any men; when this request came before them—all the members being present except one, who was out of town, and one member is a member of the Retrenchment Committee. After another investigation we came to the conclusion that the liquor and Sunday laws had been better executed than before; that although there are more licensed places, yet there are fewer places where liquor is sold; that the streets are much more quiet Sundays and late at night. The committee were unanimous in the opinion that the salary should be increased. The gentleman says the salary of \$1000 was passed in a fit of retrenchment and not economy. Two wrongs do not make a right; I think the commissioners have done their duty, and I hope this order will pass.

Mr. Mowry of Ward 11—I hope this order will not pass. Although I am well acquainted with the present commissioners, have had business to do with them, and acknowledge that they have faithfully performed their duties, I cannot vote for this order. I claim that there was a contract made at the outset, when their salary was established and they entered upon their duties, and it will establish a bad precedent to make this increase. Within the last few weeks I have had one member of a department approach me and ask if I thought they could get their salaries restored. If this is passed it will be a precedent for others to come here to get their salaries raised to the former figures.

Mr. Clarke of Ward 22—When this matter came before the Salary Committee in the earlier part of the year, we looked over the duties required by law of the License Commissioners. The former commissioners had \$3000 and we thought we would reduce the salary to \$2500, and that that was as low as the city could consistently ask three competent persons to attend to that duty for. We

know nothing about their politics. These three men were appointed and have attended to their duties in a proper manner, giving them a great deal of time and attention. I have nothing to say against the last Commissioners, having no doubt they did their duties as they understood the law; but there is not one here but will say the present Commissioners have worked faithfully for the interest of the city. The reason the Commissioners have not drawn anything is because their salaries have not been fixed according to law, which requires that the City Government shall vote every year whether or not they will have License Commissioners, and the City Government has never established their salaries in such a way that they could legally draw one dollar from the city treasury; and now they request the City Government to legally decide upon what salary they should be paid. It was well known that last year's commissioners employed legal attorneys to attend to their business in the courts at a salary of \$2500; but this year the commissioners decided that to properly carry out the law it was necessary to attend to cases in Brighton, Roxbury, Charlestown, South Boston and the city proper, and no one lawyer could attend to them all. No one questioned what we all know was the construction of the law by the commissioners last year; and under the construction of the present commissioners they decided that it was best to watch all the cases and prosecute those who did not take out licenses, which they have done and saved the city \$2500. Considering that this is the lowest sum paid to any commissioners, we cannot in justice ask these gentlemen to work for less than \$2500.

Mr. Crocker of Ward 9—It sounds rather curiously to hear the gentleman talk about this being the lowest sum for which these commissioners could be expected to work for the city. If I am not mistaken he was one of those who thought competent men could be obtained for \$1000.

Mr. Clarke—If the gentleman alludes to me I will correct him. I voted for \$2500.

Mr. Crocker—Then I am mistaken; but I know that many gentlemen did not favor \$2500, which I then thought was a proper salary for officers performing such duties. But I am not prepared to change the salaries so precipitately. The gentlemen who filled that office were not party men, and as soon as this City Council got into the hands of the Democratic party the salary was reduced to \$1000; but three Democratic partisans were put in, and now gentlemen turn around and ask us to raise the salary. It is too thin, and I am not prepared to vote for it. I cannot find that they perform any more duties than the men did the year before. More licenses are granted, but it is easier to grant all asked for than to review the merits of each applicant and determine whose request should be granted and whose refused. I cannot understand that it is any part of the duty of the commissioners to turn themselves into prosecuting attorneys; and if they volunteer as such, I am at a loss to see why we should pay them for it. They took the office just after the salary had been decreased, and when the pretence was that it was to stay at a low figure, which was all it was worth; and I do not care to be in such a hurry to turn around and increase the salary.

Mr. Flynn of Ward 13—It is very evident that the object of certain gentlemen in this discussion is to make political capital for somebody. I am justified in saying so from the remarks of the gentleman from Ward 3, who, after abusing the order, hopes it will pass; and for what purpose? To show up this Democratic Administration! Since this Government was organized, he, as a member of this Council, has been as ready as any one to vote money for different purposes. It is not because he believes that those men do not earn their money, but for the purpose of making political capital, and that is all. The gentleman from Ward 9 believes they are entitled to \$2500; everybody who has any knowledge of the duties knows they have earned that sum; but still the gentleman wants it passed because he thinks it will upset this Democratic Government, and wants to show that they have been putting their hands into the treasury, or doing something they were not justified in doing. I did not intend to say a word on this subject. I am as much interested as anybody in Boston, and have had some dealings with those men; but I do not want to see his Honor the Mayor abused because he saw fit to appoint three Democrats. A year ago there were three Republicans on the Com-

mission; nobody objected to those gentlemen having \$3500 for doing not half the duty performed by these men. If this is brought in for the political purpose of stigmatizing the Mayor and the Board of Aldermen, I am not going to vote against the order. I believe, from my own knowledge, that those men earn \$2500, and shall vote for it.

Mr. Webster of Ward 3—I fail to see why it is more inconsistent to refuse to raise a salary for political effect than it is to cut down a salary in the first place with the purpose of putting it back before the year closes. If my action tends to make political capital, I am willing to be so regarded. As to my record, I should like any gentleman to scrutinize it, and should be glad to compare records with the gentleman from Ward 13. I voted against free ferries, and I think he did not. I intend to vote against Commercial street, and he may vote for it. I admit that the salary is ridiculously small; but they had no reason, morally or legally, to expect that the salary would be raised during the year. I am opposed to it myself, and don't think the money should be spent in that way; but, nevertheless, from a partisan standpoint I hope it will pass. As feeble as my eloquence is, I think I can tell that story in the wards of Boston with some effect.

Mr. McGaragle of Ward 8—For the sake of giving the gentleman from Ward 3 that opportunity, I hope the order will pass. I understand that he belongs to a debating society whose meetings are not very interesting, and that he comes here to exercise himself before this Council. He says it will be political. I can assure him that after his first election by begging for Democratic votes, he will have to use some other argument than an increase of the License Commissioners' salaries. The gentleman from Ward 9 conveyed the impression that the former commissioners investigated the licenses themselves; but that is not so, and everybody knows it. I came here to vote against it, but after the arguments raised I shall vote for it.

Mr. Sibley of Ward 5—I never have been much in favor of these boards, and thought they would return to plague the gentlemen who established them. When these commissioners were appointed in 1875 they had \$3500 a year. I thought it was too large, but was voted down. One year ago it came down to \$2500. I don't care about their politics, only if they perform their duties. I thought the Retrenchment Committee reported some salaries too large for the times, but I voted for it. The law says the commissioners' salaries shall be fixed each year. If they have performed their duty, I think \$2500 is not too much; I shall vote for it.

Mr. Richardson of Ward 10—I hope we shall discuss this order without personal feeling. One feature of it I do not like, and which will establish a bad precedent—and that is, to have the order date back from their appointment. Such a precedent will come back to vex us. I do not know but the commissioners have performed their duties as well as any officers in Boston, and perhaps better; but if this order passes I do not see why we cannot increase every salary under the City Government. If I am correctly informed, these gentlemen sought this office at \$1000 a year; they have served a little more than half the year; and to give them back pay for their services is wrong. I move to amend by striking out the words "from the date of their appointment," and inserting "after the date of the passage of this order."

Mr. Clarke—If I understood the Chief of Police, the two policemen detailed at each station were only to carry out the Sunday law.

Mr. Danforth—In addition to the regular force two policemen are detailed to carry out the Sunday law. I think the duties of the commissioners are worth \$2500. The duties are better performed, and the liquor business is under better regulation than ever before, and the committee were unanimous in their report.

Mr. Richardson of Ward 10—Did they not agree to take \$1000 when they accepted the office?

Mr. Danforth—I cannot say what they agreed to do. When the bill was passed, I think this salary was one of those mentioned that probably would be corrected.

Mr. Thompson of Ward 9—This is a subject of which we have cause to be ashamed. I was fully convinced that the salary was below what should be paid for competent men to perform the duties. An amendment to make it \$2000 was refused. The gentleman from Ward 10 places this upon the

only ground which can be occupied in deceuy. We do not want to be called salary grabbers. We do not want people coming into office for one salary and then get an increase when their friends are in power. I shall vote against the order as originally introduced.

Mr. Ruffin of Ward 9—I cannot vote for the amendment, because I do not understand that the salary has been fixed in accordance with law, which provides that they shall be appointed every year before the first of May. Until we do that, there is no necessity for fixing the salary. We have always treated this question unfairly. Very many gentlemen who have spoken upon this subject tonight, have previously spoken on the other side and argued that \$1000 was ample for the duty. I thought then and I think now that those gentlemen were actuated by prejudice, and I charged it upon them. I know something of the duties. We ought to make it a respectable office, like the other salaried offices of the city, which expects to pay sufficient salary for well-performed services. There is no necessity for making a discrimination against one set of officers. Last year they employed Mr. Nettleton at \$2500 a year to prosecute the cases; this year the commissioners have attended to the duty, and the force in the City Solicitor's office has been reduced. I don't care what party will be benefited; I still think \$1000 ridiculously insufficient, and \$2500 not too much.

Mr. Thompson—The Committee on Retrenchment reported an ordinance fixing this salary at \$1000 [City Doc. 20, page 12]; that was changed to an order. Mr. Pratt offered an amendment to make it \$2500, and it was lost, and the order was passed March 2.

Mr. Flynn—Those men were not appointed until May 3.

Mr. Thompson—That makes no difference. If an assessor or commissioner died or was removed, and his successor appointed, I don't think we would be obliged to establish a new salary. Nothing can be plainer than that the salaries were established. If the gentlemen have not chosen to draw their salaries and are not satisfied, it is not our fault. I am opposed to going back and giving them a different salary.

Mr. Ruffin—Can a salary be legally established for an office which does not exist?

Mr. Thompson—We can provide by order that if we afterwards establish an office, the salary shall be thus and so.

Mr. Spenceley of Ward 19—I should be in favor of voting for the amendment, for I don't think it is right to extend it back to their appointment.

The question was put on Mr. Richardson's amendment; the Chair was in doubt, and on motion of Mr. Spenceley the yeas and nays were ordered. It was rejected—yeas 21, nays 40.

Yeas—Messrs. Blodgett, Brown, Coe, Crocker, Felt, D. A. Flynn, Fraser, Kidney, Mowry, Pearl, Perham, J. H. Pierce, J. B. Richardson, M. W. Richardson, Sampson, Shepard, Spenceley, Thompson, E. R. Webster, Wilbur, Wolcott—21.

Nays—Messrs. Barnard, Barry, Beeching, Brintnall, Burke, Cannon, Clarke, Cox, Cross, Danforth, Day, Dee, Doherty, Duggan, Fagan, Fernald, J. J. Flynn, Ham, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), McDonald, McGaragle, Morrill, Nugent, O'Connor, O'Donnell, O. H. Pierce, Pope, Roach, Roberts, Ruffin, Sibley, Smardon, Stone, Thorndike, Vose, Warren, G. B. Webster—40.

Absent or not voting—Messrs. Blanchard, Hibbard, Hiscock, Loughlin, McClusky, Mullane, Pratt, Reed, Souther, Upham—10.

Mr. Danforth—One of the commissioners said they considered that the salary had not been legally fixed.

Mr. Thompson—Three or four months ago the Council voted to pay these men \$1000 with all the information they now have, and now gentlemen vote to make it \$2500. I cannot help expressing my surprise that gentlemen will put themselves on record in that way. I would vote against equalizing salaries rather than stand in the position they do tonight.

On motion of Mr. Coe of Ward 23, the yeas and nays were ordered on giving the order a second reading.

Mr. Howes of Ward 18—The salary of these commissioners has always caused very great dispute. After two years' deliberation, I concluded the salary was too high, although I voted for the highest amount last year and the year before. When the Retrenchment Committee made the reduction, I should have been willing to vote for \$2000. It has

been said that the present commissioners took the office knowing the salary was to be \$1000. If I am not mistaken, they took it under the impression that they could make the salary to suit themselves, and they endeavored to so construe the law, and found themselves mistaken, after a decision by the City Solicitor. They thought they were not going to serve for less than \$2500, and perhaps more. I think \$2500 rather high, and therefore move to make it \$2000.

Mr. Howes's amendment was lost—11 for, 38 against.

The order was refused a second reading.

Yeas—Messrs. Burke, Cannon, Clarke, Cox, Cross, Danforth, Dee, Doherty, Duggan, Fernald, J. J. Flynn, Jackson, Kelley (Ward 6), McDonald, McGaragle, Nugent, O'Connor, O'Donnell, Roach, Ruffin, Sibley, Stone, Thorndike, Warren—24.

Nays—Messrs. Barnard, Barry, Beeching, Blodgett, Brintnall, Brown, Coe, Crocker, Day, Fagan, Felt, D. A. Flynn, Fraser, Ham, Howes, Kelley (Ward 3), Kidney, Morrill, Mowry, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pope, Pratt, J. B. Richardsou, M. W. Richardson, Roberts, Sampson, Shepard, Smardon, Spenceley, Thompson, Vose, E. R. Webster, G. B. Webster, Wilbur, Wolcott—38.

Absent or not voting—Messrs. Blanchard, Hibbard, Hiscock, Loughlin, McClusky, Mullane, Reed, Souther, Upham—9.

#### COMMERCIAL STREET.

The order for a loan of \$1,000,000 for widening, grading and repaving Commercial street, between Eastern avenue and Charles River Bridge, and for paying damages occasioned thereby, was considered under unfinished business.

Mr. Flynn of Ward 13 said the friends of the measure intended to invite the Council to visit the street, and as there was no hurry about it he moved to lay it on the table. Carried.

#### WINES, ETC., AT CITY ENTERTAINMENTS.

The resolve that no wines, cigars or lager should be furnished at entertainments or with refreshments paid for by the city, was considered under unfinished business.

On motion of Mr. Pratt the main question was ordered, and the resolve was ordered to a second reading—yeas 38, nays 13:

Yeas—Messrs. Barnard, Barry, Beeching, Blodgett, Coe, Crocker, Danforth, Dee, Doherty, Duggan, Fagan, Felt, Fernald, D. A. Flynn, Fraser, Kelley (Ward 6), Kidney, Mowry, Nugent, Perham, J. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Roach, Roberts, Smardon, Spenceley, Stone, Thompson, Thorndike, Vose, Warren, G. B. Webster, Wilbur, Wolcott—36.

Nays—Messrs. Burke, Clarke, Cox, Cross, J. J. Flynn, Howes, Jackson, Kelley (Ward 3), McDonald, McGaragle, Morrill, Pearl, Pope, E. R. Webster—14.

Absent or not voting—Messrs. Blanchard, Brintnall, Brown, Cannon, Day, Ham, Hibbard, Hiscock, Loughlin, McClusky, Mullane, O'Connor, O'Donnell, O. H. Pierce, Reed, Ruffin, Sampson, Shepard, Sibley, Souther, Upham,—21.

Mr. Flynn of Ward 13 moved to indefinitely postpone the resolve.

The President was in doubt, the Council divided, and the vote was declared 12 for, 25 against.

As the President was declaring the result, Mr. McGaragle doubted the vote and called for the yeas and nays.

The President ruled that the doubt came too late, as the result had been declared.

Mr. McGaragle appealed, but the appeal not being seconded, Mr. Webster of Ward 13 raised the point that it could not be entertained. The President ruled the point well taken.

Mr. Howes opposed the resolve. He wanted publicity given to all bills he or any one else contracted; but they owed a certain respect for themselves. An order of this kind implies that, in the eyes of the Council, a large number of members are not to be trusted. Let us stop it by making public those who incur the expenses, and what the expenses are.

Mr. Pratt advocated the resolve, saying that there was not so much objection to cigars or lager as to champagne, which was expensive, and the taxpayers had a right to grumble, just as a client would if he, as counsel, went to New York and ordered champagne at dinner. They have got along very pleasantly two or three times without wine.

Mr. McGaragle moved to include all mineral waters and "excelsior."

Mr. Thompson raised the point that the amendment was frivolous, and the President ruled that it was.

Mr. McGaragle said that he offered it in good faith, and the Chair accepted the explanation and entertained the amendment.

Mr. McGaragle's amendment was adopted.

On motion of Mr. Coe the main question, and on motion of Mr. Barnard the yeas and nays, were ordered.

The resolve as amended was passed—yeas 36, nays 19:

Yeas—Messrs. Barnard, Beeching, Blodgett, Coe, Cox, Crocker, Danforth, Dee, Doherty, Duggan, Felt, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Kelley (Ward 6), Kidney, McDonald, Mowry, O'Connor, Perham, J. H. Pierce, Pope, Pratt, J. B. Richardson, M. W. Richardsou, Roberts, Smardon, Spenceley, Stone, Thompson, Vose, Warren, G. B. Webster, Wilbur, Wolcott—36.

Nays—Messrs. Barry, Brintnall, Burke, Cannon, Clarke, Cross, Fagan, Howes, Jackson, Kelley (Ward 3), McGaragle, Morrill, Nugent, O'Donnell, Pearl, Roach, Sampson, Thorndike, E. R. Webster—19.

Absent or not voting—Messrs. Blanchard, Brown, Day, Ham, Hibbard, Hiscock, Loughlin, McClusky, Mullane, O. H. Pierce, Reed, Ruffin, Shepard, Sibley, Souther, Upham—16.

Sent up.

#### THE ADDITIONAL APPROPRIATION FOR COMMON AND PUBLIC GROUNDS.

Mr. Dee of Ward 5 moved to reconsider the vote whereby was refused the reference to Committee on Finance of a request of the Committee on Common, etc., for an additional appropriation of \$15,000.

Mr. Howes—At the last meeting I stated that I was unprepared to give any estimates as to completing the grading near the monument; but the committee have met since and made certain estimates. My reason for voting against the reference was that I did not believe in a committee if it exceeds its appropriation—asking for a lump sum without any particular knowledge of the amount required. So far as I can find out, the expense will be as follows: There is a balance of \$2800 to the credit of the committee. The labor around the monument thus far has amounted to \$1200; the material supplied for grading, etc., is said to amount to \$7000, and it will require about \$800 to complete it, so that some \$9000 will have been spent in grading, etc., around the monument. It was the supposition of the committee that this expense would be about \$500, and how it has got up to \$9000 I am unable to say. The superintendent seems to have understood that he was directed to go ahead and perfect this improvement, and the vote of the committee, as I afterwards found it, was somewhat ambiguous. He was authorized to grade around the Soldiers' Monument; but the conversation at the committee meeting seemed to indicate that the expense would be something like \$500, but that is not entered upon the vote, and the committee is committed to a very large expense. This is an expense which the city will have to meet some time. The committee's idea was to take away the stones and rubbish that the architect or builder had left around there. There are now employed about sixty-five men on the public grounds, and the superintendent seems to think that to place it in anything like good order will require most of those men till the last of the month, when he can reduce the number to forty. The bills contracted have not been paid. A contract of \$800 for early bulbs, in anticipation of the early spring planting, has been made. As far as I can make out it will require \$16,000 for the remainder of the current year. The alternative is to discharge all the men now employed. At the close of the season there will be a balance of \$1200 for playgrounds, only some \$800 of the \$2000 having been spent; so that there is nominally to the credit of the committee about \$4000, and they wish \$16,000. If the City Council sees fit to appropriate \$12,000, the department can be carried on till the 1st of January; if not, all the committee can do is to discharge the laborers, and they will have to lay their demands before the Committee on Claims. The actual extraordinary outlay has been almost entirely brought about by this work about the monument. While I am sorry that it is so, I don't know that the superintendent is wholly to blame, and it may be the fault of the committee in not being more explicit. I am exceedingly sorry for

it, personally, and can only leave it in the hands of the Council.

Mr. Pratt—The appropriation to carry on the department was \$65,000, and they have expended all of it within the first half of the financial year. With such an extraordinary condition of things some further explanation is due before we can vote intelligently upon this matter.

Mr. Thompson called attention to and read the latter part of the sixteenth joint rule:

"Whenever the amounts designated and appropriated as aforesaid have been expended, and an additional sum is required, or whenever the estimates for the completion of any object, or for any purpose, exceed the appropriation specially made therefor, or whenever an expenditure is required for an object or a purpose not contemplated at the time the appropriation was made, the committee, board or officer having charge thereof shall furnish to the City Council a detailed statement, in print, of the expenditures already made, and the necessity for an additional appropriation; and no contract shall be made, nor expenditure authorized in either case, unless provision for the same shall be made by special transfer from some of the appropriations contained in the general appropriation bill, or by loan."

Mr. Thompson raised the point that under the rule the appropriation could not be made until the committee report in print.

Mr. Howes said he had raised that point in committee and had been informed that it was never done, and was therefore not in a position to oppose the report that was made. The expenditures for the department are always in the first six months of the fiscal year, and probably only \$10,000 or \$12,000 will be required to carry the department through after November 1. When the committee first met, the appropriations were brought in and I understood the superintendent to say, when some one objected to the largeness of the bills, it was only for a few months, and as soon as we go through that it would come down to a small item, and that the bills are not large at the end of the year. I acted on that belief until the monthly bill came in, which nearly exhausted the appropriation. I think more money has been spent for labor than should have been. It was probably an oversight of this committee. So far as the members on the part of the Council are concerned, we were all new, and were obliged to depend upon the superior knowledge of those who had been there before.

Mr. Thompson—If it has not been the practice to comply with the rules, it is time to make a commencement. By the gentleman's own showing, \$9000 were spent around the Soldiers' Monument that had not been authorized. I think the City Government are entitled to the details of those expenditures. This Common has been one of the things in the City Government that needs investigating, and now is a good opportunity to get an insight into the inwardness of making this report; and if the committee don't want to do it, I will take the responsibility of offering an order directing them to do so.

Mr. Crocker—It seems to me the proper way is to lay this matter on the table till the committee give us the information. It may be advisable to know how \$9000 have been spent in grading the top of that hill, which seems unaccountable. We should like to know the number of loads of dirt, which the engineer could tell us. The gentleman from Ward 21 don't put the case strong enough; they have spent \$5000 in addition to their appropriation. Of course, circumstances may be such that it is perfectly excusable; but it is extraordinary upon the face of it, and I think we ought to have more information. I move to lay the reconsideration on the table.

Mr. Pierce of Ward 24 raised the point that under joint rule 16 the matter could not be properly before the Council until the committee report in print.

The President ruled the point not well taken, the Council having already passed on the main question.

The motion to table was lost by a division—19 for, 32 against.

Mr. Pope of Ward 14—Gentlemen will allow that in taking care of the Common and squares we are obliged to employ a large number of men whom we are compelled to take by the solicitations of members of the City Council. The work can only be done in the summer, and it is necessary to spend the money in that time. The appropriation was figured as low as possible, and the Committee

on Auditor's Estimates reduced it \$5000. It was then stated in committee that we could not get along with that sum of money. In making up the estimates we believed that the wages of the laborers would be reduced to \$1.50 a day, and we find that we have had to pay off some \$8000 more. The Paving Committee did not reduce the pay of the laborers, and the Committee on Common did not feel obliged to. We have money enough on hand to pay what has been contracted for. The only point is, shall we discharge every man and stop at once. By doing so, the plants in the Public Garden will be ruined, and the city will lose a great deal more than is called for. The committee received a communication from the Monument Committee asking that something be done around the monument. I made a motion for an additional appropriation of \$2500, and after some discussion the opinion was expressed that three or four hundred dollars would be sufficient. If we had had any idea it would cost \$8000 or \$9000, I think the majority of the committee would have come before the Council. On the statement that it would not cost more than three or four hundred dollars, the superintendent was authorized to go on and do the work. No one was more surprised at the expense than I was. I made the remark several times that they were doing considerable, but I had no idea it was coming to such a sum of money as that. If the responsibility is placed upon the committee I am willing to take my share of it. I don't understand why that was done to such an extent. I don't know where the instructions came from, unless the vote recorded in the book is taken as instruction to go on. The vote was for the superintendent to go on and grade around the monument. The debt has been contracted, and, as the chairman said, if it is not done this year it has got to be done next year. If the Council lays the matter on the table the committee can discharge every man, and the city's property will go to ruin. It is for this Council to consider whether it is good policy to leave it in that way. We have got into the "box" some way, and I suppose the bill has got to be paid. I don't think any member of the committee had any idea any more expense was to be incurred around the monument than \$500.

Mr. Sampson of Ward 17 said the question of the wages of laborers was raised last year by this committee, and they were exactly in the same predicament as now, but a little later in the season, they having expended a little more than the appropriation. When the appropriation came before the Committee on Auditor's estimates the chairman stated then and there that they would be compelled to pay \$1.75 to the laborers. I think members of the committee will bear me out in this statement. But they have gone on, regardless of the direction of the Council and exceeded the appropriation. I am willing to pass an appropriation for grading around the monument, but there is one of six or seven thousand more asked for, and until an exhibit is made, I think the Council ought to decline to grant this appropriation.

Mr. Pratt—The gentlemen say they have spent eight or nine thousand dollars in grading around the monument. There must have been a great quantity of sand or gravel put on that hill to cost seven thousand dollars. The largest number employed on the Common and squares is sixty-five, and the items given are entirely insufficient for the results to satisfy me so that I can vote intelligently tonight.

Mr. Howes—The number varies according to the time. Sometimes a rain storm requires fifteen or twenty men to be put on. I think the average has been over one hundred.

Mr. Pope of Ward 14—The statement of wages I gave was exactly as given to me by the superintendent and the chairman of the committee.

Mr. Spenceley—I think we ought to know more. If the estimate was \$500 and the cost \$9000, there must be a great leakage somewhere. I do not believe any head of a department ought to put men to work on account of any pressure, if he does not want them. If this money has been spent in this manner it ought to be inquired into.

On motion of Mr. Thompson the main question was ordered.

On motion of Mr. Thompson the yeas and nays were ordered and the reconsideration prevailed—yeas 41, nays 21:

Yeas—Messrs. Brintnall, Brown, Burke, Cannon, Clarke, Cox, Cross, Day, Dee, Doherty, Duggan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Howes,

Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McDonald, McGaragle, Nugent, O'Connor, O'Donnell, Pearl, Perham, Pope, J. B. Richardson, Roach, Ruffin, Sampson, Shepard, Sibley, Sardon, Spenceley, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur—41.

Nays—Messrs. Barnard, Beeching, Blodgett, Coe, Crocker, Danforth, Fagan, Felt, Ham, Morrill, Mowry, J. H. Pierce, Pratt, M. W. Richardson, Roberts, Stone, Thompson, Thorndike, Wolcott—19.

Absent or not voting—Messrs. Barry, Blanchard, Hibbard, Hiscock, Loughlin, McClusky, Mullaue, O. H. Pierce, Reed, Sonther, Upham—11.

Mr. Pierce of Ward 24 renewed his point that the matter was not properly before the Council.

The President ruled the point well taken.

Mr. Howes said he should have to ask a suspension of the rule.

The President said that required joint action.

Mr. Crocker moved that the order be referred back to the committee, with instructions to report in accordance with the 16th joint rule a detailed statement in print of the expenditures already made by the committee, and of the necessity for an additional appropriation.

The President ruled the motion out of order, in accordance with his previous decision.

#### PETITION PRESENTED.

Petition of J. W. Waters, for compensation for damages for injuries received by alleged defect in Washington street. Referred to Joint Committee on Claims. Sent up.

#### CLAIMS.

Mr. Sampson of Ward 17 submitted reports from the Joint Committee on Claims of leave to withdraw on petitions of J. H. Marshall to be paid for damage to his wagon by a projecting tree on Meridian street; and of James Kimmet, to be compensated for personal injuries caused by an alleged defect in West Springfield street. Severally accepted. Sent up.

#### SURVEY AND INSPECTION OF BUILDINGS.

Mr. Kelley of Ward 3 submitted the following from the Joint Committee on Survey and Inspection of Buildings:

Report and order for permit to John H. Walsh to enlarge a wooden building on Cambridge street, Ward 5.

In reply to Mr. Thompson Mr. Kelley explained that it was an L, and some distance from any other building. The order was read twice and passed. Sent up.

Report that no action is necessary on petition of W. B. Quigley for removal of Assistant Inspector Sweat, the matter being in the hands of the Chief Inspector and the Mayor. Accepted. Sent up.

Report and order for permit to erect wooden building by A. T. Stearns in rear of Taylor street, Ward 24.

In reply to Mr. Thompson, Mr. Kelley said the house is distant from any other. The order was passed. Sent up.

Report that no action is necessary on petition of Mrs. Wilhelmina Brown for leave to make alterations in building on Dix place. Accepted. Sent up.

#### PROPOSED REMOVAL OF SUPERINTENDENT OF COMMON, ETC.

Mr. Thompson offered, and at the same time moved its reference to a joint special committee of five members of the Council, with such as the Aldermen may join, an order—That the Superintendent of Common and Squares be and he hereby is removed.

Mr. Flynn of Ward 13—What for? Where are you going to take him to?

Mr. Thompson—The ordinance provides that he may be removed at the pleasure of the City Council, and an order of this kind would express the sense of the City Council. [Mr. Thompson read the ordinance referred to.]

Mr. Howes—I should think this matter had gone far enough to await a report of the Committee on Common; after which I should think it would be time to make an investigation, if the report is not satisfactory.

Mr. Thompson—It is a proper matter to investigate, after the statements of two members of the committee. We find that in consultation with the committee the expense of grading around the monument would be \$500, and now it is \$9000. If that is not sufficient ground for ordering an investigation I don't know what is. I put the order in

that form because I do not care to go into an investigation of the committee.

Mr. Flynn of Ward 13—This is one of the most outrageous orders I ever knew presented here. The superintendent is to be removed because he did his duty. He graded the ground around the monument under a vote passed by the committee without any limit; and now a faithful officer is to be removed because he did his duty. It is an outrage, and ought not to be tolerated by this Council for one moment. I move it be indefinitely postponed.

The President said the question was to refer to a special committee, and the motion to postpone was not in order.

Mr. Wilbur moved to lay on the table.

Mr. Crocker thought Mr. Howes's idea of investigation was very curious. It would be absurd to wait for the report of the committee. This is to investigate whether the superintendent did his duty or not.

Mr. Howes said the investigation depends a great deal on the initiatory order. He would vote for an order to investigate the expenditures, but he would vote against this one.

Mr. Thompson again explained his reason for framing the order as he did, and was called to order by Mr. Flynn of Ward 3, who raised the point that he was not debating the question at issue.

The order was laid on the table.

#### INVESTIGATION OF COMMITTEE ON PUBLIC GROUNDS.

Mr. Webster of Ward 3 offered an order—That a special committee be appointed, consisting of five members from this branch, with such as the Aldermen may join, to investigate and report whether or not any neglect of duty has occurred in the Department of Common and Squares. If so, who is responsible therefor, and what measures should be taken to prevent similar occurrences hereafter.

Mr. Webster said this would call for an impartial investigation. He voted to lay the other order on the table, because he did not wish to prejudice any man before investigation.

Mr. Howes said he would vote for the order, and if the Council desired to have the case investigated, he was perfectly willing.

Mr. Kelley of Ward 3 moved to lay on the table until the Committee on Common reported.

Mr. Webster said the quicker this was disposed of the better.

Mr. Kelley did not think Mr. Galvin wholly to blame; he went according to the orders of the committee.

Mr. Spenceley thought an investigation due to the superintendent, that this matter be cleared up and the blame rest where it belonged.

Mr. Richardson of Ward 10 thought they were groping in the dark, and favored the investigation to bring out the facts.

Mr. Flynn of Ward 13 said it was due to Mr. Galvin to have the investigation.

Mr. Smardon of Ward 10, as a member of the committee, hoped the order would pass.

Mr. Pope of Ward 19 said he would be glad to have all the facts brought out by an investigating committee. If there is any blame he wanted it placed where it belongs.

The motion to table was lost and the order was passed.

Messrs. Ruffin of Ward 9, Wilbur of Ward 20, Brown of Ward 23, Burke of Ward 2, and Vose of Ward 24, were appointed on said committee. Sent up.

#### DUTIES OF CITY OFFICERS.

Mr. Spenceley of Ward 19 offered an order—That the Committee on Ordinances be requested to report on the order offered May 16, 1877, in relation to the expediency of offering an ordinance requiring all city officers to devote their time to the city, and not actively to other business. Also an order to amend an ordinance in relation to duties of Fire Commissioners, offered June 7.

Mr. Spenceley said this matter had been in the hands of the committee a long time, and the chairman of the committee don't know anything about it.

Mr. Thompson said the matter had been referred to him as one of a sub-committee, and the proof sheets of a report were in his hands for revision.

Mr. McGaragle moved to amend so that the Committee on Fire Department be requested to report in regard to uniforms of Fire Commissioners.

Mr. Spenceley hoped that would be done.

Mr. Ruffin said it was an important matter, and has caused considerable discussion. In the city solicitor's department extra attorneys are employed, while the salaried officers are attending to their private business.

Mr. Clarke said he understood more money was spent for outside legal assistance than is paid for the Law Department.

Mr. Richardson understood that the committee had decided on their report, and he supposed it had been reported.

On motion of Mr. Thompson the matter was laid on the table.

#### RELOCATION OF STREETS.

Mr. Felt of Ward 18 offered an order—That his Honor the Mayor be requested to petition the Legislature at its next session for an act authorizing the city of Boston, by its constituted authority, to relocate streets whenever it is deemed expedient to do so, after giving the same notice and by the same methods that are now employed in the laying out and widening of streets.

Mr. Felt explained that great difficulty is experienced in relocating streets in the outlying districts, and this was to simplify the matter.

The order was read twice and passed. Sent up.

#### LABORERS ON PUBLIC GROUNDS.

Mr. Day of Ward 4 offered an order—That the Committee on Common and Squares be requested to continue in their employ such laborers, not exceeding sixty-five, as may be necessary to keep the Common and squares in order until the question of additional appropriation for that department is disposed of by the City Council.

Mr. Thompson said this was an appropriation, and required a two-thirds vote to suspend the rule. He raised the point that it could not be considered.

The President ruled that it was only a request.

Mr. Pratt moved to limit the number employed to sixty-five.

Mr. Thompson called attention to the joint rule, and urged that this was an additional appropriation. He moved that the men be retained as long as the present appropriation lasts.

Mr. Howes and Mr. Pope both hoped the word "requested" would be changed to "directed," as they would not feel authorized to vote to continue the men under a request.

Mr. Thompson's amendment was rejected.

On motion of Mr. Flynn of Ward 13 the main question was ordered. The order was passed to a second reading—32 for, 12 against.

Mr. Thompson moved to limit the time to a period not exceeding twenty days. Lost.

Mr. Pratt's amendment to limit the number of men to sixty-five was adopted.

The order as amended was passed. Sent up.

#### VISIT TO COMMERCIAL STREET.

Mr. Clarke of Ward 22 offered an order—That the Common Council visit the proposed widening of Commercial street in a body, on some day to be arranged by the City Messenger, previous to the next meeting of the Council.

Mr. Thompson moved to amend by adding, "except that no expense to the city be incurred thereby."

Mr. Richardson of Ward 10 doubted the expediency of the order, and thought that as the place was near, members could go alone or in small companies and get more information.

Mr. Clarke advocated the visit as a means of getting information.

Mr. Thompson's amendment was adopted and the order as amended passed.

#### SALARIES OF LICENSE COMMISSIONERS.

Mr. Sampson moved to reconsider the vote whereby the Council rejected the order to increase salary of License Commissioners, hoping it would not prevail.

Mr. Flynn moved to lay the motion to reconsider on the table.

Declared carried. Mr. Sampson doubted the vote, and the Council divided. Mr. Spenceley moved that the doubt be solved by the yeas and nays.

Adjourned on motion of Mr. Fraser of Ward 6.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

OCTOBER 15, 1877.

Regular meeting at four o'clock P. M., his honor the Mayor presiding.

## JURORS DRAWN.

Forty Traverse Jurors were drawn for the September term of the Supreme Judicial Court.

## EXECUTIVE APPOINTMENTS.

Undertaker—Charles E. Colbert. Confirmed.  
Police Officer—John A. Furdy. Referred to Committee on Police.

Police Officers Without Pay—Justin H. Smith, F. W. Brazier. Severally confirmed.

Inspector of Elections in Ward 16—Edgar W. Washburn, vice Francis M. Smith, who declines to serve. Confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* James Prendergast *et al.*, that River street, Ward 9, be graded and put in order for public travel; George A. Kirtledge *et al.*, for street crossings at 76-82 Friend street, and at 44-46 Washington street; Metropolitan Railroad Company, for an additional track in Battery street; R. M. Pulsifer & Co., for leave to place two lamp posts in sidewalk in front of the new Herald building; Christopher J. Spenceley *et al.*, that West Walnut park be graded and put in order, also that edgestones be set, etc.

Petitions for leave to move two wooden buildings, by John Quirk, from Northampton street to Swett street.

John Corcoran, for conveyance of land on corner of Fellows street and Colony place.

Petitions for edgestones in front of estates of James Quinn, A street, corner First; James E. Bowe, on G street; for brick sidewalks in front of estate of John Carew, 60 and 62 H street.

*To the Committee on Common on the part of the Board.* T. C. & C. F. Newcomb *et al.*, for the removal of a tree on Washington street at the corner of Newcomb court.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables: Charles Illegun, old shed, one cow and calf, on Coffee court; Metropolitan Railroad Company, car house for stable for seventy-five horses, on corner of School and Washington streets, West Roxbury; Michael J. Ford, new wooden, two horses, Newman street; Catharina Gramer, new wooden, one horse, Dorchester avenue; Hull & Simpson, new wooden, three horses, 5 Willow court; Eliza G. Mulvey, old wooden, one cow and one horse, 88 Heath street; Timothy Walsh, stable for two horses in rear of 36 Northampton street.

*To the Committee on Licenses.* Frederic A. Wilkins, for license as auctioneer at 39 Old State House. Herman Cohen, for license as auctioneer at 175 Hanover street.

*To the Joint Committee on Survey and Inspection of Buildings.* Highland-street Methodist Church, for leave to enlarge a wooden building on Warren street, Ward 21; Maverick Oil Company for leave to erect a wooden building on their wharf on Chelsea street, Ward 1.

*To the Committee on Sewers.* C. S. Johnson, against the proposed extension of a sewer in Parker street, Charlestown.

*To the Committee on Lamps.* Charles Dolan *et al.*, for street lamps in Walden street, Ward 22; Hugh Timmins *et al.*, that Arlington avenue, Charlestown, be lighted; William H. Slocum *et al.*, for additional street lamps in Pond street, West Roxbury.

*To the Joint Committee on Claims.* Sophia N. French, to be paid for personal injuries caused by a sled on G street, near Eighth street.

*To the Joint Committee on Public Lands.* Thomas W. Carter, that his lease of wharf on City Hospital estate be cancelled.

## HEARINGS ON ORDERS OF NOTICE.

*Sewers.* On expediency of building sewers in Thomas street, West Roxbury. No objections. Recommitted to Committee on Paving.

## CAMBRIDGE RAILROAD IN BRIGHTON.

On proposed change of location of track of the Cambridge Railroad from the side to the centre of the roadway of Washington street, Brighton, between Foster street and Oak square.

Mr. Emery, president of the Cambridge Railroad, appeared to object; the track had been there many years, had never paid, the passengers averaging twenty-seven daily in March; the expense of operating and the expense of making the change would be \$6000 or \$7000, for which there would be no remuneration. The company would make any arrangement, if this large expense could be avoided.

No one else appeared to object, and the matter was recommitted to the Paving Committee.

## PETITION FOR ABATEMENT OF TAXES.

A petition was received from William S. Keith for abatement of certain assessments of taxes on his real estate, alleged to be illegal.

Alderman Wilder explained that the land had been assessed by the Dedham authorities and also by the city, and it was believed that the assessment by the latter was wrong; that, because of a small piece having been sold by the city for taxes, the owner was unable to give a good title for it. On his motion, the matter was referred to the Committee on Claims. Sent down.

## EAST BOSTON FERRIES.

The Mayor read the following:

*To the Honorable the City Council:* Gentlemen—Having received from the City Solicitor a communication informing me that legal proceedings had been instituted for the purpose of testing the validity of the action of the city in abolishing tolls on the East Boston ferries, and having been informed by the Solicitor that provision should be made for the defence of the city in the action (if the same was to be defended), as, for reasons set forth in the communication, it was not proper for him to appear in the matter, I solicited for the Committee on Claims, agreeably to the provisions of city ordinance adopted Feb. 13, 1875, authority to procure additional legal assistance, deeming the present case an emergency contemplated by the ordinance. They declined giving such authority. It has therefore seemed to me proper to lay the matter before you for such action in the premises as may seem to you necessary, being myself of the opinion that a question of such grave importance, involving as it does principles of law affecting the chartered rights of the city and the interests of so many of its inhabitants, should be fully considered.

I append hereto the communication of the City Solicitor. Very respectfully,

FREDERIC O. PRINCE, Mayor.

CITY SOLICITOR'S OFFICE,  
2 PEMBERTON SQUARE,  
BOSTON, Oct. 15, 1877.

My Dear Sir—Proceedings in the name of the Attorney General have been commenced in the Supreme Judicial Court to resist the action of the City Government declaring the East Boston ferries free from tolls after the first day of January next, for the alleged reason that such action is illegal.

If the action of the City Government is to be defended, some provisions must be made for conducting the defence. It will be readily seen, that having given an opinion, at your request, upon the question, and that opinion being adverse to the action of the City Government, and having been published, it would be improper for me to act as the counsel of the city in the controversy.

Very truly yours,

J. P. HEALY.

Hon. F. O. Prince, Mayor.

Alderman Thompson moved the reference to the Committee on Claims.

Alderman Fitzgerald—The committee has already considered that matter and refused to allow additional counsel. It would be no use to refer it to them again.

Alderman O'Brien—There was only one vote for allowing additional counsel.

Alderman Thompson—I was not aware the committee had considered, and withdraw the motion.

Alderman O'Brien—The committee are against granting assistance in this matter; but I think the action of the City Council ought to be defended, and it is but justice to engage counsel.

Alderman Fitzgerald—Unless the ordinance is changed there is no other committee to whom it can be referred. The Mayor recommends and the committee approve the employment of additional counsel. They are of opinion that there has been too much employment of additional counsel, and that this is a good place to put a stop to it. I think some members of the City Council are of opinion that it would be money saved to pay eight or ten thousand dollars a year to a lawyer as as-

sistant City Solicitor. If members knew the amount paid for legal counsel outside of the City Solicitor's office, I think they would be surprised.

Alderman Clark—This is a case that the people can take care of. The people of East Boston and the mercantile community will be so largely benefited that they can afford to employ counsel. I can see no disposition to be made of the communication but to place it upon file. I was not aware that so large an amount had been paid for legal assistance except in regard to water damages, which I believe to have been judicious.

On motion of Alderman Clark, the communication was ordered placed on file.

Notices were received of petitions of John A. Lowell *et al.* and of the Attorney General for the Commonwealth to the Supreme Judicial Court for writ of mandamus to prevent the abolition of tolls on East Boston ferries. Referred, on motion of Alderman Thompson, to City Solicitor's Department.

Sent down.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Report of "leave to withdraw" on petition of J. H. Marshall to be paid for injuries to his wagon by an obstruction on Meridian street. Accepted in concurrence.

Report of "leave to withdraw" on petition of James Kimmett to be paid for personal injuries on West Springfield street. Accepted in concurrence.

Report, "no action necessary," on petition of Mrs. W. Brown for leave to make alterations in her house on Dix place. Accepted in concurrence.

Report by Committee on Survey, etc., of Buildings, that the subject of removal of an Assistant Inspector of Buildings rests with the Mayor. Accepted in concurrence.

Reports and orders to allow John H. Walsh to erect a wooden building exceeding the legal dimensions, on Cambridge street, Ward 25; also to allow A. T. Stearns to erect a similar building in rear of Taylor street, Ward 24. Orders read twice and passed in concurrence.

Order for Mayor to petition the Legislature for an act to authorize the city of Boston to re-locate streets with the same length of previous notice as is required when streets are newly laid out or widened. Passed in concurrence.

Passage of ordinance to amend an ordinance in relation to Faneuil Hall Market, by striking out section 14. Concurred.

#### COMMON AND PUBLIC GROUNDS.

An order came up requesting the Committee on Common, etc., to continue in employment a number of laborers not exceeding sixty-five, to keep the public grounds in order.

Alderman Clark—I hope the Board will not concur in the passage of this order. It is absolutely impossible to continue the work any longer until we have money to pay the men with, and by a vote of the committee all the men were discharged except three, who are necessary to take care of the tools and other necessary things about the public grounds. It would be useless to pass the order, for we have no money to pay the men with. I therefore hope the Board will non-concur.

The Board refused to concur in the passage of the order.

An order came down appointing a committee—Messrs. Ruffin, Wilbur, Brown, Burke and Vose to be joined—to inquire and report whether any neglect of duty has occurred in the department of Common and Squares, and who is responsible therefor.

Alderman Clark—Upon that order I hope the Board of Aldermen will concur, and that a committee will be appointed to investigate the action of the committee and the superintendent in the management of the Common and squares during the present year, and make a thorough investigation.

The Board concurred, and Aldermen O'Brien, Viles and Dunbar were appointed on said committee.

#### WINES, ETC., AT CITY ENTERTAINMENTS.

A resolve came up that no wines, cigars or lager or mineral water should be provided at entertainments, to be paid for out of the city treasury.

Alderman Robinson offered the following amendment:

"Unless the same be of good quality, for it has been amply demonstrated by good chemists and gentlemen of the medical profession that bad

liquors and improper beverages are very injurious to health and detrimental to good judgment, and very frequently occasion trouble in social relations."

Alderman Fitzgerald said a Councilman moved a reconsideration of the resolve, and only withdrew it today on condition that a certain amendment would be offered, which the Alderman did, as follows:

"Also that no carriage be allowed at the city's expense to any member of the City Council after the adjournments of either branch."

Alderman Robinson's amendment was rejected—3 for, 9 against.

Alderman Robinson moved to substitute "Common Council" for "City Council." Lost.

Alderman Fitzgerald's amendment was adopted, and the order as amended passed. Sent down.

The Alderman hoped the resolve would pass, only it was a pity it did not come earlier in the year. As the members of the Council—especially those who are supposed to take a glass of lager, for they all voted for it—had acted so generously, the Board ought to follow their example.

Alderman O'Brien thought the order imperfect, as it did not exclude cigarettes.

#### SUPERINTENDENT OF NORTH SCALES.

The quarterly report of Superintendent of North Scales for Sept. 1 was, Receipts for July, \$130.05; expenses, \$17.50; August receipts, \$159.59; expenses, \$6.50; September receipts, \$167.00; expenses, \$66.80. Forty per cent. of receipts, less expenses, were paid into the treasury. Sent down.

#### BONDS APPROVED.

The bonds of William H. McIntosh and fifteen others being presented duly certified were approved by the Board.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Amusement Licenses Granted—J. V. Morrison *et al.*, to give a baby show at Horticultural Hall; S. M. Landis, to exhibit dramatic performances at Beethoven Hall.

Billiard License Granted—Anthony F. Clark, 107 Cambridge street; Frank T. Power, 2 Bow street, Charlestown; Louis Shamb, 46 Hanover street.

Intelligence Office Licensed—Mrs. Anna Wright, 2622 Washington street; Agnes B. Kennedy, 767 Washington street; M. A. Cassidy, Piuckney and Joy streets; E. M. Nutt, 45 Sudbury street.

Hack License Granted—Daniel Cullaghan, 43 Devonshire street.

Victualler Licensed—W. H. Goss, 1141 Washington street.

Auctioneer Licensed—Charles W. Thompson, 176 Atlantic avenue.

Wagon Licenses Granted—M. Donovan, 72 A street; John J. Fox, Springfield street, corner Washington.

Minors' Applications Granted—Three newsboys, one boot-black.

Severally accepted.

#### PUBLIC BUILDINGS.

Alderman Fitzgerald submitted the following from the Joint Committee on Public Buildings:

*East Boston High School.* The Committee on Public Buildings respectfully represent that, by an order of the City Council passed Oct. 9, they were directed to fit up the old Lyman Schoolhouse for a branch high school at an expense of \$2000, to be charged to the appropriation for Schoolhouses, Public Buildings. Before beginning the work they would request the City Council to provide the \$2000, as, in their judgment the regular appropriation will not be sufficient for this, together with the other extraordinary demands that have thus far been made upon it. The appropriation for Schoolhouses, Public Buildings for the financial year was \$133,000, a decrease of \$45,000 from the year previous. The balance of the appropriation unexpended Oct. 1, was \$63,037.64. Extraordinary demands upon the appropriation, not estimated for, have been made by orders of the City Council since the financial year commenced, namely, that for repairs, alterations and heating apparatus for the Adams Schoolhouse, at a cost of \$15,000; heating apparatus for the Brimmer Schoolhouse, cost \$5000,—making a total of \$20,000 yet to be paid from the unexpended balance of the appropriation, leaving the sum remaining of \$43,037.64. This amount will hardly be sufficient to meet the ordinary demands in the way of repairs and furnishing for schoolhouses for the remaining six months of the financial

year. Your committee therefore feel justified in requesting that the City Council furnish the means for carrying on this work. Referred to Committee on Finance.

Alderman Fitzgerald said the committee did not want to undertake this work without an additional appropriation, and on his motion the report was referred to the Finance Committee. Sent down.

*Lecture Room for College of Pharmacy.* The Committee on Public Buildings, to whom was referred the accompanying petition from the Massachusetts College of Pharmacy for the use of the room in the Old Franklin Schoolhouse, beg leave to report, That a similar request was received from said society a year since, and the city gave them the use of rooms in the Mayhew Schoolhouse. In the early spring of the present year the house was burned, and since that time they have been without a place for school and lecture purposes. In the third story of the Old Franklin Schoolhouse there is a room unoccupied, and your committee are favorable to granting the use of it to said College of Pharmacy, they assuming all expenses attendant upon its occupancy. They recommend the passage of an order—That the Committee on Public Buildings be authorized to grant the use of a room in the third story of the old Franklin Schoolhouse to the Massachusetts College of Pharmacy, the same to be used for school and lecture purposes, and upon such terms and conditions and for such time as they may deem expedient; provided, however, that the city shall have the right to resume the occupancy of said room at any time. Read twice and passed. Sent down.

*Offices to be Hired.* Ordered, That the Committee on Public Buildings be authorized to hire for a term of five years from Nov. 1, 1877, Rooms 4, 5, 6 and 7, in building numbered 2 Pemberton square, at an annual rental of fifteen hundred dollars; the expense to be charged to the appropriation for Public Buildings. Read twice and passed. Sent down for concurrence.

*Wardroom in Ward 24.* The Committee on Public Buildings, to whom was referred the accompanying petition from Samuel Downer and 470 others that the wardroom for Ward 24 be removed to Field's Corner; also the order to provide a wardroom for Ward 24 more centrally situated than the present one,—beg leave to report, recommending the Police Station House No. 11, Field's Corner, as a wardroom for Ward 24. They recommend the passage of an order—That, until otherwise ordered, the wardroom of Ward 24 be located in Police Station House No. 11, Field's Corner.

Alderman Robinson said this was not necessary at present. The police station was not a fit place for a wardroom, and would only accommodate a few.

Alderman Fitzgerald said it was only as a means of temporary relief until a more convenient place could be obtained.

Alderman Robinson said it made no difference to him individually. On his motion the matter was laid on the table.

#### UNLICENSED DOGS.

Alderman Robinson submitted the following:

The Committee on Police respectfully represent that the warrant under which unlicensed dogs have been killed has expired by limitation, and that all proceedings must be stayed until further action by this Board. It will be remembered that early in the summer the committee were authorized to make arrangements for capturing dogs found running at large, and for killing all that were not reclaimed by their owners, after a certain length of time. Upon examining the statutes, however, it was found that such a course was not authorized by law. It was, therefore, thought advisable to make special efforts to destroy unlicensed dogs, under authority of section 7, chapter 130, acts of 1867. By this act the Mayor is required, within ten days from the 1st day of July, to issue a warrant to one or more police officers or constables, directing them to kill or cause to be killed all unlicensed dogs. With the concurrence of his Honor the Mayor, who actively cooperated with the committee in the matter, an officer was specially appointed to perform the work, and he commenced his duties on the 24th of July.

The warrant expired Oct. 1, and up to that time 1016 dogs had been killed, and forty-nine keepers of unlicensed dogs prosecuted. The receipts for dog licenses during that period amounted to

\$2806. The dogs killed were mostly worthless animals, and their destruction removes a nuisance as well as a source of danger to the public. It is believed that the work has been performed better than ever before, and that public opinion has sustained the manner in which the law has been enforced.

The committee are, therefore, of the opinion that measures should be adopted for the continuance of the work. Notwithstanding the efforts that have been made, it has been impossible to capture all unlicensed dogs, within the limited time covered by the warrant, and it is believed if operations are suspended, many dogs which have been confined for the purpose of ending the vigilance of the officers will again be allowed to go at large.

Under provisions of chapter 167, Acts of 1877, the Mayor and Aldermen are authorized to order that any or all dogs shall be restrained from running at large during such time as shall be specified in said order, and that after publication of such order the said Mayor and Aldermen may issue a warrant to one or more police officers, who shall, after twenty-four hours, kill all dogs found running at large contrary to the terms of said order.

The committee append hereto an order covering the requirements of the statute, and respectfully recommend the passage of the same. If the order is adopted the committee propose to submit a warrant to carry the warrant into effect.

Ordered, That until otherwise ordered all unlicensed dogs be restrained from running at large within the limits of the city of Boston.

Read twice and passed.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Order to pay William Dolan \$200 for grade damages on Ashland street, West Roxbury. Read twice and passed.

Report recommending to Committee on Lamps so much of petition of Peter Fay and others as relates to Avon place, Roxbury. Accepted.

Ordered, That the sidewalk assessment of \$21.81 against the estate of Josiah S. and Naomi G. Potter on London street, East Boston, be and the same is hereby abated, they being unable to pay the same. Read twice and passed.

Order to open and grade Dix street from Dorchester avenue to Adams street. Read twice and passed.

Report that petition of Andrew McDermott *et al.* for a crosswalk on Dudley street at Hampden street be granted. Accepted.

Report and order to grant permission to Joshua M. Sears to lay an iron pipe from Sears Building to the new building No. 21-25 Court street, on the usual conditions. Order read twice and passed.

Ordered, That the sum of \$59 assessed John J. Downey for edgelines and sidewalk on Princeton street be and the same hereby is abated, the lien being lost by alienation. Read twice and passed.

Reports that leave be granted F. O. & J. T. Reed to move wooden building. Accepted.

Report in favor of granting petition of Solomon P. Stratton for a crosswalk across Canton street court. Accepted.

Ordered, That notice be and hereby is given to the owner of the estate on the southeasterly corner of Beach and Lincoln streets, that the *area wall* in front of said estate on Beach street is in a dilapidated condition, and is insufficient to support the sidewalk and roadway of said street, thereby endangering public travel on said street, and that said owner be and he is hereby directed to cause said area wall to be forthwith rebuilt in a good and substantial manner in accordance with the requirements of the city ordinances. Read twice and passed.

Ordered, That the Superintendent of Streets be authorized to close the sidewalk and roadway of said Beach street adjacent to said estate against public travel, until the area wall shall have been rebuilt. Read twice and passed.

#### CLAIMS.

Alderman O'Brien submitted a report from the Committee on Claims of leave to withdraw on the petition of Elizabeth Ann McGrath to be reimbursed sums paid for an estate sold for non-payment of taxes. Accepted. Sent down.

#### ARMORIES.

Alderman O'Brien, from the Committee on Armories, offered an order—That the Committee on Armories be authorized to expend a sum not exceeding \$400 in fitting up and furnishing the armory of Company D, First Battalion of Cavalry,

M. V. M., at No. 2185 Washington street; said sum to be charged to the appropriation for Armories. Read twice and passed.

#### PUBLIC PARK LOAN.

Alderman O'Brien offered an order—That his Honor the Mayor be requested to petition the General Court at its next session for the passage of an act authorizing the city to borrow money for such time, not exceeding thirty years, as the City Council may determine, for the purchase and permanent improvement of land for park purposes.

Alderman O'Brien said it was fully understood that the city could make a thirty-year loan only for water and intercepting sewers, and if it is desirable to make park improvements it is desirable to make a thirty-year loan for the purpose.

Alderman Fitzgerald said there would be time enough after the next Government came in, if the sentiment of the community favored parks.

Alderman O'Brien said nothing would be lost by passing it now, and Alderman Fitzgerald replied that nothing would be gained. He had heard that parks are to be made an issue, and that the clans are gathering for the great fight.

The order was read twice and passed. Sent down.

#### HEALTH.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted, on the usual conditions, to occupy stables by Charles N. Rowell, 69 Bower street, Ward 21; Mrs. M. C. Sargent, Bennington street; George Holmes, rear 549 East Seventh street. Severally accepted.

Report that leave be granted W. H. Baker, M. D., to establish a hospital for women at 60 East Springfield street. Accepted.

#### STREET DAMAGES.

Alderman Clark submitted the following from the Committee on Streets on the part of the Board:

Orders to pay for land taken and damages occasioned by laying out and widening streets, as follows: Almira C. Train, \$394, widening Adams street; David H. Blaney, \$627.75, laying out of Shelby street; Jonathan I. Rowditch, \$1500, laying out of Shelby street; East Boston Company, \$1250, laying out of Shelby street; heirs of Patrick H. McGrath, \$2000, laying out of Shelby street; James W. Gerrard and J. A. Platt, trustees, \$1659.59, laying out Shelby street. Severally read twice and passed.

#### FANEUIL HALL.

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall in favor of granting the use of said hall to John A. Douglass *et al.* for a political meeting on Oct. 17. Accepted.

#### STEALING FLOWERS ON PUBLIC GARDEN.

Alderman Clark submitted a report from the Joint Committee on Common, etc., in favor of granting the petition of Nicholas W. Johnson to be paid the amount of a reward offered for the detection and arrest of persons stealing flowers on the Public Garden. Accepted. Sent down.

#### LAMP DEPARTMENT.

Alderman Thompson offered an order—That the Committee on Lamps be authorized to visit Providence and New York on business connected with that department, at an expense not exceeding \$200; to be charged to the appropriation for Lamps. Read twice and passed.

#### TAXES ASSUMED.

Alderman Thompson offered an order—That the city assume the taxes for the current year on the parcel of land situated on Cambridge street, near Harvard avenue, Brighton, and containing twenty-two thousand square feet, more or less, bought of the persons represented by Cyrus Dupee as a site for a grammar schoolhouse in Brighton, the amount of said taxes being \$68.12; to be charged to the appropriation for Grammar Schoolhouse, Brighton District.

Alderman Thompson explained that this was a part of the original agreement with Mr. Dupee.

The order was read twice and passed. Sent down.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Reports and orders of notice for hearing on Monday next on expediency of constructing sewers in Northampton street, west of Columbus avenue; in Summit street, Roxbury; in Parker street, Charlestown. Orders severally passed.

Order of notice of intention to take land of Boston Wharf Company for sewer purposes, and for hearing thereon on Monday, Oct. 29, at 4 o'clock P. M. Passed.

Ordered, That \$100 be abated from the assessment levied upon William Whitney's heirs for a sewer in Chestnut street on account of land damages; that \$62.42 be abated from the assessment levied upon Margaret Sahenger for a sewer in Chestnut street; that \$84.67 be abated from the assessment levied upon Bernard Norton for a sewer in Dorchester Brook Valley on account of over-estimate of land. Read twice and passed.

Orders to build sewers in Washington street, southerly from Blue Hill avenue, 300 feet; in Ferry street; in Dudley street, Dorchester, between Hancock and Humphreys streets; in Thornton street, Roxbury, between Valentine and Ellis streets. Severally read twice and passed.

Reports that no action is necessary on petition of William Donaldson, for extension of sewer in Maywood street; that it is inexpedient to build a sewer in Linden street as asked for by George Glover *et al.*; that Thomas Hesham *et al.*, petitioners for a sewer in Heath place, have leave to withdraw. Severally accepted.

#### HARBOR.

Alderman Gibson submitted a report from the Joint Committee on Harbor, That it is inexpedient to take action upon the expediency of dredging the front of wharves between Cragie's and Cambridgeport bridges. Accepted. Sent down.

#### WARRANT FOR STATE ELECTION.

Alderman Viles offered an order—That warrants be issued for the meetings of the legal voters of this city in their respective wards on Tuesday the sixth day of November next at eight o'clock A. M., then and there to give in their ballots for the following State officers: A Governor, a Lieutenant Governor, a Secretary, an Auditor, a Treasurer and Receiver General, and an Attorney General, and for the requisite number of councillors, senators and representatives to which this city is entitled; also for the following county officers, viz.: A Sheriff, a District Attorney, three Commissioners of Insolvency and a Register of Probate and Insolvency in the place of P. R. Guiney, deceased. All the foregoing to be voted for on one ballot. Also to give in another ballot, their vote Yes or No for the ratification or rejection of the article of amendment to the constitution of this State relative to certain officers of Harvard College, as adopted by the Legislature of 1876 and 1877, and recited in the fifty-second resolve of the General Court, approved April 26, 1877.

The polls to be kept open until 4½ o'clock P. M. Ordered, That notice be also given that the registration of voters for the purpose of said election will close on Tuesday, the 30th day of October, at twelve o'clock P. M.

Alderman Fitzgerald said there were many poor people who could ill afford to spare the time, and that an hour more would be a great convenience to them. On his motion the order was amended so that the polls should be opened at 7 A. M., and as amended the order was passed.

#### THE BLACKSTONE-SQUARE ACCIDENT.

Alderman Clark presented a petition from Joseph F. Paul to be heard before the Board before final action is taken upon the report of the committee on the subject of the Blackstone-square accident.

On motion of Alderman Clark the prayer of the petition was granted, and Mr. Paul, who was present, was given a hearing.

Mr. Paul came forward and introduced Mr. Nathan Morse, his counsel, who, he said, would state the case in his behalf.

Mr. Morse said he had examined the evidence and thought the committee were not justified in the report they made; that they had ignored the evidence of both Mr. Paul and Mr. Hayford. He found by the evidence that Mr. Hayford was spoken to by Mr. Nugent, a member of the committee, to see what he would put up the platforms for; but the committee did not ask Mr. Nugent a question in regard to this; nor of Mr. Hayford. Mr. Hayford went to Mr. Paul to see what the lumber would cost and to draw a plan of the platform to be submitted to the committee. Mr. Hayford went to Mr. Paul as an architect and friend; that everything Mr. Paul did was perfectly consistent with his position as an architect. If any architect had been con-

sulted as Mr. Paul was, not a member of the Board would think of holding the architect responsible for the disaster, unless it was on account of a mistake in judgment in the sketch. Mr. Paul was asked to prepare a sketch for Mr. Hayford and did so; and it was carried to Williams Market to give it to Mr. Hayford. Mr. Hayford was not there, and if he had been there the committee would probably have never heard of Mr. Paul in the matter again. Mr. Paul went down town, came back, and found that Mr. Hayford had gone down to City Hall, whither Mr. Paul followed him, and, meeting Alderman Wilder, stated that he had a plan for Mr. Hayford. The Alderman called him into the committee room. Mr. Morse read from the testimony of Alderman Wilder to show that Mr. Paul said "seats constructed on that plan will cost \$300." Mr. Paul did not offer to build them. Mr. Wilder was called out, and when he returned Mr. Paul had left. Mr. Morse had no doubt that the committee labored under the impression that Mr. Paul was the contracting party. Is that sufficient to charge Mr. Paul? It takes two to make a bargain. Can the committee contract with Mr. Paul and make him responsible for it without his consent?

Alderman Thompson did not like to hear Mr. Morse argue from a false basis. The committee had no impression whatever. They knew it was Mr. Paul, and the records show it. Nobody else was there or was mentioned to the committee. They knew nobody else. It was no impression at all; it was what they believed, without any impression.

Mr. Morse said he was proceeding precisely upon the evidence before the committee.

Alderman Thompson said Mr. Paul received notice by telegraph of the vote in relation to the addition, and the work was done by his orders.

Mr. Morse was at a loss to see how Mr. Paul could be held responsible for the vote of a committee passed in his absence. Suppose an architect had done the same thing, and the committee had passed such a vote in his absence; could he be held responsible? When that vote was passed, Mr. Nugent was in the committee room, and he had invited Mr. Hayford to figure on the job. That vote was passed and the clerk was directed to notify Mr. Paul that the job was his. Mr. Paul left his pocketbook on the clerk's desk and returned for it the next morning at half-past eight o'clock; hunted up the messenger, who opened the door; he did not inquire for Mr. Lee. He was hailed by Mr. Lee and asked what he wanted, and replied that he had left his pocketbook in the room and had been in to get it. Does that look as if he was anxious for the job? After the vote passed, Mr. Nugent went from the committee room to Mr. Hayford's and left word with the men that the job was his. Very early next morning Mr. Hayford told Mr. Paul he [Hayford] had the job. When Mr. Lee hailed Mr. Paul in City Hall and said he was to notify him, and Mr. Paul replied that he had heard of it, if Mr. Paul had made the application, would such have been the conversation? Down to that moment there is not the slightest evidence that Mr. Paul had the least idea that he thought the committee were contracting with him. After that, Mr. Paul acted consistently with the idea that he had nothing to do with it. Mr. Hayford employed his own men and furnished his own nails. Mr. Paul furnished nothing but the lumber, which Mr. Hayford procured of him. The lumber was counted out and charged to Mr. Hayford. Mr. Morse challenged the Board to follow Mr. Paul through the evidence and find one particle showing anything inconsistent with Mr. Paul's position as an architect and friend. The permission to construct the platform on Mr. Paul's wharf is no evidence that Mr. Paul was the contractor. But it is said that Mr. Paul contracted for the addition to the platform. Mr. Flynn and Mr. Lee went to the platform on Friday and found Mr. Hayford there. Mr. Paul and Mr. Hayford both say Mr. Paul had not been there that day, although Mr. Flynn or Mr. Lee said Mr. Hayford told them Mr. Paul had just left there. Mr. Hayford was told that they wanted to see Mr. Paul about enlarging the seats; Mr. Hayford went for Mr. Paul, and when they returned he and Mr. Hayford gave the figures. This was perfectly consistent with Mr. Paul's claim of being only the friend and adviser of Mr. Hayford. If an architect had been employed and had done what Mr. Paul did, would the Board say the architect was

responsible? There is no evidence of a contract made at City Hall that would justify the committee in finding Mr. Paul responsible for a barrel of flour. Mr. Morse then reviewed parts of the report of the committee, reading extracts therefrom; arguing that there was no evidence that Mr. Paul "offered" to build the platform, and that he did not contract to do so. The telegram to Mr. Paul has no significance, unless the committee can show that Mr. Paul was actually the contractor. Mr. Morse thought it was perfectly inexplicable why Mr. Nugent was not asked as to whether he asked Mr. Hayford to figure on the job, and afterward notified him of the vote of the committee.

Alderman Clark in the chair.

Alderman Fitzgerald said the committee were a committee of investigation, and were not supposed to know anything about the secret dealings of Mr. Nugent with Mr. Hayford. Mr. Paul knew of these conversations, and had an opportunity to ask Mr. Nugent questions, but did not do so.

Mr. Morse said it could not be expected that Mr. Paul would conduct an examination as he [Mr. Fitzgerald], a lawyer, would. Mr. Nugent notified Mr. Hayford that he had the contract.

Alderman Fitzgerald read the following extract from Mr. Hayford's testimony:

Question—Do you know anything about this contract with the city for building this platform?

Answer—What Mr. Paul says about my going to him at one time and requesting him to figure the amount of lumber was true, up to the time he went to City Hall. I know nothing about the conversation he had with the committee, because I was not present. As he was coming down stairs I met him, and he told me that the committee had got the plan and were going to act upon it, and went away.

Q.—Is that all you know about it?

A.—Not all.

Q.—Well, state all.

A.—Then I think it was that night the gentleman of the committee who asked me to figure on the job, Mr. Nugent—

Q.—Asked you to figure on the job?

A.—Yes, sir. He left word with my men. I cannot tell what he said; at any rate, he left the impression that I had the job. He said that we had the job. I cannot tell exactly the words that he used. He left word with my men that the seats were ours or yours.

Q.—At Williams Market?

A.—Yes, sir. I went around to notify Mr. Paul. He said he had left his book down in the committee room; that he was going down after it, and he should probably hear something about it.

Q.—Did he say that he was going to build the seats?

A.—I cannot say how he worded it. I know he gave me the impression that he had got the job.

Q.—Well, which did he say?

A.—Well, he or I, I don't know which. I do not know how he worded it.

Mr. Morse said the evidence was stronger than he claimed. He claimed that Mr. Nugent's testimony that he was not present at any conversation with Mr. Paul could not be reconciled with that of Alderman Wilder.

Alderman O'Brien asked if Mr. Morse could reconcile the last two questions to Mr. Nugent (whether he knew any one else in the work but Mr. Paul, to which Mr. Nugent answered No,) and Mr. Morse said he could not; but Mr. Paul was not to be tried on the impression of the committee.

At the request of Alderman Thompson, Mr. Morse read Mr. Lee's testimony in regard to the conversation on the stairs, and said that Mr. Lee did not pretend to give the exact words, while Mr. Paul swears Mr. Lee said, "Have you heard of the action of the committee?" Mr. Paul replied "Yes," but he had heard that morning from Mr. Hayford that he [Mr. H.] had been awarded the contract. Either Mr. Paul's evidence must be accepted, or he stamped as a perjurer. Is he to be disbelieved when he gives the exact conversation, and when the clerk says he does not give it? Mr. Paul said he had heard of the action of the committee as told to Mr. Hayford by Mr. Nugent, one of the committee. If Mr. Nugent conveyed wrong information (that Mr. Hayford had the job) is Mr. Paul to be held responsible, when the mistake is made by one of the committee?

Alderman Thompson said the committee must have agreed with somebody to build the stands. Mr. Hayford's name was never mentioned until after the accident.

Mr. Morse said there was no evidence that Mr. Paul ever heard, before the accident, that the committee voted the contract to him. He next referred to Alderman Thompson's evidence, and denied that Alderman Thompson had any *knowledge* that Mr. Paul was the contractor; and there was no evidence such as courts of law recognize. In regard to the additional seats, if it is settled that Mr. Paul was the contractor for the stands, that he was the contractor for the addition followed as a matter of course; but if Mr. Paul was only the architect and adviser of Mr. Hayford, then the claim that he was the contractor for the addition falls to the ground. Mr. Morse claimed that the committee had made a mistake in taking the hearsay testimony of Mr. Shaw in regard to the change in the stand, and disregarded the direct testimony of Mr. Frye that he spoke to Mr. Hayford about the changes.

Alderman Thompson asked who the committee contracted with?

Mr. Morse again detailed the circumstances, as above given, to show that Mr. Paul was not the contractor, had never accepted the contract, and could not be responsible for it. The committee could not contract with Mr. Paul without his consent.

Alderman Thompson asked how Mr. Hayford, a man unknown to the committee, could have contracted with them without their consent.

Mr. Morse claimed that Mr. Hayford was known to and had been solicited to make the proposition by one member of the committee, Mr. Nugent. The committee supposed Mr. Paul came down to make a proposition to build the stands; but Mr. Paul swears he never had any such idea, and never went for that purpose. Mr. Paul is not responsible for all the inferences committees in City Hall can draw.

Alderman Thompson asked, if he was talking with Mr. Ranney, would it be right to infer that he was giving Mr. Morse's views.

Mr. Morse replied by citing an imaginary case of an architect showing a plan for a house.

Alderman Wilder asked Mr. Paul if at the time they had the conversation on the stairs, it were possible that he, as a member of the committee, could have conceived that Mr. Paul was there to represent anybody but himself, from anything that occurred between them.

Mr. Paul—It never entered into my mind at the time, but I can now see that you must have thought so. It was all confusion in the committee room.

Mr. Morse referred to Mr. Hayford's position as being one that he would like to get out; and if he was not the contractor, would he not have said so? He would have walked up with the boldness of a man with truth on his side, and with every inducement to tell it. If he was not the contractor, he would have sought the first opportunity to say so. His expression that he did not know whether he was the contractor or not is not the answer of a man who was not the contractor. The committee were in the same position that Mr. Frye was—under a wrong impression.

Alderman Thompson objected to the comparison, because they saw Mr. Paul in the committee room, but Mr. Frye did not see him at the stands. The committee would not contract with a man whom they did not know.

Mr. Morse said that the trouble was caused by Mr. Paul's getting the plan into the committee's hands instead of Mr. Hayford's. It is of little importance to the Board upon whom the responsibility is charged; but it is a vast deal of importance to Mr. Paul. He wanted them to do justice to Mr. Paul without reference to what the effect would be upon any member of the City Government.

Alderman Thompson asked if Mr. Morse considered Mr. Paul responsible as an architect?

Mr. Morse said the plan was drawn with reference to figuring on the lumber for one section, and Mr. Paul had said he was responsible for the strength of the seats as proposed in the same sense that an architect would be for such a suggestion. In conclusion he thanked the Board for the patient hearing.

On motion of Alderman Fitzgerald, the Board took up the special assignment, viz.:

Consideration of report of Special Committee on Blackstone-square Accident (City Doc. 82).

Alderman Fitzgerald—I moved to reconsider this report after its acceptance by the Board of Aldermen, because I wanted their vote to be an intelligent one after reading the whole testimony. I wanted each member of this Board to assume

the responsibility of adopting or rejecting this report after an intelligent reading of the testimony as given in the appendix. To me personally, as a member of the committee, the object was a disagreeable one. It is always pleasanter for any man, unless he has a grudge or a personal pique to urge him on, to bring in a report exonerating individuals from charges made against them, than it is to bring in a report censuring those individuals. It would be much more pleasant for me, as chairman of the committee, to sign a report on behalf of the committee, exonerating all those connected with the transaction which we investigated, than it would be to bring in such a report as we brought in. What effect the verdict would have was not for the committee to consider. It was whether our verdict was to be a just and fair one, and then let the consequences fall where they may. With us, it was simply whether upon the whole evidence, Mr. Paul was the contractor; and whether the Inspectors of Buildings were guilty of carelessness. I might add that so far as Mr. Paul or Mr. Hayford or Mr. Shaw, or the Assistant Inspectors of Buildings were concerned, the committee had no feelings either for or against them. They simply came to their conclusions upon the testimony here reported. Mr. Paul has had every opportunity. Mr. Paul was at the hearing and made his statement; and after it was known outside what our report was to be he had been allowed to appear here as counsel and plead his case—a very extraordinary way, but nevertheless it has been allowed by this Board, and I don't object to it. But it is rather extraordinary to have a case argued after the verdict has been rendered. But I don't object, because I want this Board to be enlightened; and if they support the report of the committee, that report will carry much more weight and have more effect than if Mr. Paul had not been allowed to make an explanation either by himself or through counsel. We gave notice in the papers, and requested all we knew to appear. Everybody was invited to come. Mr. Paul well knew that in the minds of some a certain responsibility was to be directed towards him; Mr. Shaw thought perhaps that some responsibility would be directed towards him. They were all there, and most of the witnesses were examined by me as chairman of the committee. When each witness was through, Mr. Paul was asked if he had any questions to ask them, and he had none. After everybody that we could hear was heard, the committee made up their report, and the result of it is embodied in this document. And now the members of the Board have heard the argument of Mr. Morse as counsel for Mr. Paul. In arguing this question, we have not only to deal with Mr. Paul, but with others. But I will deal with Mr. Paul. The question first to be determined was, Who was the contractor? Who was the responsible party that this committee should look to, to carry out the contract which they had made? If I come to another person, mentally reserving to myself the idea that I am not the principal, but that somebody else is; but after an individual makes a contract with me, which I, knowing, give to a third party, never disclosing that third party to that individual, then, sir, I am as responsible as if I were the principal, and I cannot shirk the responsibility by saying afterward that I went and spoke for a third person, when that third person was somebody whom the party with whom I was talking knew nothing about. In that case I am responsible as the principal, though the third party may have performed all the business. Upon me all the responsibility rests. Now, what are the facts in this case? They are very simple. They simply resolve the question to this—whether Mr. Hayford or Mr. Paul was the contractor in this case? If this Board does not sustain the report of the committee, then Mr. Hayford is censurable. If this Board finds that Mr. Hayford is not the contractor, and was not censurable, that he was a myth so far as the committee was concerned, that Mr. Hayford never would have got the contract except that Mr. Paul put himself forward apparently as the contractor, though he never performed the work, then, sir, I say this Board can come to no other conclusion than that Mr. Paul must be held responsible; and if he tries to shirk the responsibility it is a fraud on the part of Mr. Paul and an imposition upon the City Government, after he had imposed his good name and faith upon the committee for the purpose of getting a job for somebody whom he knew was his friend, and who was

to get the lumber from him, and who never would have got the contract if Mr. Paul had disclosed his name as the contracting party. Now, what are the facts in the case? They are substantially as related by Mr. Morse. Each and every member of the Monument Committee testified before the Investigating Committee that they never knew Mr. Hayford; that the contract was awarded to Mr. Paul; that Mr. Paul was in the committee room; that he submitted the plan, stated for what those would be done, that he never mentioned Mr. Hayford, and that so far as the committee were concerned Mr. Hayford was as if he never had any existence. The committee by a vote, which is on record, gave that contract to Mr. Paul. Mr. Paul meets the clerk of the committee on the following morning, as related by Mr. Morse; and though the clerk cannot give the precise language, he states that Mr. Paul told him that he had heard of the conclusion to which the committee had come. The conclusion was that the contract had been awarded to Mr. Paul. Mr. Paul states that what he had heard was what Mr. Hayford had notified him. What is the testimony of Mr. Hayford? The manner and testimony of Mr. Hayford were anything but good. He made the worst kind of an impression on the committee. I must say that. I never saw Mr. Hayford before; but he left an impression upon the committee that he was trying all the time to conceal and keep something behind which he did not want to tell the committee; and his testimony made a very bad impression upon the committee.

The Alderman read from Mr. Hayford's testimony as given above, adding the following:

Q.—Well, come down to the time when Mr. Flynn came up there.

A.—He came, but I did not know who it was.

Q.—What did he say?

A.—He asked where Mr. Paul was, and I told him I presumed he was down at his office. I went down after him.

Q.—What did you state to Mr. Paul when you went down there?

A.—I told him there were some of the committee up there, and that they wanted more seats put on.

He went down to see Mr. Paul, and told him they wanted more seats put on there! [Reading]—

Q.—Did they tell you they wanted them?

A.—Yes, sir.

Q.—Which of them told you that?

A.—I think it was Mr. Flynn.

Q.—Did they tell you where they wanted them?

A.—I will tell you what he said. He asked me if there could not be another row of seats put up there. I think those are just the words he used.

Q.—If there could not be another row of seats added?

A.—Yes, sir.

Q.—What did you say?

A.—I told him I would go down after Mr. Paul. According to his own testimony, when Mr. Flynn spoke to him, the contractor, who had charge of the work and was to be paid for it, and asked him if he could put more seats on, he says, "I will go down and see Mr. Paul." That is his testimony. [Reading]—

Q.—Why, if you were the contractor, did not you make the contract?

A.—I did not understand whether I was the contractor or Mr. Paul. He asked for Mr. Paul, and so I went after him.

Q.—You did not know whether you or Mr. Paul were the contractor, and you said you would go after Mr. Paul?

A.—Yes, sir; he called for Mr. Paul.

That from a man who did not know whether he was the contractor! Mr. Paul did not take the trouble to tell him. He did not know whether Mr. Paul or he was the contractor. [Reading]—

Q.—Well, did you have conversation with Mr. Paul?

A.—I simply told him that they wanted to know if there could not be another row of seats added.

Q.—That was all the conversation?

A.—Yes, sir.

Q.—You heard Mr. Paul say that you had a conversation?

A.—After we got up there?

Q.—No, before you got up there; that he figured the whole thing in the carriage.

A.—I think we did.

Q.—You stated just now that you did not.

A.—I would like to recall that; I think we did.

Q.—State what conversation you had.

A.—It was this, as far as I can recollect; that he asked what I thought it would cost.

Q.—Did he ask it of you as an original contractor?

A.—I could not say how he asked it. He asked me, and I told him I thought it would cost about twenty-five cents a seat.

He did not know; this man did not know whether he was the contractor or not, and Mr. Paul left him in such a condition that he could not tell whether the contract was his or Mr. Paul's. That was the condition of Mr. Hayford, according to his own testimony. And so he goes on stating the result of the conference. I asked him if he knew what the contract was between Mr. Paul and the committee, or between himself and the committee, for the additional seats, and he said he did not know until that very night of the investigation, how much money the committee were to pay Mr. Paul or himself; that was the first he knew of the amount of money to be received for the additional seats on either side of Washington street, on the squares, and also on the burying ground; further than that, he said his men did not go to work on the burying ground. I asked him if he considered that he was the contractor for building the stand on the burying ground, and he said Mr. Paul told him he did not think he had enough men and he would send his men. Mr. Paul told him that he [Mr. Hayford] had not enough men and he would send his men over to the burying ground. He did not wait for Mr. Hayford to say "you must send your men." Mr. Paul was acting all through in the matter as if he were the principal—so much so that when he was asked if he was not under the impression that Mr. Lee and Mr. Flynn were dealing with him as if he were the principal, Mr. Paul said he had no doubt they were dealing with him as if he were the principal, and if this accident had never occurred there never would have been any trouble about it. Now, after the testimony of the gentlemen upon the committee; of Mr. Hayford, who was in the habit of taking work for Mr. Paul right along for years; after the offer, which is admitted both by Mr. Paul and Mr. Hayford, and which the committee themselves are ready to indorse, that Mr. Paul was looked upon as the principal in the whole transaction; that the committee thought he was the principal, spoke with him and dealt with him, and telegraphed to him as if he were the principal; after the fact that Mr. Paul admits that the sub-committee appointed to go to the square had no other impression, in their dealings with him, than that he was the principal; after the testimony of Mr. Hayford that he knew nothing about the additional contract or the price fixed upon between Mr. Paul and the committee until the very night of the investigation—he was a contractor who did not know what he was to receive. After all that, what other conclusion can the committee come to than that Mr. Paul was the principal? and if not the principal, that he was a fraud in trying to foist his name upon the committee for the purpose of getting a contract for a man whom the committee did not know, and to whom they never would have awarded the contract except for the name of Mr. Paul? If Mr. Paul was not the contractor for and had nothing to do with these stands, as he says, other than to supply the lumber, then the whole evidence goes to show that Mr. Paul knew and felt all the time that the committee were dealing with him as if he were principal, and that he never disclosed to them that he was only an agent, and allowed them to go along under the impression that he was the contractor; and now, Mr. Paul, having assumed the responsibility, must take the consequences. Even granting for a moment that he is not the principal, and what was really a fact, that Mr. Hayford really performed all the work; if Mr. Paul allowed his name to be used before the committee, and allowed them to get under the impression that he was the contractor, the responsible man, that he was the person who would look after it—he says he had no doubt Mr. Lee and Mr. Flynn were under that impression—if Mr. Paul allowed that, he must be held accountable for allowing the contract to be put into the hands of a man who did not do the work. That was the conclusion of the committee. They had no feeling against Mr. Paul. In appearing to act as principal Mr. Paul must now take all the consequences, and he cannot shirk them off upon Mr. Hayford. He allowed the committee to be under the impression that he was the principal. According to his own testimony he said he had no doubt that two of them

thought he was the real principal in the case; and now, unfortunately for himself, he must assume all the responsibility for this unfortunate transaction, and he cannot shirk it by throwing it off upon Mr. Hayford. That is a matter between Mr. Hayford and himself. If he chose to have Mr. Hayford do this work when he was not fit to do it, it is a misfortune for himself. So, after reading this whole testimony through, the members of the Board of Aldermen can come to no other conclusion than that Mr. Paul was primarily responsible for this, either as the original contractor, or by allowing his name to be made use of as if he were the original contractor, and all the while he was using his name for somebody who never did and never would have received a contract from the City Government. The next point was in regard to the Inspector of Buildings. The evidence is so plain that the Board will come to the conclusion the committee did, that sufficient care was not used by the Inspector himself, and the Assistant Inspectors in this matter. In the testimony as given by one of those gentlemen—I don't wish to make any criticism; I appreciate the feeling which prompted him—it came out that the Inspector was at the square on the morning of the accident, and that he got off the buggy and went to both the stands. He does not call it an inspection; but he was there, and a member of the Council testifies that he was some distance behind the stands, looking at them. The committee came to the conclusion that as his attention had been called to the stands he was to blame, as well as his assistants, and that they were either careless or ignorant in their duties. As I said before, I should very much have preferred to report an order exonerating all those gentlemen. The duty was placed upon me and my associates, and we did not shirk it. Some of us would, perhaps, have made a more severe report than this; but it is the unanimous report of the committee, not made up specially by me, but by all the members. It is unfortunate for Mr. Paul. He, perhaps, did not build those stands; but it is unfortunate for him that the accident occurred. He cannot shirk the responsibility by saying that he was the agent, when he acknowledges that the committee were under the impression that he was the principal, and not the agent; and he cannot shirk the responsibility now. I presume that, if anybody else had had the contract, it would have been just as likely to have happened. It is far easier, after something has happened, to see what ought to have been done, than to see it beforehand. It is easier to condemn and blame individuals after a disaster has happened by saying that they were careless and negligent in the discharge of their duty, when perhaps ninety-nine out of a hundred would have done just as they did, and if it had passed off pleasantly nobody would have thought of anything having been done wrong. I can well see how the public would want that somebody should be made a victim; but that was not the object of the committee in fixing this responsibility. It was unfortunate for Mr. Paul. I may say that the very men who criticize the manner in which those stands were put up acknowledge that perhaps they might have done the same thing. I say this in explanation of the report of the committee.

Alderman Gibson—Really this is one of the most singular cases I ever heard of. Mr. Paul is, of course, a gentleman who stands very high in this community. But there is a certain something behind the curtain that has not yet come out. Whether this Mr. Hayford is a responsible man, or whether I should distrust that Mr. Paul was connected with him in some way, I don't know. Whether Mr. Paul meant to be a responsible man or not, we all see that he is the one that we must hold responsible. He let this thing run clear through, and did not mention Mr. Hayford's name, which is a certain dereliction on his part. Now, if Mr. Hayford was the man who was to erect the stands, and Mr. Paul was thereby to get the sale of some lumber—because, gentlemen, I am hunting outside of this testimony; and then suppose that Mr. Hayford was an irresponsible party, why Mr. Paul might bring in the plan and get the contract and make a profit on his lumber, and pay Mr. Hayford for his work. That is the point that staggers me. I should like to know if there was something of that kind, and the whole community must see that there is. There is no evidence that any one but one member

of the committee knew Mr. Hayford as the contractor. The gentlemen of the committee acted in good faith. The evidence is that one of the committee goes and tells Mr. Hayford that he was the contractor; but I think it devolved upon Mr. Paul to give the committee to understand that he was not the contractor, especially after they had gone down there, and to show that he was simply an architect. It seems to me it is too late now, after the committee had been led to believe that he was the contractor, and it does not seem exactly consistent for such a man to withhold that information till so late a day. There seems to be something about this that has not been fully brought out, and I am at a loss to know what stand to take in it, and it would be a trying question to vote upon. I think there is something under this that ought to come to the surface.

Alderman Burnham—I feel disinclined at this late hour, after this tedious hearing, to say anything upon this matter; and I feel unable to say anything about Mr. Paul, his case having been so ably discussed by his counsel and the chairman of the committee. In their closing remarks the chairman calls attention to the wording of the report in reference to the Inspector of Buildings. Now I have looked over this evidence and can hardly vote for the report, because the conclusions to which the committee arrive do not seem to be warranted by the evidence; and seeing that lack of evidence the report seems to me to do injustice to a worthy city officer. In their third finding the committee say—

“That the Inspector of Buildings, who visited the stands on the morning of Sept. 17th, and the Assistant Inspectors who inspected them, did not use sufficient care in a matter of so much importance to the public safety.”

This is the evidence upon which they came to this conclusion, and which members of the Board have considered. I want to ask what is to be considered “sufficient care” on the part of Inspector of Buildings? That he was the chief inspector, and in a certain sense answerable and accountable, I suppose we may all admit, and I would in that line hold him accountable for what his assistants did. But I understand that the committee admit that he did his whole duty under the law; and I understand by the quotation from the letter from the City Solicitor, on page 70, that he has complied with the statutes, and the committee do not and will not undertake to say that the definition of the phrase using “sufficient care” is that the Inspector should personally inspect all the stands in the five-mile route of procession arranged for that day. But the conclusion they came to is that (page 5)—

“The Inspector could delegate his assistants to perform this duty, and, under the circumstances, would have been justified in accepting their reports as final, especially as he was pressed for time in attending to other duties, which, at the moment, appeared to be of greater importance; but, having gone in person to a structure which had been reported as unsafe, the committee are of opinion that it was his duty, notwithstanding the reports of his assistants, to inspect the same.”

It seems to me that Mr. Shaw did not intend to personally inspect the whole structure; he said so to the committee. He had a right to put that inspection upon his assistants, and he did so and they reported; and yet the report of the committee says, by inference, that as he visited the stand on the morning of the 17th, he must be classed with the assistant inspectors in not using “sufficient care.” The facts seem to be clear to me that he did not visit the stands for the purpose of a general inspection, and I think he ought to have credit for it. The evidence that shows that he was there at all is just as clear in its proof that he was not there for a general inspection; and why should a different construction be put upon it? There was not time for an inspection. It was nine o'clock. At that time Mr. Emery and Mr. Frye had reported to him that the stands were all right; he was on his way to the Redpath stands, and had to arrive at the office an hour later. There was not time to do it personally, and he did not intend to. Now there is another thing that gives me some trouble. There seems to be an evidence to use this simple incident in the testimony of the Chief Inspector to his disadvantage; and if so, it seems to me to be wrong, and to claim that because he did not tell of his visit to the stands until it was drawn from him, that Mr. Shaw intended to keep this



matter back. If there is such an inference it is unfair and Mr. Shaw is not justly chargeable with keeping back anything in his evidence. I have proof that this incident of his stopping at the stands was not intended to be hidden from the consideration of the committee. Mr. Shaw brought that matter before the first commission appointed by the Committee on Survey and Inspection of Buildings. He told it to Mr. Adams, Mr. Bradlee and Mr. Whitcomb, mentioned it to Mr. Sampson and Mr. Pope, of the Council, and myself, on the Wednesday following the accident, and said he intended to state it to the committee, even after I told him it had a bad look. So it seems to me that Mr. Shaw is not chargeable with any intention of keeping any matter back from the committee. He is certainly a faithful officer, and this report cannot be regarded as giving him credit for being so. He certainly has the confidence of the community. I don't think any man could be more heartily indorsed than he was by all the city architects, the Citizens' Trade Association of South Boston, representing nine or ten millions of dollars. I had a conversation with Mr. Bradlee about this matter, and he told me that he held Mr. Shaw blameless in the matter; and after they made up their report Mr. Bradlee took the trouble to confer with his associates, who agreed with him, and took the trouble to go to the Mayor's office and tell him that such was the opinion of the committee and himself. I had a conversation with Mr. Sears, who may be called the father of the building law, and he expressed the same opinion. He said he had conversed quite extensively with builders and architects, and they did not blame Mr. Shaw. Now, in this very conclusion of the committee, they say that because he visited the stands on the 17th of September he did not use "sufficient care" for the public safety. I believe that they use too strong language toward the Inspector of Buildings, and put a responsibility upon him which did not belong to him; and I should wish to have the report amended in that particular.

Alderman Fitzgerald—I am very sorry that any argument has been got up about Mr. Shaw and his testimony. I should attach no importance to the omission from Mr. Shaw's testimony with regard to his visit to the squares, were it not that Mr. Shaw was painfully minute in detailing all he did from Saturday until Monday at half-past nine. He gave a minute detailed statement where he put his horse, and where he went—so much so that twice I asked him to come to the particular subject in which we were specially interested, and that was the examination of those two stands on Blackstone and the other square. But he wanted to tell everything and we allowed him to go along; and he got as far as Canton street in the history of his doings on Saturday and Monday morning; and when he got to Canton street, in giving his detailed statement, he said he met Mr. Emery and Mr. Frye on the corner, and they told him the stands were all right and perfectly satisfactory, and he took their report as final and conclusive in the matter. Mark you; of all the stands erected, these on Blackstone square and the other were those to which his particular attention had been called as being dangerous; the Chief of Police informed him; Mr. Shaw was particular in giving instructions to his assistants about them; and yet he says he did not inspect the most dangerous stands at all, and relied upon his assistants to do it. He attempted to explain why he did not inspect the stand to which his particular attention was called because of its being unsafe and dangerous. Because why? Because it was reported to him by his inspectors as being sound on Monday morning, and that there were other stands reported unsafe that he thought of sufficient consequence to inspect. What does he say? I am sorry the gentleman brought it up; but let it come out now. He says—

Q.—You did not go up there yourself?

A.—I say I took that report as final and conclusive in the matter, from two such men as they were. I never inspected these stands myself. I did not think about these stands, and I had every reason in the world to suppose that they were perfectly safe. I started off and drove on.

Q.—Beyond the stands?

A.—Yes, sir.

Q.—And passed them?

A.—I did."

I was particular to bring him to these particular stands, and I never dreamed and never knew that he was there; no member of the committee ever thought he was there; and he said he drove be-

yond the stands and did not think it worth while to inspect them. [Reading]—

"I saw I had just thirty minutes. I had informed my men I would be at the office at half-past nine o'clock. I saw I had just thirty minutes to go up and look at the Redpath stand and get around, and I wanted to stop at the Common; I had that in view, because my men had not got to work when I left the Common."

What was the impression he intended to leave upon the committee's minds? He gave a detailed statement of everything he did; when he got up in the morning, where he left his horse, when he went to the stable, the instructions he gave to Mr. Frye and Mr. Emery, how he went to the stand on the Common, how he left the office and got down as far as Canton street. It could not be an intentional omission or forgetfulness, because I asked him if he passed the stands by and he said he did. When he got through, when his examination was concluded, and when he had put in everything, after he had denied that he had seen these stands, when he had positively stated that he passed them by and never inspected the stands, and I asked, after he had got through with his testimony, how, being the Inspector and having inspected the Redpath stands, his attention having been called to this stand, why he did not examine it, but pass it right by, and he said one of the reasons was that those stands were small, and he was only sorry he did not inspect them; and then Mr. Flynn asked him—

"Were you ever there on the ground? Did you ever see those stands before they were occupied?"

And he hesitated and stopped, and looked around, and began to fumble, and finally he stammered, and I said to him, "Mr. Shaw, a simple answer, yes or no, will suffice for such a question as that"; and then he said he was there upon the stand; and I asked him why he did not tell that before? It made a worse impression upon the committee than the testimony of any man who had been there. I am free to confess that it did upon me. I am obliged to come to the conclusion that he designedly kept from the committee the fact that he was upon Blackstone square until it was forced out of him by the question of Mr. Flynn. Then he said he got off his buggy, looked at the stand, desisted the upper stand, and then raced over to the other side and looked at the other one, and then went off. Mr. Fagan says he was behind the stand near West Brookline street, and that he saw him nearer Newton street than Brookline street. What could the committee think of the testimony of a man who was called upon for the purpose of giving his account of the Blackstone-square seats, who told everything so minutely that the minuteness became painful to the committee, and when it came to the important testimony which he ought to have told to the committee he avoided telling that until it was forced out of him by a gentleman not a member of the committee? The only conclusion that came to is that Mr. Shaw made the same kind of an inspection that he made upon the Redpath stand, and at the stands upon the Common, and he calls it no inspection. If he had never gone near them, I grant you that he would have been upheld in accepting the reports of his assistants. But stands put up in such an unworkmanlike manner, and the Inspector of Buildings going behind them and not detecting their defects, shows that he was grossly careless or ignorant of his duties. I am sorry the Alderman has brought up this question, because of all matters that was the one upon which the committee would disagree, and that was why we came to this mild report. Having gone there and looked at them—although he tried to keep the committee from knowing he had been there—all goes to show that Mr. Shaw made the same kind of inspection of them that he made of the other stands, and the concealment of the fact that he had been there was a willful suppression of the facts in the case. So far as Mr. Paul is concerned, the relations between him and Mr. Hayford were of such a peculiar nature—Mr. Paul supplying the lumber and Mr. Hayford doing the work—I could well see that Mr. Paul thought Mr. Hayford was the contractor, or that Mr. Hayford thought Mr. Paul the contractor, no one supposing that there would be any trouble. I can easily see how those two gentlemen could be confounded. It was a small matter and would have made very little difference who was the contractor, if there had been no accident; and I can see how the testimony of Mr. Paul is thoroughly consistent with

the report which the committee make, holding him to a strict accountability to which he thinks he ought not to be held. But I cannot see how the Inspector of Buildings, knowing that we were appointed for the special purpose of giving this Board the circumstances, could unwittingly tell the committee that he passed them by and went up to the Redpath stands, unless he intended to suppress the truth.

Alderman Burnham—I shall not attempt to go over the evidence, as did the chairman; but when he states the painful minuteness with which the inspector detailed his actions, and presents the inspector as standing in that relation to the committee, I shall dissent. I rise to ask the Alderman how he makes it correspond with his theory that Mr. Shaw intended to keep back this matter from the committee, and that Mr. Shaw intended to falsify himself, how he reconciles that with the fact of the mere accident which Mr. Shaw freely narrated to individuals, including myself. It was on account of my relation to Mr. Shaw in this matter that made me think the committee have done him injustice. When I put that question to Mr. Shaw, he said he would never keep it back from the committee or the community. I submit that the Board cannot find anything in the testimony to justify the conclusion of the committee as presented so forcibly by the chairman. I do not find it. If the Board do not find it, I do not see how he can arrive at the conclusion which he has presented in regard to Mr. Shaw's position. I feel conscious that Mr. Shaw did not intend to inspect those stands and they being small, he left them to his assistants; but catching a sight of something upon the end of the stands as he passed by, he got out and looked at them; but in doing that he did not intend to inspect them, having left that to others and trusted to them.

Alderman Wilder moved to lay the matter over for one week.

Alderman Fitzgerald insisted that it should be settled at once, saying he would be very happy if the Board would come to a conclusion different from what the committee had.

The motion was lost.

Alderman Slade—I don't see how I can help voting for this report. No doubt somebody is to be censured, and I think Mr. Hayford and every carpenter who saw those stands are censurable for not seeing the lack of braces. Even the person who gave the first alarm did not see that. It was because of the seats put on top, that nobody's attention was called to it. That was all Mr. Frye saw. In fact, they all saw nothing but the seats on top, and Mr. Frye suggested that some cleats would do all that was necessary. I don't see that this report is very rough. Every carpenter who worked upon it and didn't see that these seats had no braces is censurable.

Alderman Wilder—I don't know that I can do anybody any good. I am sorry that the discussion in regard to the inspector has been opened. I am aware that there must be a victim, and will admit that the committee had a right to censure the manner of the inspector in giving his testimony; but the motives attributed to him proved not to have operated upon his mind. In the first interview of the inspector with Messrs. Bradley, Adams and Whitcomb, he went all over the facts in regard to his brief and hurried visit to the stands, telling the story exactly in the same way—that he had felt a great deal of anxiety about the Redpath stand, because it was so high, and that he had no fears about the lower stands, especially after the reports from his assistants, in whom he had so much confidence. After receiving the note from the Chief of Police, he ordered a reinspection of them. He met the assistants at Canton street, and heard their report. When he got to the stands he noticed something overlapping at the end; jumped out of his wagon, gave a glance at them, making the same mistake that everybody else has; and after making this hurried examination he went on and attended to the rest of his duties. I was not present during the whole of his testimony, and I will admit that he did not tell the story exactly as he told it before; why, I do not know. But it was utterly impossible that the inspector should have expected to conceal this fact, when he told it to the gentlemen I have named and to Alderman Burnham. I can imagine why the testimony was given exactly in that way. Of course the inspector felt under a good deal of excitement. It was a matter of deep consideration to him, and somebody advised him—

Alderman Fitzgerald—Not to tell the truth?

Alderman Wilder—No, sir. He gave that testimony under the advice of somebody, leaving out this until the last, with the fullest intention of giving a full and entire explanation of it, because he wanted it to appear to the committee exactly as it appeared to him in his own mind. He did not want to withhold the fact from the committee that he got out and looked at those stands; but he did want the committee to believe that he did not inspect those stands and did not go there for that purpose; that he accepted the report of his assistants, and that he merely jumped out and looked at them for a moment. These are the facts. If he is censurable for anything, it is for the manner in which he gave his testimony before the committee. But I don't think a man who is a faithful officer, who attends to his duty, who is without reproach, except for the manner in which he gave his testimony, should be censured very much. I am sorry the discussion has been opened, but so long as it has been I could not permit the occasion to go by without stating those few facts, and the motives of Mr. Shaw, and vindicating him from any intention to withhold any of these points which he had stated prior to his examination before the committee, for it was a matter which was entirely public. I only criticize his manner of leaving it out to the last. If the question had not been asked by an outside gentleman, I know the committee would have got the fact, but a little later, and in Mr. Shaw's own way.

Alderman Fitzgerald—I am sorry this discussion has come up. I did not bring it up. It was brought up by gentlemen interested in the inspector. I thought charity would force the friends of the inspector to be silent upon that; but as they did force it here, I am bound to vindicate myself and my position. I said he was very minute. I told him I did not like to interrupt him, but I wanted him to come to those squares, and he said it was due to him that he should tell everything he did. [The Alderman read Mr. Shaw's testimony in regard to his meeting Mr. Frye and his going to the Redpath stand.] He presented the reports of his assistants, Mr. Gargan asks a question, and Mr. Shaw gets through giving testimony; he gets through with everything, and I say to him, "Is that all? Perhaps some members of the committee want to ask you some questions." He was all through except what was to be got out of him by cross-examination. He had stated everything and he did not intend to state any more. Then Mr. O'Brien asked him some questions and asked him why he did not examine a stand to which his especial attention had been called, and he gave his reason, which I have read, and he did not mention that he had been on the ground until Mr. Flynn asked him if he was ever on the ground and did he ever see those stands before they were occupied. He had got through with the examination and had told all he had to tell; so far as relating his travels from Saturday night to Monday morning, we had got all out of him that we possibly could get, including the reports of his assistants. I don't know who advised him; I don't know what he stated to others. My verdict was made up on the testimony before the committee. Whoever advised him, advised him badly. It would have been far better if Mr. Shaw had told it right along in consecutive order, and not waited until obliged to answer a question which forced out of him the most important testimony in connection with the whole affair. I don't know what he told the Aldermen. One of the Aldermen here told me that Mr. Shaw told him he had never been on the stands. That I know.

Alderman Gibson—I think the plain, unvarnished facts ought to be told without covering up anything. I had a long talk with the inspector of thirty minutes, and he never told me that he had been to the stands. I have no objections to Mr. Shaw, but when I see a thing trying to be covered up, I like to see the cover taken off. If a man has made a mistake and admits that his judgment was wrong, that he thought it was all right, I should think as well again of that man. I say it was a proper inspection if he went on that square. He might have known that perpendicular stands would not stand without braces. It would not have done even for a turkey roost. Mr. Shaw has done his duty so far as I know, but after reading his testimony I don't think that any unprejudiced man can stand up and point out why he was not to blame.

Alderman Burnham—The chairman of the committee has conveyed one impression that I would like to correct. As I read Mr. Shaw's testimony I do not get the impression that he was done, but that he had finished that particular subject. He persists in saying that he never inspected the stands because they were small, and because they had been reported safe by his assistants.

Alderman Fitzgerald—It is impossible to convey a photograph of the manner of the man on paper.

Alderman Burnham—I take my photograph from what is here. It does not look to me as if the inspector intended to cover up this matter.

Alderman Fitzgerald—He had got through with his evidence, and Mr. Flynn asked him the question, and he ahem'd and haw'd, and finally I said the question admitted of an answer of yes or no.

Alderman Gibson in the chair.

Alderman Clark—I do not propose to make any extended remarks at this late hour; neither should I were it earlier in the evening. I think there is something due to Mr. Paul in this matter. Mr. Shaw has had his defence here, and I propose to say a word in defence of Mr. Paul. In the first place I think the committee were justified in supposing that Mr. Paul was the only contractor for the work. I should have felt precisely the same had I been one of that committee; and that they were justified in not troubling themselves any further about the work being substantially and faithfully done, because Mr. Paul's reputation as a builder is second to none in the city. But I fail to see in the evidence why Mr. Paul might not have supposed that the Committee thought the work was to be done by Mr. Hayford. His conversation with Alderman Wilder was certainly of a character to lead him to suppose the committee were making the contract with Mr. Hayford. In reply to the Alderman's question, whether he would do it for \$250, Mr. Paul said, "I do not know whether he will do it for \$250 or not," meaning Mr. Hayford. Mr. Paul supposed he was making a sketch of a stand to be built by Mr. Hayford, he to furnish the lumber, and have an indirect interest in it to that extent. There is not the slightest evidence that Mr. Paul came here seeking the job; but there is evidence to show that Mr. Nugent, a particular friend of Mr. Hayford, anxious to help him, as all members of the City Council are to favor their friends when opportunity offers, told Mr. Hayford that here are platforms to be erected, and that he would use his influence to help him get the job. Mr. Hayford goes to Mr. Paul to make the sketch, and Mr. Paul told the Alderman that a platform on that plan would cost \$300; but he did not agree to build it. There is not the slightest evidence that Mr. Paul had reason to believe that he was the contractor to do the work. On the contrary, there is not the least reason for the committee to suppose that Mr. Paul was not the party who was to do the work. It was a small matter for him. He supposed it would be well done, and if there is any negligence on his part it was from the fact that he did not tell the committee that he was not the party who was going to do the work, but was merely going to furnish the lumber, and that Mr. Hayford was to build the stands. It seems to me the argument of Mr. Morse in regard to Mr. Hayford is a good one; that if Mr. Hayford had not considered himself responsible for the failure, he would have absolutely denied that he was the contractor, and would have publicly stated that Mr. Paul took the contract and was the only responsible party. Altogether it is a very mild report; however, in this second clause I think the name of Mr. Hayford should be substituted for that of Joseph F. Paul, and I move to so amend the report.

Alderman Thompson—Will the gentleman state what member of the committee contracted with Mr. Hayford? We did not know such a party.

Alderman Clark—He was known to one member of the committee—the only mechanic upon it.

Alderman Fitzgerald—Was he known in his official capacity as a member of the committee in his dealings with Mr. Hayford?

Alderman Clark—That is a question which none but Mr. Nugent can answer.

Alderman Fitzgerald read from Mr. Nugent's testimony where he said he knew no one else as the contractor besides Mr. Paul.

Alderman Clark—Mr. Hayford testified that his business was done with Mr. Nugent. That is where the figuring commenced. It was in consequence of Mr. Nugent having gone to Mr. Hay-

ford and asked him to figure on the job. I don't mean to say that Mr. Paul was entirely blameless in that matter. He should have said the job was Mr. Hayford's and not his. The faulty construction of those seats was owing to the carelessness of Mr. Hayford and not of Mr. Paul.

Alderman Thompson—The proposition is perfectly ridiculous that a person entirely unknown to the committee should be censured. It seems to be perfectly absurd. The committee were not responsible for what Mr. Nugent did. It is sufficient for me to know that Mr. Nugent was present and voted to give the contract to Mr. Paul, and subsequently a telegram was sent to Mr. Paul, who received it and did the additional work. I never heard Hayford's name until the stand fell. The arrangement was made with Mr. Paul, and what arrangements he had with Mr. Hayford the committee knew nothing about. I never knew any party in the transaction but Mr. Paul.

Alderman Slade moved to amend by making the report read "Joseph F. Paul and Warren F. Hayford, as the builders of the stands." Lost.

Alderman Clark's amendment was lost—yeas 1, nays 11; Alderman Clark voting yea.

Alderman Clark in the chair.

The report was accepted. Sent down.

#### DISCHARGE OF LABORERS IN PAVING DEPARTMENT.

A petition was received from James Kelly, asking for a report from the Paving Committee, in regard to the discharge of laborers in that department who had testified against P. D. Ladd, one of the foremen.

Alderman Robinson said the committee had spent the money given them in the most judicious manner possible, and there was no more work for the men. He saw no chance of employing more than they have at present.

Alderman Fitzgerald—The greater number of these men had been witnesses in a hearing before the committee against one of the foremen. I saw in a paper yesterday an account that I, as a member of the Paving Committee, went in a towering passion to the Superintendent of Streets and demanded of him his reason for discharging the men, and that never again should I countenance anything of the kind. It was put in such a way as to leave the impression that I wanted all the men crammed into the Paving Department whether they were wanted or not, and the evident intent of the article as originally written was to convey an impression of that kind. It is wholly false. A number of men were discharged from the Paving Department in the Roxbury District and came to my office—which, by the by, has been turned into an employment bureau for the last nine months—stating their grievances and telling me that they were the men who had testified against Mr. Ladd. These poor men came to the conclusion that they were turned off because they testified against Mr. Ladd. I did go to the Superintendent of Streets, and ask why the committee, having been in session the evening before, were not notified of his proposed action, and said it was due to the Committee on Paving, because the men were under the impression that they were discharged because they had testified against these men. He said they were discharged because there was no need of them, and I said, I hoped that here after, when men were discharged like that, it would at least be reported to the committee. That was the sum and substance of what I said, and I reiterate it here. The impression has gone abroad that the employment and discharge of the laborers is in the hands of the committee, and I want to perform acts of that kind when I have to take a share of the responsibility for them. Some of those poor men were for five or six years in the employ of the city, some had families dependent upon them; and it is rather a curious thing that the eight or nine who came here and testified against that man should be selected to be discharged, while some that were left were single men. I am glad this petition came in, as it gave me an opportunity to explain this article. Those men naturally feel that they were turned off as a matter of revenge, especially when they had been retained for four or five years. I am not in favor of retaining men when there is no work for them, but always contend that those who have families should have the preference for work; and when men of that kind are discharged, the Paving Committee ought at least to be consulted.

Alderman Robinson—I differ considerably with my associate in regard to these men. There were

more men in Roxbury than we could possibly employ, and twenty-four were discharged. I am satisfied there was no reference to the parties who were brought up here. Certain parties had to be discharged, and there happened to be two men out of the twenty-four who testified. There could be no feeling of revenge. There was a universal statement made here that they had nothing against Mr. Ladd. I think the putting on of men ought to be left to the Superintendent of Streets. I have had constant appeals to me that men who had been at work a

long time ought to be discharged to make room for others.

The petition was referred to the Paving Committee.

PETITION FOR FENCE TO BE REMOVED.

A petition was received from John McNellis, for the removal of a fence in Cook street, Charlestown. Referred, on motion of Alderman Thompson, to the Committee on Streets on the part of the Board.

Adjourned on motion of Alderman Wilder.



CITY OF BOSTON.

Proceedings of the Common Council,

OCTOBER 18, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

PAPERS FROM THE BOARD OF ALDERMEN.

Report of Superintendent of North Scales. Placed on file.

Petitions were referred in concurrence.

Reference to Committee on Finance of a request of the Committee on Public Buildings that the means (\$2000) be provided for fitting up old Lyman Schoolhouse for a high-school branch. Concurred.

Report (leave to withdraw) on petition of E. A. McGrath to be reimbursed sums paid for an estate sold for non-payment of taxes. Accepted in concurrence.

Report inexpedient to dredge front of wharves between Cragie's and Cambridgeport bridges. Accepted in concurrence.

Order for city to assume taxes for present year (\$68.12) on land on Cambridge street purchased as a site for a grammar schoolhouse in Brighton. Ordered to a second reading.

Report and order to grant use of a room in old Franklin Schoolhouse to Massachusetts College of Pharmacy. Order read twice.

Notice of non-concurrence in passage of order relating to retaining the services of laborers in Department of Common, etc. Placed on file.

Report on Blackstone-square accident. (Printed City Doc. No. 82, 1877.) Accepted in concurrence.

Order to hire for five years certain rooms at 2 Pemberton square, at a rental of \$1500 per annum.

Mr. Mowry of Ward 11—I would ask for an explanation of this order from the proper committee.

Mr. Wilbur of Ward 20—The building has been used by the City Solicitor and the city has been paying some three thousand dollars a year for it.

Mr. Spenceley of Ward 19—Two thousand.

Mr. Wilbur—Two thousand. It has been found that it could be procured at the present time for the sum of fifteen hundred dollars, a saving of some five hundred dollars.

Mr. Spenceley—I would simply add that Mr. Healy has his carpets down and his books and everything is there, and he thought he had better stay there. As this decreases the rent five hundred dollars the Superintendent of Public Buildings thought we could not make a better bargain than hire the room.

Mr. Clarke of Ward 22 asked if the City Solicitor could not occupy a part of the building on the corner of Tremont and School streets, leased by the Committee on Improved Sewerage; to which Mr. Sampson replied that they had leased the attic rooms only, and that the lower floors are occupied.

Mr. Mowry said he objected to the lease being for fifteen hundred dollars, as rents have been decreasing in Pemberton square, and he also objected to the lease being taken for five years.

The order was passed to a second reading and laid over.

EXPENDITURES FOR COMMON AND PUBLIC GROUNDS.

Mr. Howes of Ward 18—I should like to move a suspension of the rules in order to present a report of the Committee on Common and Public Grounds. I notice on the calendar that there is quite a number of subjects which will probably cause a large amount of debate, and on that account I wish to get this report in previous to debating the subjects in the regular order. The committee have discharged all the men in the department with the exception of three, and those who have been discharged are waiting for their money. If this matter can be referred to the Committee on Finance, as I shall move, it might be reported to this Council for debate on the passage of the order at our next meeting.

The rule was suspended, and Mr. Howes submitted the following, moving that it be referred to the Finance Committee, with a request that they provide the means:

The Joint Standing Committee on Common and Public Grounds respectfully represent that an additional appropriation will be required to cover

the expenses of the remainder of the financial year.

The expenses from the beginning of the present financial year up to Oct. 15 are shown by the following complete statement:

Schedule of Bills and Pay Rolls charged to the account of Common and Public Grounds, May 1 to Oct. 15, 1877, inclusive.

Date of Bill.	Amount of pay-roll.	
Dec., 1876,	\$2,415.42	
Jan. and Feb., 1877.)	James F. Marston carpenter's labor and stock.....	397.75
	Coch'tte water rates, use of water, Jan. 1, 1877, to Jan. 1, 1878	335.00
1877.		
April 23.	Galvin Brothers, trees and plants..	275.00
20.	John Galvin, services, \$183.00; tickets for workmen, \$7.50; freight, \$4 38.....	194.88
Feb., Mar., and April.)	Geo. T. McLauthlin & Co., repairing fence and elm tree.....	98.16
March 15.	H. D. Parker, refreshments, Clark.....	\$1.80
	H. D. Parker, refreshments, Clark, Galvin..	2.65
	H. D. Parker, refreshments, Pope, Day, Howes, Galvin	5.80
April 3.	H. D. Parker, refreshments, Clark, Robinson.....	2.00
	H. D. Parker, refreshments, Clark, Slade and Hiscock..	5.25
	H. D. Parker, refreshments, Clark, Dee, Galvin, Clapp	15.10
	H. D. Parker, refreshments, Clark, Robinson.....	3.90
April 13.	H. D. Parker, refreshments, Clark, Thompson, Talbot, Day, Harris, Perham.....	16.70
	H. D. Parker, refreshments, Galvin, Pope, Dee.....	7.10
March 20.	George Coyle, manure and team work.....	60.30
10.	Rockwell & Churchill, order and permit-books, pay-rolls, etc.	53.50
20.	N. Butters, broom stuff.....	27.96
March 28.	J. P. Barnard, carriage, Pope and Howes.....	17.00
April 9.	S. M. Grant, corn and meal.....	8.00
	Lewis S. Davenport, removing and storing covering of fountain.....	7.92
March 26.	Joseph W. Ripley, binding "permits for stands".....	3.00
		1.00
	Amount of May Draft.....	3,894.89
April 20.	Amount of pay-roll..	3,183.38
May 11.	Owen Nawn, manure, gravel, loam, sods and team work.....	1,622.50
	Stephen Connelly, extra work, sewer on Common.....	34.25
	Owen Nawn, earth, loam, gravel, manure, etc., and team work.....	2,623.00
April 25.)	Galvin Bros. plants and trees.....	1,337.50
May 19.)		
and 21.)		
May 20.	Hugh Nawn, sods....	1,045.34
May 18.	Fred W. Kelsey, plants and trees.....	991.00
May 19.	H. K. Parsons, red gravel.....	853.00
	A. J. Tuttle, sprinkling Charles street, Boylston to Beacon street, 2 months....	250.00
20.	John Galvin, services, \$183.00; freight, \$30.60; 2 loads peat,	

		\$6.....	219.60						
		20. Benj. T. Wells, trees	132.25						
		15. John Deegan, bird boxes and carting...	116.50						
April		20. H. D. Parker, refreshments, Dee, Flynn, Galvin.....	\$7.15						
		21. H. D. Parker, refreshments, Clark, Slade, and Galvin....	6.60						
		23. H. D. Parker, refreshments, Clark, Hiscock, Pope, Galvin....	13.40						
		22. H. D. Parker, refreshments, Dee, Hiscock, Galvin.....	10.25						
		23. H. D. Parker, refreshments, Clark.....	1.30						
		25. H. D. Parker, refreshments, Robinson, Pope, Galvin.....	12.70						
		26. H. D. Parker, refreshments, Clark, Pope, Howes, Hiscock, Dee, Galvin....	27.65						
May		2. H. D. Parker, refreshments, Clark, Pope, Hiscock, Dee, Galvin.....	20.25						
		3. H. D. Parker, refreshments, Howes, Hiscock.....	2.70						
		3. H. D. Parker, refreshments, Hiscock, Galvin.....	5.90						
		4. H. D. Parker, refreshments, Pope, Dee, Galvin.....	5.65						
		5. H. D. Parker, refreshments, Pope, Dee, Hiscock, Galvin....	12.80						
		10. H. D. Parker, refreshments, Clark, Hiscock, Robinson.....	5.45						
			131.80						
Feb. to May.		George T. McLauthlin & Co., repairing fences.....	95.21						
		Amount of pay roll of discharged men....	4,361.46						
Apl.		Wm. McKenney, trees	48.00						
May.		23. Samnel Hatch & Co., plants.....	81.85						
April		20. J. E. Maynard, carriage, Galvin.....	\$2.00						
		21. J. E. Maynard, carriage, Hiscock, Howes, Galvin.....	8.00						
		23. J. E. Maynard, carriage, Dee, Pope, Howes..	3.00						
		24. J. E. Maynard, carriage, Hiscock, Pope, Galvin.....	5.00						
		25. J. E. Maynard, carriage, Howes, Pope, Galvin.....	10.00						
May		3. J. E. Maynard, carriage, Howes, Hiscock, Pope....	8.00						
		5. J. E. Maynard, carriage, Howes, Hiscock, Dee, Pope.	8.00						
			44.00						
		20. Michael Coffee, trees.	44.00						
		23. Chelmsford Foundry Company, fence for Common.....	39.00						
		20. J. Lamson, trees.....	26.50						
April.		J. L. Fairbanks & Co., books and stationery.....	25.20						
May		20. Harper & Billings, trees.....	15.75						
April		18. } S. M. Grant, corn, oats							
May		5. } and meal.....	12.52						
April		30. R. M. Pulsifer & Co., advertising.....	11.25						
		30. Journal Newspaper Company, advertising.....	8.50						
		30. R. Worthington & Co., advertising.....	7.00						
May		10. H. T. Johnson & Co.,							
		books and stationery.....	6.67						
		20. M. Ward, trees.....	5.00						
		4. Lockwood, Lumb & Co., plumber's work and stock.....	4.05						
		4. J. P. Barnard, carriage, Howes, Pope	4.00						
		Amount of June Draft.....	17,380.08						
		Amount of pay roll... discharged men....	5,219.43						
May 22 to		Galvin Brothers, plants.....	4,412.85						
June 16. }		H. K. Parsons, red gravel.....	2,685.00						
		20. O. Nawn, binding gravel, loam and team work.....	1,122.25						
		20. Hugh Nawn, sods....	685.11						
		20. John Reardon, on account of contract for care of sundry squares.....	600.00						
Jan.		1. Metropolitan Railroad Company, manure 1 year, 112 horses, at \$5.00.....	560.00						
June 14.		D. A. Berry, seats, tree-guards and painting same.....	405.95						
July 1.		Peter Callahan, on account of contract for care of East Boston squares....	400.00						
May 26 to		Samnel Hatch & Co., plants.....	341.90						
June 6. }		7. Thomas Arey, trees...	218.50						
		23. John Galvin, services, \$184; tickets for workmen, \$7.50....	191.50						
		21. George J. Coyle, manure and team work.	173.00						
May and 31. }		7. George T. McLauthlin & Co., repairing fences.....	128.00						
June 15.		A. J. Tuttle, sprinkling Charles street, Boylston to Beacon street.....	125.00						
		4. The Hillis Archimedeon Lawn Mower Co., lawn mowers..	125.00						
April and		James F. Marston, carpenters' labor and stock.....	117.10						
May. }		8. Sisters of the Good Shepherd, plants....	110.00						
June 8. }		Francis Richards, painting and stock.	95.63						
Feb to June. }		15. H. D. Parker, refreshments, Clark, Howes, Dee, Galvin.....	\$7.85						
May 15. }		H. D. Parker, refreshments, Dee, Galvin..	2.45						
		16. H. D. Parker, refreshments, Clark, Hiscock, Dee, Galvin, Clapp..	9.05						
		21. H. D. Parker, refreshments, Clark, Pope, Dee, Galvin.....	7.40						
		25. H. D. Parker, refreshments, Clark, Thompson, Dee, Galvin, Hiscock.....	10.90						
		28. H. D. Parker, refreshments, Pope, Dee, Galvin, Howes.....	7.40						
June 7.		H. D. Parker, refreshments, Dee, Hiscock, Howes.....	12.00						
		13. H. D. Parker, refreshments, Howes.....	2.00						
			59.05						
June 11 }		J. E. Maynard, carriage each, 11th \$8, 16th \$8,	16.00						
and 16. }		Galvin and Hiscock....	55.00						
June 13.		Benj. T. Wells, tools, bird-houses, etc..	24.54						
Jan. to }		Henry C. Bird & Co., plants.....	14.25						
June. }		21. S. M. Grant, corn and oats.....	11.25						
May 21. }		S. Burrill, Jr., sharpening tools.....	10.00						
		1. A. H. Chapinan, lawn mower.....	9.00						
May 25.		Abiel S. Lewis, plants.	7.40						
		21. William Lumb & Co., plumbers, labor and stock.....	6.00						
April 5.		Henry Munroe, repairing signs.....	5.00						
May 28.		J. P. Barnard, carriage, Howes.....							
		Amount of July Draft,	21,088.97						
		Amount of Pay-roll No. 1.....	\$1,504.00						
		Amount of Pay-roll No. 2.....	1,858.98						

June	25.	Simpson Brothers, concrete walks, and repairing do.....	1,149.30
July	21.	H. K. Parsons, red gravel.....	550.00
July	24.	John Galvin, services, \$183; tickets for workmen, \$7.....	190.00
	16.	A. J. Tuttle, sprinkling Charles st., Boylston to Beacon street....	125.00
Jan. to July	29 } 16. }	N. Callahan, sharpening tools, etc.....	119.45
June	15.	H. D. Parker, refreshments, Dee, Galvin....	\$3.90
	15.	H. D. Parker, refreshments, Galvin.....	11.00
	16.	H. D. Parker, refreshments, Clark, Dee, Galvin.....	11.30
	19.	H. D. Parker, refreshments, Clark, Dee, Galvin.....	6.00
	21.	H. D. Parker, refreshments, Clark.....	2.45
	28.	H. D. Parker, refreshments, Howes, Pope..	5.95
	28.	H. D. Parker, refreshments, Clark.....	1.55
July	5.	H. D. Parker, refreshments, Clark.....	1.00
	9.	H. D. Parker, refreshments, Pope, Dee, Galvin.....	13.95
	11.	H. D. Parker, refreshments, Howes, Peters,	2.00
			59.10
June	13.	Steiert Brothers, plants	41.37
	11.	Justus Geist, "	16.00
July	18.	James O'Toole, "	15.84
June	16.	S. M. Grant, corn, oats and meal.....	15.15
	28.	J. E. Maynard, carriage, Howes..	\$8.00
	30.	J. E. Maynard, carriage, John Dee.....	4.50
			12.50
	16.	Lampier & Richards, painting tree-guards	7.00
	25.	Sampson, Davenport & Co., directory.....	5.00
		Amount of August Draft	5,668.69
		Amount of pay-roll....	1,867.62
		Amount of pay-roll of discharged men....	2,612.75
July 21 to Aug. 20.		Owen Nawn, stone chips, gravel and team work.....	1,232.40
Aug.	20.	John Galvin, services, \$183.00; tickets for workmen, \$7.25.....	190.25
	15.	A. J. Tuttle, sprinkling Charles street, Boylston to Beacon street.....	125.00
July	15.	H. D. Parker, refreshments, Dee, Galvin..	\$5.45
	18.	H. D. Parker, refreshments, Dee.....	1.80
	24.	H. D. Parker, refreshments, Dee, Galvin..	8.87
	25.	H. D. Parker, refreshments, Clark, Robinson.....	2.95
Aug.	1.	H. D. Parker, refreshments, Clark, Dee, Galvin.....	6.55
	13.	H. D. Parker, refreshments, Dee, Galvin..	5.25
			30.87
July 20 and Aug. 9.		S. M. Grant, corn and meal.....	15.40
July 1 to 18.		George T. McLauthlin & Co., repairing fences.....	14.99
Aug.	20.	James Devine, two oak barrels.....	4.00
	6.	J. E. Maynard, carriage, Galvin.....	2.00
July	20.	Owen Nawn, sods, \$450; team work, \$757.50.....	1,207.50
		Amount of September draft.....	7,302.78

		Amount of pay roll... 2,579.37	
		Amount of pay roll of discharged men.... 2,261.01	
Sept.	19.	John Reardon, on account of contract for care of sundry squares.....	600.00
	20.	Owen Nawn, team work, \$387.50, and scds, \$45.....	432.50
	24.	P. Callahan, on account of contract for care of East Boston squares.....	300.00
Oct.	1.	John Galvin, services, \$183; tickets for workmen, \$5.50.....	188.50
Sept.	15.	A. J. Tuttle, sprinkling Charles street, Boylston to Beacon street.....	125.00
	18.	Geo. J. Coyle, binding gravel.....	125.00
Aug.	21.	H. D. Parker, refreshments, Dee, \$4.15; Galvin, \$0.75.....	\$4.90
	28.	H. D. Parker, refreshments, Robinson, Howes, Dee, Galvin, Flynn.	30.35
	29.	H. D. Parker, refreshments, Galvin.....	60
Sept.	1.	H. D. Parker, refreshments, Clark and Slade... ..	5.40
	5.	H. D. Parker, refreshments, Clark, Howes, Slade, Wilder, Thompson.....	11.80
	6.	H. D. Parker, refreshments, Clark, \$4.90; Dee, \$1.90....	6.80
	7.	H. D. Parker, refreshments, Clark, Dee, Galvin.....	8.50
	9.	H. D. Parker, refreshments, Clark, Dee, Galvin.....	9.00
	11.	H. D. Parker, refreshments, Dee, Galvin..	3.45
	13.	H. D. Parker, refreshments, Clark and Howes.....	4.80
	14.	H. D. Parker, refreshments, Dee, Slade and Smardon..	6.65
	15.	H. D. Parker, refreshments, Dee, Howes and Pope.....	11.15
			103.40
June 30 to Sept. 5.		James F. Marston, carpenters' work and stock.....	68.69
June 14 and Aug. 15.		Everett & Small, lawn mowers.....	40.00
August 25.		J. W. Leighton, repairing fountain independence square...	30.00
June 25 to Sept. 10.		S. Burrill, Jr., repairing tools.....	15.75
August 30.		S. M. Grant, corn and oats.....	9.80
"	28.	J. P. Barnard, carriage, Pope..	\$4.00
"	31.	J. P. Barnard, carriage, Pope.	2.00
"	31.	Cambridgeport Diary Co., stamps, stationery, etc.....	8.58
Sept.	10.	Rockwell & Churchill, note paper.....	4.00
May	15.	George Billings, trees	3.75
July	9.	Scollan Bros., teaming...	3.00
		Amount of October Draft.....	6,904.35
		Total amount, including October Draft... ..	\$62,239.76
		Payments have been made since Oct. 1, by the Treasurer, under authority of an ordinance of the City Council, to discharged men, amounting to.....	684.51
		Total payments to Oct. 15, 1877, inclusive.....	\$62,924.27
		Average number of laborers employed, per day, 110.	



The appropriation asked for by the committee early in the year was \$70,700. This was reduced by the City Council, on the recommendation of the Committee on Auditor's Estimates, to \$65,100.

No estimate, of course, was made by the committee, when asking for their appropriation, for work on the Army and Navy Monument grounds, as it was uncertain at that time when the monument would be completed.

Appropriation.....\$65,100.00  
Expenses up to Oct. 15..... 62,924.27

Balance unexpended..... \$2,175.73

The committee estimate that, in addition to the balance unexpended, there will be required the sum of \$15,000, divided as follows:

For material used in grading and putting in order the Monument grounds..... \$6,000.00  
Teaming, tools, bulbs, etc..... 1,500.00  
Labor and general expenses..... 7,500.00  
\$15,000.00

The committee respectfully recommend that the subject be referred to the Committee on Finance, with the request that they provide the means.

Respectfully submitted,

For the Committee,

OSBORNE HOWES, JR.

Mr. Sampson of Ward 17—I should like to ask the Chairman of the Committee what this \$7500 is to be expended for? They ask for \$15,000 additional. As I understand, this grading of the Monument will cost \$6000, and for teaming, tools, etc., \$1500, and \$7500 for labor and general expenses. I should like to know what that \$7500 is for?

Mr. Howes—Probably the greater proportion of that will be spent in labor. That is about the only item of expense which will be incurred during the winter and spring months.

Mr. Sampson—I should like to ask the Chairman where the labor is to be used at this season of the year, and between now and the 1st of May? Seventy-five hundred dollars is a very large item for labor.

Mr. Howes—I believe that it will require the work of some five or six weeks, with a large number of men, to complete the work around the soldiers' monument. That will cover at least about a thousand dollars of the appropriation. The balance of the money would be necessary to pay the men during the six months that will ensue until another appropriation is made. The department has been accustomed to have in their employ during the winter some twenty men—possibly a little more. It will depend somewhat upon the year. Last year they had a large number of men employed during the spring in consequence of the snow being carted on to the Common from the streets—a contingency likely to happen if we have a severe winter again.

Mr. Mowry of Ward 11—What is meant by general expenses?

Mr. Crocker of Ward 9—I would draw attention to the fact that the joint rule which was the occasion of the referring of this matter to the committee requires that they shall report not merely in print a detailed statement of the expenditures already made, but a detailed statement of the necessity for an additional appropriation. Now we have no details of the necessity for an additional appropriation. We have a general statement that \$7500 will be required for labor and general expenses. It seems to me that is hardly giving a detailed statement such as the rule requires.

Mr. Howes—I should like to ask the gentleman if it would be possible for him to make up a detailed statement of his expenses for the coming year? There are certain expenses that the committee must meet that are not contemplated at present—that no one knows anything about. The bulk of that money will be spent for labor, probably. There is the item. The words "general expenses" are put in to cover possible contingencies.

Mr. Thompson of Ward 9—By figuring up the expense of labor by twenty men for the balance of the year, I find that it will be about \$7000. I would like to ask the chairman of the committee if he thinks that less than twenty men can take care of the Common for the balance of the year?

Mr. Howes—If the committee have n't money enough for the remaining months of this current year, the number of men will be cut down to meet the money, however small that may be.

Mr. Thompson—What I would like to ask is, How many men are necessary to take anything like proper care of the public grounds—that is to

say, anything like the average care which they get through the winter?

Mr. Howes—I believe that twenty men have been employed there during the winter—one of the members of the committee says thirty. Mr. Galvin's estimate at the committee meeting on Tuesday was that this amount of money would suffice for the rest of this fiscal year. The estimate was drawn up, and he was questioned, and went over his figures again, and then he was quite sure that that amount would be sufficient.

Just the exact number of men required to keep the Common in proper condition I am not in a position to state. It varies a great deal with the state of the weather. Possibly fifteen men might do; possibly twenty-five would be necessary. He thinks it can be done with something like twenty men.

Mr. Crocker—It seems to me that the figures given by Mr. Galvin are exactly the figures we ought to have here. It seems that he did figure up something. He did make a statement in detail to the committee, and that statement is something that we ought to have here.

Mr. Smardon of Ward 10—This \$7000 includes the salaries of Mr. Galvin and his assistant.

Mr. Barnard of Ward 24—Can the chairman of the committee give the details of the expense of putting the monument grounds in order?

Mr. Howes—Thus far there has been a very little over \$5000 expended. At my request Mr. Galvin made a statement of the amount used—Martin Hayes, loam, \$490.50; George Coyle, \$504; Owen Nawn, loam, \$2075; Owen Nawn, gravel and chips, \$1308, making a total of \$5159.50. Mr. Galvin estimated that a certain amount of material would be required—not a very large amount—and he thought this \$6000 would cover all the necessary additions to the materials.

Mr. Sampson—As the committee have a balance unexpended of \$2175, and the item of labor and general expenses seems to be very doubtful, I move to amend the motion so that the report will be referred to the Finance Committee with the request that they provide twelve thousand dollars instead of fifteen thousand. It seems to me that this is the amount we originally intended to give the committee; but they have gone on and expended more than that without any authority—some four thousand dollars in excess of their appropriation. They now come in ask us to give them \$11,000 additional. It seems to me that that is an excessive amount this year, when we have required all committees to get along with closer economy. The sum referred to the Committee on Finance should express the wishes of the Council. Whatever sum is referred to them they will report. I therefore move to amend by making the amount \$12,000.

Mr. Crocker—I understood the gentleman to say that the amount spent for loam around the Soldiers' Monument was between \$3000 and \$4000?

Mr. Howes—\$3700.

Mr. Crocker—For loam? I should like to know how much the loam cost per cart load? Or how it is sold, so as to get some idea of the amount that is supposed to be put around that monument. From my experience it seems to me that \$3700 for loam would be a great deal to cover that hill with.

Mr. Howes—In making this statement the gentleman must take into account the fact that the committee have incurred bills which have not been paid, and, therefore, they are not on this list. There are outstanding expenses—such as, for instance, the pay of the men discharged on Saturday last, who have to wait for their money until the City Government provides the money. There is a certain sum—not very large—required for that, but more than enough to eat up the balance of the unexpended balance. There are also two bills, one of which is for seeds—about \$800. There is some question whether one item was properly put in or not; it was referred to a sub-committee, and the committee, as a whole, have not passed upon it, and therefore it is not here. There is another bill that has been incurred, as I said at the last meeting, for plants on Commonwealth avenue and the Public Garden—

Mr. Sampson—I would call the gentleman's attention to the item of \$1500 for teaming, tools, bulbs, etc.

Mr. Howes—I take that back. I forgot it. The other bill is not here. The other bill, as I understand, is for the laborers who are waiting for their pay.

Mr. Pratt of Ward 21—This report resembles the rising moon in one respect. It grows larger as

you look at it. As I cast my eye over the expenses for refreshments and carriage hire, I noticed that for the first six months of the year they have been \$700. Now, the gentleman from Ward 9 has figured the expense of twenty men to be \$7000 for the remainder of the fiscal year. I suppose, therefore, that the item of general expenses added to the labor must be for refreshments.

Mr. Pope of Ward 14—That is it.

Mr. Pratt—Which the committee have very economically reduced in amount two hundred dollars from what it has been for the last six months. That looks very commendable so far, and it seems to be very clear and plain. But there is this fact to be taken into account; it is forgotten that the chairman of the committee, who seems to be so clear and full in his statements generally, says that it will be necessary to employ a large number of men for some time to complete the grading of Flagstaff Hill. I don't see where he gets any appropriation for that expense. Twenty men during the remainder of the fiscal year, with the ordinary amount of refreshments and carriage hire, will swell this item of seven thousand dollars beyond its present proportions. I would ask where have they made any allowance for the necessary grading around Flagstaff Hill?

Mr. Howes—It seems to me to be exceedingly difficult to satisfy the various gentlemen, particularly on the other side of the house. One gentleman complains that the appropriation is too large, and another that it ought to be cut down. Two others are desirous that it should be increased in order to meet what they consider might be possible expenses. Now, sir, I am prepared to stick by the original motion of the committee. Possibly it will come in between the ideas of the other gentlemen on the subject. The fact is that seventy-five hundred dollars are supposed in the mind of the Superintendent to be sufficient to carry this on. We may employ twenty men during the winter, or we may employ only ten. I am not quite certain. But the Superintendent seemed to think that with that money he could maintain the Department of Common and Squares, so far as labor is concerned, and also finish what work remained to be done around the Soldiers' Monument. I don't think I have any further explanation to make in regard to that. I should imagine that it would be absolutely impossible to make a certain estimate of the exact number of men to be employed, although I think the department has shown its weakness in the past, in being perhaps rather reckless in the employment of men and putting more on than are necessary.

Mr. Webster of Ward 3—As there is a committee appointed to give this matter a thorough investigation, I fail to see any occasion for discussing it tonight. This motion is merely to refer it to the Committee on Finance. It will come back here and will require a two-thirds vote to pass it. We shall probably get the reports of the Finance Committee and the Investigating Committee at the same time, and so have something definite to act upon.

Mr. Sampson—It seems to me that this department ought to get along with \$12,000 for the balance of the year, having already expended so much money. If we add \$12,000, it will be one-fifth of the original appropriation, and it ought to satisfy that committee. I trust the amendment will prevail.

Mr. Thompsou of Ward 9—I for one am not inclined to add any more to the difficulties which already press upon this unfortunate committee. Remembering that about half, or a little more than half, of the fifteen thousand dollars asked for has been already expended, and understanding that some fifteen hundred dollars more are practically expended, because there is a necessity for it out of the usual course, I believe that it leaves six thousand dollars for the care of the Common and squares. Now, the practical question for us is, Do we intend to retain in the city employ during the winter any men to take care of the Common and squares? It seems to me that for the general employment of the men, after paying the necessary amounts, it will leave about five thousand dollars. That will not employ more than fifteen men on an average. During the first five months of the year they employed on an average one hundred and ten men. I do not think they can do with less than fifteen thousand dollars. If they are going to do anything at all I think we had better give them enough to do it with. If we give them too little it is only a waste.

Mr. Sampson's amendment was lost, and the report was referred to the Finance Committee. Sent up.

#### REFRESHMENTS.

The resolve relating to wines, cigars, etc., came down amended by adding that no carriages be allowed after the adjournment of either branch.

Mr. Coe of Ward 23 moved to amend by inserting after "carriages" the words, "no meals or refreshments of any kind," so that neither carriages nor meals would be furnished after a session of either branch.

Mr. McGaragle of Ward 8—I hope the amendment will prevail as it came from the other branch. As I read this amendment just offered it occurs that any gentleman might go down five minutes before the adjournment and order a carriage. I move to add the words "During or at any portion of any meeting, or at the expiration thereof."

Mr. Pope of Ward 14—I think the whole City Government ought to stand on the same basis in this matter. Under this order one member will have a great advantage over the rest of the City Government. He smokes cigarettes and does not smoke cigars, and when the cigars are ordered up he orders cigarettes, and of course don't think of returning those that are not smoked, and of course carries off the half a bunch or more. I don't think he ought to have any more advantage than the rest of us, and I move to insert cigarettes.

The President—That would not be in order.

Mr. McGaragle—I accept that as part of my amendment to the amendment.

The President—Will the gentleman state where he would have it inserted?

Mr. Pope—After cigars.

The President—It is not in order.

Mr. Sampson of Ward 17—As I think this has gone far enough, and as this was only put in for buucombe and was not intended to have any effect, being only a resolve, I move the indefinite postponement of the whole subject.

Mr. Crocker of Ward 9—I agree with the gentleman, that this is fooling with a subject that ought not to be trifled with, and that we had better postpone the whole subject than carry on the discussion in the tone in which it has been carried on. Still, I think there is need of something to be done on this subject, and I had prepared a substitute for this resolve, which I had hoped that any gentlemen who are desirous of stopping any improper junketing would be willing to vote for. I will read the proposed substitute for the information of the Council:

"Ordered, That the joint rules and orders of the City Council be amended by adding to the twentieth rule the following: No bills for refreshments shall be approved unless accompanied by a full statement of the items composing the same, and any citizen shall at all times be entitled to inspect or make a copy of said bills or statements."

I have had a little experience of my own during the past week, which perhaps I may relate, to show some of the reasons why I offered this particular order. Some two or three weeks ago I dined with the Committee on Public Lands. There were four of us and we had a pretty good dinner. I made some note of what the bill ought to be when it came around, and of what we had had. I was on the watch for the bill, and when it came around at the middle of this month I got hold of it. I found that the bill represented that I and two others had dined at an expense to the city of \$18.95, or \$6.32 apiece. It seemed to me that that was rather startling. In the first place, by omitting the name of one gentleman, it increased my proportion largely; and in the second place I was utterly at a loss to conceive how the bill could have been so large for the four. I therefore made some inquiries to find out how the bill was made up. The only items I have ever been able to get are two; one of fourteen dollars and forty-five cents for the dinner for four gentlemen, and another of four dollars and fifty cents for cigars. That last item surprised me. I happened not to smoke at all, and I didn't take any cigars, and how the cigars should amount to four dollars and fifty cents seemed to me to be rather strange. I have made inquiries, and as near as I can find out, those cigars must have been charged at twenty-five cents apiece and they must have gone to the other three gentlemen. I am very certain that number of cigars was never produced at the table; and whether any gentleman went to the cigar counter afterwards and had his pockets filled with cigars at the expense

of the city, or how that large amount of cigars got charged to the city, I am unable to say. At Mr. Parker's they were unable to tell me what number of cigars were furnished, or at what price. It is impossible for me to say whether there were thirty-six cigars at twelve and a half cents apiece or eighteen at twenty-five cents apiece. That is one reason why it seems to me that these bills should be accompanied by a statement of what the articles were. If this bill had been accompanied with a statement of eighteen cigars for four and a half dollars, we might have been able to judge where the eighteen disappeared to; and if we knew that only three cigars were given to each gentleman around the table, we might have found out where the other nine went to and who got them. Then, in regard to this fourteen dollars and forty-five cents for dinners for four gentlemen, I find that there is apparently no record at Parker's as to how that amount was made up. From my recollection of the dinner, it seems to me it was rather a large item; but still I cannot say positively but it was correct. I feel confident, however, that it included something more than we had at the table at that time. For that reason it seems to me that when all these bills are presented to be approved and paid, they should be accompanied by a statement of what was had. I should not want a statement that A had such and such articles, dividing it up to show what each man had. It seems to me that if a gentleman goes with three or four to a dinner, it is proper enough that he should stand his share of the responsibility for the whole party, but with every bill there should be a little memorandum showing what were had at the time. This would tend to make things plain, and to satisfy gentlemen that they have not been overcharged, and that they are not paying for a dinner eaten by somebody else the day before. I think that this rule will prevent the things which we do not wish to have done. In that way a gentleman would feel that his party would be charged with what they had and with nothing more; and it would be a protection against charges being foisted off from one man to another in a manner that ought to be stopped. I have added a provision that any citizen of Boston may at any time be entitled to inspect and make copies of these bills. If we dine at the expense of the city, I think we ought not to be ashamed to have the citizens of Boston know when we do so and what it costs. I think it all ought to be open and above board. I for one am willing and desirous that any citizen shall know what I eat at the expense of the city and how much I get out of the city in that indirect way. I believe that it is often proper for gentlemen to get refreshments at the city's expense. I believe it is proper that gentlemen who stay here late at night, and who live in remote parts of the city—which I do not—should be taken home at the city's expense. There are a good many of these expenses which I believe are proper; but they should be open and avowed and definite, so that a man who has had something to eat, which he should not have had, cannot avoid the responsibility for it, and so that the responsibility for improper junketing bills cannot be put on those who are not responsible for them.

Mr. Pratt of Ward 21—I hope this resolve will not be indefinitely postponed. It is a little remarkable how such a simple resolution as that was, when it first was offered here, should grow to such proportions as it has. The principal scandal of city eating and drinking has been in the matter of champagne. Now, in order to meet that, introduce a reform by degrees. I introduced an order here that hereafter no wine should be furnished, simply intending to stop up the bung of the barrel and let the spigot run a little longer, until the moral tone of the City Council was up to the proper degree for the passage of an order such as this has grown to be. Now, I think that met with an almost unanimous approval here—at least an overwhelming majority approved of it. But there are certain gentlemen here who have been very assiduous in offering amendments to this order. I have one gentleman in my mind now who assiduously offered an amendment on the first evening; who followed it to the Board of Aldermen, and there proposed an amendment that it might come back to this Council, and who illustrates the reverse of that well-understood fact, that if you hit a man in his belly it takes him off his feet very quickly. But you hit some men in their bellies and it brings them on to their

feet, and they keep coming on. I don't want this order indefinitely postponed. I should not object to the substitute which the gentleman proposes to offer in its place. I think with him that any citizen of Boston interested enough to go to the Auditor's office should be able to see the items for such expenditure, no matter what department it relates to; and as the practice is otherwise, and as I understand there is some instruction to the Auditor which makes his practice otherwise, I think some such order should be introduced here. If this motion prevails, and if the gentleman will offer his substitute, I shall be glad to see it adopted. But this resolution, with the amendments added in this branch, was passed by a large vote. It went to the Aldermen and they made this amendment, which the gentleman urges the adoption of, there, and did not even then satisfy himself, but at the same time he has another amendment with which to clog the wheels of progress. My object in offering that resolution has been attained. Both branches of the City Council of Boston have expressed their opinion through that resolution that it is better to dispense with wines at entertainments at the city's expense, and I am particularly interested, whether the resolution is finally adopted here with the amendment or not. But I think that, to be consistent with ourselves, and show the Board of Aldermen that we are not fooling when we send up such a resolution as this, and that we will accept such an amendment, and are only carrying out the spirit of the original resolve, I think we will do well to adopt this resolve just as it came from the Board of Aldermen.

Mr. Thompson of Ward 9—While this subject is up I should like to make a personal explanation in connection with this printed report of the Committee on Common and Squares. Among the list of gentlemen dining with the Committee on Common and Squares I find that the name of Thompson appears in several cases, and I wish to say that *I am not the man*.

Mr. McGaragle of Ward 8—The gentleman from Ward 21 seems to think somebody is laboring very hard to kill this resolve. He says a member of this Council went down to the Board of Aldermen and had an amendment tacked on there for the purpose of bringing it back. I am the party alluded to. I notified the clerk of this branch that I proposed to move a reconsideration of that vote, but at the request of several gentlemen I withdrew it. My object was this—The gentleman who offered this resolve took a carriage and rode home last Thursday night, an expense to the city of \$8. That would have bought a pretty good dinner. And in regard to hitting men on the belly, I would say that if this resolve passes there will be no belly on him to knock off.

Mr. Sampson—My reason for moving to indefinitely postpone is because it really amounts to nothing. It merely hoodwinks the public. The order of the gentleman from Ward 9 would be something more substantial in restricting this matter, and I should heartily vote for it. I voted against this because I thought it was a buncombe resolution. We usually have such resolutions offered just before election, and are accustomed to them. I doubted the sincerity of the mover and moved to indefinitely postpone.

Mr. Pratt—I wish to answer the statement of the gentleman who stated that on last Thursday evening I rode home at an expense of \$8 to the city of Boston. The session was very late, and I did enter a carriage with three others who were going a greater distance from City Hall than I was, and therefore I became responsible for one quarter of the expense of that carriage. If I had ordered a coach and four and driven out to my house in fine style, and stopped on the way and entertained myself and those who were with me, at the city expense, in a jovial way, before I got there, I should have been doing something that the gentleman might compare to taking champagne after a dinner at the city expense when we were out visiting the line of the proposed parks. I don't mean to intimate that the gentleman from Ward 8 would do anything of that sort, or that he has been just as assiduous in preventing the champagne bottles from being passed around after dinner as he has been assiduous in preventing this resolution from being passed. But I mean to say that I do not see any parallel in the case of taking carriages to remote parts of the city when the street cars have stopped running, and when gentlemen, on stormy nights, must walk some dis-

tance before they reach their homes. I have no doubt that when the gentleman urged that amendment he thought that thereby he could nip some poor unfortunate man who lives at a greater distance than he does. He happens to be one of those near-by West Enders; but if he happened to live at Brighton or West Roxbury he would be more tender of carriages.

On motion of Mr. Felt the main question was ordered.

Mr. McGaragle's amendment was lost by a division—4 for, 40 against.

Mr. Coe's amendment was lost—14 for, 28 against. The Council refused to concur in the amendment of the other branch. Sent up.

Subsequently Mr. McGaragle moved a reconsideration of the refusal to concur with the amendment of the other branch in relation to carriages.

Mr. Thompson of Ward 9—I wish to say now, what I intended to say when this matter was up before. This amendment referring to carriages was moved in the Board of Aldermen for the purpose of pointing out an expense peculiar to this branch. As a member living near City Hall, and, therefore, one not using carriages after our adjournments, I wish to point out the impropriety of adding this amendment to a resolve aimed at abuses and not at proper expenses. This Council meeting in the evening and remaining till late hours, members who live at a distance can only reach home by taking carriages either at their own expense or at the city's. It seems to me that this is an expense directly connected with the proper carrying on of the city's business, and, therefore, not to be connected with extravagant expenditures for wines and cigars. On the other hand, the Board meets in the afternoon, and adjourns in time to eat an expensive dinner at the city's expense. The amendment of the gentleman from Ward 23 would reach this point, and on principle I believe that this amendment is more in the spirit of the original resolve than is that relating to carriages.

It seems to me that the adoption of this amendment by the Board of Aldermen was a trifling with public business, especially unbecoming on the part of a body which should be more dignified and sober than this branch of the City Council.

Mr. McGaragle—I offered the motion because I thought some gentleman would like to move an indefinite postponement.

The reconsideration was refused. Sent up.

#### LOANS FOR PARK PURPOSES.

An order came down for the Mayor to petition the Legislature for an act authorizing the city of Boston to borrow money for park improvements for a period not exceeding thirty years.

Mr. Thompson of Ward 9 moved to amend by striking out the words "not exceeding" and inserting "not less than."

Mr. Sampson of Ward 17—I trust the amendment will not prevail. The usual form will be the better one, and leave it to the discretion of future Finance Committees how long they want to borrow the money for. An exigency may arise which we cannot anticipate at present, and it seems to me we had better not restrict them; and if we give them the limit of thirty years, it ought to be all that we should ask of them.

Mr. Richardson of Ward 10—I doubt the expediency of that amendment. It is in effect that you cannot pay your debts when you have money in the city treasury to pay it with. It is inexpedient and impolitic. I hardly feel confident to discuss it this moment and give good reasons which I feel exist against it; but I do not think it a wise amendment.

Mr. Thompson—It has always been conceded that the payment of money borrowed for a public improvement, such as a park, should be extended over at least thirty years, for the reason that the benefit which is conferred is not confined to any one year, but extends over a long series of years, and it has been considered that the payment for such benefits should be continued through a correspondingly long period of time. When this question was first considered a great banking house in London—the Barings, I think—offered to take the entire amount on a fifty-years' annuity; that is to say, the city would pay interest for fifty years and never pay the principal. The reason this order was offered is that the park act provided that a loan might be issued for such time as the City Council provided. The next week the municipal indebtedness act was passed, and it has been so construed that the City Council

is confined to borrowing money for ten years. The Joint Special Committee on Parks had a meeting and deemed it expedient that the Mayor should be asked to petition the Legislature to restore the power given in the park act to borrow money on a long loan. As originally drawn, the order was in the form of "not less than" thirty years (I drew it, and I think I am authority on this subject); however, before it was introduced in the Board of Aldermen it was changed to "not exceeding" thirty years, which cuts off the power which it seems to me it might be desirable for the City Council to have taking a loan in the form of an annuity. If it is deemed inexpedient to say "not less than thirty years," it seems to me it would be better to strike out all reference to the number of years, and let future governments have full authority over the subject. I do not see any objections to saying "not less than," because the point raised, that the city cannot pay off its debts, is not a matter of fact, as it already owns a large number of its bonds, which are not due for years to come. We are about to issue bonds for sewer purposes, and it is exceedingly probable that the Sinking Fund Commissioners will take the most of that loan themselves, and it is merely a question of securities held in the Sinking Funds.

Mr. Sampson—The Sinking Fund Commissioners cannot invest in loans that mature beyond the loans for the funds for which they are provided, and therefore it would be impossible for the city of Boston to take the new loan for improved sewerage. It would be highly indiscreet for the city to fix this loan in a shape that it cannot be issued for less than thirty years. In laying out parks, there undoubtedly will be a large amount of betterments assessed, and the policy has been to extinguish so much of the loan as the betterments would cover. If the amendment prevails it will be almost impossible to do that, and we will be paying interest on a larger amount than is necessary.

Mr. Thompson—I don't want to discuss the question of the Sinking Funds now; but one statement of the chairman of the Committee on Finance surprises me greatly. If his construction of the law is correct, I am greatly mistaken. He states that the Sinking Fund Commissioners cannot invest in bonds which mature before the loans for which they are set apart. I don't know exactly what effect this matter of betterments will have; there may be something in it. I have not considered it particularly, and if there is no objection I would withdraw my motion to insert "not less than," and move to strike out the words "not exceeding thirty years."

Mr. Thompson's amendment was lost, by a division—15 for, 26 against.

The order was passed in concurrence.

#### UNFINISHED BUSINESS.

Order for a transfer of \$500 from Reserved Fund to appropriation for Treasurer's Department, to pay the salary of the Messenger for said department during the present financial year. Passed in concurrence—yeas 55, nays 0.

#### SALARIES OF LICENSE COMMISSIONERS.

The order in relation to the salaries of the License Commissioners was considered under unfinished business, in the form of a motion to lay on the table the motion to reconsider the vote whereby was denied a second reading to the order that the salaries of said commissioners be at the rate of \$2500 each per annum, from the date of their appointment.

The question was on ordering the yeas and nays, which were ordered. The motion to table was lost—yeas 3, nays 56.

Yeas—Messrs. Blanchard, Fraser, Kidney—3.

Nays—Messrs. Barnard, Barry, Beeching, Blodgett, Burke, Cannon, Clarke, Coe, Crocker, Cross, Danforth, Day, Dee, Doherty, Duggan, Fagan, Felt, Fernald, J. J. Flynn, Ham, Hibbard, Hiscock, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), McDonald, McGaragle, Morrill, Mowry, Mullane, Nugent, O'Connor, O'Donnell, Perham, J. H. Pierce, O. H. Pierce, J. B. Richardson, M. W. Richardson, Roach, Roberts, Ruffin, Sampson, Sibley, Smardon, Souther, Stone, Thompson, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—56.

Absent or not voting—Brintnail, Brown, Cox, D. A. Flynn, Loughlin, McClusky, Pearl, Pope, Pratt, Reed, Shepard, Spenceley—12.

On motion of Mr. Sampson of Ward 17, the yeas and nays were ordered on the motion to reconsider.

Mr. Flynn of Ward 13 hoped the reconsideration would prevail, as he understood some gentleman proposed to offer an amendment that would be satisfactory.

Mr. Richardson of Ward 10 asked if the sum was named in his amendment rejected at the last meeting (\$2000).

Mr. Flynn understood it was, and that it would be satisfactory to the commissioners.

Mr. Sampson said it would open the door for other departments where injustice had been done, and instanced the case of the City Engineer, who has more work and responsibility than ever before, and was reduced \$500. It was in the nature of a salary grab.

Mr. Sibley of Ward 5 said it was never too late to mend mistakes. This salary was reduced three-fifths, and no other salary was reduced so much. He did not approve of so much appointing power, but these men had worked satisfactorily and he hoped the reconsideration would prevail.

Mr. Mowry of Ward 11 said it was in the nature of a contract. The city established the salary, and the commissioners took the office and agreed to perform the duties for that sum. He doubted whether Mr. Sibley would give an employe more after he had worked five months, and had agreed to work one year for the same sum.

Mr. Pratt of Ward 21 urged that the Council should be consistent. They had refused an amendment offered by him to make the salary \$2000, and should let it remain at \$1000.

Mr. Danforth of Ward 10 said the Salary Committee had investigated and found the duties worth \$2500.

The reconsideration was lost—yeas 26, nays 41.

Yeas—Brown, Burke, Cannon, Clarke, Cox, Cross, Danforth, Dee, Doherty, Duggan, J. J. Flynn, Howes, Jackson, Kelley (Ward 6), McDonald, McGaragle, Mullane, O'Connor, O'Donnell, Roach, Ruffin, Sibley, Souther, Stone, Thorndike, Warren—26.

Nays—Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Coe, Crocker, Day, Fagan, Felt, Fernald, D. A. Flynn, Fraser, Ham, Hibbard, Hiscock, Kelley (Ward 3), Kidney, Morrill, Mowry, Nugent, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pope, Pratt, Reed, J. B. Richardson, M. W. Richardson, Roberts, Sampson, Smardon, Spenceley, Thompson, Upham, Vose, E. R. Webster, G. B. Webster, Wilbur, Wolcott—41.

Absent or not voting—Loughlin, McClusky, Shepard—3.

#### PUBLIC INSTITUTIONS.

Mr. Sampson of Ward 17 presented a communication from the Directors for Public Institutions as follows:

The town of Winthrop tax on the Winthrop Farm for the present year amounts to \$1130.82, while the balance of New Lunatic Hospital appropriation, which can be devoted to the purpose of paying the same is but \$628.21.

In order to save to the city a discount of six per cent. on all bills paid previous to Oct. 1, amounting to \$67.85, the Board of Directors assumed the responsibility of paying the bill, making up the balance of \$434.76 from the House of Industry appropriation. They now respectfully request the City Council to sanction that action, and increase the New Lunatic Hospital appropriation by the transfer of \$434.76 from the House of Industry appropriation.

Referred to the Committee on Finance, with a request for said committee to make the necessary appropriation. Sent up.

Referred, on motion of Mr. Sampson, to the Committee on Finance, with a request that they authorize the transfer. Sent up.

#### PETITIONS PRESENTED.

Petition of Mrs. Kate Chamberlain to be paid for personal injuries caused by the accident on Blackstone square. Referred to Joint Committee on Claims. Sent up.

By Mr. Richardson of Ward 10—Petition of Ann E. Porter to be compensated for injuries received on Dudley street. Referred to Joint Committee on Claims. Sent up.

#### INSPECTION OF REFRESHMENT BILLS.

Mr. Crocker offered an order—That the joint rules and orders of the City Council be amended by adding to the sixteenth rule the following: No bill for refreshments shall be approved or paid unless it is accompanied by a full statement of the items composing such refreshments, and any citizen of Boston shall be entitled at all times to in-

spect or make copies of any such bill or statement.

Mr. Crocker—I have said all I wish to say in reference to this subject. Even if the resolve we have had before us should be passed, it would be very proper to pass this in addition, though I should prefer to see the resolve shelved in some way, because I do not think it amounts to anything.

Mr. Howes of Ward 18—I trust the order will pass. It was my duty this evening to present a very full report of the refreshment expenses of one committee in the City Government, and I can say that when the matter was discussed in detail in committee it was very apparent that most of the members of the committee were convinced that they never incurred the charges set down to their names. I know there are charges put down there to my name that I have not the slightest recollection of having incurred, or of having been at the Parker House at the time. However, they were down on the bills, and I was not prepared to state that they were not correct. With other members the charges seemed to be excessive, when they supposed that they had moderate lunches. I don't know that the gentleman in charge of the financial department of Mr. Parker's establishment makes mistakes, but certainly these bills come to us in very large amounts without giving us the means of knowing whether they are right or wrong. In our committee the bills are approved by the committee. It is rarely that a committee meeting takes place when all are there; and more than that every bill is sent in five or six weeks after it was incurred, and it is almost impossible for a member to state what he had for dinner five or six weeks ago without having the date and amount given him; and if a mistake be made in making up the accounts it is impossible to correct it.

Mr. Pratt of Ward 21—Several gentlemen have spoken to me in reference to the inaccessibility of the bills in the Auditor's office. One gentleman said he had been there, roused by something said in the public prints, and asked to see certain bills. He was informed that he could not see them unless he gave the date of the expense and the bill. That is impossible for outsiders to do, and this will be a proper way to have the Auditor's bills and vouchers kept. Such complaints of citizens are proper, and if they take an interest in the bills they pay, they have the right to get the facts and see the bills at the Auditor's office, within a reasonable time. The bills in that office should be open for the inspection of the citizens at any time.

Mr. Spenceley—It seems to me we are always acting a farce of this kind. At the first of the year I offered an order like this, and after debating it for some evenings it went to the Board of Aldermen and was indefinitely postponed. I am glad that the gentleman from Ward 18 has changed his mind. [Mr. Spenceley read an extract from Mr. Howes's speech in opposition to Mr. S.'s order to furnish the details of all refreshment bills and what each member had, in which Mr. Howes disapproved of going into such details.] Now he has got back to the same point, and that is what we want. I don't suppose the gentleman from Ward 9 thinks this will be passed in the other branch, but I trust it will go down with such a vote as passed the resolve.

Mr. Howes—The gentleman is a little out of the way, as usual. This order is quite different from the one he suggested some months ago. That made it obligatory to give what each individual had.

Mr. Burke—I think we are going pretty fast. I think this is a subject for the Committee on Rules and Orders, and I move its reference to them.

Mr. Crocker—I think the Council can determine this question themselves, but if the committee desire it referred to them I have no objection.

On motion of Mr. Webster of Ward 3 the main question was ordered.

The order was a read a second time, and for the purpose of preventing further delay Mr. Webster of Ward 3 again moved the previous question.

Mr. Flynn of Ward 13—This requires a two-thirds vote, and if the gentleman attempts to force this thing through tonight I think there are enough here to kill it. I think it should be referred to the proper committee.

Mr. Webster of Ward 3—This is just as near right as it can be, and is just as sure to be defeated as I am standing here. My only point is that

those who want to vote for it can do so and not lose time discussing.

The main question was ordered. On motion of Mr. Pierce of Ward 24 the main question was ordered, and the roll was called.

Before the vote was declared, Mr. Kelley of Ward 3 and Fraser of Ward 6 explained that they voted as they did because, although they do not drink wine, they are willing that those who do drink it should have the privilege of doing so.

The order was passed—yeas 48, nays 16:

Yeas—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Coe, Crocker, Danforth, Day, Duggan, Fagan, Felt, D. A. Flynn, Ham, Hibbard, Hiscock, Howes, Jackson, Kidney, McDonald, Morrill, Mowry, Nugent, Perham, J. H. Pierce, O. H. Pierce, Pope, Pratt, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Sibley, Smardon, Souther, Spenceley, Stone, Thompson, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—48.

Nays—Messrs. Burke, Cannon, Clarke, Cox, Cross, Dee, Doherty, J. J. Flynn, Fraser, Kelley (Ward 3), Kelley (Ward 6), McGaragle, Mnlane, O'Donnell, Pearl, Roach—16.

Absent or not voting—Messrs. Fernald, Loughlin, McClusky, O'Connor, Reed, Sampson, Shepard—7.

A motion to reconsider, by Mr. Crocker, hoping it would not prevail was lost. Sent up.

#### INVESTIGATION OF A FIRE COMMISSIONER.

Mr. Wilbur of Ward 20 offered an order, That the Joint Standing Committee on Fire Department be directed to ascertain and report to the City Council the number of meetings held by the Board of Fire Commissioners from the first day of May last to the present time, the names of the absentees, if any, at such meetings, and the cause of their being absent.

Mr. Thompson of Ward 9—Before we vote upon this order I hope the gentleman who offered the order will explain his reason for so doing, or what grounds there are for such action by the City Council. Unless some facts are brought forward showing neglect of duty by the Fire Commissioners, it is merely impertinence to offer such an order.

Mr. Wilbur—That board is composed of three commissioners, and I always supposed they had meetings and passed upon questions with all present. In looking over the records some time ago, I found that from Aug. 1 to Oct. 17 there had been one member of this board absent for thirty meetings, and I thought that sufficient ground for asking by what authority and for what reasons a member was absent from that number of meetings. It is well known that the commissioners hold the members of the department to strict rules, and if they are absent from duty three minutes they are fined. I should like to have this matter investigated, and if they are accountable to no one it is time we knew it. If they are accountable to this City Council it is proper for us to know why they are absent so often in that short space of time.

Mr. Thompson—I have no doubt every member of the commission should be accountable to this City Government for neglect of duty, and that was my reason for inquiring the reason for putting in this order. After the explanation of the gentleman, I am not prepared to say what rights there may be in this matter, but with the explanation I will vote for the order.

The order was read a second time.

Mr. Pratt of Ward 21—Before the vote, I should like to hear from the gentleman from Ward 19.

Mr. Spenceley of Ward 19—I should be so glad to answer the man, or gentleman, from Ward 21. I don't know whether he has seen the new moon coming out tonight or not. I was in the commissioners' office, the other day, and found on inquiry that one of the commissioners had n't been seen there for a week. I don't know where he is. I don't know how often they have a vacation. I don't know but they have a vacation all the time. I don't know whether they are accountable here or not; but I think they ought to be accountable to somebody. I think the City Council ought to know something about it. I am glad the gentleman put in the order; no fireman asked me to do it, but I think some good may be done to the city by it. I did n't believe he was a competent man to be appointed, and I don't believe it today.

Mr. Crocker of Ward 9—I cannot feel satisfied to vote for this order. Unless some plausible rea-

son is shown for supposing that the commissioners have not been performing their duty, I think this is rather an impertinent and unreasonable inquiry. I cannot think there is any justification for it. I know that certain parties in the Common Council are always trying to pick upon the Fire Commissioners. I have reason to suppose that these commissioners attend to their duties as well as other officers, and if one or more of them happens to go outside of the city, I do not think it is becoming for us to start an investigation to find out where he went—what he went for, and how long he was gone. It seems to me to be rather an undignified proceed, ing.

Mr. Flynn of Ward 13—It is very apparent to the Council that it depends upon whose ox is gored here. Last Thursday night an order was put in asking for a committee to look into the doings of the Superintendent of Common and Squares. Tonight a gentleman puts in an order asking a committee to inquire whether a member of the Fire Commissioners has been doing his duty, and the gentleman opposes it. I cannot see the gentleman's consistency. I shall vote for the order and let it strike where it will.

Mr. Pratt of Ward 21—I don't see any especial answer to the point made by the gentleman opposite. There are three or four gentlemen in this Council with pretty square-toed boots to take every opportunity to kick the Fire Commissioners. I think their wish would be further embodied in the order if it were amended, and that each member of the Fire Commissioners be required to wear a placard on his back reading, "Cussed be Canaan."

Mr. Crocker—I wish to say one word in answer to the charge of inconsistency. With regard to the Superintendent of Public Grounds charges were made in this Council to the effect that he had deceived and misled the committee, and had led them into an expenditure of \$9000, which overrun their appropriation, when they were supposing they were only incurring an expense of three hundred or four hundred dollars. It seemed that that was a serious matter that required investigation. If an official had deceived a committee, it ought to be looked into. I understood that that charge was made. I expressed no opinion of the truth or falsity of the charge; but it seemed to be a serious charge against a city official. But for us to go into inquiries as to how long a city official's vacation should be—

Mr. Spenceley (interrupting)—Are any of the Fire Commissioners on a vacation?

Mr. Crocker—I know nothing about it.

Mr. Spenceley—That is what we want to know. If he is on a vacation it is all right; if not, it is n't.

Mr. Crocker—I suppose city officials take more or less vacation and get away from their offices at such times. I think it is impertinent in this City Council to be picking upon those officials; still I don't wish to make any more talk about the matter. I merely wish to say that I am not willing to vote for such an order.

Mr. Mowry of Ward 11—Has the gentleman from Ward 20 any reason to believe that the Fire Commissioners have neglected their duties?

Mr. Wilbur—It seemed to me that a member of that board being absent from thirty meetings in so short a time, between Aug. 21 and Oct. 17, it could n't be otherwise than that there must be some duties neglected.

Mr. Mowry—Is there any excuse for this absence, within the gentleman's own knowledge? Was the Commissioner sick or not?

Mr. Wilbur—That is what I want to find out.

Mr. Thompson—Before offering the order did the gentleman take any steps to ascertain the cause of this absence, or make any inquiries as to why the gentleman was absent?

Mr. Wilbur—I did not.

Mr. Thompson—During what part of this time was he absent? Was it distributed over all the time?

Mr. Wilbur—It seemed to be pretty evenly distributed over all the time, sometimes four or five days at a time, and then, perhaps, he would attend a meeting, and then be absent two or three days again.

Mr. Sibley of Ward 5—I believe we have a very good fire commission. I voted for all three of these men, supposing they were good men. I don't pick on them. What difference is it whether you call a man a commissioner, an agent or a hired man? If a laboring man was to be behind in any department, and was n't present to

perform his duties thirty times in a given period, would n't he be discharged by a man that hires help. With all respect to this gentleman this is a plain case, and for the good of the fire commissioners I shall vote for the order. If there is anything right, we shall know it; if anything wrong, we shall know it. I shall vote for it in justice to the commissioners.

Mr. Howes of Ward 18—I said at the last meeting that a great deal depends upon the way in which an order is framed. I don't know that the order is framed so as to hurt the sensibilities of the Fire Commissioners; and if so I shall move to amend it. If they have been negligent of their duties I think they should be looked after. But can any gentleman in this hall tell how long the vacation of any head of a department is, whether three weeks or ten. It very largely depends upon themselves. If there is a case of palpable neglect on their part, it may deserve some censure from the powers who have authority to censure. At all events, if the order is properly framed, I see no harm in passing it; but, as was the case at the last meeting, I did n't believe in prejudging a man before an investigating committee.

Mr. Webster of Ward 3—At the last meeting we had a case similar to this, and a motion was made for an investigation, which will undoubtedly take place. But that motion was put in an unsatisfactory form, and so is this. I don't believe in any commissioner being compelled to make a record of just when he had a vacation, or had lunches. It is carrying the matter to a ridiculous extent. My doctrine is never to refuse an impartial investigation where there is any appearance of wrong, and I therefore offer a substitute which I think will be satisfactory.

Ordered, That the Committee on Fire Department be requested to investigate and report whether or not any neglect of duty has occurred on the part of any of the Fire Commissioners; if so, who is responsible therefor, and what measures should be taken to prevent similar occurrences hereafter.

Mr. Thompson—Reference has been made to the order I offered at the last meeting, and there has been some misconstruction of it. I offered it and at the same time moved its reference to a committee to investigate whether it ought to pass. It was stated that it was prejudging the case, and so it would have been if I had moved that it be put upon its passage at once. The difference between that and the order of the gentleman from Ward 20 is this; that his order aims by innuendo—

Mr. McGaragle—I think the gentleman had better explain that; it knocks me.

Mr. Thompson—I was about to explain it, thinking it might trouble the gentleman. It leaves us to draw the inference that the Fire Commissioners have done something wrong, and without giving us any ground to go upon. When the gentleman from Ward 20 made the statement he did, I said I was perfectly willing to vote for the order. At the last meeting a member of the Committee on Common made a statement which I and other members construed to mean that a city officer had committed gross breaches of duty—either wilfully or neglectfully—and that the committee which trusted to his representations had been mistaken and misled and placed in an unpleasant position. I thought that was just cause for the removal of that officer, and I put in an order to remove him and moved its reference to an investigating committee. Another order was passed which turned the course of the investigation, and calling for some indefinite report about nothing in particular, which was passed. The express question I wanted to see answered was whether the man we employed for Superintendent of Public Grounds is a proper person. I should like to see that question answered for the sake of the city and for the sake of Mr. Galvin. In this case, if any fault rests on the commissioners, I should be glad to see it put there.

Mr. Richardson of Ward 10—I am in favor of investigating all matters, if any cause is shown for an investigation. But I think the golden rule is a good one to observe here. Unless there is some sufficient statement of a dereliction of duty, I am unwilling to insinuate that there is anything wrong by voting for that order. How would any gentleman here, who has been absent from two or three meetings, like to read in the public prints, without notice, that an investigating committee had been appointed to report whether he was on a vacation or sick? No reason has been given for this order, and I don't know

but the best way is to lay it upon the table for another week and see if the gentleman has any charges to make. It seems to be undignified to inquire every time a man is sick or absent. More than that, there is n't the slightest allegation that the public service has suffered in the least. If the gentleman from Ward 19 is correct, the commissioner had better be on his vacation and the public service would be better without him. We are acting upon too slight evidence in a matter that affects the credit and standing of an officer of this city. A man's reputation is the most valuable thing he can have, in the public service, at least, and it is a mean thing to attack him in a public way, and insinuate that there is a dereliction of duty, without any evidence whatever. I therefore move that this matter be laid upon the table.

Mr. Spenceley—I hope it will not be laid on the table. I don't know as I have anything personally against Mr. Greely S. Curtis, for he is the man against whom this is pointed. He may be a good merchant, but I never supposed he was a proper man to fill the position he fills. I understand he has been away on the fire boat testing hose. I don't know what he has learned about hose; he is n't the first man the city has learned a trade by paying him \$3000 a year. I was interested in a certain matter and went into the department office and asked what had been done about it, and was told they had not had a meeting on that subject—they had n't had a full meeting. It was told me by a man who knows the ins and outs of that office. I did n't propose to bring this up, but I do so because I know there are men who ought to know where he is. If he is sick or testing hose, they ought to know it. I don't know as we have any right to ask. I don't know but the Council just meets to discuss these questions, as I said the other night. I have had an order for his Honor the Mayor to petition the Legislature, but I felt that we are such a humble body that we would hardly dare to do it. The City Council, the Common Council, or somebody, ought to have something to do with the Fire Commissioners, and if they are not doing their duty it ought to be known. If this man is off testing hose he ought to report once and awhile at City Hall what he is doing. If he is off doing his duty I would be most happy to come here and say so in plain black and white and let everybody see it.

Mr. Pierce of Ward 18 moved to adjourn. Lost.

Mr. Crocker thought it very mysterious that nobody knew where this man was, and thought it ought to be stated who the man is that did n't know where he was.

Mr. Spenceley—Send it to the committee and you will find out.

The President—The gentleman must address the Chair.

The Council refused to lay the order on the table, ordered the main question, on motion of Mr. Thompson, rejected the substitute of Mr. Webster—11 for, 40 against; ordered the yeas and nays on the passage of the original order, on motion of Mr. Thompson, and passed the order—yeas 46, nays 18:

Yeas—Messrs. Barnard, Beeching, Blanchard, Blodgett, Brintnall, Burke, Cannon, Clarke, Cox, Cross, Day, Dee, Doherty, Duggan, Fagan, D. A. Flynn, J. J. Flynn, Ham, Hiscock, Kelley (Ward 3), Kelley (Ward 6), McDonald, McGaragle, Morrill, Mullane, Nugent, O'Donnell, Pearl, J. H. Pierce, Roach, Ruffin, Sibley, Smardon, Souther, Spenceley, Stone, Thompson, Thorndike, Upham, Vose, Warren, E. R. Webster, Wilbur—45.

Nays—Messrs. Brown, Coe, Crocker, Danforth, Felt, Fraser, Kidney, Hibbard, Howes, Jackson, Mowry, Perham, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Roberts, Sampson, G. B. Webster, Wolcott—19.

Absent or not voting—Barry, Fernald, Loughlin, McClusky, O'Connor, Pope, Reed, Shepard—8.

Subsequently a motion to reconsider by Mr. Spenceley was lost. Sent up.

#### CARE OF PUBLIC GROUNDS.

Mr. Pierce of Ward 24 offered an order, That the Committee on Ordinances be requested to consider the expediency of so amending the ordinance in relation to parks, that from and after the first Monday in January, 1878, so much of the duties now performed by the standing Committee on Common and Public Grounds as pertains to the care and management of said

Common and public grounds, shall be performed by the Park Commissioners.

Laid on the table.

Mr. Pierce said he offered the order at this time in order that it might not appear to be suggested by any report which may be made by the investigating committee. It is a matter worthy of consideration. On his motion the order was laid on the table.

PERSONAL EXPLANATION.

Mr. Day of Ward 4 made a personal explanation in regard to two items in the refreshment accounts of the Committee on Common. He had not dined with that committee, and supposed the bills were for refreshments taken by the Committee on Streets, of which he is a member, and that they had been charged to the wrong appropriation.

Adjourned, on motion of Mr. Spenceley.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

OCTOBER 22, 1877.

Regular meeting at four o'clock P. M., Alderman Clark, chairman, presiding.

## EXECUTIVE APPOINTMENTS.

Police Officers Without Pay—Percival L. Everett, John W. Piper, Patrick McAvena, George H. Williams. Severally confirmed.

## TREATMENT OF DRUNKENNESS IN CITY INSTITUTIONS.

A communication was received from the Mayor transmitting the following (City Doc. 85):

To His Honor the Mayor—The commissioners appointed by the Mayor of the city of Boston to consider and report on the treatment of drunkenness in the city institutions and in private asylums, and to ascertain what measures can be taken to reform the intemperate now under confinement in our institutions, beg leave to report—

(1.) Your commissioners have visited the courts in our city before which persons are arraigned for drunkenness, consulting freely with the judges and officers of police. They have also several times visited the city institutions to which inebriates are committed, conferring with the superintendent and other officers in charge.

Similar visits, involving like conferences, have been made to the corresponding institutions and officers in New York, Philadelphia, Baltimore, Worcester, Portland, Quebec, Buffalo, Chicago, and various smaller cities.

(2.) Under a deep sense of the frightful evils of drunkenness, upon which it is unnecessary here to enlarge, the officers of government in all these places appear to perform their duties in the execution of this department of criminal law with great fidelity and much painstaking consideration. With unimportant variations in different places, the laws and their execution are much the same. An inebriate found guilty before the courts is mulcted in a small fine with costs, and, in default of payment by himself or friends, is committed for a term varying from ten days to six months. The usual commitment in our own city is for thirty days.

*Results of Present Methods.*

(3.) The results of the law as it now stands, however faithfully administered, are extremely unsatisfactory. The fines imposed, if paid at all, commonly fall upon the family or friends already deeply wronged. The brief period of confinement, sufficient indeed to eliminate from the system the alcohol already imbibed, and secure a measure of physical recuperation, is quite insufficient to allay the cravings of appetite, break up the habit of indulgence, or restore any considerable degree of self-respect.

The usual consequence, therefore, on restoration to liberty, is an immediate return to evil habits, re-arrest, re-conviction and re-commitment, with as little hope of profit as before. Your commissioners saw a woman, yet young, who had been thus committed fifty-seven times. They learned that another had spent eleven terms of thirty days each at Deer Island in one year, leaving a month within which to become eleven times amenable to the law, to be eleven times arrested, eleven times tried, eleven times convicted, and eleven times sent down to what would seem to be her normal home. Others have been met with who have spent years within prison walls, and who seem permanently unfitted for liberty and self-care.

*Conditions of Success.*

(4.) Your commissioners find a general concurrence of opinion in regard to the conditions now wanting in order to secure the best moral and economic results. For the cure of confirmed or habitual inebriety, experience seems to show that at least one year is necessary; while for extreme redeemable cases, two, three, or even more years are required.

An important, indeed an indispensable, auxiliary in this work is steady employment. It not only occupies the mind, tending to prevent the imagination from revelling in indulgence, everywhere a most fruitful source of demoralization, but it develops certain hardy elements of character essential to vigorous self-control. With commitment for longer terms, labor which is now

valueless would become highly valuable; and the institutions which are now maintained at great expense might become, in a large measure, self-sustaining. The testimony of the superintendent of our own House of Industry, with that of the superintendent of the well-appointed House of correction at Philadelphia, and of others, is explicit on this point.

A further result, and most important of all, would be the opportunity thus afforded for moral influence; for instructing the inmates in matters pertaining to sobriety, health and character; and for building them up in those patriotic and manly purposes essential to a faithful discharge of personal, domestic and civil responsibilities. Given the time herein contemplated, and means of occupation, and your excellent officers now in charge of this class of persons at Deer Island, keenly alive as they are to the exigencies of the situation, could doubtless show results as honorable to themselves as they would be gratifying to the city.

*Separation of Inebriates from Other Classes.*

(5.) A great unanimity of opinion is found by your commissioners on another matter. While most of the females committed to the House of Industry, whatever may be the technical grounds of their conviction, have formed habits of indulgence in drink, and may properly be continued in the institution, and while tramps and vagabonds also may appropriately be subjected to the same discipline as inebriates, and mingle with them, thieves, burglars and various others of the more criminal classes should not be associated with inebriates in the same institution. Their presence, it is felt, would tend to drag the inebriates down to their own level, and greatly prejudice the hope of their ultimate improvement. Whether this common estimate of relative character be sound or not, so widespread is the conviction in it that the propriety of such a separation of classes as is here suggested is on many hands confidently affirmed.

*Elasticity of Method.*

(6.) Another opinion, held with equal confidence, is that some inebriates are much farther removed from, and are, therefore, with much greater difficulty restored to, the responsible condition of self-control than are others; thus requiring, for different persons, treatment through various periods and by various methods. And since many of the elements of the problem cannot be known beforehand, but can only be gained by a discreet and sympathetic study of individual character during many months of administrative experience, it will be found eminently wise to lodge a measure of discretion in the hands of the superintendent, with such advisory authority as may be deemed expedient, to place persons under his care on probation, permitting them to go forth from the institution subject to certain prescribed conditions, and to recall them, without process, whenever those conditions shall be violated, to finish the entire period of commitment. It might be found expedient, also, to maintain a paternal oversight of those thus discharged on probation, not only for the purpose of securing conformity to the conditions, but also for counselling them in their enterprises, and saving their wages to themselves or their families.

*Experience of Asylums.*

(7.) Your commissioners have also visited most of the inebriate asylums of the country, besides attending the convention of the superintendents of these asylums recently held in Chicago. They have thus enjoyed opportunities for protracted conference with gentlemen of large experience in the reformation of this class of persons. That experience is exceedingly important. It establishes the practicability of the reformation of inebriates. It shows that, with all the disadvantages under which these voluntary institutions labor, forty to fifty per cent. of those resorting to them are permanently restored to habits of industry and sobriety. The elements of weakness common to them all, aside from the question of time, are the lack of sufficient control over their inmates, and of adequate means of employing them. The admirable State institution at Binghamton, New York, which has a voluntary department, illustrates, in its somewhat exceptional experience, both the possible strength and the actual weakness of such asylums. With most excellent appointments, and ample means of employment, its inmates, committed under the laws of the State for a term not less than a year, are easily controlled, and are treated with marked success; while voluntary members

are the chief source of difficulty, and present results relatively unsatisfactory.

(8.) Thus by the substantially unanimous voice of the men who have had most experience in dealing with inebriates—judges, officers of police, and superintendents of asylums—your commissioners are led to recommend to the City Government

#### *A New Departure*

in the treatment of drunkards brought before the courts. Without at all entering upon the question of their criminality or penal deserts, they recommend that the treatment shall aim primarily at their reformation, leaving the matter of their just punishment to be incidentally though necessarily involved. To this end, when brought before the courts, they will not be sentenced to a given punishment, but committed to an asylum for such protracted period, one year or more, as experience has proved to be necessary, with discretion in the hands of the proper authorities to grant probationary absence on well-defined conditions, attended, perhaps, by a continued helpful oversight. With regular occupation and suitable educational and moral influences, a very large per cent. of these slaves of the cup may be restored to the dignity of good citizens.

#### *Facilities at Hand.*

(9.) The House of Industry at Deer Island, with slight changes and little expense, could be employed for this purpose. The very considerable territory of the island will make extensive employment of labor in agriculture convenient. Ample workshops can be erected chiefly by the labor of the inmates of the institution.

The superintendent and chaplain indicate a lively interest in the views of your commissioners, and would seem to be suitable officers to guide and administer the new institution. Thus, far better results, in regard both to morality and economy, would seem to be within our reach, and by substantially the same means.

Of course the aid of the Legislature must be invoked. New enactments granting the necessary power must be secured. Should the City Government approve this report, your commissioners will be glad to render any aid in their power in connection with your legal advisers and the judges of the courts in the preparation of a bill that shall more clearly define the necessary powers and provisions, and enable the city to make what it is hoped would prove a successful appeal to our General Court.

#### *The Duty Urgent.*

(10.) Certainly the city fathers have a great many erring children, who can be so treated that not a few of them will be reformed and made useful citizens. The cost of dealing with this class can be much diminished. Your commissioners will be ready and happy to cooperate in so noble a work. They are satisfied that such action can be taken as will greatly diminish drunkenness with its dreadful evils. The work is a long one, and not to be done in a day, but it should be begun at once; and we may safely trust that all necessary knowledge and skill will be acquired as the work proceeds. Is it right to go on in the old way, and at great expense, to make the drunkard worse instead of better?

Respectfully submitted.

A. A. MINER.

GEORGE C. SHATTUCK.

JOHN E. TYLER.

Commissioners.

Boston, Oct. 17, 1877.

Referred to Joint Committee on Public Institutions. Sent down.

#### HEARINGS.

Hearings were had on proposed construction of sewers in Summit street, Roxbury, in Parker street, Charlestown, and in Northampton street, west of Columbus avenue. No one appeared to object, and the orders were recommitted to the Committee on Sewers.

#### PETITIONS REFERRED.

*To the Joint Committee on Claims.* Mrs. John McDonough, to be compensated for personal injuries received by falling on the ice in Bowdoin square on Dec. 28, 1876.

*To the Committee on Lamps.* P. McNaught & Son *et al.*, that Burke street be lighted, between Tremont and Berlin streets; John D. Elms *et al.*, for street lamps in a portion of Norfolk street, Ward 24; Joseph Dorr, that Oriental street, Roxbury, be lighted.

*To the Committee on Sewers.* Benjamin Bur-

lingame *et al.*, for a sewer in Cunard street, Roxbury.

*To the Committee on Streets on the part of the Board.* Eliza A. Squires for abatement of betterment assessment on estate 34 Auburn street.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables—Estate of James B. Dow, wooden shed, five horses, East Chester park; R. L. Brown, new wooden, two horses, Newman street; Thomas Corbett, new brick, one horse, Northfield street; George Hall, old wooden building, one horse, South Margin street; Albert Morse, new wooden, three horses, corner Columbia and Washington streets; William Looney, new wooden, one horse, 17 and 19 First street.

*To the Joint Committee on the Assessors' Department.* Cornelius C. Brown and sister, for abatement of tax on estate 8 Bowdoin street.

*To the Committee on Police.* William N. Reed, for leave to set up a barber's pole at 1699 Washington street.

*To the Joint Committee on Public Buildings.* Jenison Heating and Ventilating Company, for leave to ventilate the room of the Mayor and Aldermen, under the direction of the City Architect, free of cost to the city.

*To the Committee on Paving.* Lyman O. Dow, to be paid for grade damages on Norfolk street; Rufus B. Carr, that a sidewalk be laid on the Geib estate on Hudson street, Ward 20; Dudley Hall & Co. *et al.*, that State street, between Chatham row and Commercial street, be repaved; Maverick Oil Company for leave to lay a pipe for pumping oil under Saratoga and Bremen streets, East Boston.

Petitions for brick sidewalks in front of estates of John R. Hall, Linwood street; A. J. Tibbetts, 90 and 92 Blue Hill avenue; Honora Devine, corner C and Seventh streets; Bridget Cogan, 191 Cabot street; Michael Doherty, 5 Culvert street; George Leuth, 193 Cabot street; John Moses, Hampshire street; Sarah White, 3 Culvert street; A. McKillop, 51 Everett street.

Petitions for edgestones in front of estates of William B. Quigley, West Rutland square; Henry Whitwell, Gloucester street.

Petitions for edgestones and brick sidewalks in front of estate of Catherine Looney, on Tudor street.

Petitions by John Quirk, for leave to move wooden buildings, one from 52 Swan street to 3 Ontario street, and one from 3 Ontario street to 52 Swan street.

Michael F. Lynch, for flagstone crossing on Adams street, at Dorchester avenue; William H. Peck *et al.*, that Frothingham avenue be put in order; F. O. Clark *et al.*, that sidewalks be laid on the east side of Seventh street, between Dorchester and F streets; William B. Smart, for a sidewalk on the northerly side of Stevens street; Aaron H. Bean *et al.*, for a flagstone crossing at Walnut avenue and Warren street.

#### MISCELLANEOUS PAPERS FROM THE COMMON COUNCIL.

Request of Board of Directors for Public Institutions for the transfer of \$434.76 from House of Industry appropriation to that of Luatic Hospital.

Alderman Viles—Perhaps a word in explanation of this is needed. It is well known that the city purchased what is known as the Winthrop Farm some years ago, and there has always been a balance of the appropriation which has been used to pay the taxes to the town of Winthrop. That is all used up now, and we have not enough to pay the taxes with this year. We have already paid the taxes for the current year to the town, and saved six per cent. We now come here and ask for an appropriation to cover that amount.

The communication was referred to the Committee on Finance in concurrence.

#### INVESTIGATION OF A FIRE COMMISSIONER.

An order came up for the Committee on the Fire Department to inquire—report the number of meetings held by the Board of Fire Commissioners from May 1 to this time, and the names of the absentees and the causes of absence.

Alderman Burnham—That order is evidently aimed at one member of the commission whom we all know to be a gentleman in all his dealings. At his request I shall offer an amendment, so that the committee shall investigate the subject from the time of the appointment of Mr. Curtis.

On motion of Alderman Burnham the order was laid on the table temporarily, and subsequently it was taken, amended in accordance

with his motion, and, as amended, passed. Sent down.

Alderman Clark in the chair.

#### BOND APPROVED.

The bond of Solomon Hovey, Jr., constable, being presented duly certified, was approved by the Board.

#### EAST BOSTON HIGH SCHOOL.

The chairman submitted a report from the Committee on Finance on the report of the Committee on Public Buildings, recommending the passage of the following:

Ordered, That so much of the order of the City Council approved Oct. 9, 1877, as provides that the expense of fitting up the old Lyman Schoolhouse, East Boston, for a branch of the English High School, shall be charged to the appropriation for Schoolhouses, Public Buildings, be and the same hereby is rescinded.

Ordered, That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund the sum of \$2000 to constitute a special appropriation for fitting up the old Lyman Schoolhouse, East Boston, for a branch of the English High School.

Read twice and passed—yeas 10, nays 0. Sent down for concurrence.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports and orders for edgestones and paved gutters and gravelled roadway on Myrtle street, Ward 23. Order read twice and passed.

Reports and orders for brick sidewalks in front of estates of Henry G. Denny and Abner Coburn on Stoughton street; the estates on Blue Hill avenue from Moreland street to No. 85 Blue Hill avenue. Orders read twice and passed.

Report and orders for edgestones and brick sidewalks in front of estate of Levi B. Gay on Huntington and St. James avenues. Read twice and passed.

Schedules of the cost of edgestones, etc., in sundry streets with orders for the assessment and collection of the same. Orders severally read twice and passed.

Report and order that the Cambridge Railroad Company be and it is hereby directed to change the position of its track on Washington street, Brighton, between Foster street and Oak square, from the side to the centre of said street; also to substitute a straight rail for the rail now used, and to pave said track with stone. The above changes to be made immediately, and the work done to the satisfaction of the Superintendent of Streets. Read twice and passed.

#### STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted, on the usual conditions, to occupy stables by the Metropolitan Railroad Company, corner of School and Washington streets, West Roxbury; Hull & Simpson, 5 Willow court; Catherine Gramer, Dorchester avenue; Charles Megan, Coffee court. Severally accepted.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Orders for the construction of sewers in Thomas street, West Roxbury, and A street, South Boston, between Richards street and Mt. Washington avenue. Severally read twice and passed.

Report that no action is necessary on the petition of Thomas Dowd *et al.* that the sewers in Magazine street and Norfolk avenue be enlarged. Accepted.

Ordered, That the amounts set against the names of the following parties for a sewer in Haynes street be abated on account of no benefit to their estates.

Michael Havey.....	\$19.67
Niles Peterson.....	14.06
John A. Brown.....	14.05
Maria White's heirs.....	16.16

Also, that \$8 be abated from the assessment laid upon Spencer A. Comey for a sewer in Greenough avenue, on account of over-estimate of land benefited.

Also, that \$7.08 be abated from the assessment levied upon Mary E. Cushing for a sewer in Leverett street, on account of inability to pay.

Read twice and passed.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Passenger Wagon Licensed—William Fletcher, to run a passenger wagon from Charlestown, by way of Tremont or Charles street, to the Tabernacle, and return by same route.

Minors' Applications Granted—Eight newsboys. Wagon License Granted—William Scannell, Central square.

Hack License Granted—Johu Hamill, corner Pemberton square and Tremont street; Warren B. Plympton, Pemberton square; C. E. Merrill, 79-81 Causeway street.

Auctioneers Licensed—Martin Donoghue, corner Sumner and Havre streets; Frederic A. Wilkins, 39 Old State House.

Intelligence Offices Licensed—Mary Greene, 256 Cabot street; Mary C. Whitney, 470 Tremont street.

Billiard Licenses Granted—George W. Howland, 26 Kneeland street; Charles Portlock, 530½ Washington street; James Bent, 127 North street; M. J. Brockway, 1166 Washington street; Carl Muller, 68 Shawmut avenue; Elizabeth Zittel, 1984 Washington street.

Severally accepted.

#### CLAIMS.

Alderman O'Brien submitted the following from the Joint Committee on Claims:

Report of leave to withdraw on petition of J. B. & W. M. Warren, to be paid for alleged infringement of a patent process for putting down pavement. Accepted. Sent down.

#### DOGS TO BE KILLED.

Alderman Breck offered the following:

Whereas, The order passed by this Board on the 15th instant, and approved by the Mayor on the 17th instant, requiring all unlicensed dogs to be restrained from running at large within the limits of this city, has been duly published three times in two or more papers of this city, it is hereby Ordered, That a warrant be issued by his Honor to the Chief of Police of this city, requiring him to cause to be killed all unlicensed dogs found running at large within the limits of this city.

Read twice and passed.

#### STREET DAMAGES.

Alderman Thompson submitted the following from the Committee on Streets on the part of the Board:

Order to pay for land taken and damages occasioned by laying out and widening streets—Frances W. Howe, \$135.50, for land taken in the name of the heirs of Harvey Howe by the widening of Adams street. Read twice and passed.

#### STEALING FLOWERS FROM PUBLIC GARDEN.

Alderman Slade submitted a report from the Joint Committee on Public Grounds recommending reference to Committee on Claims, and the granting of petition of Nicholas W. Johnson to be paid the amount of a reward offered for the detection and arrest of persons stealing flowers on the Public Garden. Accepted and referred accordingly. Sent down.

#### BETTERMENT ABATED.

Alderman Clark submitted a report from the Joint Committee on Streets, on petition of First Baptist Society of Brighton for abatement, recommending the passage of an order—That his Honor the Mayor be authorized and requested to release to the First Baptist Society of Brighton the estate situated on Union square, at the junction of Beacon and Cambridge streets, sold by Collector Michael Norton for unpaid betterment, and by him conveyed to the city of Boston by deed dated June 12, 1876, and recorded with Suffolk Deeds, lib. 1330, fol. 259, upon payment by the said society of the sum of \$300.

#### REFRESHMENTS AND REFRESHMENT BILLS.

The proposed amendment to resolve relating to wines, cigars, etc., by adding that no carriages be allowed after the adjournment of either branch, came up with the concurrence of the Common Council therein.

Alderman Viles—I think quite enough has been said in regard to this resolve. I don't believe it means anything, and I think there has been a great deal of cheap talk in both branches in regard to it. I have been in the City Government three years, and have never yet called a carriage to take me home, and it is well known that the strongest beverage I take at my meals is a cup of coffee.

On motion of Alderman Viles, the resolve was unanimously postponed.

An order came up to amend the joint rules and orders so as to provide that "no bill for refreshments shall be allowed or paid unless it is accompanied by a full statement of all the items composing such refreshments, and any citizen of Boston shall be entitled, at all times, to inspect or to make copies of any such bills or statements."

Alderman Fitzgerald—My objection to the order is its phraseology. If it is intended to mean anything, it should be that the bill of each member of the City Government who partakes of refreshments should show what he takes, and the price should appear in the bill; so that if I dine with two or three members of the City Government, and my bill be four dollars, while that of others shall be only one dollar, details of each will be shown. In that way, if Brown eats two dollars' worth and Jones four dollars, the amount of each will be given, and the one who partakes of a little shall not have to bear the same criticism with the rest. That would be a sensible way of introducing an amendment to the joint rules and orders. If the members of the City Government are to be paraded in the papers week after week, I say that Brown and Jones should not be credited with like amounts while Brown ate four dollars' worth and Jones only fifty cents. I intend to introduce an order which I think will be satisfactory to all those in favor of this matter. I think the only way you can satisfy those who want refreshment is to blot out this refreshment business. I shall vote for it heartily. It will relieve chairmen of committees of great responsibility, because they are obliged to approve the bills. I shall move as a substitute for this order the following:

Ordered, That no bills for refreshments furnished to any member of the City Government shall hereafter be paid out of the city treasury, and the Auditor of Accounts shall not receive or pass any such bill for the approval of the Committee on Accounts.

If such an order as that be passed, I think it will be satisfactory to a great many persons who are nightly introducing into the Common Council amendments to these refreshment rules, while at the same time they will go over to Mr. Parker's or Young's and eat their dinners and drink their wines with as much avidity as if they had never introduced such orders. Now, I am sincerely in favor of prohibiting the partaking of any refreshment. It is merely a custom. The School Board do not partake of refreshment. I am willing to go as far as any one. This continual tinkering is nothing but humbugging. If the members are in favor of this order, and are in downright earnest, they will vote for the substitute. I am only sorry it was not introduced upstairs. Now, Mr. President, that is genuine bona fide retrenchment. It cuts off not only cigars, which some persons prefer to a dinner, but it cuts off the dinner, which some persons prefer to cigars; it cuts off wines, which some persons might prefer, after a long session in a committee room, to taking a plate of soup or bread and butter; and it cuts off the bread and butter, which some might prefer to wine or Apollinaris water. If those gentlemen who are nightly offering orders are sincere, they will vote for this and cut off all.

Alderman O'Brien—I heartily indorse the substitute. I shall give it my vote and hope it will pass this Board. This continual tinkering and talking about refreshments has gone far enough. I think the Aldermen ought to have self-respect enough to put a stop to it entirely, and the only way to stop it is by such an order as this. The Alderman from the North End has stated that his name is not down on bills for carriages to take him home this year. I have no doubt his name is down on bills for carriages a good many times. Why? Because in his capacity as chairman of the Committee on Sewers he has to examine the sewers in Roxbury, Dorchester and other sections. He and his committee have to visit all those sections to see if the necessity exists for sewers; and his name must be down a good many times for carriages for that purpose. But when the statement is made in print, outsiders will say it is some junketing excursion, when the Alderman has given his entire day to the city, ascertaining all the facts in relation to the necessity for a sewer in Brighton, Roxbury or West Roxbury. Now, we have a long report of names of members of the Committee on Common and Squares, who

took refreshments at Parker's. I would be willing to bet, or at least I assert, that the names which are not down on those bills are those of the men who were never at a committee meeting on Common and Squares; but the names we see on those bills are those who come here and give their time, hour after hour, to the city of Boston, and who, after working several hours, have gone across the way and partaken of a little refreshment. Those who attended to their duties were present, and that is the reason their names are here. A great deal is said about the junketing of this City Government. The mischief arose some two years ago when the joint rules were amended so as to include the names; and ever since that time we have heard of nothing but the junketing of the City Government. I think the order, as it comes from the Council, might be perfected still more. In my younger days, when the menagerie made its appearance in Boston, it was stated on the bills that the animals would be fed at a certain hour. Now, if the notice of committee meetings also read that such a committee would eat at Parker's at such an hour, and that the citizens of Boston are invited to inspect them, I think it would complete the exhibition. In order to show that this and the last City Governments were not extravagant, I called the attention of the Auditor to the matter, and I was handed this statement for the past few years. What is the result? Under such mayors as Norcross, Gaston, Cobb and Shurtleff, the refreshment expenses exceeded those of the present year. From \$45,000 in 1870, the refreshment expenses have gradually diminished to \$12,000 in 1876-7. The entire expenses for refreshments, excursions and special entertainments have diminished from \$70,000 in 1869-70 to \$24,000 the present year; and yet I guarantee that there has not been a year for the past ten years that so much talk has been made about the junketing excursions and dinners of the City Government. The press and the Council allowed all these things to pass with scarcely a word in previous years, and yet this year, where there is a most economical government in this respect, it is nothing but talk, and I hope the talk will be stopped in the manner proposed by the Alderman from Ward 21.

Alderman Fitzgerald—Will you read the figures? I should like to hear them.

Alderman O'Brien—I intended to give them to the reporter, so that they would be printed; but, at the request of the Alderman, I will read some of the items:

"Expenses of the Board of Aldermen, Common Council and Committees of the City Council, and each branch thereof, for refreshments, carriage hire and visiting cities, in the total, during each financial year for ten financial years, ending April 30, 1877—

CITY GOVERNMENT COMMITTEES.

Year.	Refreshments.	Carriage Hire.
1867-68.....	\$14,192.35	\$1,798.17
1868-69.....	34,147.81	2,751.87
1869-70.....	45,059.76	5,590.01
1870-71.....	31,912.19	4,898.22
1871-72.....	20,205.29	1,353.54
1872-73.....	23,141.32	3,491.05
1873-74.....	14,637.47	3,127.00
1874-75.....	17,737.76	4,365.67
1875-76.....	14,726.80	4,019.90
1876-77.....	12,933.99	3,772.80
	\$228,694.74	\$35,168.23

Now, the citizens of Boston don't know that carriage hire is to enable the Paving Committee to consider whether a street ought to be graded and paved in Dorchester, Roxbury or Charlestown, or whether a sewer should be built. Next are excursions, beginning with \$7915.85 in 1867-68. I presume that means excursions down the harbor on Fourth of July, and various expenses of that kind. The whole amount of it is, that this City Government came here with this fact staring them in the face—that the partaking of refreshments is a time-honored custom in the City Government; and in enjoying them moderately, as they have done, I don't think they have exceeded, and in fact have not come up to, the limit of previous City Governments. But you see how the matter has tapered down, for we have not done justice to our predecessors in the way of refreshments and carriages.

Here is another class of these expenses:

Special Entertainments.  
Expenses of Committees of Govern-  
ment not included under  
head of City Government.

Year.	Excursions of Government and Committees.	Refreshments.	Carriage hire & traveling expenses.
1867-68....	\$7,915.85	\$2,530.46	\$101.25
1868-69....	7,881.45	4,648.10	265.50
1869-70....	10,032.00	5,300.14	1,809.75
1870-71....	7,115.76	1,633.55	297.50
1871-72....	5,519.98	4,918.18	648.02
1872-73....	3,705.68	3,039.20	264.50
1873-74....	3,324.38	1,583.00	124.00
1874-75....	3,077.56	1,411.20	261.50
1875-76....	1,045.87	2,021.50	428.50
1876-77....	1,690.90	1,698.95	279.50
	\$51,309.43	\$28,784.28	\$4,480.02

Statement of the expenses of boards controlling departments.

Year.	Refreshments.	Carriage hire and Trav'g expenses.
1867-68.....	\$671.10	\$476.93
1868-69.....	1,327.86	731.93
1869-70.....	1,418.24	1,747.58
1870-71.....	3,855.70	923.87
1871-72.....	1,827.45	1,682.49
1872-73.....	7,081.48	631.50
1873-74.....	4,734.85	2,228.04
1874-75.....	2,974.57	1,358.75
1875-76.....	3,081.32	2,486.83
1876-77.....	2,702.18	1,458.69
	\$23,674.75	\$13,726.61

The totals of the expenditures for the purposes named are as follows, for each year:

1867-68.....	\$27,686.11
1868-69.....	51,754.52
1869-70.....	70,957.48
1870-71.....	50,636.79
1871-72.....	36,154.95
1872-73.....	35,354.73
1873-74.....	29,758.74
1874-75.....	31,187.01
1875-76.....	27,810.72
1876-77.....	24,537.01
	\$385,838.06

I don't think that is a very bad record for the present and past year, Mr. Chairmau. I hope the citizens of Boston will look into it and not believe all the stories that are now sent broadcast over the city about the present Government.

Alderman Robinson—For myself I don't see what this Board of Aldermen have to do in this matter. If the Common Council wish to reform themselves in regard to junketing, why should n't they have the privilege of doing so? This Board of Aldermen have done no junketing. Their meals and everything else have been moderate, and, in the name of common sense, why should they be hauled over the coals because some members of the Common Council acknowledge that they take too many cigars? I have tried to do my duty and have worked pretty hard. I live a considerable distance out of town, and it is difficult to go home to my dinner; and I don't see why I should n't have a moderate amount of refreshment when I get through with this session, or a lounge meeting of a committee. I have nothing to charge myself with. Can the Board of Aldermen say that they have exceeded their rights and privileges? I don't see why we should. But if the Common Council have, and wish to reform, I don't see why they should not have the privilege. I don't see that the Aldermen have done more than the amount of their labor entitles them to. Now all this last week we have been on what might perhaps be called a junketing excursion. To my surprise and astonishment, the twenty-one Aldermen of the city of New York, as we were told, receive a salary of \$4000 each; and without doing one-tenth part of the labor performed by this Board, and they take refreshments besides. If this Board do not do work enough, sitting in their legislative capacity, and in their committee work and in the supervision of departments, to entitle them to some little degree of refreshment, let the city give them a salary corresponding with the work and then there will be no question about it. But I consider the idea ridiculous that the people begrudge the Aldermen some little refreshment after sitting here till nine or ten o'clock at night, and working several hours a day on a committee and in other public capacities. I hope the order will not pass, as I think there is little sincerity in it.

Alderman Viles—It is so near the end of the municipal year, I think the order had better be amended so as to apply to the next City Govern-

ment; or the adage is true that it is hard to make an old dog learn new tricks.

Alderman Fitzgerald—As I am not to be a member of the next City Government, I want it to take charge of its own affairs. I am sincere in offering this substitute, and as the gentlemen down stairs want to do something in cutting down refreshments, I am only surprised that the Aldermen are not willing to go with them. My substitute was not got up for political effect, because I am not a candidate for reelection, and therefore cannot be accused of having anything of that kind in my mind when I offer such an order. I did it that the members of the Common Council and the Board of Aldermen who want a change may make one that is in the right direction. If it is wrong to have refreshments or cigars, it is wrong to have anything else, and I think the order I have offered is the only one which will meet the approval of those who desire to cut down expenses in that direction. The Aldermen in New York are paid, but I did not know they took refreshments. I suppose that their salaries paid for all their refreshments. I hope my order will pass, so that members of the Common Council shall have an opportunity to vote upon it. I think this is the right step to take; and by and by the members of the City Council will come here to discharge their duties as the members of the School Board do. They would not want any refreshments after they got used to it, although the lesson will be hard while they are learning. I hope this City Government will practise fasting and abstinence, so that when the new Government is inaugurated it will be composed in part of men who know what it is to perform their duties without a bottle of ale, a cigar, or a glass of Apollinaris water. If we stand it the next two months, then I have hope that the next City Government will follow our example. I think the members of the City Council should have some deference for public opinion. I think there is something serious in public opinion in connection with this. If the candidates for this Board find out before the next election that these things are not to be, perhaps it will make some persons hesitate before they attempt to become members of this Board. Perhaps it is worth while for us to pass something of this kind.

Alderman Robinson—I don't believe public sentiment leans in any such direction. I have never heard public men state any such thing; but I have heard them state directly the contrary—that they thought the members of the Board of Aldermen, who do the work they do, are entitled to refreshments, and they should make no objection to it. I have heard no objection to it. But I feel that to pass such an order as this would be acknowledging that I have done something wrong as an individual. It would be acknowledging by this Board that their services were not worth a snap of their fingers. It is acknowledging that they have done something wrong, when the members of the Council have only been getting up something for effect. Therefore I think it is out of place.

Alderman Fitzgerald—My friend from the Dorchester District must have a poor estimate of his services if he thinks they are paid for by the dinners he eats. He says we have done service for the city, and therefore we must take some dinner. He seems to fancy that the payment for services of members of the City Government is the bills they contract at Parker's or Young's. I have a higher estimate of the work done by the Alderman. I have no doubt the time devoted by him to the city of Boston, if given to his private business, would have yielded him five thousand times more than he could get from the dinners paid for by the city of Boston. From what I know of his business, I know that his services are worth more than that. I hope the Alderman will vote for the order, and set a good example to the young men who are to come to the position which he holds.

Alderman Robinson—I certainly don't wish to convey the impression that I thought my services worth no more than the refreshments I take after I get through with a meeting. That is a little acknowledgment of the service, and small favors are thankfully received. But my point is, that in voting for this order, we do acknowledge that we have done something wrong, which I strenuously object to.

Alderman Wilder—I don't see that in voting for that order we admit that we have done anything wrong. I am heartily in favor of the passage of the order. As the Alderman who offered it says, I only regret it had n't been introduced earlier in

the year. I don't mean to belittle the service of the Board of Aldermen. I believe, as a class, they all attend to their duties and intend to give to the city their best knowledge and efforts in the management of its affairs. While doing so, it is true that former City Governments have had something to eat and drink, as we have been informed today, as is shown by the bills. But I believe the idea and the principle is wrong, and that it will be immensely for the benefit of the city of Boston to be more careful in the inspection, as it were, of the men we select as Aldermen, and to use the same care that business men ordinarily do in the selection of men to perform a particular duty. I believe that immense benefit would accrue to the city if Aldermen were selected for their peculiar ability for the duties. But it is not the custom, and I don't suppose it will be changed until times change. But in regard to Aldermen and Councilmen feeding at the city's expense, when they are hungry, I believe it is wrong, no matter how much service they have performed. I should have voted for such an order as this at the first opportunity, and I thank the Alderman for giving me the opportunity. If we are going to be in the next Board of Aldermen, I think we ought to say we are going to work for nothing. I hope the order will pass.

Alderman Slade—If this order is passed, Othello's occupation will be gone. It seems to me there has been a good deal of boys' play about this business for the last two or three meetings. I don't believe anybody has been sincere in what has been said, or in any orders that have been offered. I don't think I shall vote for this order, but I will guarantee here that my example will be such that no taxpayer will find fault with what I do in that direction. If the members of the City Council would practise as well as they preach, I don't believe there would be any trouble about it. I don't believe there is a taxpayer in the city of Boston who begrudges a member of the City Council a meal if it is necessary. I don't believe in eating between meals myself. I always take my dinner at noon, and it doesn't make any difference to me whether there is a committee meeting in the afternoon or not; I don't go to dinner because there is a committee meeting. I don't believe there have been two meetings of committees that I am on that I have not attended, but I am not much of a diner at the city's expense, and I take my dinners as regularly as I can. My experience has been like this: After our sessions have ended we have invariably gone and had a dinner; and I have heard plainer and stronger discussions at that dinner in regard to the business of this city than I have heard here. It is more instructing to spend one or two hours in that way than it is at this Board. We talk freer than we do when we expect to see everything printed the next day. I don't pretend to be much of a talking man here, but I am a working member; and after I have worked here I don't feel that I do anything wrong by taking a dinner at the city's expense. I don't partake of a dinner unless I have earned it. I don't believe the citizens would desire us to pass this order; but they will thank us for being more careful of the privileges we have. I don't want to vote for this order—but I will be more careful. I am willing the public should know what I eat at the city's expense at all times. As I said, I don't exactly like this order, for I think there is a good deal of nonsense about it.

Alderman Burnham—This discussion seems to have assumed something of the form of a confession. I claim that I have been on the side of economy, and I mean to commit myself, at all times, upon the side of right and proper economy. But I am going to vote against this order and I want to put myself right. I believe that, as it has come to us from the other branch, it is not sincere. An Alderman has characterized it as boys' play, and a better description of it he could not make. So much for the Council. If we passed the order as it is now before us, I don't believe a majority of the Board would vote for it with any sincerity. I should not, if I voted for it. I believe it is uncalled for and that no good will come from it. Therefore I shall vote against the substitute.

Alderman Breck—I do not wish to take time in discussing this matter, or have much to say about it. I agree with the Alderman who has just taken his seat, and I move that the matter be indefinitely postponed.

The Chairman—The motion to amend takes precedence of a motion to postpone.

Alderman Gibson in the chair.

Alderman Fitzgerald—In offering my substitute for the orders that came up, I did not intend to reflect upon those who take their meals at the expense of the city when there is any necessity for it. I agree with Aldermen who have just spoken, that the citizens don't begrudge the members of the Council a dinner at the city's expense when they are detained beyond their regular meal time. My order is not aimed at any such thing. But it is so hard to keep within the bounds of that law all members of the City Council. There is great question with the members of the City Council, especially the other branch, whether it is not better to abolish the whole affair, so as to keep some from going to the extremes to which they are going. I did not introduce it because I think some members of the City Council have gone beyond the line of duty, or because I believed the citizens of Boston begrudge the members a decent meal at a reasonable price. It is to avoid abuses that I have done so. It is the abuse, and not the use, of the custom of dining at the city's expense that I wish to prevent. I agree with the Alderman opposite, that whatever meals they have eaten at the city's expense they have earned; but rather than run the risk of having the expense go up to \$70,000, we had better abolish the whole affair.

Alderman Breck—Have complaints come from any other source except the Common Council and the reports in the papers? I should like to be informed upon that point. I have heard no citizens complain. Citizens say to me they hope I get something to eat when I get through with the long sessions at this Board and on committees. I believe this whole affair is all moonshine, and that we should pay no attention to it. Has the Alderman heard any complaint?

Alderman Fitzgerald—It is a trait of human nature that whatever is received at the public expense, nine-tenths of the people believe the receivers are not legally entitled to it and have no business to have it. I venture to say that nine-tenths of the people outside do not reason on this matter, and when told that such and such a committee dined at Parker's or Young's, at \$4 or \$4.50 a plate, they would find fault. It is sufficient to place it in black and white before them and say that Smith and Jones and Brown and Robinson are members of a committee, and on the 25th of August a dinner for them cost \$17.50. They would naturally count up that the price per plate is as much as the price of dinners for a whole week at a decent boarding house. You cannot reason with people. You put the least of these bills for committee's dinners before the people to read in the Herald or Transcript, or Post or Advertiser, or any other paper in Boston, and you will find nearly every man you meet would say, you had a pretty good dinner on such a day, and \$4.50 or \$5 for cigars. I find that in the Council some members arose and stated that they had not eaten dinners at the city's expense, but when they looked over the Auditor's bills they found that they did, and they were astonished that they had eaten so much. Nine-tenths the people would say that the bills were unreasonable, although no member of a committee had eaten more than he would have done at his own table. You cannot explain it away. There is the bill for a dinner at Parker's or Young's; you have heard it every day; I have heard it; and the members of the City Council feel it more than outsiders, because their names figure in the papers. I say the only way you can prevent it is to abolish it altogether. I agree thoroughly with the members of this Board that members who perform their duty, and are detained from their homes and meals, are entitled to a dinner at the city's expense. Custom sanctions it, and possibly the taxpayers would; but the difficulty is in preventing the bills from being extravagant. If I, as chairman, take my committee to dinner, I cannot say to Councilman So-and-so "You shall take beans"; but he takes the bill of fare and orders what he pleases, and the bill is paid. Hence, the difficulty is to draw the line between stinginess, economy and extravagance. You cannot draw that line. You cannot say to one member you shall have only one cigar, only one bunch of cigarettes, or only one plate of soup. It is the abuse of our privileges that people complain of, and it is impossible to draw the line.

Alderman Robinson—The main portion of the expenses of the city of Boston is disbursed through the committees of this Board, and they are almost equal to the expenses of the whole

United States at the time of the commencement of John Quincy Adams's Administration. The Board of Aldermen have committed no extravagance; but you may take all the expenses for refreshments and "asides" and cigars, or whatever they may have, and the expense is as great, aside from salaries, is as great as it was at the commencement of John Quincy Adams's Administration. But, instead of extravagance, the written statement of the Alderman shows that in 1869-70, when there was only the city proper, and I think, perhaps, Roxbury, when Charlestown, which is a considerable town of itself, had its Mayor and Aldermen, and this, that and the other, when Dorchester had its own schools and selectmen and paid them a certain amount a year, and Brighton and West Roxbury have been annexed, and the inhabitants have increased from 200,000 to 350,000; and yet the refreshment expenses have "increased" from \$70,000 to \$25,000. I cannot see that it is very extravagant to go up in an inverse ratio. Twenty-four thousand dollars is the round sum of the expenses for carriages, junketing, etc. I cannot see where the question of extravagance comes in. As far as that order goes, I don't believe one member of this Board or the Council would care one sup about the amount they ate and drank. But there is a certain question of right and expediency; and if you pass the order you will acknowledge that you have been doing wrong; and I deny that the Board of Aldermen and a large majority of the Council have been doing wrong.

Alderman Clark—When the Alderman from the Twenty-first Ward offered the substitute, I was under the impression that it was done in an ironical spirit; that he did it because he supposed it would go to the Council and he rejected, on the supposition that they would not swallow an order of that description. But he has either changed his ideas from what they were when he wrote it, or else he has argued himself into the belief that it is just and proper. Now I shall vote against this substitute. This is my sixth year as a member of this Board, and without being egotistical, I think I have devoted some little time in working for or against the city's interest. Prior to coming to the City Government I dined with my family every day, and my dinner hour at home is the same now that it was then. But when I came here I found that the public expected members of this Board to be here about one or two hours during the day, and I found that I had to spend the time here, at work in the interest of the city, that I usually spent at home with my family at dinner. Consequently, during the past few years, when I have been at work for the city at my dinner hour, I have had my dinner paid for by the city. My predecessors in this Board, as you all know, did the same thing. It was supposed they had a pretty good Board of Aldermen in 1869-70. It has been, and still is, the custom of this Board, if deprived of getting their dinners and suppers at home, with their families, to get them at the city's expense. That having been the custom, and as this Board have, without any hesitation, gone freely and partaken of refreshments, as other Boards have done, I shall claim the privilege of doing for the remainder of this year as I have done for the past five years, and I shall not cease to do so to satisfy the public or the newspapers. I smoke no cigars and drink very little wine; and I will agree with any member of this Board not to touch a drop of wine or smoke a cigar. Now, Mr. Chairman, I believe this kind of talk ought to be suppressed, both here and in the other branch. Any one who has read the proceedings of the last two meetings of the Common Council must have come to the conclusion that the interests of the city are not being advanced by that branch. Now, sir, the order which has caused this series of discussions originated with a member of the other branch who has been as ready as any one to partake of refreshments, either on committees or public occasions, such as the dedication of the Army and Navy Monument; and he enjoyed that dinner at the Revere House to as great an extent as any other member of the City Council, if appearance, conversation and actions are an indication of any man's having had a good time.

Alderman O'Brien—I would ask the Alderman what Councilman he refers to?

Alderman Clark—The Alderman does not answer the question of the Alderman from Ward 21. The order originated from a source which, it seems to me, is not sincere. We all know that the amendments attached to it in the Council were not sincere, and neither was the one we

added to it here. We have had altogether too much talk about this sort of thing. I am very glad, sir, that the Alderman has read a statement of the refreshment expenses of prior City Governments. It seems that they have been decreasing from year to year; and I find that the expenses of committees have been decreasing from year to year. I hope the Board of Aldermen will continue to do precisely as they have been doing when at work for the city; that they will not hesitate to partake of refreshments in a reasonable amount; and I will guarantee that the citizens will not object to paying the bills. There are some men who come here and live on us during the winter, and go down to Nahant in the spring to pay their taxes, and they object to this sort of thing; but the citizens of Boston, the taxpayers, make no objection. I might say, sir, that I know some members of the Common Council who have served the city faithfully and honestly for years past, who have not hesitated, when at work for the city, to partake of refreshments; and the city is fortunate in having such men willing to accept the position and work in its behalf. Now, there is no need of this thing. No one attempts to cover up what has been done. We go publicly, boldly, and take our refreshments, and every citizen of Boston, if they choose, can tell what the amount is. The Auditor sends out his report every year, and the bills are all there. In looking over the Auditor's report, I find that the refreshment bills, when the city was under the guidance of some first-class men, were a great deal larger than they are today. I hold in my hand the amount of the refreshment bills for 1868-69 of the Committee on Common and Squares, consisting of three members—not eight, as now—and the total is \$573.48. In 1869-70, with only three members, they expended \$411.45. In 1870-71 it was made a joint committee, with one of the best Aldermen, and one of the best Mayors the city ever had as chairman—Hon. Henry L. Pierce—and the committee spent \$1403.23 for refreshments. That was the expenditure with first-class Aldermen and first-class Councilmen, I suppose, as members of the committee. In 1871-72 the bill was \$520.83. In 1872-73 I had the honor to be appointed chairman of the committee, and we spent some \$958.50; in 1873-74, \$734.20. We did a great deal of work, made a great many visits, and worked a great many hours and days for the city. In 1874-75 we spent \$453.40; in 1875-76, \$685.40; and in 1876-77, \$942.25. But, Mr. Chairman, we never got up to \$1400—this Committee on Common and Squares that has caused such a tremendous excitement in the chamber of the Common Council. I find, also, that in 1868-69 the Committee on Police spent about \$1700—three of them; and in going a little back to 1868-69, I find that the three members of that committee—and you, sir, know who was chairman—spent \$802.98 for refreshments.

Alderman O'Brien—Who was the chairman of the committee that year?

Alderman Clark—An ex-Mayor of the city and a first-class man in every sense. In 1869-70 the Committee on Police spent \$1711.93; in 1870-71, \$203; in 1871-72, \$80.85; in 1872-73, \$145, which is quite a difference over the preceding year. Next year (1873-74) we spent \$409; in 1874-75, \$538, and in 1875-76 we dropped down to \$82.20, and in 1876-77 it was \$250.65. Now, Mr. Chairman, I presume you can remember when it was customary for the Board of Aldermen to have a room at Parker's, and when they went there and dined every day in the week, whether they had a committee meeting or not. I understand that that was the custom as recently as 1868. The figures show that the junketing has been decreasing from year to year; it has not been increasing. I know there were excursion parties where the bills amounted so enormously that a single individual would pull his wallet and pay it himself rather than have the bill sent to City Hall. I have known of such an instance as that. I know that the refreshment bills have been materially reduced since the appointment of the commissions. The Fire, Water, Health and Street Commissions have undoubtedly reduced them. I also find that the Committee on Public Buildings, under first-class chairmen, have expended pretty liberally. Under one first-rate chairman they spent \$2600 for refreshments, and I am told that prior to 1870 there were times when they run up bills of ten or fifteen hundred dollars for a dinner at Point Shirley for a single committee. Now, I am willing to stand all the criticism that should



justly be put upon any one man. But there has been considerable talk about the Committee on Common and Squares, and I beg leave to make an explanation here, as I may not be on the floor again.

The Alderman explained in detail the expenditures of the Committee on Common for the present year, which are given as a part of the discussion on that subject later in the session. In concluding his remarks on the subject of refreshments, he said—

I have departed a good deal from the subject I arose to discuss. I shall vote against this substitute, and shall not vote to lay the order on the table. If any members of the Common Council do not consider their services of sufficient value to the city to partake of any refreshment from the city, I hope they will conscientiously abstain from so doing, and from taking carriages to ride about the country, or to go home after the adjournment of the other branch.

Alderman Fitzgerald—The order and the substitute are not an acknowledgment that what we have done is wrong. I shall not acknowledge it. But the taxpayers do not sanction going to extremes; but in order to prevent the going to extremes, the only way is to stop it altogether. I introduced it for that purpose, and to give the very economical gentlemen in the Council an opportunity to vote for it.

Alderman Clark—If the order can be amended so that Councilmen shall not be allowed to partake of refreshments unless they wish to, I will have no objection to it. Take my own case: I have been in City Hall since nine o'clock this morning at work for the city, and have not tasted food since 7½ o'clock this morning. For the last six years I have not dined with my family except on Sundays, and I propose to continue taking refreshment, when at work for the city, during the next two months, precisely as I have done for six years past. I hope the order will be indefinitely postponed.

Alderman Fitzgerald's substitute was lost—yeas 4, nays 8:

Yeas—Aldermen Fitzgerald, O'Brien, Thompson, Wilder—4.

Nays—Aldermen Breck, Burnham, Clark, Dunbar, Gibson, Robinson, Slade, Viles—8.

Alderman Clark hoped three of the Aldermen who voted affirmatively would have an opportunity of changing their votes within the next two months if they chose to do so.

Alderman Fitzgerald hoped Alderman Clark would have the same privilege.

Alderman O'Brien—For a week past I have talked with a number of Aldermen, and before we came into this room I asked the Alderman from Ward 21 to offer such an amendment. I voted for it in sincerity.

Alderman Wilder—I voted for the order after mature consideration, and in full sincerity. I thank the Alderman for suggesting the privilege of changing votes; but I shall have to change my mind in regard to the custom before I do so. I believe the custom of city officials eating at the public expense is wrong.

Alderman Fitzgerald—If those were the sentiments of the Alderman for the past nine months, he has been the most criminal man in the city of Boston for sitting at table at the expense of the city. If I believed it wrong, I should consider myself a criminal to do so. I have not stated that I believed it wrong to take a meal at the city's expense after doing work; but I voted for this order because I want to give those members of the Council an opportunity to vote for an order that will prevent the abuse of an old custom. If I considered it wrong I should consider that I had stolen from the City Treasury every dinner I had eaten for the last nine months.

Alderman Wilder—The Alderman must have misunderstood me, intentionally or otherwise. As an individual I don't believe it is wrong, and I did not say that any man had committed any wrong. But the custom, the idea—which we did not make—I believe to be wrong and a bad one. I have eaten at the public expense just as many times as I have felt the need of it, and I don't believe I am entitled to any more credit for abstinence than others. Counting ten hours a day, I believe that many gentlemen have given four full days' work for each dinner they have eaten.

Alderman Thompson—I suppose I ought to state my experience. I voted for the order to show to the Council that if they want this reform we will go as far as anybody. I hope we will have no

more of this nonsense. If a member of this Board finds it impossible to leave his public duties and go home to dinner, I believe it right for him to eat a dinner at the public expense, and as good a dinner as can be had in Boston. Take the Lamp Department; the committee often start early in the morning and do not return till late in the afternoon. I don't believe the citizens expect us to pay for our own dinners when we are attending to public business and cannot go home. Still, I think members ought to have a certain discretion and propriety. It is very undignified to bring this question before the City Council, and after the election I hope we shall hear no more about it.

Alderman Robinson—It is impossible for a person to serve on committees and be regularly at home to his meals. Members cannot arrange to have meetings at hours that will suit the convenience of all.

Alderman Gibson—This is my sixth year in the Board of Aldermen, and I have served on many important committees. I have refused to approve extravagant bills for members of the Common Council, and the members had to pay it. But I don't know that I have seen an extravagant bill this year. It is easy to run up a dinner to six dollars apiece. Perhaps we are charged too much. It is well known I eat no animal food; but if I prefer to have a little brandy it is nobody's business. One party will call for one wine and another for another, and perhaps there will be five or six on the table, some nearly gone, some perhaps not a glass taken out. All those bottles are charged to the city. Now, if any gentleman in the Council don't want to enjoy anything to eat or drink, I am willing they should enjoy that privilege; but I am not willing that those who do not do one-tenth part of the work we do should compel us not to eat or drink anything. I suppose some men are so constituted by nature they think it a crime to eat at the city's expense. That is all right from their standard. If I eat at the city's expense I am willing to have it published in the paper. A man who comes to this Board has to get the nominations of four or five conventions, pay each \$50 for printing tickets and expenses, and what does he get in return? He is required to spend all his time and talk to everybody. There has been three times as much labor this year as before. It is difficult to settle this matter exactly, but I think this is one of the most ridiculous propositions ever made.

Alderman Fitzgerald—If I entertained the opinion of some gentlemen who voted for the order, I should feel in honor bound to return to the city treasury all the money my dinners had cost.

Alderman Clark called for the yeas and nays, and the order was indefinitely postponed—yeas 9, nays 3; Aldermen Fitzgerald, O'Brien, Wilder voting nay.

#### EXPENDITURES FOR COMMON AND PUBLIC GROUNDS.

In his remarks on the refreshment order, Alderman Clark made the following statement, in relation to the expenditures for Common and public grounds during the present year:

It was found a short time ago that we were using up our appropriation very rapidly, as I expected we should, and that we should have to ask for an additional appropriation. The 16th joint rule requires that whenever an additional appropriation is required by a department or committee, the details of the expenditures shall be reported in print. That rule was in vogue years ago when the proceedings of the City Council were not printed as they are now. The Assistant Clerk of Committees said it was not necessary to have half-a-dozen items for loam, labor, plants, sods, expenses of committee, etc., printed, and we put it in writing. It went through this Board without any questions being asked. It went to the Common Council, and there, as is often the case, the question was raised as to what had become of the money. Much to my surprise the Chairman of the Committee on Common on the part of the Council did not know and could not tell where it had gone, and was utterly surprised. Now, I wish to state right here that every bill of the committee this year has been approved by a quorum of the Committee on Common; and as matters have turned out I am very glad that that has been the case. Formerly the Chairman was authorized to approve the bills; but this year the committee approved the bills, and every single one has been passed upon by

the committee, and every order issued in regard to that department has been in accordance with a vote of the committee; and the action of the superintendent has been by authority of the committee. The committee are responsible for the expenditure of the money, and not the superintendent. I don't propose to stand here and defend the superintendent; he can defend himself here or anywhere else. Of course, the hiring of men is left mostly to the superintendent and the members of the Common Council. Now, in regard to this appropriation. In the first place, the committee were of opinion that it would require \$75,000 to carry on this department; but we figured it very closely and asked for \$70,700. The Committee on Auditor's Estimates and the City Council cut it down to \$65,100. I stated before that committee that the appropriation would n't be enough, and we should have to come in for an additional amount—the Aldermen who are members of the committee will bear me out in this statement—in order to maintain the public grounds as the people want them. A member from the rural districts was tremendously surprised to think that in six months we should have spent more than one-half of our entire appropriation, supposing, I presume, that we set out flowers, sodded grounds, and all that sort of thing just the same in winter as in summer. It so happens that the great bulk of the expenditure of the committee is required, and seventy-five per cent. of the labor is employed, during the first six months of the year. All the loam, trees, plants and shrubs are put out from the first of May to the first or middle of September; so that answers the question as to why the expenditures are so large during the first six months of the year. After the first of November the expenditures are very small; they are simply for taking care of the paths on the Garden and Common, the expense of which and the number of laborers employed depends upon the severity of the season. Last winter we were obliged to keep some thirty men employed in clearing snow from the paths; for they are all streets and sidewalks over which people come from the West End, the Back Bay and the Providence depot to the centre of the city. It is just as necessary to keep the paths and walks of the Public Garden and Common free of snow and ice as it is to keep the streets in the same condition. The request for an additional appropriation not being in print, the Council decided that it was not properly before them; although it had been printed in the proceedings and was on the desk of every member. The committee met and appointed a subcommittee to make a detailed statement of the expenditures, put it in print, present it to the Common Council and ask for additional appropriation for the current year. That committee has presented to the City Council a detailed statement such as no committee has ever before presented. I think in giving the expenditures for materials, labor, etc., and coming down to details of refreshments they have had at the hotel opposite when they have been at work for the city, every man's name is mentioned, the amount and the time of each bill; and I for one am very happy to say that I do not think it is an extravagant bill for the amount of work which has been done by the committee. There is one charge to the superintendent, in regard to which I wish to make a statement, and which I understand has been extensively commented upon. During the past season some gentlemen were here as representatives from a Western city government who wished to go over the Public Garden and see the display of flowers and to inspect the public grounds. I introduced them to the superintendent, and they went over the grounds with him and were very much gratified, as are all people who visit them. It being about lunch time, I requested Mr. Galvin to go with them to Parker's and give them a lunch, as I could not go myself; and that \$11 bill is the result of a little entertainment given to two or three gentlemen from the West to see our public grounds. On examining the amount critically, I find that my portion of those hills—provided I smoke cigars, which I do not—is \$71; that is, it has cost the city of Boston that for what I have done for the city of Boston this year on the public grounds. It is impossible to keep the public grounds, as people wish to have them kept, on an insignificant sum. The moment they are not kept in order complaint is made. As a general thing I find that those who pay the bills have been satisfied with the appearance of the

Common and squares. During the past year or two some suggestions have been made, with which the committee have complied, by the introduction of rhododendrons and other choice plants, which cost \$1000 last year. Suggestions were made by gentlemen of economical habits, that we should have spring as well as summer flowers, as many are deprived of seeing summer flowers, because they spend their summers in the country; and the committee have made arrangements for some. All these things require money and labor. People have always taken a great deal of interest in the Common and Public Garden, and both the Superintendent and Committee have been complimented during the year for the beautiful appearance of them both. Strangers returning from Europe have said they had seen no spot on the other side of the ocean that is more beautiful, or which pleased them so much as the Public Garden. I understand that the Mayor of Baltimore was so much pleased with the Public Garden that he intended to send his own superintendent here to get some ideas, notwithstanding that they have some beautiful parks and grounds. Now we come down to the Army and Navy Monument. The committee did n't expect to spend anything like the amount they have spent around the Army and Navy Monument. We did n't suppose it would cost—the chairman of the committee on the part of the Council said five or six hundred dollars; I supposed it would cost one thousand dollars. We proposed to cover up the stone chips, and grade the ground, so that the celebration could take place. We went to work at it rapidly, and the work was continued as late as twelve o'clock many nights, in order to get it done so that the dedication could take place. It could not have been supposed by any member of the committee that the work was going to cost five or six hundred dollars, for one of the members of the committee proposed to put in an order for \$2500 to grade around the monument; but it was not done. We went on and the expenditure for materials will cost five thousand dollars. We propose to do all that was necessary to put the grounds in proper condition for the dedication; but the Superintendent and the chairman did not do that without the knowledge of the committee. The vote of the committee was—

"That the superintendent be authorized to have the necessary grading done on the ground near the Army and Navy Monument on the Common."

That is the vote of the committee giving the Superintendent authority to do that work; so that the committee are responsible for that and not the Superintendent. More work was done than was expected to be done; I admit that. But when we had spent five or six hundred dollars, we found that the grounds were left in an absolutely dangerous condition; new paths had to be made, the grounds levelled, and men had to be kept at work to make the grounds safe. Undoubtedly it would have been better to ask for an appropriation. The labor has been done by the Superintendent and his men, and the material has been put in at contract prices. The great bulk of the work was done by contract. We advertise for proposals at the beginning of the year as other committees do, and give the work to the lowest bidder. All of our red sand and gravel was obtained and the work done at contract prices, the same as is done in other departments. That is about all I have to explain. We want \$15,000, which will be sufficient to finish the grading about the monument and carry the department through the present financial year. When the grading is done about the monument it will be as beautiful a spot as any on the Common or Public Garden. It is already a most attractive spot, and 10,000 people a day have visited it. I might add, that the expenditures of the committee for labor were larger than we expected they would be, as we made our estimates on the basis of \$1.50 a day; but wages were not reduced in other departments, and we did not feel authorized to do so. The expenditure of sixty or seventy dollars for carriages was made in looking up playgrounds for the youth of the city, in visiting places in Roxbury, West Roxbury and other places.

The request by the Committee on Common, etc. (City Doc. 84), for an additional appropriation of \$15,000, was considered in the regular order among the papers from the other branch, the question being in reference to the Finance Committee.

Alderman O'Brien said he should vote for the reference, but he did n't like the style and make-up of the document, showing little details of bills of H. D. Parker, all amounting to \$425, while no details were given of the large bills, no price being given for loam, sods, etc. The remarks of ninety-nine out of one hundred men have been almost exclusively in regard to the refreshment bills, and but one in one hundred said anything of the others. With all respect to the committee, it looks as if these small items were put in to attract attention. He hoped no such report would be presented again.

Alderman Slade said the only reason the details of refreshments went in was because the members of the committee from the Council declared that unless they were put in no more money would be granted by the Council. He did n't know any other object, unless it was to smirch somebody.

Alderman Fitzgerald — Could details of other bills have been given?

Alderman Slade—Precisely as well, but it would make a big book.

Alderman Fitzgerald — But they insisted that this should go in and the others be left out.

Alderman Clark said full details of everything are given on the bills for labor, etc.

Alderman Robinson said it was not customary to give details in making up the reports of corporations; but all those things are gone into by the committee to audit the accounts.

Alderman Fitzgerald—Why should n't the number of loads of loam furnished by Owen Nawn be given, as well as the number of days Mr. Pope and Mr. Galvin, and others, partook of refreshments?

Alderman Robinson — Because everything of that kind is not required in such a report. It is not customary.

Alderman Fitzgerald—I simply ask why they were so particular about the item of refreshments?

Alderman Robinson—Alderman Slade has explained that.

Alderman Fitzgerald—I wanted to know why the committee insisted that the refreshments should go in.

Alderman Clark said this was an exact duplicate of the report first presented, except the refreshment items. The other expenses were lumped. I thought it was not necessary to put in the refreshment items, but the committee on the part of the Council were very strenuous about it.

Alderman O'Brien—Did Superintendent Galvin partake of refreshments at the invitation of the committee, or not?

Alderman Clark—On all occasions the Superintendent was invited by the committee. It is almost absolutely necessary for him to be present at committee meetings.

The report was referred to the Finance Committee in concurrence.

#### FREE CONCERTS.

Alderman Wilder offered an order—That the Committee on Free Concerts be authorized to expend the sum of \$16.31, in addition to the amount authorized by order of the City Council, approved July 5, 1877; said amount to be charged to the appropriation for Incidental Expenses.

Alderman Wilder explained that the committee in arranging for concerts in Charlestown had not allowed quite margin enough and the appropriation ran short.

The order was read twice and passed—yeas 11, nays 0. Sent down.

Adjourned, on motion of Alderman Viles.





## CITY OF BOSTON.

Proceedings of the Common Council,  
OCTOBER 25, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Reference to Committee on Public Institutions of a message from the Mayor transmitting the report of the Commissioners on the Treatment of Drunkenness in City Institutions. (City Doc. No. 85, 1877.) Concurred.

Petitions were referred in concurrence.

Report in favor and reference to Committee on Claims of petition of Nicholas W. Johnson, to be paid a reward for the detection and arrest of a person stealing flowers on the Public Garden. Accepted and referred accordingly.

Report (leave to withdraw) on petition of J. B. & W. M. Warren, for damages for alleged infringement of patent process for putting down pavement. Accepted in concurrence.

Report and order to release to the First Baptist Society of Brighton an estate at the junction of Brighton and Cambridge streets, upon payment of \$300, as therein set forth. Order read twice and passed in concurrence.

Report and orders for a transfer of \$2000 from Reserved Fund to pay for fitting up old Lyman Schoolhouse for a branch of the English High School; and to rescind so much of the order of Oct. 9 as provides that such expense shall be charged to "Schoolhouses, Public Buildings." Ordered to a second reading. A motion to suspend the rule, by Mr. Beeching of Ward 1, was lost.

Order for an additional expenditure of \$16.31 by the Committee on Free Concerts. Ordered to a second reading.

Amendment to order concerning the meetings of Fire Commissioners and the names of absentees therefrom, by making the time "the past twelve months." Concurred.

## UNFINISHED BUSINESS.

Order for city to assume taxes for present year (\$68.12) on land on Cambridge street purchased as a site for a grammar schoolhouse in Brighton. Passed in concurrence.

## ROOMS FOR CITY SOLICITOR'S DEPARTMENT.

The order to hire for five years the rooms at 2 Pemberton square, for \$1500 a year, was considered under unfinished business, the question being on its passage.

Mr. Clarke of Ward 22—At the last meeting of the Council I made an inquiry in regard to the Burnham Building, near the corner of School and Tremont streets. It was then stated that the lower rooms of that building were occupied. Since the last meeting of the Council I have received a communication from Mr. Burnham in regard to the building and his rooms, and I would like to have the Chair read it.

The President proceeded to read a letter addressed to Mr. Clarke stating that Mr. Sampson was in error in saying that the lower rooms in said building were occupied, and describing certain large unoccupied rooms which can be rented for \$600 and \$700 and smaller ones for \$300.

Before the reading of the letter was concluded Mr. Sampson of Ward 17 said—I object to the communication being read further. I stated that the lower floor of that building is occupied, which is correct, and as that communication is not addressed to the Council, I object to its being read.

Mr. Clarke—My reason for calling the attention of the Council to the building was this: I was not aware at the time that the building was occupied any further than by the Sewerage Committee. I thought it very central and convenient to City Hall, and a very admirable place; and if one department is to be located there, I thought it might be well to have another one in the same building. It is a well-known fact that it is very disagreeable to climb up the hill to get to the offices of the City Solicitor, Registrars of Voters and others in Pemberton square. As it is not so desirable a place, I thought that if rooms can be hired as reasonably, and as near City Hall as the Burnham Building, it might be well to call attention to the rooms, and if the Committee on Public Buildings thought it advisable they might make some

such recommendation. I understand from Mr. Burnham that only one or two rooms are occupied, besides those rented to the Sewerage Committee, and that he will furnish them at a reasonable rent. They have all the conveniences of water and gas, and he will furnish them without any charge for water or taxes. The tax paid to the city on that building is on a valuation of \$140,000; last year he paid more than that. I move that that order be recommitted to the Committee on Public Buildings, with the recommendation that they examine those rooms of Mr. Burnham.

Mr. Sampson—I have no objection to the gentleman making whatever communication he sees fit to the Committee on Public Buildings, or to the committee recommending any rooms for the city to hire. The reason I object to the reading is that it contradicts a statement made here by me which is absolutely correct. If the gentleman wishes to advertise his rooms, he has the public press. I have nothing to say to the recommitment.

Mr. Richardson of Ward 10—This seems to be a novel method of getting an advertisement of premises to let. It may be very well for the gentleman who has rooms to let; but it struck me that the first sentence of this communication was an insult, by stating substantially that a member of this Council had lied about it. I think the communication ought not to be read here, but returned to the gentleman who wrote it. Gentlemen who heard it read will come to the conclusion that it is nothing more nor less than an attempt to get these rooms rented.

The President returned the letter to Mr. Clarke.

Mr. Spenceley of Ward 19—In order that this matter may not be any further advertised, I move the previous question.

The main question was ordered, and the order was passed in concurrence.

## REQUESTS OF THE SCHOOL COMMITTEE.

Requests were received from the School Committee, for fire escapes from the building occupied by the Latin and English High School in Bedford street; to enlarge the yard of the Andrew School by taking land heretofore approved by that board through the proper committee; to present that board, for approval, a plan of the buildings to be erected for the use of the Allston School. Referred to Joint Committee on Public Instruction. Sent up.

A communication was received from the School Committee respectfully requesting the City Council to inform said board by whose authority and for what reasons steam-heating apparatus has been introduced in the Brimmer School building, at an estimated expense of \$5000.

Mr. Spenceley of Ward 19—I hope we shall discuss that question very fully. I put in an order the other evening requesting the School Board to do a certain thing. Gentlemen thought it very degrading to send such a communication to the School Board. Recently we put steam-heating apparatus in this school, which is very desirable, and they come here with an order asking by what right we did it. Now, gentleman, just think about it. They want to know by whose authority we did it. I want you to put the two things together. I move that the request be indefinitely postponed.

The motion prevailed.

## PETITIONS PRESENTED.

By Mr. Spenceley of Ward 19—Petition of B. F. S. Bullard and others, that Sterling street be extended in a westerly direction to Tremont street. Sent up.

By Mr. Reed of Ward 17—Petition of Ellen M. Frazier, to be compensated for personal injuries. Referred to Joint Committee on Claims. Sent up.

By Mr. Webster of Ward 1—Petition of Charles Brooks, formerly driver for Hose 6, to be compensated for injuries received while in the discharge of his duties. Referred to Committee on Fire Department. Sent up.

## NEW LUNATIC HOSPITAL.

Mr. Sampson of Ward 17 submitted a report from the Finance Committee on the communication of the Directors for Public Institutions in regard to tax on new lunatic hospital in Winthrop, recommending the passage of an order—That the Auditor of Accounts be and he is hereby authorized to transfer from the appropriation for House of Industry to that for New Lunatic Hospital the sum of \$434.76.

Mr. Sampson said the money had already been paid; and on his motion the rule was suspended,

and the order was read a second time and passed—yeas 56, nays 0. Sent up.

#### CLAIMS.

Mr. Sampson of Ward 17 submitted a report from the Joint Committee on Claims, on petition of Mrs. Annie E. Porter, recommending the passage of an order—That there be allowed and paid to Annie E. Porter, in compensation for personal injuries received by her by an alleged defect in Dudley street, the sum of \$1500, upon her giving a release to the city, satisfactory to the City Solicitor, from all damages, costs and expenses incurred by her on account of said injuries; said sum to be charged to the appropriation for Incidentals. Order passed to a second reading.

#### ADDITIONAL APPROPRIATION FOR COMMON AND PUBLIC GROUNDS.

Under the call for reports of committees, Mr. Sampson of Ward 17 submitted a report from the Committee on Finance on the request of the Joint Committee on Common, etc., for an additional appropriation of \$15,000, with an order—That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund to the appropriation for Common, etc., the sum of \$15,000, which transfer of appropriation is to include the cost of grading, etc., around the Army and Navy Monument on Boston Common. Ordered to a second reading.

Under the call for motions, etc., Mr. Howes of Ward 18 moved to suspend the rule in order that the order might be put upon its passage tonight.

The rule was suspended, and the order was read a second time and put upon its passage.

Mr. Crocker of Ward 9—One matter has occurred to me that I do not understand, and upon which we have had no information. The question has been raised whether the committee need \$15,000; but upon looking at the matter it is a question with me whether \$15,000 will be enough to carry them through till the 1st of May next, though perhaps it may be enough to carry them through until the 1st of January, when a new committee will have to take the responsibility of attending to this matter. I should like to have some definite statement on that point.

Mr. Howes—I stated at the last meeting, I think, that the estimates had been made on a general basis, and it was calculated that \$15,000 would carry them through until the 1st of May. Personally I had my doubts as to whether that sum would be enough, and I thought it might be too small; but at the last committee meeting the Superintendent went over the matter in his mind, or on paper, and stated that it would be enough, provided the Paving Department would put the snow on some place other than the Common, which they did for the first time last year; for in that case it might require some additional men in April to pick the ice and snow to pieces so that it would melt quickly. He would try to prevent it this year; but barring that one item, he thought \$15,000 would be sufficient.

Mr. Pratt of Ward 21—I shall vote for the appropriation, but at the same time I want to make my protest that the amounts appropriated for the Department of Common and Squares are altogether too large. I suppose we are in a certain sense cornered in this matter; that is to say, we will have to allow the city to suffer damage and inconvenience, and prevent the proper conduct of that department for the remaining months of this year, if we do not pass the appropriation. There is a question in my mind whether it would not be better propriety and in better taste not to force this matter to a vote this evening, but wait until the Committee of Investigation, which was appointed some time ago, shall make their report. It may be that the committee will make such a report—I do not mean to anticipate that they will—that we shall think it unsafe to place a very large amount in the hands of the parties at present controlling that department. I don't know but it may require some sort of restraint in the powers of the committee to prevent it from authorizing the Superintendent to incur so large an expense for grading so small a surface. I was casting up in my mind the probable expense of grading up the Back Bay Park, if it is to cost the same in proportion as it has to grade around the Army and Navy Monument. If it cost \$9000 to grade somewhat less than two acres, where the deepest filling is not over 4½ feet, it will cost more than \$250,000 to grade the eighty-four acres inside of the streets on the new Back

Bay Park. There is something a little surprising in the figures when you come to contemplate the mathematics of them, and the possibility of what may be done by the present committee while this investigation is pending. Now, on the other hand, it is possible that this Investigating Committee will bring in a very favorable report on that department, and it may be that after the light which they will give us we may think it for the interest of the city to vote a larger sum than \$15,000. I think it would be better to vote enough for that department now, than to vote simply a sum sufficient to get them through until the first of next year. It seems to me that that was all that is anticipated in this order. To be sure it is stated otherwise by a gentleman whose estimates are said not to be always very accurate. As I said I wanted to make my protest against the large amounts which are annually appropriated for the Department of Common and Squares. There are certain items presented by the committee last week which look very large indeed. I think that account shows that certain things were done at a large expense which need not be done; that certain things are purchased from outside parties that ought to be prepared by the city. As I said, while I shall vote for the appropriation to get the city out of the scrape, I think we had better wait until the report of the Investigating Committee.

Mr. Howes—I am not in the secrets of the Investigating Committee, and cannot state how soon their report will come in. They had a hearing, yesterday, and judging by that it may take sometime—possibly two or three or four weeks—to go through the department, as I understand they intend doing. Meantime, the department is, to a certain degree, suffering for want of men to take care of the public grounds. I know that in my own ward I have had some persons come to me and ask if the Paving Department could not sweep off the leaves from Chester square, as its condition was a disgrace to the city; and I said it would be remedied in a short time, when we put a few men to work. I suppose the work around the monument, in its present unfinished condition, would suffer if we had a severe storm. Therefore I trust that the order for the appropriation will go through tonight. It will make very little difference what the Investigating Committee report on the action of the committee and Superintendent in the past; the amount of money we now have is so small that if the committee were very extravagant we could not spend a great deal.

Mr. Ruffin of Ward 9—So far as the report of the Investigating Committee is concerned, it is impossible to state now when they will be able to report. They will not report until they investigate the matter as thoroughly as they can. They meet again tomorrow evening, and possibly that may be the last one. There are some other things for which we will have to wait—among them the survey of the monument grounds which the City Engineer is to make. We cannot tell exactly when that report will be made; but we all recognize the importance of having this matter put through as quickly as we can, and having that in view we will make our report as soon as we are in possession of all the facts, so as to arrive at an intelligent and just decision.

The order was passed—yeas 57, nays 0. Sent up.

#### EXTENSION OF STERLING STREET.

Mr. Spenceley of Ward 19 offered an order—That the Street Commissioners be requested to estimate the cost of extending Sterling street from Warwick street to Tremont street, and report the expense thereof as soon as it may be determined. The order was read twice and put upon its passage.

Mr. Spenceley—When the petition which has been presented this evening was handed to me, I received two or three reasons why this street should be extended. If there is no objection I will read them:

“First—That there is no public street leading to the Sherwin School and Madison square, between Ruggles street and Hammond street, and all children attending the Sherwin School on the west side of Tremont street are obliged to walk a long distance to said school. Second—That the expense of the proposed extension of said street at the present time would be very small compared to some future time, and the increase in the valuation of the property benefited by the proposed extension would more than pay the expense in a very few years. Third—That it would open a very

much needed thoroughfare across that section of the city."

I don't propose to discuss the matter tonight. The order was passed. Sent up.

#### OPPORTUNITY FOR CITY EMPLOYEES TO VOTE.

Mr. O'Donnell of Ward 7 offered an order—That the laborers employed on the Mystic Valley Sewer be allowed a half-holiday on Tuesday, November 6th.

Mr. Mowry of Ward 11—I would ask what is the reason for offering the order.

Mr. O'Donnell—It is generally understood that the laborers employed on that sewer are citizens of Boston. They go out on a train in the morning, and are brought back in the evening. If there is n't some understanding so that they can be brought to the city in order to vote, they will have to walk over to Winchester to take the cars to Boston. I simply offered the order so that the Superintendent may arrange for them early in the day, and bring them in to vote at the election.

Mr. Pratt of Ward 21—I think some further explanation of the order is due. It would strike one at the first hearing that if those gentlemen desire to vote, whoever has charge of the works will allow them to be absent to come into the city to do so. I am not accustomed to get my time allowed while I go to the polls, and I don't see why the employes of the city should. I suppose the object of the order is to allow them their pay while they are away to vote. I should like some further explanation.

Mr. O'Donnell—The order is intended to give them their pay for the remaining half of the day. The pay is \$1.50 a day and from that twelve cents is deducted for transportation. If you take away half a day's pay and deduct twelve cents from the remainder, it will hardly be worth while for them to go to work at all.

Mr. Richardson of Ward 10—Why should n't it be extended to everybody working for the city?

Mr. O'Donnell—Other city employes can vote at the noon hour and go back to work. Last year I think all the laborers had a half holiday. The laborers in this department cannot come into the city at noon to vote.

Mr. Crocker of Ward 9—I believe it has been customary for a year or two to pass an order on this subject, and I find the one offered last year by the gentleman from Ward 13 [Mr. Flynn], which seems to be as proper a one as any. The order already offered relates only to certain parties who may or may not have a right to vote; and perhaps it is giving them more time than is needed. The order passed last year was that all persons in the employ of the city be given sufficient time, without reduction of pay, to cast any vote to which they may be entitled. I should think it would be very proper to pass it this year, and I move to offer it as a substitute.

Mr. O'Donnell accepted the amendment, which Mr. Crocker offered in the following form:

Ordered, That all laborers in the employ of the city be allowed sufficient time to vote without any reduction of their pay.

Mr. Fraser of Ward 6 offered as a substitute an order—That all employes of the city be allowed time to vote, without loss of pay, at the coming State and municipal elections.

Mr. Richardson of Ward 10—My objection to the original order offered by the gentleman from Ward 7 was perhaps more to its phraseology than to the principle it involved. I should certainly not object, so far as I had any control of the business and finances of the city, to give any laborer, or anybody in the employ of the city, time to vote if he was a voter. But the original order provided that every laborer on this sewer, whether a voter or not, should have a half holiday. I think that everybody here will agree with me that that should be confined to voters. There is no reason why a man should not have an opportunity to vote, if he has a vote. I think that objection applies to the last order. The first order included all, whether voters or not, which is unfair, and the gentleman did n't mean that, I think. I think the other orders are not sufficiently definite. It ought to be confined to those who are voters.

Mr. Crocker—I think the order passed last year will cover the point to which the gentleman refers, and I have written it so that it will cover the point suggested by the gentleman from Ward 6, and making it apply to both the State and municipal elections.

Mr. Richardson—I would suggest an amend-

ment so as to insert the words, "who are entitled to vote."

Mr. Crocker amended the order as suggested by Mr. Richardson; Mr. Fraser accepted Mr. Crocker's amendment, and the order was then formally offered in the following form:

Ordered, That, on the days of the coming State and municipal elections, all persons in the employ of the city, who may be entitled to vote, may be given sufficient time, without reduction of pay, to cast any vote to which they may be entitled.

Mr. O'Donnell—The reason I drew the original order so indefinitely was that I understood, and still do, that everybody employed in that department is supposed to be a citizen of Boston; and I think every citizen of Boston ought to have time to vote on election day.

Mr. Pratt—I agree entirely with the views of the gentleman from Ward 7, and my objection to the order as first introduced was as to the style of favoritism in which it was drawn. I have no objection to the order as it now stands.

Mr. McGaragle—Is this order broad enough to cover the pay? Previous to the 17th of September we passed an order that all employes of the city should have a holiday without reduction of pay, and I have been informed that the employes on the Mystic sewer had a full day's wages deducted.

Mr. Fraser—That was my reason for offering the substitute. I wanted to make it broad enough so that every person in the employ of the city—whether high or low salaried—shall have a chance to vote on that day without loss of pay. As I understand that order, all employes of the city, of whatever position, will be entitled to have time enough to go to their respective polling places and cast a vote without loss of pay.

The order as last offered by Mr. Crocker was passed. Sent up.

#### COMMERCIAL STREET.

On motion of Mr. Flynn of Ward 13—The order for a loan of \$1,000,000 to widen, grade and repave Commercial street was taken from the table and specially assigned for next Thursday evening at eight o'clock.

#### CARE OF THE PUBLIC GROUNDS BY THE PARK COMMISSIONERS.

Mr. Pierce of Ward 24 moved to take from the table the order for the Committee on Ordinances to consider the expediency of placing the care of the Common and public grounds in charge of the Park Commissioners.

Mr. Pierce—As this is simply an order for reference I don't know that it is necessary to take up any time in enlarging upon it in any way, unless it is desired.

The order was taken from the table.

Mr. Flynn of Ward 13—I hope that order will not pass, and that the subject will not be referred to the Committee on Ordinances. I believe the City Council are nearer the people than any Park Commissioners that may be appointed. I don't believe in delegating the powers of the City Council to any commission, and therefore I am opposed, as I have always been, to giving to any commission the power that really belongs to the City Council. I shall vote against the order.

Mr. Ruffin of Ward 9—I don't say just now whether I am in favor of this order or not, but I would simply suggest that, inasmuch as this whole question may be opened for discussion in a very few days, I think it would be better to postpone action on this order for some time. If we have this matter before us comprehensively, I think we can dispose of it better than by piecemeal. We shall have this matter before us at no very far distant day, and I think we had better leave it until then. I therefore move to lay the order on the table.

Mr. Pierce of Ward 24—My idea in bringing this matter up at this time, as I stated a week ago, was that we might have the reference, at any rate, before the Investigating Committee made any report, in order that it might not be affected, so far as the report upon the expediency of the matter is concerned, by the report of the Investigating Committee. It does seem to me that some change might perhaps be made here. At any rate, I think it is well worth consideration; and as attention has been brought to it now, if there is any way to improve the matter it is well enough to devise it. I have worded the order so as to postpone any change in the management of the department until the new City Government comes in. My idea was certainly not to appear to be endeavoring to take away



from the present Committee on Common and Public Grounds any power which they now have; and I think that any action of this kind had better be looking to the future rather than to the present. One of the first things in the organization of the City Government, when it comes into power, is the appointment of the standing committees; and if a committee is appointed with the expectation that they are to have certain authority, it is perhaps a little more unpleasant to have to take away from them any of that authority—if such a course is deemed advisable under any circumstances, it seems to me it is advisable to take away the power from an uncertain committee. It may be much better than the present one, and it may be much worse; and if the report of the committee and the action of the Council should be favorable to a change, as I said, I should think it best to take effect in the coming year, rather than in the present one. The order is to refer the subject to the Committee on Ordinances, and as it would give them some time to make their report, when it comes here we can consider it very readily. I saw no other committee to whom it could be referred, because the Committee on Common would hardly be a disinterested party.

Mr. Sampson of Ward 17—I am in favor of referring this to the Committee on Ordinances, because I suppose it is the opinion of every one that sooner or later the care of our public grounds will pass into the hands of the Park Commission, as that is what the commission was established for. We have voted to lay out one park, and that will be commenced soon. This order has reference to no investigation whatever, and it seems to me that it proposes the proper reference of the subject.

Mr. McGaragle of Ward 8—I hope the order will be laid on the table for the present, and for the reason given by the chairman of the Investigating Committee. But it don't seem hardly fair to ask the Park Commissioners to perform this duty, when they serve the city without pay, and I think the Investigating Committee had better take into consideration whether the Park Commissioners want to perform this duty. I don't think it fair to crowd the duty of expending \$100,000 upon men who give their time to the city. I hope it will be laid upon the table for the present.

Mr. Spenceley of Ward 19—I don't see any harm in referring it to the Committee on Ordinances. The only trouble is I fear we won't hear anything from the Committee on Ordinances before the new Government gets in.

Mr. Howes—I don't see any objection to the reference if an amendment is made, that they report at the time the Investigating Committee do. As to the statement of the gentleman that the Park Commissioners are working without pay, I would inform him that the Committee on Common are laboring under the same disadvantage, and the Water and other boards have been doing the same until within a few years. I think the Park Commissioners would be glad to take charge of the parks without compensation, and I believe they could do it better than any committee can, for they can give more time to it. I hope the order will pass, but I move to amend by requesting them to report as soon as possible.

Mr. Ruffin—I believe this order grew out of certain statements made at a previous meeting by the chairman of the Committee on Common and Squares, which were considered in the nature of startling disclosures. This body was stirred up, and an order more exciting than this was introduced to remove the Superintendent of Common and Squares. We took no action upon that order, but a more mild one prevailed. I say that it grew out of the discussion arising from information received from the chairman and another member of the Committee on Common and Squares. We appointed a committee to investigate their conduct and see if there had been any neglect of duty on the part of this Committee on Squares. Now, this is supposed to be a dignified body, which moves slowly and only upon cause. We are now waiting for information. We are waiting to get more facts. We don't want to prejudge that case. We don't want to be placed in that attitude. We don't want the Committee on Common or their friends to say that we have moved hastily or acted unfairly. We have nothing to prejudge it, and have nothing which can be construed to a prejudgment of the committee. I say it would be more in harmony with the dignity of this body to wait until we get more information officially, and

know more about this matter, because even the reference of the order will be an indirect censure upon somebody or some condition of things. My point is that it grew out of that discussion, and that we are waiting for information upon that subject; and I think it is right to wait until we get full information. I move to lay it upon the table.

The order was laid upon the table.

#### INSPECTION OF BILLS IN THE AUDITOR'S OFFICE.

Mr. Pratt of Ward 21 offered the following:  
An Ordinance

To Amend an Ordinance relating to Finance.  
Be it ordained, etc.

That section five of the ordinance relating to finance, on page 312 of the Revised Statutes and Ordinances of 1876, be and hereby is amended by adding the following words: "And all books and accounts and bills in the Auditor's office shall at all reasonable times be freely and fully open to the inspection of any taxpayer of the city of Boston."

Mr. Pratt moved its reference to the Committee on Ordinances, with instructions to consider and report within two weeks.

Mr. Ruffin of Ward 9—I don't see the necessity for passing that ordinance, or of having any such ordinance. The law upon that point is quite as full now as is to be desired, and can give anybody the information which is desired. The General Statute of the Commonwealth is that, under the direction of the officers having custody of the accounts and town records and files, the same shall be open for public inspection and examination and any person may take copies thereof. That is the law as it stands in chapter 29, section 10, of the General Statutes; and I understand that this matter has been ruled upon by our City Solicitor, and I think he has given an opinion very recently upon it; and he says that under this chapter any citizen has the right to inspect the records and books in any department of the city.

Mr. Mowry of Ward 11—It seems to me the question raised in connection with this subject is whether or not the papers referred to in this ordinance are public records. That is just the distinction I should make. This ordinance has reference to bills or papers which are not of a public nature.

Mr. Sampson of Ward 17—I trust the ordinance will not pass. The practice of the Auditor's office is that any citizen desiring to see any particular bill can go in, demand it and see it. There seems to be no necessity for passing such an ordinance, as all the bills there can be seen. If the general public were to be allowed to go in at any time and inspect every bill in that department, it would require a large extra clerical force. Any citizen can go into the Auditor's office and see any bill he desires to see.

Mr. Crocker of Ward 9—It seems to me this is a very proper matter to refer to the Ordinance Committee. There may be a question as to what the legal rights of a people are. The committee may report that the matter is sufficiently provided by the laws, and gives as many rights as any citizens could wish to have. On the other hand, the Ordinance Committee may report, upon consulting with the City Solicitor, that the statute does not sufficiently cover the case, and that there ought to be an additional provision, if it is desired that citizens should have free access to the Auditor's accounts and papers. It seems to me the gentleman who just sat down errs about the present arrangement in the Auditor's office; and I cannot agree with him that it is sufficient. As I understand it, if anybody wants to know about the bill, he must name the time and specify what the bill is. If he knows what the bill is, he don't want to see it. But citizens may want to know about a bill which they cannot describe, and it is most probable that those are the bills which it would be most desirable to see, and which, under the present ruling, they cannot do. As I understand it, it is rather an impediment in the way of getting information. Even if we did have to keep an extra clerk in the Auditor's office, at an expense of one or two thousand dollars a year, it would not be paying very heavily for giving information to the public. I think that at least one clerk would keep up with all demands for information of that kind; and even if it did not, I think it would be money well spent. It seems to me to be a proper matter to refer to the committee to see if there is any occasion for it.

Mr. Sampson—I intended to say that the Audi-

tor's office is governed by the instructions of the City Solicitor, which are that when any citizen comes in and asks to see a specific bill, naming the amount and date, he can see it; but without stating what those bills are, that he has no right to examine them. Any one can see that the department would be constantly in confusion if the public are allowed to go in and ask to see these bills at any time. The practice of the Auditor's office is under the direction of the City Solicitor, and he says any citizen has the right to go and see a bill, the date of which he can name, and the Auditor must furnish the information.

Mr. Crocker—It is always uncertain to trust verbal statements of what the City Solicitor's opinions are, and it is the business of the Committee on Ordinances to find out what the City Solicitor says. As is generally known, there is now great impediment in the way of people getting information from the City Auditor's office. I don't say he does not do it in accordance with the decisions of the City Solicitor. The question is whether the Committee on Ordinances shall be asked to inquire if there should be any change on that point, and if the law is well enough as it is.

Mr. Ruffin—This ordinance looks to giving an opportunity to citizens to get all the information which they may desire. We have it from the gentleman from Ward 17 that that opportunity does now exist, and that people can get that information by going to the Auditor's office. The statute from which I have just read says that citizens have that right; and it goes on to say that upon the payment of a given fee they shall have a certified copy of the records or anything on the files. I know the City Solicitor has given an opinion that citizens have that right, because I have seen it over his own signature. I don't see that you can have anything more than that; you have the opinion of the law officer of the city, and as I understand all city officials act under and are governed by the opinion of the City Solicitor. If this is so, you have all the opportunity for information that is desired or asked for by the gentleman who offered this ordinance, and you do not want to cumber the records of the city with ordinances, as we have heard the criticisms of the gentlemen who have examined the ordinances, that there are too many of them, and that they are unskillfully drawn.

Mr. Pratt—I did not suppose there would be any debate on the merits of the question as the motion is to refer. I cannot conceive how any objection could be made to allowing the reference of any respectful question to any committee of the City Government. I offered it for the reason that all citizens are not now allowed to inspect the vouchers in the Auditor's office. In saying this I

mean no reflection upon the Auditor's office. Whenever I have gone in there he has always shown the books and papers with great courtesy, and I believe that in no department in City Hall is a citizen shown more courtesy than in the Auditor's office, but it is understood that no person can see the books and papers unless he is a member of the City Government or knows all about the bill. With all due deference to the gentleman who has raised the question, there is some doubt in my mind whether the bills in the Auditor's office are records in the sense of those cited in the statute read. On page 159 of the ordinances there is a provision that the records and files of certain institutions and departments in the city shall be open to inspection, and that copies shall be furnished upon payment of the expense; but that provision does not extend to the Auditor's office. There is no explicit law upon the question. Now, I take it that any taxpayer in the city of Boston has a full right to know upon what he pays taxes. Any voter in the city of Boston has a right to know the record of the men in City Hall that he is asked to vote for, and he may think he cannot enjoy that right without an opportunity to see the books and papers in the Auditor's office. Several times during the past six months I have had taxpayers come to me and tell me that they were not able to see the papers in the Auditor's office. Now, the gentleman who is chairman of the Committee on Accounts states that the practice is that, if a citizen states a specific bill he is allowed to see it. That is bringing the matter down very fine, and it is easy to see that any one can be baffled. Objections can be raised that the books are in use, or that the bills are up stairs, or something of that sort; and the consequence is the man don't see what he goes in for. The ordinance provides that the Auditor shall keep on file the bills and books; they become official records, and should be open to the inspection of all citizens. I don't care to go into the merits of the question any further. I did not suppose I would be required to go into them at all this evening. I think sufficient reason exists to ask the Committee on Ordinances to consider the expediency of reporting such an ordinance, and in the first place I moved its reference to that committee. Of course in moving this I did not have in mind any reflection upon the Auditor's office, and I did not intend to give the reporters of the daily press any more opportunities than they have at present.

Mr. Spenceley of Ward 19 moved the previous question.

Mr. Burke of Ward 2 asked if a quorum was present. A count showed there was not, and the President declared the Council adjourned.







## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
OCTOBER 29, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Thirty-six travers jurors were drawn for the second session of the Superior Court, October term.

## EXECUTIVE APPOINTMENTS.

Police Officers Without Pay—Hiram Wentworth, Benjamin B. Trundy, Peter Hobart, G. W. Adams, Peter A. Dowd, Charles W. Rogg, Peter F. Welsh, George R. Curtis. Severally confirmed.

Inspector of Buildings for Three Years—John S. Damrell. Confirmed. Sent down.

Inspector of Elections in Ward 10—William T. Park. Confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* Petitions for brick sidewalks in front of estates of Hannah Stark, 468 and 470 East Seventh street; Ann Mahoney, 25 and 27 Prentiss street; James W. Tobey, 133 Newbury street; Union Freight Railroad Company, for leave to lay down a track from Commercial street to Union wharf; R. T. Paine, Jr., for a plank walk on Buckingham street, near Dartmouth street; Mrs. S. T. Hooper *et al.*, for leave to extend a bridge over Milk street, at the Old South Church; W. R. Cavanagh, for leave to move wooden buildings from Cottage street, Ward 24, to Stoughton street, Ward 24, and from north side of West Chester park, Ward 18, to Bay View place, off Rogers avenue, Ward 22; Hall & Whipple, for leave to place a steam boiler under the sidewalk of Court avenue; Joseph D. Elms *et al.*, for the extension of the plank walk on Norfolk street, Ward 24; John H. Reed *et al.*, for a sidewalk on the east side of Berkeley street, near Columbus avenue; Margaret Finnegan, for leave to have a plank hatchway on sidewalk on Ontario street.

*To the Committee on Streets on the part of the Board.* Abby A. Wright, for abatement of an assessment for betterments on Cottage street, Ward 24.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables by Horace Farrington, new wooden, four horses, on Bellevue street; P. O. Reardon, carriage house for stable for three horses, on Chelsea street; Patrick H. Barry, new wooden, one horse, Chelsea street; Caroline W. Braman, new wooden, four horses, Washington street, Ward 25.

Provident Wood Yard, for leave to occupy a stable on Foundry street.

*To the Joint Committee on Health.* Owen Harrington, for leave to open a burial lot in St. Joseph's Cemetery, Brighton.

*To the Joint Committee on Survey and Inspection of Buildings.* East Boston Dock Company, for leave to enlarge a wooden building on rear 114 Border street, Ward 2.

*To the Committee on Lamps.* William Clark, for a street lamp on Clark street; Austin F. Whitcomb *et al.*, that Centre street, Jamaica Plain, from Lowder's lane to Allendale street, be lighted, the distance being about a third of a mile.

*To the Committee on Sewers.* D. N. Pickering, for drain or sewer in Midland street or Savin Hill avenue; Albert Fellner, for a sewer in Dudley street, between Brook avenue and Harvard avenue, Ward 24.

*To the Joint Committee on Assessors' Department.* Joachim Guerrini, that the tax paid on a certain estate in Prince street be refunded.

## HEARINGS ON ORDERS OF NOTICE.

*Sewers.* On proposed taking of a strip of land from the Boston Wharf Company for sewer purposes. No objections, and recommended to Committee on Sewers.

*Metropolitan Railroad.* On petition of the Metropolitan Railroad Company for an additional track in Washington street, from Dover to Summer street, also for a track in Milk street to Devonshire or Congress street, and in Devonshire or Congress street across State street to connect with track of the Middlesex Railroad.

President Richards appeared for the petitioners and explained the location proposed in the petition. In this case they had not come entirely

of their own accord, but at the solicitation of the Paving Committee; and it means a plan to relieve the blockade on Tremont street. The plan is not a hasty one, but has been agreed to by all parties. He would wait to hear any remonstrants.

The Mayor read a remonstrance of merchants on Washington street, between Bennet and Winter streets, against the location, urging the narrowness of the street and the crowded state of the streets; also a petition of South Boston Railroad Company in aid of the petition of Metropolitan Railroad Company.

Seth J. Thomas said he appeared specially for Cobb, Bates & Yerxa, who remonstrate against the location. He thought Mr. Richards did not mean to say the Paving Committee recommended this; but that they referred him to the Board. He thought the petitioners should first make out their case.

The Mayor ruled that the petitioners should first make out their case.

Mr. Richards said he had considered it unnecessary to attempt to show by argument or petition that this is the panacea for the evil complained of. *Something* must be done. He believed the case had strength enough to show the Board that they had to give some other railroad accommodation east of Tremont street. The day had at last arrived when the measure had become full of corn and must run over. He would not ask to put his cars on the Commou; and the only relief is to go on Washington street. The company had carried nearly 23,000,000 passengers, against 10,000,000 ten years ago, and this is of itself a sufficient argument to give them more tracks and more streets. Why they confue them to Washington street is because they can bring two, three or four lines down Washington street and pass off by Milk street and never enter it again. Then the Board can say to the companies, thus far and no farther, which the Board cannot do today, and the only thing that can be said is, take off your cars. He closed by introducing Moody Merrill, president of the Highland Railroad, who could furnish the evidence.

Mr. Merrill said he appeared more as a witness for Mr. Richards, he having examined the subject very closely. He presented a plan of the proposed location, showing the width of Washington street near Summer street to be thirty-two feet and a fraction, which will leave 9.05 feet on each side of the two tracks, between the tracks and the curbstones. The narrowest point is from Boylston street to Temple place, twenty-seven feet, which leaves about six and a half feet between the track and the curbstone. Mr. Merrill showed by the figures that there would be room enough for two tracks and still allow teams to pass on each side. The only difficulty will be between Temple place and Summer street.

On cross-examination by Mr. Thomas, Mr. Merrill said it would not be practicable to back a coal cart up to the sidewalk if there is only seven feet between the track and a curbstone. Mr. Thomas showed Mr. Merrill a plan of Washington street, and asked him as an "engineer" if a merchant could transact his business on Washington street, near the Boston Theatre, as conveniently with twelve feet to spare, instead of six and a half, and he said he did n't think he could. At the Albany bridge the width is forty feet. The only point at which there will be any difficulty will be at the Boston Theatre.

The petitioners rested their case and Mr. Thomas called the witnesses for the remonstrances.

Colonel Long, who does business with Jordan, Marsh & Co., said they wished to remonstrate against the location and gave figures showing the width of the street, and argued that a double track would be a great detriment to business. Very few stores on either side have rear entrances, and even small teams cannot stand between the track and the curbstone. The cars would have to stop while coal and other teams are loading and unloading. Blockades occur there every day now, and in front of his store now it is dangerous for pedestrians to cross, and it would be increased four fold by two tracks. The pianoforte warehouses have to load and unload teams in front. Three-quarters of the stores have no rear or side entrances. Travel would be further obstructed by building, and digging for sewerage and water and gas, and all such delays are destructive of business. [To Mr. Richards.]—He appeared in the interest of Jordan, Marsh & Co. This street is narrower than any other that has two tracks in it. He got the signatures to the remonstrance presented today.

John F. Ham appeared for R. H. White & Co. and said it would be very disastrous to their business. Many people come there in their own carriages, which stop in front. The street is thirty-one feet and six inches wide and the narrowest part of the street is opposite one end of their store. It would drive away a great many people who would come in carriages in pleasant weather. [To Mr. Richards]—Have facilities for loading and unloading in the rear. Desire to have carriages come there and stop and let customers get out and wait a reasonable length of time as allowed by law. The carriages stopping there would block the street. The cars might be blocked all the time. People who come to the store from the North End would come as quick by getting out at Summer street.

Mr. Adams of J. H. Pray & Co.'s, thought a double track there would be a great detriment to their business. Even with one track the cars are now stopped by the teams. The objection in regard to carriages applied to his firm.

Mr. Yerxa, of Cobb, Bates & Yerxa, said they could not do their business with two tracks in the street. Last Tuesday, not an extra day, they loaded ninety-five teams in front of their store between 9 and 5½ P. M. It would be a practical obstruction to their business. They now partially back up their teams so as not to obstruct the passage of the cars on one track. The street is thirty-one feet wide. Any day after a snow storm they would be shut up. If a double track is there they will have to move, and have so informed their landlord. [To Mr. Richards]—They have seven of their own teams. They have no rear entrance that they can take goods in and out of. Their widest team is over seven feet. Think the double track will not bring any more trade to them.

M. P. Kennard, of Bigelow, Kennard & Co., said the proposition was to relieve Tremont street, where there is business on one side, by putting the cars on Washington street, where the street is narrower, and the business on both sides—very much like selecting your neighbor's uck as a good place to have a boil; carriages are in front of his store and Williams & Everett's, opposite, nearly all the time. A few days ago a gentleman's hat was knocked off by a team hugging the sidewalk to avoid a car, and smooched dresses are frequent. He thought the passengers should be disembarked outside of this great retail centre, and save a great deal of the trouble. One teamster told him the blocking cost him \$50 a year by the extra wear and tear, and \$50 more by the blocks of the cars. [To Alderman Clark]—Think the great block on Tremont street is caused by the unnecessary number of Columbus-avenue cars. There would be no trouble if the corporations would join hands.

John R. Hall appeared for R. B. Brigham who owns 101 feet on Washington street, near Cobb, Bates & Yerxa's. As agent for Mr. Brigham, he had been notified by Cobb, Bates & Yerxa that if a double track is laid there they will have to seek another place for business. It will be impossible to have the buildings occupied as they are now.

Mr. Williams, of Williams & Everett, said it would seriously affect their business unfavorably, by preventing customers from coming in carriages. He agreed with those who preceded him.

John J. Stevens said large teams are constantly receiving and delivering goods in front of his store; the street is constantly blocked by teams and cars.

Mr. Cobb, of C. D. Cobb & Brothers, occupying four stores combined in one, said they had fifteen single and double teams used in delivering goods, and seven teams to deliver goods to retail customers, besides express teams; and another track would be very destructive of their business. If the track is laid they will probably change their location, as they had made inquiry about another store. Could not say he thought the public convenience would be subserved by taking up the present track. [To Mr. Richards]—Don't know that the present track is of any advantage to his business.

Mr. Kennard, being recalled, said the business of that locality would be benefited by taking up the present track. The same reasons apply to Washington street as to Broadway, N. Y.

Colonel Long, being recalled, said he hardly thought the present track was an advantage; the preponderance was against it. [To Alderman O'Brien]—The double track from Summer street to Temple place would make the blockade worse.

This closed the evidence introduced by Mr. Thomas.

E. W. James repeated his arguments for the building of the North Charles-street location, which would save fifteen minutes, accommodate 40,000 people, and relieve the blockade.

Mr. Starkweather, the superintendent of the Metropolitan road, said the location would relieve Tremont street from 250 to 300 trips a day, and will increase in the future, as the demand for cars at the North End is increasing. It would make the time to the depots ten to fifteen minutes quicker. They lose twenty per cent. of depot patronage by not being able to go direct to the depots. [To Mr. Thomas]—The receipts on the depot lines are twenty per cent. less than they were when the cars were not obstructed. If the wagon axles were shortened, the difficulty would be obviated. [To Alderman Fitzgerald]—The depot and ferry cars would continue down Washington street. [To Alderman Viles]—Running ten extra trips to the ferry, since the Chelsea track opened, and there are several less trips on Tremont street. [To Alderman Fitzgerald]—The objection to a turnout and shift at Park street is the heavy grade. The crossing at Temple place and the shifting at the Tremont House are the principal causes of the blockade. Don't think a line from Columbus avenue through North Charles street to the depots would pay. [To Alderman Clark] Noticed the falling off in receipts as fast as cars have been added. Don't think the South Boston road has taken half their depot receipts. The trouble has been more since the Columbus-avenue cars began running than before; and it is also increased by Charlestown cars stopping on Tremont street to pick up their passengers. Think another track on Tremont street to Scollay square would be some relief, although it is a bad place to turn.

Mr. Thomas, in closing the case for the remonstrants, said the Board did not, he supposed, want to pursue such a policy as would injure the railroads on the one hand or the business men on the other. The location would cause a great deal more injury to the property owners and business men than it would good to the railroad. The Metropolitan road should suggest some way of getting rid of the obstruction they create without creating an obstruction in Washington street; for it is merely transferring an obstruction from Tremont street to Washington street. That is the plain, practical question for the Board to determine.

Mr. Richards, in closing the case for the petitioners, said no one could entertain a higher respect to the remonstrants than he, and he deplored any damage that might accrue to them. He spoke not for the Metropolitan road alone, but for a larger constituency than Mr. Thomas had. All admit there is trouble, and that seventy thousand people a day are hindered by it. He challenged testimony to show that railroad tracks in any street injured real estate on that street; and as a business man he believed real estate on Washington street would be increased by granting this location. The petition is not for the road to make more money, but to meet the constantly growing demand for more of the accommodation they furnish. When a block occurs in Tremont street it can be relieved; which can be done with a double track on Washington street. The Board could give the whole or a part of the location asked for, as they saw fit; only let them do something to relieve Tremont street.

The matter was recommitted to the Committee on Paving.

*Highland Street Railway.* Hearing on petition of the Highland Street Railway Company for a double track in Eliot street from Tremont street to Park square and an additional track from Tremont to Washington street.

The Mayor read a remonstrance signed by Stephen Weeks & Co. and others, against a second track in Eliot street, between Tremont and Washington streets.

Mr. Merrill said the location was not covered by the remonstrants, unless a double track is allowed on Washington street from Dover street to Summer street.

James Dennie remonstrated against a double track in Eliot street, between Tremont and Washington streets. He owned and had paid betterment on an estate there and objected to further inconvenience. He did not object to a track in the other part of the street.

Alderman Clark in the chair.

E. W. James cross-questioned Mr. Merrill in regard to the feasibility of running a line to the West End.

Recommitted to Committee on Paving.

*Cambridge Railroad.* Hearing on petition of Cambridge Railroad Company for leave to locate a track in Merrimac street to Washington street, then to run cars over the track of other roads in Washington, Milk and Devonshire streets to Dock square and Merrimac street.

Alderman Fitzgerald presented petitions in aid signed by Luther L. Jenkins and 1912 other citizens of the West and North End wards; New England Glass Company and 300 others of Cambridge; Mayor and 600 citizens of Somerville; George H. Woodberry and 233 others, taxpayers of Boston.

A remonstrance was received from Thomas L. Jenks and others.

On motion of Alderman Fitzgerald, the consideration of the subject was postponed until the next meeting.

#### PLAN TO RELIEVE THE BLOCKADE.

Alderman Burnham—In connection with the solution of the horse-railroad difficulties, and the recommitment of these petitions, I have some matters to bring to the attention of the Board. In the section of the city where I reside there are many who are interested in the subject matter of these petitions. They are gentlemen of clear heads, and it is by their request that I wish to present this matter and ask the indulgence of the Board to offer some further views in relation to this horse-railroad question, which I feel ought to receive our consideration. The simple question involved in these cases ought to be, How shall we remedy the present blockade? and I have to present a plan to this Board now, that from the official record of our doings the Committee on Paving, in connection with the consideration of these various petitions, may give it consideration. I also have to say, I do not claim the plan as originating in my own mind, because the bulk of the plan has been obtained by consulting an ex-horse-railroad man, whom I claim understands this matter as fully as any man in this city, and I present it for what it is worth, claiming that it properly adheres to the recommitment of these petitions. The remedy consists then, first, in a double track through Washington street, from Boylston street to Summer street, and second in establishing two circuits in place of one. Scollay square to be the great central point, where routes of the South Boston and Middlesex cars should terminate. The South Boston company should purchase the tracks in Lincoln street, and the Milk-street cars should run inwardly or outwardly via that route. The Metropolitan and Highland companies should be restricted in the number of their cars, and a percentage of them could be withdrawn without detriment to the public. The Temple place route could be abandoned and will be unnecessary when the second track is laid in Washington street. As many cars as possible of the Metropolitan road should pass through Essex street and thence to the South End via Harrison avenue. In relation to fares, there should be a change in the entire system, and the tickets used by each road should be receivable on any other road, for a ride as far as a six-cent fare now conveys a passenger. And not only this, but a passenger paying six cents should receive a transfer check to ride upon any other road as far as he is now carried for eight cents. Liberality in these respects would be appreciated by the people, and it would result in increased travel sufficient to compensate for the reduction. We need then to have, beside the double track in Washington street from Summer street, a track laid in Devonshire street from Milk street to New Washington street. With these additional tracks, such changes can be made in the routes of the several lines that the crowding of cars in any thoroughfare will be entirely avoided. In the first place, the acceptance of the six-cent transfer check by the horse-railroad companies will shorten the routes and be of advantage to the various companies in lessening the number of miles traversed and in a largely increased patronage, while it will subject passengers to less expense and rid them of the delays now experienced. Passengers are now conveyed by the South Boston and Middlesex companies beyond Cornhill, in either direction, at a loss, and also by the Metropolitan and Highland com-

panies running through Columbus avenue; therefore the routes of the two former companies should cease at Scollay square, and the number of cars traversing Columbus avenue should be decreased. This settled, all Columbus-avenue cars should go around the circuit at Cornhill, and return through Washington and Boylston streets to Columbus avenue again, and thence to the point of starting. The cars of the Highland Railroad which now go through Tremont street around the circuit, should pass on the return trip through Washington, Boylston and Tremont streets to the point of starting. The depot cars of the Metropolitan company, running through Washington street, should go through Milk, Devonshire and New Washington streets to the depots, and thence return the same as now, avoiding Temple place and passing to the South End through Essex street and Harrison avenue. The Tremont-street depot line of the Metropolitan road should run as now, but return home via Washington, Boylston and Tremont streets. All other inward Metropolitan cars which now come down Washington street should pass through Milk, Hawley and Chauncy streets home via Harrison avenue. The East Boston and Chelsea Ferry lines of the Metropolitan road should traverse Washington street, through Milk, Devonshire, New Washington and Hanover streets, thence the same as now, and likewise return by the present route. No South Boston cars should run farther than Scollay square, and those going by this route should return via Cornhill, Washington and Essex streets, thence the same as now. All other South Boston cars should go to Milk street by the same route as at present, and thence home via Hawley, Summer, and Lincoln streets. The Middlesex cars should not be permitted to pass beyond Scollay square, except perhaps ten cars per hour through Washington, Boylston and Tremont streets, then all other lines can run the same as now. By the above arrangement, as I have said, there will be no use for the track in Temple place, for the cars now passing through it are dispersed by three routes.

It needs no argument to convince any thoughtful man that this disposition of cars and change of routes will effectually remove the existing difficulties, providing the number of cars in use is limited to actual business necessities. A purchase of the tracks in Lincoln street, and their use by the South Boston company, as proposed, will lessen the trip by at least six minutes, the saving of which is of great consequence.

At the corner of Washington and Summer streets, where the curves are not parallel, is an important obstruction, which obliges cars meeting there to stop for fear of colliding. These curves should be reconstructed, and then by adopting the other changes we have mentioned, we believe the problem can be solved. It is said that Washington street is not of sufficient width to admit of another track; but this is a delusion, for it is broad enough for a carriage to pass or stand upon either side. This additional track in Washington street is the key to unravel the whole snarl, and without this there can be no plan adopted which will so well accomplish the desired effect.

The whole subject is one of great importance, and I offer this arrangement only that it may be discussed among other plans, with a view to arrive at a proper solution of the difficulty.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions, etc., were referred in concurrence.

Order for Street Commissioners to report an estimate of the expense of extending Sterling street from Warwick street to Tremont street. Passed in concurrence.

Requests by School Committee—1. That the plan of the proposed building for the use of the Allston School be submitted to that body for its approval; 2. That suitable fire escapes be provided on the English High and Latin School Building, in Bedford street; 3. That the yard of the Andrew Schoolhouse be enlarged by the addition of adjoining land. Referred to the Committee on Public Institutions in concurrence.

Order that at the approaching elections all employes of the city be allowed sufficient time in which to vote, without loss of pay. Passed in concurrence.

Report and order for transfer of \$434.76 from appropriation for House of Industry to that for Lunatic Hospital. Order passed in concurrence—yeas 11, nays 0.

Report and order for transfer of \$15,000 from



the Reserved Fund to appropriation for Common, to include cost of grading, etc., around the Army and Navy Monument on Boston Common. Passed in concurrence—yeas 12, nays 0.

#### BRIDGE TO SQUANTUM.

The following was received and read:

The Board of Street Commissioners, under instruction of your order, Oct. 1, upon the subject of connecting that part of the city at Commercial Point with Quincy by a bridge to Squantum, have had a meeting with the County Commissioners of Norfolk. They, while withholding any opinion they may have had upon the expediency of such a measure, unhesitatingly stated at the outset their belief in the inability of either their board or the town of Quincy to act under the existing legislation in the matter. The city of Boston its Solicitor considers also entirely unable to undertake the construction of such a bridge, and that the charter obtained by the Squantum Free Bridge Company would be useless to empower it to do so.

Of the utility of such a connection the Street Commissioners cannot speak in such favorable terms as if a street that would carry the travel from the bridge directly to Quincy village either now existed or was to be expected for the future, as the passengers across such a bridge to reach any other point than the locality known as Squantum, must travel back to Neponset avenue (Hancock street in Quincy) which is already bridged over the river at Neponset.

As an additional way to the city's sewer station at Squantum another bridge would naturally be of service, but as an extra hindrance to navigation to Neponset, etc., possibly an injury to citizens.

Concerning the legislation the City Council may think it advisable to obtain to enable the city to build such a bridge, the Street Commissioners suggest that it empower the town or county authorities in Norfolk and the city of Boston to jointly enter upon the work that the administration and expense of it may be shared in some predetermined proportion by the parties in interest.

By order of the Street Commissioners,

J. H. JENKINS, Clerk.

Sent down.

#### JAIL EXPENSES.

A requisition was received from the Sheriff of Suffolk County for \$1803.08 for expenses at the jail for October. Ordered paid.

#### CONSTABLES' BONDS.

The bonds of Abel B. Munroe and three other constables being presented duly certified, were approved by the Board.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Orders of notice for hearings on Monday next on construction of sewer in Cunard street, Roxbury. Passed.

Orders to build sewers in Northampton street, west from Columbus avenue; in Summit street, Charlestown. Read twice and passed.

Ordered, That \$8.40 be abated from the assessment levied upon George H. Williams's heirs for a sewer in Seaverns avenue on account of overestimate of land benefited.

Ordered, That his Honor the Mayor be authorized to release to Mary E. Cochrane the title of a parcel of land near Walk Hill street, containing 893½ square feet, the same being a portion of the land taken by the Commissioners of Stony Brook of the town of West Roxbury, by an order dated Dec. 11, 1873, and not now required by the city; being shown in blue on a plan dated Oct. 29, 1877, and deposited in the office of the Sewer Department. Read twice and passed.

Order to rescind order to pay Mary E. Cochrane \$382.40, for land taken by Commissioners of Stony Brook; and order to pay said Cochrane \$211.65 for part of the land taken and all damages occasioned by construction of the new channel of Stony Brook. Read twice and passed.

#### STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board in favor of granting permits to occupy stables by Albert Morse, corner Columbia and Washington streets; Michel J. Ford, Newman street; R. L. Brown, Newman street; Timothy Walsh, rear 36 Northampton street. Severally accepted.

#### STONE CUTTING BUSINESS AT DEER ISLAND.

Alderman Viles submitted the following from the Directors for Public Institutions:

The subject of providing some suitable branch of labor for the employment of the male inmates of Deer and Rainsford islands has lately engaged the attention of the Board of Directors, and has been carefully considered by a special committee of the board. At the last meeting of the directors this committee submitted a report which received the favorable action of this board, and was adopted, and it was voted that immediate steps be taken to establish the stone-cutting business at these islands. The plan proposed is to have the stone delivered in bulk from the Rockport quarries and cut it into paving blocks. The cutting of paving stones does not require what is called skilled labor. It is easily learned and can be commenced immediately. From the facts submitted to the board, we have no hesitation in affirming that the business can be conducted with profit to the city. But even if it were not profitable in a pecuniary sense, the establishment of some branch of manual labor at these institutions would result in gain to the city, not only in a diminished number of inmates, but in great gain to the men so employed. The principal expense in establishing this business will be the cost of erecting sheds for the protection of the men employed and the purchase of tools, trucks and other implements necessary to carry on the business. It was voted to request the City Council for authority to expend from the House of Industry appropriation the sum of not exceeding \$5000 for the establishment of this business at Deer and Rainsford islands.

Alderman Viles—The Directors for Public Institutions, not only of this year but of previous years, have for a long time considered what is the best way to utilize the labor at the islands. We have at all times hundreds of able-bodied men there, and especially in winter they have nothing to do. They stand around in the yard like cattle in a pen. Some time ago the directors appointed a sub-committee to investigate and report what could be done in the way of cutting paving stones. They visited Rockport, and reported that large blocks could be delivered at the islands for \$1.50 a ton, and that a boy could cut from 100 to 150 blocks a day, which could be sold to the city at from four to four and a half cents apiece for stone paving. It will not only be a saving to the city, but will tend to keep many repeaters from coming back to the institutions. The directors think it is the best way to utilize the labor.

On motion of Alderman Viles, the communication was referred to the Committee on Public Institutions. Sent down.

#### SOUTH BOSTON RAILROAD LOCATION.

Alderman Robinson submitted a report from the Committee on Paving on the petition of the South Boston Railroad, with an order of location for said road to construct curved tracks to connect its tracks in Kneeland street with a turnout track to be constructed by permission of the Old Colony Railroad Company on the premises of said company lying between the southerly line of Kneeland street and the Old Colony station. The usual conditions are appended to the order.

Alderman Thompson moved to amend by adding "that any other railroad corporation using that street may occupy these tracks when not occupied by the South Boston Railroad.

Alderman Robinson said the amendment was of no use. He understood that this track was for the exclusive use of the South Boston road, and that the Middlesex road had applied for a location on the other side of the depot.

Alderman Fitzgerald said the city has no control over the side track, it being on land of the Old Colony Railroad, and the order simply gives permission to lay curved tracks to connect with it. It was expressly stated before the committee that the exclusive right was given to the South Boston road. If it had belonged to the city the committee would have reported in favor of both roads using the location.

Alderman Thompson said he had understood from the president of the Middlesex road that the grant was given to them previous to its being given to the South Boston road, and if that is the case the committee should not discriminate unfairly between the two corporations. If the other corporation had the tender of the location they should not be ignored.

Alderman Robinson said the Paving Committee received a letter from the president of the Old Colony road granting the right exclusively to the South Boston road.

Alderman Wilder said he would vote for the amendment with great pleasure if Alderman Thompson would add "after having obtained the consent of the Old Colony Railroad"; and then the Board would not be charged with discrimination.

Alderman Burnham explained that the ownership of the street was vested in the Old Colony road, who, some years ago, moved their depot back to get more room. He had been told by the president of the South Boston road that the privilege was first asked for by the South Boston road.

Alderman Thompson thought there must be some mistake, and on his motion the order was laid on the table—8 for, 3 against.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

The Committee on Paving, to whom was referred the petition of James Kelly *et al.*, for an investigation into the cause of their discharge from the Paving Department, and for their restoration thereto, respectfully report that they have heard the petitioners and have investigated the matter, and find that the most important work ordered by the Government in the Highland District having been executed, and there being no necessity for retaining the whole of the force of men employed during the summer months in that district, the Superintendent of Streets discharged about twenty men whose services could be easily dispensed with. These men were discharged because their services were not needed, and for no other cause. As the force now employed in the department is very large, and the appropriation limited, it is apparent that a still further reduction will soon have to be made in the Highland District as well as in other districts of the city; your committee deem it unwise and improper to restore to the department men whose services are not needed. They therefore recommend that the petitioners have leave to withdraw. Accepted.

Ordered, That the edgestone assessment against the estate of Isaac Jacobs on Burroughs street, West Roxbury, amounting to \$26.67, be and the same is hereby abated, he being unable to pay the same. Read twice and passed.

Report and order for brick sidewalks in front of estate of John R. Hall on Linwood street. Read twice and passed.

#### POLICE.

Alderman Robinson submitted the following from the Committee on Police:

Report that the nomination of John A. Fury as police officer be confirmed. Accepted and said nomination confirmed.

Report of leave to withdraw on petition of William N. Reed for leave to set up a barber's pole at 1099 Washington street. Accepted.

#### POLICE RULES AND REGULATIONS.

Alderman Robinson submitted the following from the Committee on Police:

The Committee on Police respectively represent that the edition of the rules and regulations of the Boston police, printed in 1875, is exhausted, and it is necessary that a new edition should be printed in order to furnish the members of the force with copies. The committee have made a careful revision of the rules and regulations heretofore in force, incorporating a number of rules which have been made since the last edition was printed, and submit a copy herewith, together with the opinion of the City Solicitor that they are not in conflict with the statutes and ordinances. The committee respectfully recommend the passage of an order—That the rules and regulations for the government of the Boston police, prepared by the Committee on Police, be and the same are hereby adopted by this Board, and that fifteen hundred of the same be printed; the expense thereof to be charged to the appropriation for Police.

Alderman Fitzgerald desired to examine the rules before they were adopted.

Alderman Robinson explained that the alterations were mostly clerical.

On motion of Alderman Fitzgerald it was ordered that a proof copy of the rules be given to each member, and that the matter be assigned to 5 P. M. at the next meeting.

#### NEW HIGH AND LATIN SCHOOL.

Alderman Fitzgerald offered the following:

Ordered, That the Committee on Public Buildings be authorized to purchase one-half of the wall and the land under said wall of the Clarendon-street Baptist Church, corner of Clarendon and Montgomery streets, and adjoining the English High and Latin Schoolhouse lot, for the sum of \$800, the said wall and land to become the property of the city upon the delivery of a deed of the same from the Clarendon-street Baptist Society, satisfactory to the City Solicitor; the expense thereof to be charged to the appropriation for the English High and Latin School Buildings. Read twice and passed. Sent down for concurrence.

Alderman Fitzgerald explained that the arrangement would save \$800 in money and give more space inside the building. To build the wall entire would cost about \$2000.

The order was read twice and passed. Sent down.

#### LICENSES.

Alderman Fitzgerald submitted the following from the Committee on Licenses:

Minors' Applications Granted—Five newsboys. Hack License Granted—Thomas Barry, corner Winter place, after 9 P. M. each day.

Billiard License Granted—W. F. Herman, Albany House, Brighton.

Auctioneer Licensed—John McLean, 478 Main street, Charlestown.

Dealers in Second-hand Articles Licensed—William Tracy, John C. Sullivan.

Wagon Licenses Granted—M. Harrington, B street; John Murphy, express; Stephen McKenna, 81-83 Silver street; John P. Morrissey, India street.

Victuallers Licensed—Charles E. Lord, 837 Washington street; Richard Haven, 86 Shawmut avenue.

Severally accepted.

Report and Order—That the licenses heretofore granted to John Flaherty and Morris Nelligan, minors, to sell newspapers, be and they are hereby revoked for cause. Order read twice and passed.

#### FANEUIL HALL.

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall in favor of granting the use of said hall to Liverus Hull and others on Nov. 3 for a public meeting, and to George G. Crocker and others on Nov. 2 for same. Severally accepted.

#### ARMORIES.

Alderman O'Brien, from the Committee on Armories, submitted an order, That the Superintendent of Public Buildings, under the direction of the Committee on Armories, be authorized to fit up the old Winthrop School building, at the corner of Lexington and Bunker Hill streets, Charlestown, as an armory, to be occupied by Company D, Fifth Regiment, M. V. M.; the expense, not exceeding \$1000, to be charged to the appropriation for Armories. Read twice and passed. Sent down.

#### PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Order to declare forfeited to the city a lot of land on East Fourth street, sold to Stephen Tarbell Feb. 10, 1876, and the Superintendent of Public Lands to take possession of the same for the use of the city. Read twice and passed. Sent down.

Order to declare forfeited to the city a lot of land on M street, sold to Solomon S. Gray Dec. 15, 1866, for non-fulfilment of the conditions of sale, and for the Superintendent of Public Lands to take possession of the same for the use of the city. Read twice and passed. Sent down.

#### STREET DAMAGES, ETC.

Alderman Thompson submitted the following from the Committee on Streets on the part of the Board:

Orders to pay for land taken and damages occasioned by laying out and widening streets, as follows: Grove Hall Universalist Parish, \$582, for land taken in the name of Charles D. and Julius M. Swain, and all damages occasioned by the widening of Blue Hill avenue; Warren W. H. Richards, \$411, widening of Adams street; William T. Andrews, \$1000, widening of Dorchester avenue. Severally read twice and passed.

Report recommending reference to Committee on Paving of petition of John McNellis, for removal of a fence on Cook street, Charlestown. Accepted and referred accordingly.

#### MARKET.

Alderman Slade submitted a report from the Committee on Market of leave to withdraw on

the petition of James F. Cooper to be refunded the rent for stand No. 4 Faneuil Hall Market for the month of April, 1877. Accepted.

**TREE TO BE REMOVED.**

Alderman Slade submitted a report from Committee on Common on the part of the Board, on petition of T. C. & C. F. Newcomb, recommending the passage of an order—That the Superintendent of Common and Public Grounds be authorized to remove a tree now standing on Washington street, at the junction of Newcomb street, said tree being an obstruction to public travel. Order read twice and passed.

**BROADWAY BRIDGE TO BE CLOSED.**

Alderman Thompson offered an order—That Broadway Bridge be closed to public travel on Monday, Nov. 5, 1877, and remain closed until certain repairs are completed. Read twice and passed.

**WARDROOM IN WARD 24.**

On motion of Alderman Wilder, the order to establish the wardroom for Ward 24 at the police station at Field's Corner was taken from the table.

Alderman Robinson said it was too late to make the change before the election. It would make no difference to him, but the station is not a fit place. He moved to strike out the words "police station," as the old high school building could be used.

Alderman Fitzgerald said it was necessary to designate some place.

Alderman Wilder said he had been requested by residents of Dorchester to have the order taken up, though he had no preference except to satisfy a majority of the citizens.

The matter was again laid on the table, on motion of Alderman Robinson.

**VEGETABLE MARKET.**

On motion of Alderman Fitzgerald, the order to purchase the market lot of Mercantile Wharf Corporation (80,000 square feet), at a cost not exceeding \$4 a foot, was taken from the table.

Alderman Fitzgerald said that in justice to the Board this matter should be settled.

Alderman Slade said he had been waiting for two months for an opportunity to bring the matter up.

On motion of Alderman Breck, the order was assigned to 4½ o'clock P. M. at the next meeting.

**VAGRANTS TO WORK.**

The Chairman offered an order—That the Committee on Police be requested to confer with the Overseers of the Poor, and report if some practicable method can be adopted to compel vagrants who are furnished with food and lodging at the several police stations to perform some useful work for the city as compensation therefor. Read twice and passed.

Adjourned, on motion of Alderman O'Brien.





## CITY OF BOSTON.

Proceedings of the Common Council,  
NOVEMBER 1, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions and request of Directors for Public Institutions were referred in concurrence.

Report of Street Commissioners to the effect that the city is not authorized to build a bridge between Commercial Point and Squantum. Placed on file.

Order to forfeit a lot of land on M street, held by S. S. Gray, and to cancel bond therefor. Read twice and passed in concurrence.

Order to forfeit a lot of land on East Fourth street, held by Stephen H. Tarbell.

Mr. Clarke of Ward 22—I move to lay that order upon the table. I don't remember the order particularly, although I was present at the committee meeting. I would like to have the order lie upon the table until I can make some inquiries about it.

The order was laid on the table.

Order to release to Mary E. Cochrane the title of a parcel of land on Walkhill street, heretofore taken but not now required by the city, as therein set forth. Ordered to a second reading.

Order to fit up the old Winthrop School building, Charlestown, as an armory for Company D, Fifth Regiment, at a cost not to exceed \$1000. Ordered to a second reading.

Order for purchase of half of the wall, and the land under said wall, of the Clarendon-street Baptist Church, adjoining the English High and Latin Schoolhouse lot, at \$800. Read twice under a suspension of the rule, on motion of Mr. Shepard of Ward 4, and passed in concurrence.

## INSPECTOR OF BUILDINGS.

A message from the Mayor came down for concurrence in the confirmation of the appointment of John S. Damrell as Inspector of Buildings.

Mr. Howes of Ward 18—I move that the nomination be laid on the table.

Mr. Flynn of Ward 13—I hope the nomination will not be laid on the table unless the gentleman gives some reasons. I know no reason why it should be laid upon the table.

Mr. Howes—I believe it is the ordinary custom to lay nominations on the table. Moreover there seems to be some doubt about whether the Mayor has authority to make this appointment. The office is one which requires judicial action, and which may cause a great deal of trouble, and there is no ordinance governing the case. It is a statute regulation, and there is a question whether the Mayor has authority to appoint such an officer after the three years have expired. It is a question whether the power conferred by the legislative act exists after three years.

Mr. Mowry of Ward 11—It is certainly a very important matter, and I hope it will lie over. I am certainly not prepared to vote upon it tonight.

Mr. Spenceley of Ward 19—It seems to me that this matter has been in duration long enough for us to make up our minds before this time. There is nothing to test whether we have the right to appoint or not, as there is no man in the office. We might have gone to work and constructed our presidential laws before a President was chosen; but when the President was elected then the question of law came up. There is nothing to settle now because there is nothing to settle with.

Mr. Burke of Ward 2—I see no reason why any gentleman here should object to laying this matter upon the table for a time so as to give members of the Council a chance to inquire into the qualifications of the gentleman. I suppose it is true that many gentlemen here are acquainted with him, and know in their own minds that he is eminently qualified for the position. The past Inspector of Buildings has caused a great deal of talk this year, and I have heard many members of the City Government say it is very difficult to find a man qualified for this position. If that is a fact, I think we ought to go slow. I am not prepared to act upon this thing, and if it is forced tonight, I shall vote against confirmation. I have no doubt that many members here are in the same position. I hope it will

lie over so that we shall have a chance to consider and inquire into the matter.

The motion to lay on the table was declared carried. Mr. Flynn of Ward 13 doubted the vote, and on his motion the yeas and nays were ordered. The subject was laid on the table—yeas 36, nays 24:

Yeas—Messrs. Barnard, Beeching, Blanchard, Brown, Burke, Cannon, Coe, Crocker, Danforth, Doherty, Felt, Fernald, Hibbard, Howes, Morrill, Mowry, O'Connor, O'Donnell, Pearl, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Roach, Roberts, Sampson, Shepard, Sibley, Thompson, Thorndike, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—36.

Nays—Messrs. Barry, Brintnall, Clarke, Cox, Cross, D. A. Flynn, J. J. Flynn, Fraser, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClusky, McDonald, McGarage, Mul-lane, Pope, Reed, Ruffin, Smardon, Spenceley, Upham, Vose—24.

Absent or not voting—Messrs. Blodgett, Day, Dee, Duggan, Fagan, Ham, Loughlin, Nugent, Perham, Souther, Stone—11.

## UNFINISHED BUSINESS.

Order to allow Ann E. Porter, on account of personal injuries from an alleged defect in Dudley street, \$1500, on the conditions therein set forth. Passed. Sent up.

Orders for a transfer of \$2000 from Reserved Fund to pay for fitting up old Lyman Schoolhouse for a branch of the English High School, and to rescind so much of the order of Oct. 9 as provides that such expense shall be charged to "Schoolhouses, Public Buildings." Laid on the table on motion of Mr. Beeching of Ward 1.

Order for an additional expenditure of \$16.31 by the Committee on Free Concerts. Passed in concurrence—yeas 50, nays 4—Messrs. Coe, Hiscock, O. H. Pierce and Smardon voting nay.

## INSPECTION OF THE BILLS IN THE AUDITOR'S OFFICE.

The ordinance to amend the ordinance in relation to finance, so that the bills in the Auditor's office shall at all reasonable hours be open to the inspection of the public, was considered under unfinished business. The original motion of the mover [Mr. Pratt of Ward 21] was that the ordinance be referred to the Committee on Ordinances. The pending motion was for the previous question.

The main question was ordered, and the motion to refer was cut off thereby. The ordinance was passed to a second reading, and on motion of Mr. Flynn of Ward 13 was referred to the Committee on Ordinances. Sent up.

## COMMERCIAL STREET.

On motion of Mr. Flynn of Ward 13, the Council took up the special assignment for eight o'clock, viz., the report and order for a loan of one million dollars for the widening, grading and repaving of Commercial street.

On motion of Mr. Flynn of Ward 13, the subject was further assigned to the next meeting at half-past eight o'clock.

## PETITIONS REFERRED.

Petitions were received and referred as follows:

Of Henry Dudley, for leave to enlarge a wooden building on Elm street, Ward 23. Referred to Committee on Survey and Inspection of Buildings. Sent up.

Of H. R. Plympton, for the removal of conditions as to the time of building on the corner of Dover and Albany streets. Referred to the Committee on Public Lands. Sent up.

Mr. Richardson of Ward 10 presented the petition of James E. Bowen, to be compensated for injury to his estate on G street. Referred to the Committee on Claims. Sent up.

## PAVING OF COLUMBUS AVENUE.

Mr. Mowry of Ward 11 offered an order—That the Paving Committee on the part of the Council be requested to ascertain and report as soon as possible the cause of the seeming delay in the paving of Columbus avenue. Read twice and passed.

## LAND TO BE LEASED.

Mr. Felt of Ward 18 offered an order—That his Honor the Mayor be and he hereby is authorized to execute a lease to Sarah M. English and Ann M. Corey, heirs of John English, deceased, all the title acquired by the city under a deed from Michael Norton, Collector of the late town of Brigh-ton, dated June 12, 1876, and recorded with Suffolk

Deeds, liber 1330, folio 266, for the sum of four hundred and fifty dollars; and also another deed from said Michael Norton, Collector, dated June 12, 1876, and recorded with said deeds, liber 1330, folio 267, for the sum of one hundred and fifty-four dollars.

Mr. Felt—I will explain in regard to that order. A tract of land was purchased by the Committee on Public Instruction some months ago, for a site for a schoolhouse, and it seems there is a betterment title resting on it. This matter came before the Committee on Streets of the Board of Aldermen, and in order to get rid of this encumbrance they recommend that the city shall receive the betterment tax from the parties owning the land, without costs and without interest, that the owners may have power to give a deed to the city for the land for that purpose.

Mr. Sampson of Ward 17—Is the city to receive the betterment tax first?

Mr. Felt—It is. The parties offer to pay the betterment tax, and the Committee on Streets on the part of the Board of Aldermen think they should do so first, and let the title to the city come in the regular way.

Mr. Sampson—I don't think it is fully understood, and I ask that it go over until the next meeting.

Mr. Felt—The only reason for haste is that the Committee on Public Instruction bought the land several months ago and are anxious to get the deed of it. It has been in the City Solicitor's office until now, but could not be attended to before this, owing to a press of other business. They are anxious to begin the foundations of the building before winter.

Mr. Thompson of Ward 9—As I understand, the city now own the land, having acquired a title under a betterment; and therefore the persons named have no title. I cannot see any necessity for the present action. It seems to me there has been so long delay there can be no harm to let it remain for a week longer.

The President—The order will lie over under the rules.

Mr. Felt—The only reason for haste is that the Committee on Public Instruction desire to get in the foundation before winter sets in.

Mr. Pearl of Ward 1—This is a matter that I don't know anything about. The Committee on Public Instruction recommended the purchase of a lot in the early part of the year at the corner of

Cambridge street and Harvard avenue, Brighton, and it was accepted by the City Council. I don't know anything about this matter of betterment. I don't know anything about the title to the land, which I should think comes under the direction of the Committee on Public Buildings.

The order was passed to a second reading.

Mr. Felt—For the reason that I gave just now, that the Committee on Public Instruction desire to get the foundation commenced before winter, I move a suspension of the rules.

Mr. Shepard of Ward 4—I would state that the plans for that schoolhouse have not been commenced, and I think it will be impossible to get in the foundation this winter.

The motion to suspend the rule was lost, by a division—32 for, 18 against—two-thirds being necessary.

#### SALARIES FOR MEMBERS OF THE CITY GOVERNMENT.

Mr. Spenceley of Ward 19 offered the following: Ordered—That his Honor the Mayor be requested to petition the General Court, at its next session, for the passage of an act providing that the Aldermen of the city of Boston shall be elected for three years, that they shall devote their whole time to the business of the city and be paid a salary for their services, and that they shall perform the duties now performed by the several boards of commissions.

Ordered, That his Honor the Mayor be requested to petition the General Court at its next session for the passage of an act providing that the members of the Council of the city of Boston shall be elected for a term of not less than three years, and that they shall be paid a salary for their services.

Mr. Spenceley—All I desire this evening is that the order may be passed to a second reading, and then I shall ask to have it specially assigned for consideration at some future time. It is a subject which I have presented to several gentlemen and they think very favorably of it. It may not be just right, and perhaps it may be improved and condensed some. Yet on the whole I think it is something which may be very desirable.

The order was passed to a second reading, and on motion of Mr. Spenceley, was specially assigned to next Thursday at nine o'clock.

Adjourned, on motion of Mr. Sampson of Ward 17.







## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

NOVEMBER 5, 1877.

Regular meeting at four o'clock, P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Thirty-four traverse jurors were drawn for the first session of the Superior Court.

## EXECUTIVE APPOINTMENTS.

Police Officers without Pay—Charles Lynde, Charles W. Hart, James Muston, Jeremiah Hoare. Confirmed.

Constables—W. K. Jones, Franklin T. Rose, Norman Farr, Burnham Royce, George Richardson, George H. Royce. Confirmed.

Police Officer—Josiah Van Buren. Confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* Nathan Tufts *et al.*, for curb stones on west side of Beach street, Charlestown; William F. Brooks & Co. *et al.*, that Chelsea street, from Porter street to the bridge, be paved or macadamized; W. L. Bradley, to be paid for grade damages on Swett street; Clark Thompson *et al.*, occupants of Clinton Market, for flagged crossing on Clinton street; Thomas L. Smith *et al.*, for cross walks on Commercial street at South Market street; H. F. Whitcomb, for crossing on Warren street at Savin street; M. L. Capen, for a brick sidewalk at 223 Sixth street; Augustus Mason *et al.*, that Warren street, Brighton, be graded and put in order.

*To the Joint Committee on Claims.* Ellen Smith, to be paid for personal injuries caused by a fall into a coal-hole at 673 Albany street; W. E. L. Dillaway, for compensation for personal injuries received by a fall in South street, Oct. 2, 1877; John O'Connell, physician, to be paid for services rendered to the city by request of the police; Patrick Horan, to be paid for injuries sustained by a fall at corner of Seventh and C streets.

*To the Committee on Police.* T. P. Williams, for leave to project a lantern in front of his premises, No. 225 Tremont street.

*To the Committee on Lamps.* R. & P. C. Lockwood *et al.*, that Columbus court, off Brighton street, be lighted; Augustus Mason *et al.*, that Warren street, Brighton, be lighted; S. N. Deckermeir *et al.*, that Allston street be lighted; Samuel Jackson *et al.*, that Jackson avenue, Ward 25, be lighted.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables—M. Lefstrom, new wooden shed, two horses, 201 Centre street; Alden Bartlett, new wooden, three horses, Green street, Ward 23; Edwin McCullis, new wooden, five horses, Paris street, Ward 1; Henry Dudley, new wooden, twenty horses, Elm street, Ward 23.

*To the Committee on Sewers.* Universalist Society of Jamaica Plain, for abatement of sewer assessment in Centre street, Ward 23; D. N. Payson *et al.*, for lamps on Broadway in front of M. E. Church; George W. Parker, for abatement of his sewer assessment in Spring-park street.

*To the Committee on Licenses.* Eli Fernald *et al.*, for leave to run coaches from the Highland Street Railway office on Dudley street to Fort avenue; H. Tannerbaum, for a pawnbroker's license at 2305 Washington street.

*To the Joint Committee on Survey and Inspection of Buildings.* Thomas Mayo, to enlarge wooden building on Green street, near railroad, Ward 23.

## HEARINGS ON ORDERS OF NOTICE.

Hearings were had on orders of notice as follows:

*Sewers.* On proposed sewer in Cunard street, Roxbury. No objections, and recommended to the Committee on Sewers.

*Cambridge Railroad.* On petition of Cambridge Railroad Company for leave to locate a track in Merrimac street to Washington street, then to run cars over the tracks of other roads in Washington, Milk and Devonshire streets to Dock square and Merrimac street.

The Mayor read a communication from E. Worthen James, stating that he was to appear for the remonstrants, that Mr. Judd was absent from

the city, and he was sick and unable to be present, and asking a postponement on that account.

But the Board concluding to proceed, Mr. Emery, president of the Cambridge Railroad, explained the location, the object of which is to run East Cambridge and Somerville cars through Leverett street, Causeway, Portland, Merrimac, Washington, Milk and Devonshire to Merrimac street, and out through Lowell street. It had come to their knowledge that the presidents of the other roads had come to an agreement by which they were to ask for new locations in order to take cars off Tremont street. They will run on this line about one-third the cars run to Bowdoin square. They do not purpose to interfere with the East Cambridge stage line; but to accommodate their East Cambridge and Somerville patrons. They do not desire to take away the business of any other corporation, but to do their own business and meet any increase that the location may give them.

Mr. Chase, a surveyor and engineer, was introduced, and explained a plan of the location; and he gave the width of the streets in the narrowest places, saying he esteemed it practicable to locate the tracks without inconvenience to public travel.

Dr. Estes Howe was called by Mr. Emery, and stated that he had been a director in the Union Railroad Company for twenty years, and had been familiar with its operations; and had been also a director in the Cambridge road since its organization. When the first railroad locations were granted, the City Government, deeming it an experiment, stopped the Cambridge road at Union square, the Middlesex at Haymarket square, and the South Boston at Church Green. Matters remained thus until 1863; but meantime the Suffolk road was chartered, and the City Government deemed that some means of bringing all the roads into connection would promote the public convenience. All the other roads were given additional connections and locations, and have since been granted more and more access to the city; but the Cambridge road stood still, and has never received any more than the original grant. They would have urged an extension to Scollay square long ago, but for the narrowness of the streets. The time has at last come when there should be a mode of returning from the actual business centre of the city. The only new location now asked for is in Merrimac street, where a location was granted them in 1863, but they did not accept it then because the cost of cutting off a planing mill was more than the track was worth. The travel over Craigie Bridge has more than tripled since the first location was granted; the business centre has moved south indeed.

The Mayor read a remonstrance from citizens of East Cambridge against the proposed location, they being at present well inconvenienced by the present lines of cars and stages.

Charles J. McIntire, counsel for the petitioners in aid of the petition of the Union Railroad Company, alluded to the large number of petitioners outside of East Cambridge. The people do not desire to do away with either the horse cars or Stiles's coaches; they want more ample accommodations, and he disclaimed any desire to injure Mr. Stiles or his coaches. East Cambridge, Somerville and Brighton are farther from the business centre of Boston than other more distant suburbs. Since the first location was granted, Cambridge has more than doubled in population, and Somerville nearly trebled; and yet they have to take the cars at the same place as they did then. The people of the suburbs help to develop the capital of Boston, and are entitled to the same privileges enjoyed by other suburban residents.

Isaac S. Morse appeared for some of the petitioners in aid of the petition of the railroad, and said Cambridge was the only suburb where people could not get into a car and be landed near the centre of business. That which will accommodate the public generally should be adopted, and private rights must yield to the good of the whole. He appears in behalf of people who want to patronize Boston stores. It will accommodate a very large class of people.

Mr. McIntire called the witnesses in aid.

George L. Mitchell, an assistant assessor of East Cambridge, said the petition in aid represented the principal business men of East Cambridge, all of whom desire the extension.

Mayor Belknap of Somerville said the extension would be a great convenience to the people there, as they all come here to buy goods. In many in-

stances the people pay larger taxes in Boston than in Somerville. They are not citizens of Boston, though they perhaps would like to be, if Boston would smile on them.

O. S. Knapp of Somerville said he lived just above Union square, between the two steam railroads, and he desired the extension to save the expense of paying two fares to the business centre.

W. E. Jewell, living near Inman street, Cambridge, said the people want the convenience asked for, and they asked now because they believed the policy of the city was to grant locations to horse railroads as a means of promoting business convenience.

Ex-Mayor Brastow of Somerville said the bulk of the \$30,000,000 valuation of Somerville was engaged in Boston; every house was furnished in Boston; hardly a lady wears a dress that is not bought in Boston. He hoped Somerville will be granted the convenience. The petition in aid fairly represents the business men of Somerville.

Mr. McIntire here rested the case for the petitioners in aid.

J. C. Stiles appeared as a remonstrant, and said there was no need to bring witnesses. The Cambridge road has a better location and higher rates of fare than any other corporation, and they want to crush out all effort to accommodate the people. The biggest pressure is to kill out the little stage line, and the next is to support the high fare.

Thomas J. Gargan, in closing the case for the railroad company, alluded to the testimony and the character of the witnesses. These populous suburbs represent the overflow of the populous North and West ends, and they desire easy access to the business centre. This location will relieve the present crowded Green street. They ask to get nearer the retail stores without cumbering the crowded streets of the city. The company were not running any rivalry with Mr. Stiles's fifteen coaches. The location is petitioned for by two thousand citizens of the North and West ends.

The matter was recommitted to the Committee on Paving.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions, etc., were referred in concurrence.

Proposed ordinance to allow the "books, accounts and bills in the Auditor's Office" to be open "at all reasonable times" to the inspection of any taxpayer of this city. Referred to the Committee on Ordinances in concurrence.

Report and order to pay Ann E. Porter \$1500 for personal injuries received on account of the defective condition of Dudley street. Order passed in concurrence.

#### REPORT OF THE RECORD COMMISSIONERS.

The third report of the Record Commissioners (City Document 46) was received. Sent down.

#### BOND APPROVED.

The bond of George B. Proctor, constable, being presented duly certified, was approved by the Board.

#### OVERSEERS OF THE POOR.

The quarterly report of the Overseers of the Poor for Oct. 31 was received. Sent down.

Balance at last report, \$3527; receipts since, \$20,605.60; cash balance, \$2510.89.

#### POLICE RULES AND REGULATIONS.

The Board took up the special assignment, viz.: Rules and regulations for the government of the Police Department.

Alderman Robinson—I have received a communication from the City Solicitor, somewhat modifying his approval of the rules as reported by the committee, and I ask that they be recommitted to the Committee on Police.

Alderman Fitzgerald—As I understand it, the communication is simply in relation to one section of the rules, and I am certain that if the City Solicitor had read that portion of the rules carefully, he would not have hesitated one moment to say that the rule was in conflict with the ordinances. I called the attention of the City Solicitor myself to that portion of it. At the end of the rules and regulations as printed, is a letter from the City Solicitor, in which he says that—

"The draft of rules and regulations for the government of the Boston Police, submitted to me, are not, in my opinion, in conflict with the statutes of the Commonwealth or the ordinances of the city of Boston."

I don't know what the letter which the chair-

man of the Committee on Police has received is about, but I presume it was written in consequence of the Solicitor's attention being called especially to the 15th rule, or to the latter portion of it, which says—

"When the committee find the officer guilty of any irregularity, he shall be subject to reprimand, suspension, deduction from his pay or to discharge, as may be determined by the said committee; and no officer shall be removed from the force unless recommended by said committee, and his removal approved by the Mayor."

The 49th section of the chapter expressly says that—

"In all cases where appointments are directed to be made by the Mayor and Aldermen, they shall be made by the Mayor, by and with the advice and consent of the Aldermen, and such officers may be removed by the Mayor."

The Mayor has the sole power of removal. This rule made a condition precedent to removal the recommendation therefor by the Committee on Police, and that portion of the rules and regulations is not in accordance with the statutes, because it is giving to the Committee on Police a power which they have not got under the charter, and it is taking from the Mayor a power which is given to him under the statutes. It is manifestly wrong, and I presume the letter which the chairman of the Committee on Police has received is in regard to that portion. There are other portions which I would like to discuss before they are recommitted to the committee. The rules and order have had but little change. The changes are little except so far as the changes of words are concerned, but they are extremely important in consequence. They are simply taking the power from the Mayor which he has today, and making the Police Committee a kind of commission over the Police Department. That is the sum and substance to the additions to the police rules and regulations. It is clothing the committee with powers which the Mayor has exercised, and has the exercise of today, and the most important one is that to which I have called attention. I should infer that was the one to which the City Solicitor refers, from my conversation with him. I took that up to him last week, and showed him this section, and he told me that he took rather a cursory view of the matter and should modify his letter. I wanted to call the attention of the Board to the changes which are now taking place and which are taking away that power from the Mayor and centring it upon the Committee on Police. Under the charter the Mayor has the same relation to the police that the governor of the Commonwealth has to the militia of the State; he is accountable for them, and should be held accountable for them. Whatever is to be done by the Committee on Police should be done by consulting with the Mayor, and their consent should not be the primary moving power in connection with the Police Department.

Alderman Robinson—It seems to me the Alderman cannot resist the temptation to talk on every matter that is brought up. The fact of the case is that the Alderman is entirely wrong. Some six weeks ago the Committee on Police were informed by the chief that the edition of books necessary to furnish to the policemen was all exhausted. The committee, wishing to get up a set of rules, and not having the time to attend to them themselves, took the rules we found in the book indorsed by the City Solicitor, and that very rule of which the Alderman has spoken is a part of the past rules of the department. Now, the section of the city charter that he speaks of is rather in conflict with another section. I did not intend to discuss this question, but, as I said, the Alderman cannot resist the temptation to talk on every matter that comes up. Section 33 of the city charter reads as follows:

"Sect. 33. The administration of police, together with the executive powers of the said corporation generally, and all the powers formerly vested in the selectmen of the town of Boston, either by the general laws of this Commonwealth, by particular laws relative to the powers and duties of said selectmen, or by the usages, votes or by-laws of said town, and all the powers subsequently vested in the Mayor and Aldermen of said city as County Commissioners or otherwise, shall be, and hereby are, vested in the Board of Aldermen, as hereby constituted, as fully and amply as if the same were herein specially enumerated. A majority of the members of the Board shall constitute a quorum for the transaction of business. Their meetings shall be public, and the

Mayor, if present, shall preside, but without a vote."

If that does not place the police as strongly and forcibly in the hands of the Board of Aldermen, and say that all their powers are derived from the Board of Aldermen, I cannot see how language can be made to make it strouger. In regard to this matter there seems to be a conflict between the statutes. The forty-ninth section of the charter, which the Alderman has just read, does not say that the police shall be removed at the pleasure of the Mayor. But this very clause, to which the Alderman objects, was indorsed by the City Solicitor in 1866, when in reply to a letter of the committee he wrote—

"I have examined the rules you submitted to me, which are proposed to be adopted for the government of the Police Department, and they are severally, in my opinion, in conformity with the laws of the Commonwealth and the ordinances of this city."

Here is one of those to which the Alderman alludes:

"All complaints made against any member of the department by any other member thereof, or by any other person not of the force, shall be reduced to writing, with the specifications, and shall be signed by the party making the complaints before the same shall be investigated.

"For minor offences the punishment shall be determined by the Chief of Police, with the privilege of an appeal to the Committee on Police.

"And any officer whose character has been compromised may have an inquiry as to the truth of any charges made against him; the investigation of all complaints and charges shall be before the Committee on Police, and the evidence shall be taken down by a clerk; the Mayor shall be notified of the investigations; when the committee find such officer guilty of any irregularity, he shall be subject to reprimand, suspension, deduction from his pay, or to discharge, as may be determined by the said committee; and no officer shall be removed from the force unless recommended by said committee, and his removal approved by the Mayor."

That is where Mr. Lee got that rule for the committee. In regard to that rule, my object was that when an officer was examined and found guilty of offences sufficient to cause his removal, the decision of the committee should not be final, but that the approval of the Mayor should be obtained before the sentence was carried out. There was no intention whatever on the part of the committee to infringe upon the rights of the Mayor, and I am sorry that such an idea has been advanced before this Board of Aldermen. Now, as I say, we care nothing about the rules. We had not time to look over them ourselves. A great many rules had been passed since the old rules had been printed in a book. Those were picked up from the records by the clerk of committee, and were reported with the rules. They were sent to the City Solicitor and received his approval. My friend thought there was some cat in the meal and went to the City Solicitor and pointed out those matters, or rather showed that there is some sort of conflict between the old book and those rules. I do not know that any of the committee knew that there was any conflict with that statute, and I am inclined to think that the forty-ninth section was not intended to mean the police force of the city, but other departments. I cannot see how two sections of the city charter could be so in conflict with each other. After Mr. Lee made up the rules, the committee sat down together and spent several hours on them and made some additions. but they were only in the phraseology, and sometimes substituting a singular for a plural, and sometimes a plural for a singular. They did not intend to change them in any way, shape or manner, or to infringe upon the rights of the Mayor in the least.

Alderman Fitzgerald—I would ask the Alderman if he thinks I am infringing upon what belongs to him? The fact is, the Alderman really thinks the whole management of the police belongs to him, and I am not surprised that he thinks it an affront to him for any member of the Board of Aldermen to dare to get up here and question the propriety of the rules which he makes for the government of the police. As a member of this Board I intend to speak upon any question that comes up, and especially upon anything that is illegal, and I don't propose that it shall pass if I can help it. The gentleman says that Mr. Lee did this. Mr. Lee did not do this. The Committee

on Police did this. I don't know Mr. Lee in this matter. The Alderman must shoulder the responsibility. The rules of 1866 have been changed to the rules as they have been reported to be adopted for the rules of today. The rules of 1866 were illegal, and that portion should be stricken out because it is in conflict with the statutes. It is a very simple thing, and it is only a little thing; but it is so little and so simple that it makes the chairman and the Committee on Police so strong in their position that the Mayor can remove nothing and do nothing without their consent. I say it is in conflict with the statutes, and the chairman of the Committee on Police has received a letter from the City Solicitor telling him that it was. Let him stand up here and state his opinion in opposition to the opinion of the City Solicitor. He has received a communication from the City Solicitor, and it was on my notification to him that that section was in conflict with the statutes and the city charter. I venture to say that that was the sum and substance of his communication to the Committee on Police. He says there is one law about the appointments to office by the Mayor that was not intended to cover the Police Department. Where does he find that? Who told him that? He gets up a law of his own and interprets a law for himself and to suit himself when it suits his own purposes; and he gets it indorsed by the City Solicitor, as he says, by a cursory reading; and after his attention was specially called to it by me, he sends a communication to the Alderman that that law was in conflict with the statute; but after that the Alderman gets up and tries to say that he is right and the City Solicitor wrong in his opinion, and that the statutes are in accordance with his interpretation and not the interpretation of the City Solicitor after a careful looking into the whole affair. Then the Alderman blames me, and he blames anybody who dares to get up here and interfere with the rules. Now I want to tell the Alderman that his management of the police and the rules which he frames are not so infallible that I or any other member of this Board cannot get up here and criticize them. The Alderman cannot fix them up to suit himself. The whole intent of the committee, in that rule and in some others, is to take away from the Mayor the power which the statutes have given the Mayor in connection with the police. That is the sum and substance of it.

Alderman Robiison—I deny *in toto* the assertion of the Alderman. My statement here was simply the reason why we came to make the rules. We were called on by the Chief of Police and instructed the Clerk of committees to look over them and draft a set of rules which we looked over, and as such the committee take the responsibility for them. I simply stated why those rules were made. I did not give my opinion that there was not any conflict with the statutes. I never looked at that before. There were the rules laid down in the book, and we sent the whole set to the City Solicitor and he gave them his approbation. Now my associates on the committee can tell how much more I had to do with them than the rest. We sat there together while Mr. Lee read them. The matter never entered our heads, and our idea this afternoon was to have the rules quietly recommitted to the Committee on Police and get them right next time. But the Alderman cannot resist discussing them. I am no lawyer and cannot say what the statutes are; but there are the thirty-third and forty-ninth sections, and let people read for themselves. I simply stated why those rules were made.

Alderman Fitzgerald—Has not the Chairman received a notification from the City Solicitor, and has not the City Solicitor told him that that rule was in conflict with the statutes?

Alderman Robinson—He has told me so, and I did not intend to have any discussion about it.

Alderman Fitzgerald—Will the Chairman please read the letter?

Alderman Robinson—I will. I did not intend to have any discussion about it. Here is the notice to me which I find on my desk this afternoon:

CITY SOLICITOR'S OFFICE,  
BOSTON, Nov. 3, 1877.

Dear Sir—In the examination of the new draft of "Rules and Regulations for the Government of the Boston Police," which you submitted to me recently, I find I made one error. I wrote to you that I found no conflict between them and the statutes of the Commonwealth, or the ordinances of the city. In one respect, I find upon a revision of the matter, there is a conflict, and I refer to the

ast sentence in the fifteenth rule, which provides that "no officer shall be removed from the force unless recommended by said committee"—that is, the Committee on Police. The power to remove police officers from office is vested exclusively in the Mayor, and it cannot be abrogated or modified by any action of the Board of Aldermen. See Acts of 1838, chap. 123; as amended the 49th section of the City Charter. See also section 1 of the ordinances under the head of police.

I am sorry this oversight has been made by me.  
Yours, very respectfully,

J. P. HEALY.

MR. ALDERMAN ROBINSON, Chairman Committee on Police.

Alderman O'Brien—I would ask the Chairman of the Committee on Police if the present committee have added any new rules?

Alderman Robinson—No sir, no new ones.

Alderman O'Brien—These are the rules you found when you took possession of the department?

Alderman Robinson—Yes, sir.

Alderman Breck—The Alderman from Ward 21 has done the Chairman of the Committee on Police a great injustice in ascribing to him motives of which he is not guilty. If he is guilty, then each member of the committee is guilty. There is nothing but what we would have each member of the Board know; there is nothing that we would keep secret; nothing that we would keep in the dark. The statement made by the chairman is just as I have it myself. Some few weeks since the Chief of Police notified the Committee on Police that he was short of copies of the rules and regulations of the department, and had none to give to newly-appointed officers. The committee considered it very important that a new edition of them should be published, and accordingly voted that the Clerk of the Committee be notified to revise the old edition by leaving out some of the old rules that were no longer applicable, but which were, in fact, obsolete, and to make such alterations as he deemed necessary. As a general thing, the rules and regulations remain just as they were, no essential alteration having been made—none, in fact, that would give the Board of Aldermen any more power in the appointments, and none that would curtail the power or the authority of the Mayor in the least. After a careful examination by the committee and with the approval of the City Solicitor, they were presented to the Board of Aldermen last Monday for their adoption, little thinking they would meet with any opposition. And why this opposition should arise I cannot tell, for the committee never dreamed of making any alteration that would in any manner or shape whatever conflict with the old copy. After again looking over the new edition and comparing it with the old, I fail to find any change that will affect the authority of the Mayor or that will increase in the least the power delegated to the committee by the Board of Aldermen, and I hope, Mr. Mayor, that we shall tonight adopt them, as it is of great importance that we shall have them for distribution at the earliest possible moment.

The charge that the rules have been changed so as to infringe upon the rights of the Mayor is accusing the chairman and each member of the committee of what they have not been guilty. We have acted fairly and squarely in the matter. We went over these rules carefully and we spent some hours on them. If we omitted this or that little thing it is not because we wish to take away any power from the Mayor. We would n't take away any power from the Mayor or the Board of Aldermen, and we would n't take away any power from ourselves.

Alderman Burnham—As a member of the committee I am familiar with the matter under discussion. I think the member from Ward 21 has done the committee injustice. Certainly it never had any being in my mind, and I don't think it had any being in the minds of the committee. It must be remembered that the Chairman of the Committee on Police, on the Mayor's presenting this matter of special assignment, arose and stated to the Board that he had received a communication from the City Solicitor, and asked that it be recommended to the Committee on Police. It seems to be a perfectly fair proposition, and on that proposition I can hardly see how my friend on my left should rise in his seat and impugn the motives of the committee, and make charges of the kind that he has made. The Committee on Police, in turning over the rules as they were adopted in 1866, found this same rule 15, not exactly in the same words,

but the same in sentiment. And we found that that rule had been approved by the City Solicitor, and consequently we felt, as we looked over the old rules, that we were acting under the approval of the City Solicitor, the highest authority, and that they had kept within the range of the statutes and ordinances. Now, coming down to this matter, we opened to the 33d section of the city charter, which the Alderman has read, and the construction put upon that was that at the time of the incorporation of the city the Board of Aldermen received some kind of an inheritance from the Selectmen of Boston, and among the powers of the Selectmen was that of the appointment of police. Having arranged those rules, as the Chairman has said, before coming to this Board with them, they were again submitted to the City Solicitor, and his reply was—

"The draft of rules and regulations for the government of the Boston police, submitted to me, are not, in my opinion, in conflict with the statutes of the Commonwealth or the ordinances of the city of Boston. Very respectfully,

J. P. HEALY."

It seems to me that under such circumstances as those we are not to be charged with attempting to curtail the powers of the Mayor in a clandestine manner. I think the gentleman has done the committee wrong in making such an insinuation to this Board. I hope it will be recommended to the Committee on Police for their action.

Alderman Fitzgerald—I read the rules very carefully. Some members said they allowed somebody else to compile those rules for them. I read them over carefully, not once or twice only, and compared them with the old rules, and I will give you an instance. That is the most noticeable one which I have spoken to the City Solicitor about as illegal. But by running along the rules you will find, for instance, the thirteenth section—

"No member shall, directly or indirectly, be concerned in making any compromise or arrangement between thieves or other criminals and persons who have suffered with their acts, with a view to permitting the criminals to escape the penalties provided by law," etc.

If you look at the old rule you will find at the end that he shall be "subject to immediate dismissal by the Mayor"; but here it is "he shall be subject to immediate dismissal." The Mayor is left out. In other portions the Committee on Police approve the bills where the Mayor and Committee on Police have done it before. So it runs along, and we found that the approval of the Committee on Police, and where the Mayor had authority that is stricken out; also where dismissals were allowed to be by the Mayor, here it requires as a condition precedent thereto the approval of the Committee on Police. Now, what conclusion could I, as a reasonable man, come to, than that the Committee on Police intended, in what they sent in to this Board—seeing that where the Mayor was vested with certain authority it was taken from him—to take it from him; that they intended to curtail the authority of the Mayor and vest it in the Committee on Police. It is the only rational conclusion which anybody can come to after reading it; and, more especially, when I see the chairman of the Committee on Police trying to work out a conflict between the statutes, and to show, as he has, for the last eight or nine months, that the Committee on Police have all the power within them, and that the Mayor has nothing. What other conclusion could I come to, knowing the ideas of the chairman of the Committee on Police, knowing what he thought about the statutes, and knowing what he has said to me, and knowing the great, extraordinary power which he fancied centred within him as chairman of the Committee on Police? What other conclusion could I come to than that he intended to carry out in the letter of the rules the ideas which he entertained of the powers of the committee as opposed to the powers of the Mayor? I hope this discussion and the letter of the City Solicitor will show the chairman of the Committee on Police that all the control of the police is not vested in him or his committee.

Alderman Robinson—I have n't the most remote idea of what he alludes to as having been mentioned by me about the powers of the committee. I can recall one thing only,—that under the rules all nominations have to be referred to the Committee on Police. Whatever else I have said in private conversation about the statutes, I know nothing at all about it. But what I do affirm here is that his remarks are entirely invidious and

shameful, and ought not to have been made, because I never gave him any authority for any such conclusion.

Alderman Fitzgerald—I know he never gave me any authority; but I came to the conclusion from his remarks without his authority.

The matter was recommitted to the Committee on Police.

#### STONY BROOK IMPROVEMENT.

Alderman O'Brien, from the Joint Special Committee on the Improvement of Stony Brook, made the following report:

Stony Brook drains an area of eight thousand acres, and is 5 4-10 miles in length from the boundary line between Hyde Park and Boston to its outlet on Parker street. Its channel has but a slight fall, and is exceedingly tortuous; consequently a rainfall of more than ordinary duration causes it to overflow its banks. It is subject to an annual overflow in the spring, varying in extent with the amount of snow and ice to be carried off. As long as the land bordering on the brook was unimproved, but little inconvenience was experienced; but, as the territory has been gradually built upon, the subject has grown in importance, until it has become not only a cause of discomfort and annoyance, but also a source of disease.

This will be evident from the report of the Board of Health, dated April 19, 1877. The board reports the examination of one hundred and twenty-four dwellings situated upon the borders of Stony Brook. One hundred cellars were found to be flooded by a sudden rise in the water to a depth of from two inches to three feet, the water remaining in them for a period of from two days to three weeks. The board concludes its report by saying, "It is a well-established fact that wet cellars and damp dwellings are prejudicial to health; and it is the unqualified opinion of the Board of Health that the recent and present condition of the above-mentioned cellars and premises was and is such as to jeopardize the health of those living over them, and that some remedy should be applied."

The proposed improvement contemplates the straightening and widening of the channel of the brook for the purpose of increasing the fall and accelerating the flow of water. It is proposed to straighten the channel in West Roxbury according to the plan made, before annexation, by the commissioners. The land required for this portion of the work has already been taken and paid for, and the expense of making the improvement in this locality, being mostly for earthwork, will be comparatively small.

From Centre street to Tremont street it is proposed to construct a new channel, and take the brook through the estates on the west side of Pyncheon street, midway between that street and the Boston & Providence Railroad. At Tremont street the water will again enter the old channel, which from that point to the outlet is already of sufficient capacity.

The Street Commissioners estimate that the land and building damages on that portion of the line between New Heath and Tremont streets will amount to \$53,000. The damages on the remainder of the line have been settled. The Superintendent of Sewers estimates the cost of construction at \$80,000, making a total cost for the improvement, not including the amount already paid, of \$133,000.

It is difficult, if not impossible, at the present time to estimate the amount of betterments which will be returned. It is believed, however, that the betterments will very nearly cover the cost of the improvement.

The present value of the land flowed by freshets, and which will be greatly benefited by the improvement, has not yet been estimated. The nearest approach to it is the Assessors' valuation of the whole of each estate which borders upon the brook. This valuation in the West Roxbury District varies from one half cent to thirty-five cents per foot, and in the Roxbury District from ten to seventy cents per foot.

A considerable quantity of land bordering on the brook remains unimproved on account of the liability to be flowed, and consequently the annual loss in taxation is no small item. A survey of the territory shows that in West Roxbury 167 9-10 acres and in Roxbury 14 2-10 acres are flowed, making a total of 182 1-10 acres of land which cannot be improved and which must remain at a low valuation.

After carefully considering the subject, your committee are unanimously of opinion that the

improvement should be made, and they would, therefore, respectfully recommend the passage of the following order:

Ordered, That a joint special committee, consisting of three members of the Board of Aldermen, with such as the Common Council may join, be appointed to take charge of the improvement of Stony Brook, under the provisions of chapter 196 of the acts of 1874; with authority to remove obstructions in or over said brook or the tributaries thereof, to divert the water and alter the course and deepen the channel thereof, and to take and purchase such land as may be required for said purpose; the estimated cost thereof not to exceed the sum of one hundred and thirty-three thousand dollars.

Referred to the Committee on Finance. Sent down.

#### HORSE RAILROAD LOCATIONS.

Alderman Robinson submitted the following from the Committee on Paving:

##### *Metropolitan & South Boston Railroad.*

The undersigned, a majority of the Committee on Paving, to whom was recommitted the petition of the Metropolitan Railroad Company for additional locations in Washington, Milk and other streets, respectfully recommend the passage of the following order of location.

LUCIUS SLADE.

JOHN E. FITZGERALD.

Ordered, That in addition to the rights heretofore granted to the Metropolitan Railroad Company to lay down tracks in several of the streets of the city of Boston, said company shall have the right to lay down an additional track on Washington street from the northerly line of Temple place to the track of the South Boston Railroad on said Washington street north of Summer street; also a curved track at the southerly corner of Washington and Summer streets, to connect the track located by this order on Washington street with the track of said Metropolitan Railroad on Summer street; also a curved track on the northerly corner of Summer and Hawley streets, to connect the track of the South Boston Railroad on Hawley street with the track of said company on Summer street.

Said Metropolitan Railroad Company shall also have the right to lay down a single track on Milk street from the track of the South Boston Railroad to Devonshire street; also in Devonshire street from Milk street to State street, and across State street to that part of Devonshire street lying northerly of State street, and through said Devonshire street to Washington street, and in Washington street to a point in the track of the Middlesex Railroad on said Washington street between Brattle and Elm streets.

Said company shall also have the right to lay down a curved track at the northerly corner of Washington and Milk streets, to connect the track of said Metropolitan Railroad on Washington street with the track of the South Boston Railroad on Milk street. The tracks located by this order being shown on plans drawn by H. A. Case, civil engineer, dated ———, 1877, and deposited in the office of the Superintendent of Streets.

Said Metropolitan Railroad Company shall also have the right to enter upon and use with its horses and cars the tracks of the South Boston Railroad Company on Washington, Milk and Hawley streets.

The right to lay down the tracks located by this order is upon the condition that the whole work of laying down the same, the form of rail to be used, and the kind and quality of material used in paving said tracks, shall be under the direction and to the satisfaction of the Committee on Paving and the Superintendent of Streets, and shall be approved by them. Also upon the condition that the said Metropolitan Railroad Company shall accept this order of location and shall agree in writing to comply with the conditions therein contained, and shall file said acceptance and agreement with the City Clerk within thirty days of the date of its passage; otherwise it shall be null and void.

The undersigned, a member of the Committee on Paving, to whom was recommitted the petition of the Metropolitan Railroad Company for additional locations in Washington, Milk and other streets, respectfully recommends the passage of the following order of location.

R. W. ROBINSON.

Ordered, That in addition to the rights heretofore granted to the Metropolitan Railroad Company

to lay down tracks in several of the streets of the city of Boston, said company shall have the right to lay down an additional track on Washington street from the northerly line of Temple place to the track of the South Boston Railroad on said Washington street north of Summer street; also a curved track at the southerly corner of Washington and Summer streets to connect the track located by this order on Washington street with the track of said Metropolitan Railroad on Summer street; also a curved track on the northerly corner of Summer and Hawley streets to connect the track of the South Boston Railroad on Hawley street with the track of said company on Summer street.

Said Metropolitan Railroad shall also have the right to lay down a single track on Milk street from the track of the South Boston Railroad to Congress street: also in Congress street from Milk street to State street, and in State street from Congress street to that part of Devonshire street lying northerly of State street, and through said Devonshire street to Washington street, and in Washington street to a point in the track of the Middlesex Railroad on said Washington street between Brattle and Elm streets.

Said company shall also have the right to lay down a curved track at the northerly corner of Washington and Milk streets, to connect the track of the Metropolitan Railroad on Washington street with the track of the South Boston Railroad on Milk street. The tracks located by this order being shown on plans drawn by H. A. Case, Civil Engineer, dated \_\_\_\_\_ 1877, and deposited in the office of the Superintendent of Streets.

Said Metropolitan Railroad Company shall also have the right to enter upon and use with its horses and cars the tracks of the South Boston Railroad Company on Washington, Milk and Hawley streets.

The right to lay down the tracks located by this order is upon the condition that the whole work of laying down said tracks, the form of rail to be used, and the kind and quality of material used in paving said tracks, shall be under the direction and to the satisfaction of the Committee on Paving and the Superintendent of Streets, and shall be approved by them. Also upon the condition that the said Metropolitan Railroad Company shall accept this order of location and shall agree in writing to comply with the conditions therein contained, and shall file said acceptance and agreement with the City Clerk within thirty days of the date of its passage; otherwise it shall be null and void.

Laid on the table and ordered printed, on motion of Alderman Clark.

#### *Highland Railway.*

The Committee on Paving, to whom was recommended the petition of the Highland Street Railway Company for the location of tracks on Eliot street, respectfully recommend the passage of the following order of location.

For the Committee.

R. W. ROBINSON, Chairman.

Ordered, That in addition to the rights heretofore granted to the Highland Street Railway Company to lay down tracks in several of the streets of the city of Boston, said company shall have the right to lay down a double track on Eliot street from Columbus avenue to Tremont street, and to connect the same with the tracks of the Metropolitan Railroad on Columbus avenue, and also with the tracks of said company on Tremont street. Said Highland Street Railway Company shall also have the right to lay down a single track across Tremont street to connect the southerly track located by this order on Eliot street, west of Tremont street, with the track of the Highland Street Railway Company as now laid down on Eliot street east of Tremont street. The tracks located by this order being shown on plans drawn by Barbour and Hodges, civil engineers, dated Oct. 29, 1877, and deposited in the office of the Superintendent of Streets.

The right to lay down the tracks located by this order is upon the condition that the whole work of laying down said tracks, the form of rail to be used, and the kind and quality of material used in paving said tracks, shall be under the direction and to the satisfaction of the Committee on Paving and the Superintendent of Streets, and shall be approved by them. Also upon the condition that the said Highland Street Railway Company shall accept this order of location, and shall agree in writing to comply with the conditions therein

contained, and shall file said acceptance and agreement with the City Clerk within thirty days of the date of its passage; otherwise it shall be null and void.

#### *South Boston Railroad.*

On motion of Alderman Robinson, the Board took up the order granting a location to the South Boston Railroad at the Old Colony Depot. Alderman Thompson withdrew his amendment to allow other corporations to use the track, with the consent of the Old Colony corporation, saying he offered it under the impression that the Middlesex road had applied for the same location; but it was another one. The order was passed.

Laid on the table and ordered printed, on motion of Alderman O'Brien.

#### MISCELLANEOUS PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports in favor of granting permits to move wooden buildings—John Cavanagh, from 52 Swan street, Ward 13, to 3 Ontario street, Ward 13; from north side of West Chester park to Bay View place, off Rogers avenue, Ward 22; and from 3 Ontario street to 52 Swan street.

Reports of leave to withdraw on petitions of Margaret Finnegan for leave to have a plank hatchway on sidewalk on Ontario street; Hall & Whipple, to place a steam boiler under the sidewalk of Court avenue, for the reason that section 4 of the rules of the city ordinances relating to coal holes and vaults prohibits the placing of a steam boiler under any sidewalk in the city. Severally accepted.

Report that leave be granted R. M. Pulsifer & Co. to place two lamp posts in sidewalk of the new Herald Building. Accepted.

Reports and orders for brick sidewalks in front of estates of James W. Tobey, 133 Newbury street; and on the easterly side of Berkeley street, between Columbus avenue and the Boston & Providence Railroad. Orders read twice and passed.

Report and order for hearing on Monday, Nov. 26, on petition of the Metropolitan Railroad Company for location in Foundry street. Order passed.

Report and order for hearing on Monday, Nov. 19, on petition of Union Freight Railway for leave to lay down a track from Commercial to Union wharf. Order passed.

#### LICENSES.

Alderman Dunbar submitted the following from the Committee on Licenses:

Amusement License Granted—A. P. Peck, to give wrestling exhibitions at Music Hall, Nov. 12.

Intelligence Office Licensed—Mary Ann Tucker, 99 Pleasant street.

Hack Licenses Granted—Henry Jordan, corner Chestnut and Walnut streets; Henry C. Turner, Washington street near Worcester square; F. G. Rhodes, Centre street, Ward 23.

Wagon Licenses Granted—L. D. Durgin, 34 Chapman street; William Hackett, 9 Chardon street.

Victualler's License Renewed—T. & A. Berry, 225-227 Commercial street.

Auctioneers Licensed—W. H. Brown, 35 Congress street; Herman Cohen, 175 Hanover street.

Pawnbroker Licensed—Moses VanDam, 315 Federal street.

Dealer in Second-hand Articles Licensed—W. W. Preby, 28 India street.

Severally accepted.

#### STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports in favor of granting permits to occupy stables by Horace Farrington, Bellevue street; Provident Wood Yard, Foundry street; P. O. Reardon, Chelsea street; John A. Allen, rear 249 Eighth street. Severally accepted.

Reports of leave to withdraw on petitions for leave to occupy stables by William Looney, 17 and 19 First street; George Hall, South Margin street. Severally accepted.

#### SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Report and order for hearing on Monday next on expediency of constructing a sewer in Dudley street, between Howard avenue and Brook avenue. Passed.

Ordered, That the Committee on Sewers be authorized to dredge Roxbury Canal at an expense not exceeding \$1000; to be charged to Sewer appropriation.

Alderman Viles said the dredging had already been done, and this order was to approve the bills. The order was read twice and passed.

Ordered, That \$15.45 be abated from the assessment levied upon James Ritchie for a sewer in Orleans street, on account of no benefit; that \$15.03 be abated from the assessment levied upon Owen Clancy for a sewer in Orleans street, on account of no benefit; also that \$8.84 be abated from the assessment levied upon Mary Rogers for a sewer in Greenwich street, on account of overestimate of land benefited. Read twice and passed.

#### COMMITTEE ON ELECTION RETURNS.

Alderman Viles offered an order—That a committee of three Aldermen be appointed to examine the returns of votes which will be cast tomorrow for State and county officers and for the constitutional proposition. Passed; and Aldermen Viles, Slade and Burnham were appointed said committee.

#### SOUTH BOSTON FLATS.

Alderman Clark offered an order—That the Board of Harbor Commissioners, acting for the Commonwealth of Massachusetts, be requested to commence forthwith the building of B street, or C street, from First street to Eastern avenue, and to complete the same as soon as practicable, in accordance with an indenture between the Commonwealth of Massachusetts, the Boston & Albany Railroad Company, the Boston Wharf Company, and the city of Boston, dated June 24, 1873; and also that the said Harbor Commissioners, in case they elect to build C street instead of B street, be requested to build that portion of Eastern avenue lying between the easterly line of flats belonging to the Boston & Albany Railroad Company and the easterly line of said C street, in accordance with said indenture; and that the Boston & Albany Railroad Company be requested to fill to grade sixteen feet above mean low water that portion of Eastern avenue that is embraced within the limits of the flats purchased by said company of the said Commonwealth of Massachusetts, also in accordance with said indenture.

Alderman Clark explained that it was necessary to make the request that the Harbor Commissioners might ask the Legislature for an appropriation.

At the suggestion of Alderman Thompson the order was made to read, "Land" instead of "Harbor" Commissioners, and passed as amended. Sent down.

#### VEGETABLE MARKET.

The Board took up the special assignment for 4.30 P. M., viz.:

Report and order to purchase the market lot of the Mercantile Wharf Corporation (80,000 square feet), at a cost not exceeding \$4.00 per foot, and for Finance Committee to provide the means.

Alderman Slade—For once I have put some of my ideas upon paper, there being some statistics that I wished to bring before this Board that I probably could not remember unless I put them in writing. When I presented this report I stated that it required considerable courage to offer such an order at the present time, and were it not that I am firmly convinced that the best interests of the city demand that our market facilities should be increased, and that it would be unwise to allow this opportunity for securing what appears to be the only available site for a market to pass by, I should not feel like advocating the measure at the present time. But, sir, while I believe in economy, I am not in favor of that economy which would neglect an opportunity for making a needed public improvement at the most favorable time, simply for the purpose of prating about economy. I am in favor of purchasing this lot of land because I believe that it is for the interests of both the producer and consumer that the markets should be under municipal control, and that the concentration of the vegetable trade in that vicinity will enhance the value of the city's property in Faneuil Hall Market, and also because I know of no other lot, equally desirable and combining equal advantages, which can be purchased for anywhere near the price at which this is offered. That much more land than that on which the market building stood would, with the growth of the city, become necessary in order to carry out the policy of a central market under city control, was seen and the case provided for as early as 1824. In that year the Legislature authorized the Mayor and Aldermen

to extend the limits of Faneuil Hall Market within certain bounds, one of which was the harbor on the east, whenever public exigency should require, and in the same year the Mayor and Aldermen availed themselves of the permission and made the extension within two parallel lines to the harbor on the east. Of the land thus acquired, Quincy's "Municipal History of Boston," page 243, says, "The space lying between the new city market and the channel is the only space within which the market itself can be extended or the accommodation of those doing business in it enlarged, should the increasing greatness of the city render it necessary." But in 1852 the step was taken, now generally regarded as a mistaken one, of selling the City-wharf property lying between the market building and the sea. The elder Quincy, when this project was first brought to his attention, wrote a letter of vigorous remonstrance against it to the Mayor, which letter was published in all the papers of the day; and after he himself had purchased the property he formally offered to relinquish his bargain, if the City Government could be induced even then to reconsider their ill-advised action. Had this been done it is safe to assume that the vegetable market would have long since been established on the city's own land. This was the first opportunity and it was let slip; the second now presents itself, involving, as I shall attempt to show, a very moderate outlay for the advantages to be gained both for ourselves and for the Boston of the future. Reject this offer, allow the vacant space to be built over, and when in a few years the farmers and market gardeners for the third time come besieging the City Hall for some place upon which to meet their customers, the folly of such rejection will be evident enough. Into the long and unsuccessful attempt to use South Market street for a market and a highway at the same time, I do not propose to enter at length. The early ordinances were framed upon the supposition that it had never been laid out as a street, and that the public had no rights in it as such. This was found to be a mistake in 1851; when it was proposed to put sheds therein for the accommodation of the farmers, the records were searched and the laying out discovered.

Then it was attempted to keep part of the street clear and to enforce regulations concerning hours of sale, but the attempt resulted in universal complaints, both from the occupants of the stalls and cellars in the market, the abutters in South Market street, and from the farmers themselves, the latter complaining that for trifling infractions of the regulations they were brought up to the stand by the side of criminals in the police court. The whole matter was considered by a special committee, whose report is to be found in city document No. 62, 1851. Allow me to recite a few extracts. After reciting the complaints and evils of the former system, the committee say, "But valid as these complaints may be, a more serious complaint is made by the country farmers, who come here to expose their products for sale, and from whom the city demands twenty or thirty cents per day for standing in the street for that purpose." "It seems to us that the policy of the city should be to encourage the growers of produce to come to the city and meet the customer directly and without the intervention of any third party who, coming between them, shall make one or two or more profits. South Market street should be thrown open as a space specially devoted, not to those who buy in the city to sell again, but to such as themselves produce the articles they desire to sell or who bring produce from a distance." The committee then recommend the regulations which were in substance adopted; that of reserving thirty feet of South Market street and allowing the farmers to stand in the unreserved space during the forenoon. As a reason for encouraging the farmers to come to the city the committee enter into the superior advantages enjoyed by other cities for obtaining cheap provisions, and which the fostering care of our City Government should endeavor in some degree to counterbalance, "by facilitating and encouraging the transportation of provisions to this city for a market."

With the growth of the city the difficulties attendant upon the alternate use of the same ground for a market and a street increased until in 1873 the streets around the market became so much obstructed by the great number of vegetable wagons which were driven from the country, that an urgent demand was made both by the owners of the wagons and those who occupied prominent places of business in the vicinity, that the city



would furnish additional facilities for the transaction of this branch of the market business, and it was proposed to hire this very lot of the Mercantile-wharf Corporation at an annual rental of \$2500, and establish thereon a city produce market. The advantages of this step were so self-evident that no opposition whatever was encountered, and the leases were within a few days of their execution, when a proposition was received from the proprietors of India wharf to give the city the free use of about 90,000 feet of land, located on what was known as the "dump" for a term of two years from May 1, 1873.

This proposition was accepted, though the advantages of location were confessedly with the Mercantile-wharf lands. During the two years covered by the lease the city received from rent of stands sufficient to pay all the expenses of putting the grounds in order, and produce a net profit of \$7100.

When the lease expired, the proprietors of India wharf offered to lease to the city 100,000 feet of their land, for a period of three years, in consideration of being relieved of the taxes, which amounted to about \$6000 per annum. The Mercantile-wharf Corporation also offered to give the city the free use of about 80,000 square feet of land for a term of three years from May 1, 1875, paying all taxes assessed thereon during that period, and to give a bond to convey the lands to the city within one year from the 1st of May for the sum of \$4.75 per square foot and a proportional part of the taxes for the unexpired term. In spite of a vigorous opposition from the India-wharf interests this offer was accepted, and the necessary orders passed the City Council in July, 1875. It was found that before a market could be established on these grounds some extra filling was required; and by the time the grounds were put in order and a platform built, it was too late in the season to do any business there. It was not until about the 1st of May, 1876, that the grounds were in a condition to be used. In the meantime the farmers got the impression that the Committee on Markets were hostile to the project and did not desire its success; and this impression was strengthened when, later in the year, the committee reported in favor of cancelling the lease, and surrendering the land to the Mercantile-wharf Corporation. They were, therefore, naturally unwilling to leave their locations on India wharf, for which in many cases they had paid bonuses. It is also supposed that strong inducements were held out to them to remain on India wharf.

Vigorous remonstrances against the abandonment of the project were made by abutters and others who had ceded land to the city in consideration of the establishment of the market, and the attempt to cancel the lease was abandoned. Renewed efforts were made to attract the farmers to the grounds, and, towards the close of the season, about one hundred and fifty located there, and things began to look very encouraging.

In view of the fact that nearly eighteen months of the lease had elapsed before the grounds were ready for occupancy, it would have been strange indeed, if on the mere chance of the permanency of the market the farmers should have deserted their present quarters on India wharf; nor is it expected or desired that they shall go en masse as soon as the permanent city market is established. The longer that the India-wharf Corporation, or any other private corporation, can run a competing market the better for the public and the better for the poorer classes. But that the traditional and long-established policy of the city should be abandoned, that the well-considered and deliberately adopted plan for the establishment of a city produce market, for the relief of the streets and the benefit of the farmers and their customers, should now be given up, because many of those who clamored the loudest therefor are for the moment satisfied with quarters elsewhere, seems to me to be a view of the subject so short sighted as to be almost ridiculous. Of course, if the policy of a city market has been a mistake from the beginning, if Boston's prosperity would have been greater had Faneuil Hall Market never been established, then no further step in a wrong direction can be justified; but, unquestionably, the establishment of Faneuil Hall Market was a great benefit to the community, as well as a most profitable investment for the city. It is now paying six per cent. on a valuation of about \$50 per foot. We are bound to protect the interests of the city in this property, and in order to do so we should use

every effort to concentrate the market business in that locality. People like to purchase all their provisions in one place if possible. They do not want to be compelled to go to one part of the city for their vegetables and to another for their meats. If you allow a vegetable market to be established elsewhere, you will find that other branches of the provision business will be drawn there, and Faneuil Hall Market property will be injured. If, on the contrary, we establish a market on the Mercantile-wharf lot, which is only 400 feet distant from Faneuil Hall Market, it will be an inducement for people who go to the former place to purchase their vegetables to go to the latter to complete their marketing.

The correctness of this view of the case is strikingly shown by the effect which the removal of the market wagons from South Market street had upon business in that locality. Occupants of stores upon that street who petitioned to have the wagons removed have had reason to regret that they did not put up with the temporary inconvenience of a crowded street, for they have seen their business diminish to such an extent that rents on the street have depreciated nearly fifty per cent. I do not doubt but that they would all gladly sign a petition to have the wagons allowed to stand in the street, as in old times. The present market committee have removed the restriction as far as possible, and the effect on business has been most beneficial.

Every measure which tends to increase the quantity of provisions brought into the city is a benefit to the community, for thereby prices are lessened and the quality improved; and here let me say one word in regard to the erroneous statement so often made, that Boston is one of the dearest cities in the country to live in, on account of the high prices of all the necessaries of life. Now, so far as provisions are concerned, I know that the blame for high prices rests not altogether with the dealers, but largely with the purchasers. It is due mainly to the extravagant methods of buying which are pursued by the majority of our citizens. For instance, most of our families, in well-to-do or middling circumstances, expect their butcher to send his wagon in the morning to take their orders for the day's supplies, and later in the day send the wagon again with the goods. They pay their bills, perhaps, once a month or once a quarter. Now, all these things must be paid for; the dealer must get sufficient profit off his goods to pay for the extra help he is compelled to employ, the expense of maintaining his horses and wagons, and the interest on his money. We frequently hear Philadelphia and Baltimore cited as instances of cities having cheap markets. Now, an ox on the block costs no more in Boston than it does in either of those cities; but I understand that there the citizen goes to market and makes his purchases in person, usually pays cash for the goods, and takes or sends them home himself. The dealer has less expenses and runs less risks, consequently he is not obliged to charge an extra profit on his goods. Such was formerly the custom here. Thirty-two years ago it was the custom for our leading citizens to go to Faneuil Hall Market, purchase their provisions and send them home, either by their servants or by one of the numerous handcarts which stood for hire around the market.

An ox that will weigh 1000 pounds, dressed, is worth on the block in Boston today, say from eight to nine and one-half cents per pound. As it is cut it sells in this way: A whole sirloin from twenty-three to twenty-five cents per pound; a rump from fourteen to fifteen cents; the round eight cents; the back half eight cents, and the rattle six cents. The ox is cut up in this way and purchased by those provision dealers who do not take a whole animal. Many dealers purchase but a few of the coarser pieces, because their customers are of that class who do not use them, consequently those pieces are mostly corued and sold for from six to ten cents per pound in the market. Now, all above a fair profit on the above prices is due to the extraordinary expenses which the purchaser forces upon the dealer. Again, people who complain of the cost of living in Boston do not realize the fact that the custom of paying for their provisions once a month or quarter tempts them to purchase many articles which they would dispense with if they paid cash for the goods. Credit is very apt to lead to extravagance. Another thing which tends to make prices high is the method we have of cutting our meat. Purchasers insist upon having what are

considered choice parts of the beef cut out for them, regardless of the price. A family purchases a piece of sirloin and pays, say, thirty-five cents a pound for it. There is a great deal of fat upon it, and when it is served, the family will perhaps pick out a few choice pieces of the lean meat, and the rest is often wasted. Now, there are other parts of the ox which are just as nutritious as the sirloin, and which can be bought for from eight to fifteen cents per pound, and some as low as four cents. It is therefore unjust to charge Boston with being a city of high prices, because purchasers prefer to pay twenty-five cents a pound extra for meat to gratify their epicurean tastes. In New York they don't know anything about what are here called "short-rib cuts." There they cut sirloin steak in a long cut the whole length of the ribs and including the flank, while the rump is cut crosswise, giving the coarse and fine meat in a slice. You cannot buy the back of the rump there, and many of our dealers do a lucrative business by sending to people in New York, who insist on living in the expensive Boston style, roasts cut from the back of the rump.

I am confident that whatever truth there may be in the charge that it costs more to live in Boston than in other cities is attributable not to any fault in the management of our markets, or to any extortion on the part of our marketmen, but solely to the wasteful habits of our citizens. In one respect, however, the custom of purchasing the choice parts of the meats has a good effect. It enables the poor classes to purchase meat, in every respect as nutritious, at much lower prices than they would otherwise be able to do, and, therefore, to the poor man, it is one of the cheapest places in the country.

But to return to the subject before us. It seems to me that the success of Faneuil Hall Market proves the wisdom of furnishing suitable market facilities, under proper municipal regulations, and warrants us in continuing the policy. It is a fact that our present market facilities are insufficient. It is only a comparatively few years ago when Faneuil Hall Market could supply the whole city. Within thirty-two years, which is comparatively a short time, I have myself carried provisions in baskets from the market to dwellings on Milk, Franklin and Summer streets and on Fort Hill. Then Dover street was considered the extreme outlying section of the city. With the growth of the city the number of markets have multiplied, yet they are all, to a certain extent, tributary to the old market, and draw from it a large portion of their supplies. In the streets surrounding Faneuil Hall Market you will find a number of markets, bearing different names, but which are in reality only outgrowths of the old market. It seems to me that the demand for additional facilities can be better met by the purchase of the land of the Mercantile Wharf Corporation than in any other manner. The non-success of the attempt to establish a vegetable market there should not be taken as an indication for the future. I consider it entirely owing to the fact that leases could be only given for so short a time that it was hardly worth while for the farmers to establish themselves there, and also because there was no certainty as to the future of the market. Let the city market be once permanently established, so that leases can be given, and the danger of being turned adrift again disappear, with the assurance of the absence of the vexatious restrictions incident to selling in the street, and success is assured, and all classes of the community benefited, with the single exception, perhaps, of the India Wharf Corporation, who may be obliged to seek other uses for their land sooner than would otherwise be the case. I have good reason for believing that the farmers will be glad of the opportunity to secure permanent locations on this land. They are becoming dissatisfied with the India-wharf market. There are now about 120 hucksters permanently located there, and it is rapidly losing its character as a farmers' market. Let us now consider some of the objections which are most prominently brought forward. In the first place, it is alleged that the price, although seventy-five cents per foot less than named in the bond, is excessive, and beyond the real value of the land. In reply to this, I would simply call attention to the following figures:

Prior to the year 1868 the Mercantile Wharf Corporation owned in the shape of docks and piers a space aggregating in all 224,320 square feet, bounded westerly by Mercantile, Richmond and Commercial streets. The frontage on these streets extended in all to the distance of about 758

lineal feet on the westerly side; the estate was bounded on the easterly side by the harbor, on a line with Commercial and T wharves.

In December, 1868, the Board of Aldermen laid out and soon after constructed Atlantic avenue. By this act of the city the property of the corporation was divided into two parts, the subdivisions being as follows:

*Outside Atlantic avenue.*

The fractional end of one of the piers.....12,000 feet.  
Water space around piers.....48,760 "

Total outside avenue.....60,760 "

*Inside Atlantic avenue.*

Space which could be used for docks and piers, but, owing to a covenant with the Commercial Wharf Corporation it was restricted so that no building could be erected upon it. The action of the city, therefore, in changing it from water space to solid land rendered it worse than valueless to the corporation so long as this covenant remained in force, for the reason that it was taxed as building lot, and yet could not be built upon.

Land thus restricted.....91,743 feet  
Land not restricted.....71,817 "  
Total inside avenue.....163,560 "  
Total outside avenue.....60,760 "

Total.....224,320 feet.

Subsequent to building the avenue, in order to adjust many obscure matters existing between the several owners of land inside the avenue, referees were appointed who awarded to the Mercantile Wharf Corporation, in consideration of their paying to the T Wharf Corporation over \$30,000, dock space amounting to 7540 square feet.

The city made an assessment for betterments and filling, amounting in all to \$279,304; the bill for filling was over \$50,000—the charges being so very unreasonable and based on imaginary values of the improvement, that the corporation could not find means in their property to pay them, so the matter was in dispute for several years, the property lying idle in the mean time and not producing income enough to pay the taxes upon it.

In 1875 a compromise was effected, in connection with a plan for selling a portion of the land for a vegetable market. Streets were laid out, in conformity with the wishes of the market committee, and in concurrence with the Street Commissioners, but quite differently from what they would have been laid out to be used for other business than a market. In consideration of settling all the complications above alluded to, the Mercantile Wharf Corporation deeded for the nominal sum of one dollar to the Commercial Wharf Corporation,

For the removal of the building restriction..... 16,324 square feet.  
To the city for Clinton street..... 18,621 " "  
" " Richmond street.... 11,506 " "

Total given without consideration. 46,461 " "  
Deducting this from the 171,100 square feet inside the avenue, left a balance of 124,639 square feet belonging to the corporation.

As before stated, this land had a frontage of 758 lineal feet in existing streets, and was not, therefore, bettered by the construction of the avenue to the extent of a frontage for the average depths of lots for stores, say 100 feet in depth. Now, taking the land owned by the corporation inside the avenue, 124,639 feet, and subtracting the land fronting on old streets and not bettered by the avenue, 75,800 feet, we have remaining subject to betterment 48,839 square feet. Assuming this to be worth as flats the same as the city paid for the avenue we have—

Forty-eight thousand eight hundred and thirty-nine feet of land at \$1.25 per foot \$61,053.75  
Add amount paid city for betterments..... 75,000.00  
Three years' interest..... 13,500.00  
Three years' taxes, say..... 10,000.00  
Six years' simple interest on the flats at \$1.25..... 21,980.00  
Cost of 48,839 feet of land..... 182,433.75  
or about \$3.75 per square foot. If the interest had been compounded, and the interest on taxes and general expenses included, the cost of the land would exceed four dollars per foot.

The Committee on Markets held several interviews with the owners of the property, with a view of getting at the bottom price for the land, and they believe that the sum named in their report is the lowest for which it can be purchased. When the figures already quoted are considered, and the cost of the land to the corporation is understood, the price does not seem unreasonable.

It should also be considered that the debt of the city will not be permanently increased by the outlay. It should be looked upon in the light of an investment, and one which I believe will, as in the case of Faneuil Hall Market, prove a very profitable one for the city. It is alleged that the project is strongly advocated by the Mercantile Wharf Corporation, and other property owners in the vicinity, who will be greatly benefited by the improvement. This is undoubtedly true, and the case would have been the same, with a change of names only, had the India-wharf site been selected.

Every great public improvement benefiting the community at large is sure to find its warmest advocates in those whose pockets happen to be specially filled thereby, and in this way the general public secures many advantages, for which, if it relied on disinterested public spirit alone, it might wait long.

Then it is said that the India Wharf Company, having taken the business off the city's hands, and demonstrated their ability to fill the bill, any further action on the part of the city is uncalled for. If that corporation were in a position to give bond, with sufficient securities, to furnish all the accommodation required for the next half century, at rents as low as those which the city would establish, binding themselves also to exclude hucksters and prevent forestalling; to give the poorer classes of consumers, in short, all the advantages which a city market would afford, then I might be in favor of turning over to them this work, which our predecessors decided that the city should undertake, but until this shall be the case, I cannot see the force of the argument. I am informed that the very title to the ground now occupied under the India Wharf Corporation is in litigation, so that, in fact, no valid lease can be given, rendering the farmers' present tenure a most precarious one. Besides, it is very uncertain how long the market would be allowed to remain on India wharf, under any circumstances, for it is not to be expected that the owners of the property will always be satisfied with the small returns which they now receive from it. On the contrary, as soon as the demands of business render it desirable to improve the property for mercantile purposes, depend upon it, the owners will apply it to the uses from which a larger income will be received. In that case, if we allow the opportunity for securing this reservation to go by, there will be no alternative except to purchase another lot for a much greater sum than this is now offered for, or else to turn the farmers into our already crowded streets.

As I said before, the Mercantile Wharf Corporation and certain other property owners are directly interested in pushing this scheme, while the India Wharf Corporation and certain others are as directly interested in opposing it. Let us try to put these contending parties aside and consider whether on its merits alone, and regarding the interests of the whole community, the carefully prepared and long-considered plan of the establishment of a City Produce Market should be executed or abandoned; for it is the alternative which now presents itself. If we spend this money, will our constituents decide that we have done so foolishly or wisely? that we have paid an extravagant price for a worthless article, or that we have decided a great question in such a manner as to secure priceless advantages to future generations? That the latter will be their verdict I cannot for one moment entertain a doubt.

Alderman Breck—After having listened to the interesting and comprehensive remarks of the chairman of the Market Committee, I hardly feel as though I ought to occupy much time on this subject; but still I feel it to be of very much importance, and I would like to add a little to what has been said, and I will go back to the origin of the matter. The Mercantile Wharf project is one that was commenced nearly three years ago, in consequence of petitions from farmers, market gardeners and others to the city of Boston to establish a market on the lands of the Mercantile Wharf Corporation for the sale of produce by the farmers and gardeners. The result of these petitions was that the corporation leased to the city for a term of three years from the 1st of May, 1875, nearly two acres of its land, at the same time executing a bond to convey the same to the city at \$4.75 per foot. It was understood that the land thus secured would enlarge and perfect the market system of Boston, so that it would correspond with the growth of the city in the number of its inhabitants needing increased

market facilities, as well as encourage its business in continuing to be the great centre from which the whole of New England is supplied with provisions and produce. In consequence of this movement on the part of the city a great stimulus was given to private enterprise. A large brick stable has been erected on Richmond street, and plans have already been made for its enlargement. A block of six stores has just been completed on Clinton street, a part of which now are, and the rest soon will be occupied for the sale of fruits and produce. An extensive block of two-story brick stores has been erected on Richmond street adjoining the Marginal Railroad in rear of the stores. A portion of the warehouse belonging to the Quincy estate, covering upwards of an acre of land, has been converted into stores for the sale of domestic and foreign fruits and general produce. In the remainder has been established the Clinton Wholesale Meat Market, containing thirty spacious stalls, and already doing a larger wholesale business in beef than any other market in New England. Plans are being matured for receiving and distributing by means of the Union Freight Railroad and the Eastern Packet Pier located directly opposite the vegetable market, bulky produce, such as potatoes, apples, etc. The central position, the great facilities for attracting trade to this locality, the surroundings so intimately connected with the sale of vegetables and other products raised by the farmers and market gardeners, together with the other advantages I have spoken of, would seem to make this as it is in reality the most desirable place in the city for a market of this kind. The city has already expended a considerable amount in filling and grading the land, covering it with a substantial plank floor, erecting quite a number of sheds or stalls, making new sidewalks and setting edgestones. For the betterments charged to the Mercantile-wharf Corporation the city holds a mortgage of \$75,000, so that the amount to be paid will be only \$245,000 instead of \$320,000. After having already cost the city so much by putting the land in order and other improvements to get it ready for occupancy, it seems to be a great pity to abandon it just at this time and not reap the benefits that the city will derive from it in the shape of rents, the increased value of taxable property in the vicinity, and the great advantages it will give to the trade of the farmers and market gardeners, who only want to be assured that the city will purchase the property and make it a permanent market for all time, to locate themselves there. The income that will be received for the rent of the stalls will not be less than \$25,000 per annum. Some little time before the Mercantile-wharf market was ready for occupation, the farmers and gardeners were ordered by the city to remove their wagons and stands from South Market street, owing to the great number of them overcrowding and blocking up the street so that the passing through it of vehicles was next to impossible. This order was a great hardship, coming just at the time it did, as the street had always been occupied by them for the sale of their fruits and vegetables, and it was hard to find a place at so short notice to go where they could be together, and which for their business was very important. They at length located themselves at India wharf, or the dump, as it is sometimes called. This place is some way off from South Market street, is not conveniently located, and does not possess the advantages that the Mercantile-wharf market does, and which, as I have already said, has superior facilities for the business, and is closely connected with the other markets. Now, it is very certain that if the city buys this property, the whole produce business of the farmers and gardeners will centre there; this is sure, because, as every one knows, the nearer you can bring those in any particular branch of trade together, the better it is for all concerned. When this market is firmly established, the proprietors of provision stores will be able to supply themselves with all they require for their customers with less trouble, everything they need being so centralized that they will not be obliged to drive far through crowded streets for their goods.

A feeling of uncertainty has prevailed among the marketmen ever since the land was bonded, they having but little confidence in the belief that a market would ever be established there, and this is the only reason why the property has not been occupied, as it would most assuredly have been if the marketmen could have felt sure that

the city would buy the land and establish what is most certainly needed, a permanent market which would belong to the city where the producers could dispose of their fruits and vegetables better than they had been accustomed to do from their wagons or stands in crowded streets, or in out-of-the-way places where they could not be sure of a long lease. To buy this property at \$4 per foot, the low price for which it is now offered, and to establish a vegetable market that will possess advantages superior to any in the country, will be the best thing the city can do, and will increase the business of the marketmen; there can be no doubt about it whatever, although it may seem extravagant just at the present time to buy that property when so much money has been appropriated to commence and finish so many much-needed improvements which have been for a long time in contemplation and which for want of decision and energy have been delayed until the present Government had the courage to say that the time had arrived for action, and there should be no more vexatious delays or boys' play in regard to them. These times of depression have lasted long enough, much longer than they should have lasted, and the only way to improve business and make the times better is to commence work on as many needed improvements — this with the others — as we can while labor and money are cheap, and while so many deserving men are out of employment and actually in want and begging for something to do to relieve their suffering wives and children. The price of the land at \$4 per foot is very low, and if the city buys it all the land in the vicinity will be in demand for building purposes, and real estate in that neighborhood will soon double in value. The city can make no better investment than to take it at once and fit up the market to suit the wants of the farmers and gardeners. When the Faneuil Hall Market scheme was first projected it met with a most determined opposition from the citizens of Boston, and was commenced and finished in the face of this opposition and in spite of the opinion expressed that it was impracticable and beyond the resources of the city, and that it would lay the foundation for a city debt which neither the inhabitants of Boston nor their posterity would be able to pay. Notwithstanding the fact that this market and the land it occupies with the improvements made in the vicinity cost \$1,141,272.83, it is true that from the sale of the city's interest the market house and its appurtenances and streets are held by the city free of cost. But with these great improvements made at the time when the population of the city was not much over 60,000 there is not room or accommodations for the business of the present time. The market gardeners and farmers have become so numerous in consequence of the constant growth of the city that there is not room enough for them in North and South Market streets, which had become so overcrowded that a year or two since the city was obliged to create an ordinance against these streets being occupied by them, and they were consequently forced to seek accommodations elsewhere. What is wanted now is to bring them together again in some central position as near to Faneuil Hall and the other markets as possible, where they will have plenty of room and better facilities for transacting their business. Such a place is the Mercantile-wharf market, which is in every way desirable and better than any other that can be found in the city.

Faneuil Hall Market was large enough for the business at the time it was built, fifty years ago, but now, with a population of nearly 350,000, larger accommodations are demanded and are absolutely necessary, as every one knows who has business in the vicinity of North and South Market streets. At the same time we want to keep the trade of the farmers and market gardeners in close proximity to these streets, as it is of the greatest importance to the interests of not only the farmers and gardeners, but also of the occupants of Faneuil Hall and other markets, that the vegetable business should be as closely connected as possible.

This market will also be of the greatest benefit to the merchants who buy produce for shipping, for here they can have it from first hands and ship at prices that will enable them to compete with the merchants of other cities. Every city should and is in duty bound to provide market accommodations for the dealers in produce and fresh provisions at low rents, so that the

citizens may be supplied at the very lowest cost, thereby benefiting the poor and allowing them to get the most healthy necessities of living for as little money as possible. Fruits and vegetables are perishable articles that cannot be kept on hand for any length of time, but must be sold without delay, hence the necessity of low rents for the sale of them, which in a large city like Boston can be furnished only by the city itself. The welfare and health of the poor who cannot afford to pay high prices should be looked after, and the city should assist the producers of fruit and vegetables, and while it does this its own interests will not be neglected and no extra tax levied on the citizens; instead of the outlay for the Mercantile Market being a burden and the foundation of a debt, it will be an investment that will prove remunerative in the end as the Faneuil Hall Market has done. Having been in business in that vicinity for about forty years, I think it is for the interest of the market farmers and gardeners that this order should pass, and I hope it will.

Alderman Burnham—The Board of Aldermen, it seems to me, should keep in mind that the order now before us contemplates the expenditure of something like a third of a million dollars. A measure for an expenditure of that amount should make us patient in its discussion, and perhaps this array of figures will possibly make us cover the whole ground in relation to this want, in relation to our whole city.

Mr. Mayor, the chairman of the Committee on Markets has referred to the action of the senior Mayor Quincy, in 1852, on this matter of market extension. I believe it is a matter of history that at the time Faneuil Hall Market was established there was so much opposition to the project that the senior Mayor Quincy called a meeting at Faneuil Hall, and then and there offered to take the market off the hands of the city at cost. The city wisely did not do it, but it was not by any means a clear perception of the market wants of a growing city that prompted the refusal. This was a half century ago, and with a population of 60,000. As has been said, some twenty-five years ago the city wharf property was offered for sale. Then again Mayor Quincy stood up in Faneuil Hall and strove to engage attention to the market wants of our growing city, calling upon the authorities not to make the sale for this reason, among others, that Boston needed the territory for her market wants, but saying if it were to be sold he would purchase. The authorities, in their lack of foresight, sold, and Mr. Quincy purchased. Afterward, in his earnestness to serve the city, seeing so clearly her wants, he again offered to the authorities the property at cost. The result was that it was refused, and, although eighty-three years of age, he lived to see a profit to his estate of nearly three-quarters of a million dollars by the transaction. Mr. Mayor, it is a self-evident fact today, backed up by the history of Faneuil Hall in its relation to the supply of food for our city Market, that it requires large room, and that as population increases its borders must be enlarged. This matter of increased market facilities is no new subject for the consideration of the City Council. In 1870 the Committee on Markets, in a report to the City Government, say (page 24), "Boston is more deficient in respect to its facilities for bringing the producer and consumer together than any other large city in this country. The old portion of the city proper is densely populated, and it has come to that condition *without any reservations being made*, except in the case of the Faneuil Hall Market, for carrying on the market business, and without sufficiently wide streets to allow any very general use of them by market wagons." Now, whatever may be said of Faneuil Hall Market as sufficient for carrying on the market business in the past, prior to 1870, there is not a member of this Board but believes it was then, and is now, insufficient for the supplying the market wants of our city, which has increased 200,000 inhabitants in the past twenty-five years.

To have increased our market facilities to correspond with this increase of population would require not only this spot of 80,000 feet, but possibly the location known as the India-wharf Market besides.

A special committee of the City Council of 1873, in a report (City Doc. No. 75, p. 11), speaking of this Mercantile-wharf property in its relation to the growth and increased market needs of our city, say—

"Here now is an opportunity to make one of these reservations—one of 80,000 square feet—in

the heart of the business part of the city, and in close proximity to the present market and the seat of the produce business; of furnishing a place for bringing the producer and consumer together. It seems to be the part of wisdom for this Government, looking, as it should, not only to the present but to the future necessities of the city, to embrace this opportunity, while this land is as yet unoccupied, and can be had at a much less price than it may command a few years hence."

More, Mr. Mahor. It seems to me that what was an opportunity in 1873 is an opportunity today; and the question of the hour is, Shall the opportunity be improved? I believe that it should, and I am ready to vote for this order. As has been said, the matter was pressed upon the City Government in 1873 because North and South Market streets, Merchants' row and parts of Commercial and other streets became almost impassable during the morning hours of the day, by reason of the obstructions by the market wagons that had come in from the country during the previous afternoon and the night.

Relief was partially obtained then in possessing the India-wharf property, but, if this Mercantile-wharf property had been offered at that time on as favorable terms to the city as was the India-wharf property, it would have been preferred; 1st, because it was nearer and better adapted to the purpose; and 2d, because the wholesale provision dealers are nearly all located north of State street.

Now, as to the price of this land; in June, 1875, \$4.75 per foot was thought to be a low price. A special committee of the Common Council, to whom was referred the order authorizing the establishment of a market for the sale of provisions and perishable produce on the lands of the Mercantile-wharf Corporation, on page 7 of their report say, "The chairman of the Committee on Streets, referring to the negotiations in relation to betterments, testified that he had been trying for three years past to make the Mercantile-wharf Company believe that their land was worth \$5.00 per foot, and that he thought it would bring very near \$4.75 per foot at auction today. One of the Street Commissioners stated that, in 1872, when it was proposed to widen Atlantic avenue 100 feet, the value of the land of the Mercantile-wharf Company was estimated at \$4.00 per foot." Note that was before the filling of Atlantic avenue. Again they say, "It is also to be considered that a purchase of land is different from a purchase of merchandise, which, if we cannot obtain at one place upon satisfactory terms, we may at another. There is only so much land in the city, and only two or three lots in the heart of the city adapted to the purposes of a market. These lots are all owned, not by private individuals, who may be compelled to put the land into the market, but by wealthy corporations, who can afford to hold it until they can get their price. If the city desires to purchase a large tract of land for a particular purpose in the thickly populated part of the city, it must pay the seller's price."

If these statements be facts—and are they not so?—then it seems to me that \$4.00 per foot for this land is not above its value. Another thing should be considered—this is the choicest lot in the city to be obtained for market purposes. The committee referred to rightly say "there are only two or three lots in the heart of the city adapted to the purpose"; and therefore if we decline to take this now, and in the future necessity require another lot to be taken, it can be had only at a greatly enhanced price.

Another important thing to which our attention has been called should by no means be overlooked, viz., any lot for additional market purposes must be near Faneuil Hall Market, for the sake of maintaining the value of the city's valuable market property in that location; and why? because the centralization of the market produce business has advantages which draw the producer and consumer together to the largest possible extent; and thus only can we expect to sustain Faneuil Hall Market. It is because Faneuil Hall Market has done this in the past, that it has been so marked a success.

This, then, is the time for the City Government to take a view broad enough to make the addition. The city will grow, must grow, and therefore there is an imperative demand for increased facilities; and in securing this valuable reservation for market purposes, we do but in some measure recognize our present and future wants, and also permanently maintain the value of what we now have.

We are to keep in mind, also, that the development of the general produce business has grown beyond the mere farm and garden products of the country surrounding our city, or even New England. Thousands of car loads of produce, fruits, etc., flow in upon us from the West and South as well as the North and East, and so intimately are the different departments of the business that supplies a city of 350,000 inhabitants with food connected, so intimately are the export and import of articles of food related to each other, and also to our home consumption, that it is not amiss to rehearse and keep in mind a few statistics such as were published in the daily papers of this city some three weeks ago, viz.: Boston has received from various sources during the last year, 588,000 tubs of butter, 84,000 tierces of lard, 50,000 barrels of pork, 500,000 packages of fish, 175,000 boxes of bacon, 360,000 live hogs and 70,000 dressed, 160,000 cattle and 350,000 sheep, and so on. But these figures are enough. They were obtained from a reliable source, and certainly no one will deny they have much to do directly and indirectly in dealing with the question of public market facilities.

The city has been committed to the present system of marketing for over half a century, and no one can fail to admit that Faneuil Hall Market has been a success. And the fact so often spoken of, that Faneuil Hall Market stalls always command a premium, if it shows anything, shows that the demand for market facilities exceeds the supply.

Therefore it seems to me that if we increase this supply, our action is calculated to lessen the price of the necessaries of life, and also to make a good permanent investment for the city. I cannot see this matter in any other light than that of a prime necessity—one of the city's wants that meets us with an imperative demand, and, therefore, I trust this Board are prepared to vote for it; and, although adding another outlay we could wish to avoid this year, I believe it will be the wisest and cheapest policy in the end.

There are two ways of viewing improvements like this; for instance, looking only at an unwelcome fact, that the valuation and population of our city for ten years past has failed to keep pace with our increase in debt and taxation, we could wish we might delay it. Looking at the fact that this City Government has just settled upon a plan of improved sewerage that is to cost a large sum of money, we could wish we might delay it. Looking upon the fact that we have in our hands some minor matters, such as the widening of Commercial street, the sewerage of Stony Brook, the filling of Roxbury Canal, and not forgetting that we have committed ourselves to a park system, with other items which might be mentioned, the several expenses of which amount to over \$3,000,000, we could wish we might delay it. But, looking at Boston's permanent growth and prosperity, accepting our mission to be to well shape the future by the moulding of today, we only see this order, bringing to us an imperative want, which, although involving an expenditure of \$350,000, is a prime necessity, so intimate in its relation to the welfare of our city as to demand of us consideration as careful as any other matters I have referred to, and not to be put aside by any of them; and I have this more to say, that, however strong our desire to reduce our burdens of taxation and keep down our public debt, we should not find in such a feeling an excuse to put off to the future or for failing to give proper consideration to and to vote for a thing like this which claims attention today.

The members of this board have listened to the chairman of the Committee on Markets, and he has given them a presentation of facts and figures, certainly presented in a fair and candid manner. He has been supported by other members of the committee, and I believe we should be convinced that we cannot err in proceeding to enlarge our market facilities by the addition of this eighty thousand feet of land. To be sure, it will increase our indebtedness, but nevertheless it will be a wise expenditure. Like that portion of the public debt already incurred by our water works, and for our public buildings, and for street widening,—like the debt to come upon us for our improved sewerage, and debts of those classes where there is something to show for the expenditure—like those, this debt will carry on the face of it evidence of a value received worthy of the outlay.

Again, in the purchasing of the land at once we remove all doubts as to the policy of our city in this important matter of facilitating the means and

measures of supplying food at the minimum cost. We take a manifest step toward bringing the producer and the consumer into the closest relation possible to each other; we increase the quantity of produce to come to us by direct encouragement to a wide circle beyond the farmers and gardeners in the vicinity of our city; we recognize the fact that Faneuil Hall Market regulates the provision business of New England, and is one of the most valuable elements of the business vitality of Boston: and this enlargement, while it will increase the range of trade in food products beyond its vegetable department, and make it to more nearly correspond to our present wants, will also fit the market to meet and to care for an increasing commerce such as our growing city will surely need. I have but this more to add, that, whatever may be said of other outlays, this is surely an expenditure that promotes business. We can also say of it, that, in contrast, it is a small expenditure compared with appropriations for other public improvements; and I can hardly see any investment of the same magnitude we can make for our city which will benefit the masses of our citizens more than this. I therefore believe it is the part of wisdom to pass the order before us.

The Mayor—The Chair desires to say that the question should not be now upon the passage of the order, but its reference to the Finance Committee. That is what the Chair is informed should be the true motion at this stage to make.

Alderman Fitzgerald—I presume the advocates of this measure intend that the vote this evening shall be an indication of the feeling of this Board upon the passage of the order. It will require a two-thirds vote to pass it, unless the money be taken from the Contingent Fund, and as I hardly think it will be taken from that we will have to make a loan for the appropriation. As I was going away in a few minutes, I intended to give my ideas, but I shall not make a lengthy speech. The gentleman who last sat down says it is a simple thing; a small affair. I am not surprised. We have been so accustomed to dealing with large appropriations this year that a little affair of \$300,000 is looked upon as nothing. It is a large thing, and it is a question whether we ought to do it this year or next. The figures which the Alderman has just read about the hams and bacon and meat and other things that have been imported here, as an indication of the growing prosperity of Boston, and the prophecies which are always made when questions are brought up here about the future growth of the city of Boston, and the arguments for providing for its growth; and these prophecies are not believed by others who view us from without. I read a speech the other day from the President of the United States in the city of Richmond upon her future growth; and he said Richmond was not looking upon the past, like Boston and other places were, but to the rising sun. So you see the people outside don't look upon us as we in the Board of Aldermen view it. It is a question whether this appropriation cannot be made as well next year as this year. I had the honor to serve upon a committee that led to the passage of the order taking this vegetable market for three years at no expense except the abatement of taxes. We had very long and tedious hearings, and the advocates of both the India and Mercantile wharf markets came before us and advocated their plans. Of course we took this vegetable market because it would cost us nothing. We have had it three years, and it has cost twelve or fifteen thousand dollars to put up sheds, etc.; and I must confess that the bright hopes which I then entertained of the prosperity and growth of the vegetable market have fled into thin air, and it has not attracted the vegetable men to it as I expected it would. Of course the India wharf property will not always be maintained as a vegetable market. Mr. Brown, the wharfinger, does not intend that his property shall produce only one per cent. if he can make it pay nine or ten—and I have no doubt when Mr. Brown turns the marketmen out the marketmen will come to the city for help. The question is whether we will do it now. The market is there and will stay there. We have a lease of this land until next May; and the vegetable men will stay at India wharf until next May, and probably until the May following. I venture to say that things will not change much within the next nine months. I heard from a member of the Board of Aldermen that trade was as dull now as it has been for many

years, and that the fall trade has fallen off unexpectedly; and the future growth of Boston would be injured one bit if we allow the vegetable market to remain as it is for the next seven or eight months, and let the next Board of Aldermen take care of it. I don't believe in laying in all the old clothes you require for four or five years simply because you are going to get them cheap. Poor Richard said, "Never buy anything, no matter how cheap, if you don't want it." Now, we don't want this thing. We have six months' more lease of it. How is it those gentlemen are now so anxious and don't want to wait until next February or March, unless they think we are very generous? I am not surprised that they think so. We have another order for the improvement of Stony Brook; but it is very important. It involves the health of several hundreds of people who reside in the vicinity of Stony Brook; and I always contend that you cannot put dollars and cents in one scale and the lives and health of the people of Boston in another, and let the dollars and cents weigh the other down. I suppose this Stony-Brook improvement cannot be delayed any longer. This market should wait. The future growth of Boston would be interfered with, and the Board of Aldermen would have any less cabbages and hams and bacon because we don't buy that Mercantile-wharf property. If the Board of Aldermen contemplate buying it next year they can do it. Last year it was contemplated giving up the whole affair, and an order for that purpose was brought in here. The committee considered it a complete failure. I have not the slightest doubt it is a failure now; but it should be left to the consideration of the next City Council whether, on the expiration of this lease, it will be worth leasing for a longer time or buying it. I venture to say they would not get better customers than the city. The order contemplates an expenditure of \$350,000, and we have a mortgage upon the property of \$75,000 for betterments. We have expended enormous sums this year, and we had better leave the little ones to the next Board of Aldermen to take care of. We have a lease of the property until the 1st of May, 1878, and between the 1st of next January and the 1st of May the incoming Board of Aldermen, fresh from the people with, the information which they will have received from the speeches on this vegetable market business, and the interchange of opinion among the people, can consider this question better than we. I move that it be referred to the next City Government.

Alderman Thompson—I fully agree with the Alderman who has just taken his seat in regard to what should be done with this measure. The Alderman alluded to Stony Brook, which will require some \$120,000. He might have gone further and also alluded to the Roxbury Canal, which, I understand, the committee have voted to fill, and which I understand will cost somewhere in the vicinity of eighty or a hundred thousand dollars. Then, again, I desire to know who asks for this. Do the people ask for it? Does not everybody who desires vegetables have every opportunity of obtaining them? The Alderman who first spoke said that in consequence of this project being contemplated several meat markets had been built up alongside of this tract of land. Why is it that somebody has not proposed that the city buy that land and furnish a meat market. If private enterprise can provide meat markets on that land, why do not provide a vegetable market? Why is this? It is a fact that the committee last year recommended that the whole thing be abolished and abandoned; but it was suggested that the experiment be tried a while longer. The committee completed their improvements and tried to rent the market, but could get nothing for it. They finally offered the stalls to the farmers for no rent at all. Gentlemen know how well it has been occupied meantime. The Alderman states that a large sum can be obtained from this market in rents. The farmers would not take the stalls when given to them; and I also understand that the income from the India-wharf property was less than \$5000 for rents. If the farmers can be accommodated just as well at the dump they will stay there; and if they don't pay \$5000 there, how can we expect to get \$25,000 from them on this tract? There is one thing I cannot understand. At this price of \$4 a foot, the purchase will amount to \$25,000 a year outlay on taxes and interest. Now, why was \$4 selected as the price per foot, when real estate is selling there for \$2.50? I don't know how the Assessors value it this year, but I have been told that it was for less than that.

Three years ago the city had the right to take this land for \$4.75 a foot. Now, does not any gentleman suppose that real estate has depreciated more than fifteen per cent.? I haven't a piece of real estate in Boston that has not depreciated more than 33 1/3 per cent. Shall we pay more than its market value? In State street and everywhere else you will find that real estate has depreciated more than fifteen per cent. I have no doubt when our successors come in they will find the owners of this land ready to trade with the city, because nobody is going to occupy the land in the meantime. Any one can now get all the stalls they need by paying the taxes on them, and nobody is going to improve this property by building on it. As the Alderman says, business has not improved. It is more depressed than it has been for some time. The banks will tell you you can get all the money you want, and as cheap as you could at any time; while my experience has been that money has been dearer in the fall. I don't know any one who desires the city to buy this land except those who have some interest in it directly or indirectly through friends. The city does not need it, with our high rate of taxation, and with the depression in business which every member of this Board who has any connection with savings banks realizes, not only here but in the surrounding towns and cities. The only salvation of Boston is to reduce her taxation and expenses; and for us now to launch out and buy this piece of land, when you can get it six months hence, and perhaps six years hence, for the same price, is a piece of extravagance. Why is it necessary to spend this money now, when it will keep? The farmers can go to India wharf; and I have not heard of any one complaining of any lack of accommodations for selling produce.

Alderman Slade—The owners of that property asked the Committee on Markets to release them from their obligation to sell. They wanted that most, but the committee were not ready to do that, and after several interviews the owners were finally induced to reduce the price to \$4. Tomorrow morning the Alderman would probably find 150 to 200 market wagons upon that wharf. Where are they to stop if this land is not purchased? Before this dump was made by taking down Fort Hill, North Market and Commercial streets, and all about there was so packed that nobody could get around. The storekeepers and merchants have made great complaints, and want a place where these wagons can go. The owners are under a bond of \$50,000 to sell the land to the city. The market has been of no great account because the farmers were already established on India wharf and did not want to go away without feeling that they would be permanently located. They are willing to go to Mercantile wharf and pay a good price if they can stay there. It is simply to supply a place where the farmers can go and sell their produce. I hold in my hand a letter from the president of the corporation asking me to offer an order to release them from the bond; and if not, they want to withdraw the offer to sell for \$4 a foot. If it goes over to another year the property will remain just as it is, and I do not think it is right to keep them in that way. The city is going to get a bargain from the wharf company, who can get nothing except what they gave for streets at the instigation of the Market Committee three years ago. They gave the land for streets with the expectation that the city would purchase this for a farmers' market. If the city don't purchase that land I think it will regret it.

Alderman Burnham, in reply to Alderman Thompson's statements in regard to the depreciation of real estate, read from the Assessors' valuations of property in the vicinity. On Richmond street it is \$3.25 a foot; on the Mercantile-wharf side it is \$6, \$5, \$6, \$7 and \$8, and at the corner \$10. On Clinton street, on the other side, it is \$10, \$12, \$4, \$5 and \$5.50. This is the value of land surrounding this property.

Alderman Thompson—The Alderman assigns as one reason for purchasing this land the desire of the corporation to be released from that contract. That proposition was made a year ago, and an order was offered, but the corporation withdrew their offer to release the city. The same tactics seem to have been played again. I am not at all alarmed about that. In regard to giving the land for streets, is not it usual for people who have large tracts of

unapproachable land to give land for streets, so that it can become marketable and valuable? If they do not sell this land to the city they have got to give land for streets, for it cannot be used otherwise. I say that for a square block of this magnitude the price is too much for the times.

Alderman O'Brien—I don't believe in passing this order over to the next City Government. We ought to take the responsibility and either pass or reject it. When we speak of the wonderful growth of Boston, I always think of this building. Not a great many years ago, when the City Council erected this building, they said, Now we are building a hall large enough for every department of the City Government—large enough to answer all the purpose of the Government for the next fifty years; but before they got it finished they found it was not big enough to hold the departments then in existence. No trade has shown a more wonderful increase than the produce trade of Boston. Fifty years ago Faneuil Hall Market was established, and it was the best investment the city has ever made. It has paid for itself fourfold, and it now pays an interest of ten per cent. on a valuation of three times its original cost, besides having turned hundreds of thousands of dollars into the city treasury. That little spot of some 27,000 square feet is one of the most valuable spots in the city of Boston. Why is it? Because the establishment of that market has made that spot the centre of the produce trade of New England. The sooner we can locate this market trade there the better we will act for the interest of the city of Boston. Some years ago men who were interested in Faneuil Hall Market measured some of the costly banking houses in State street, and they ascertained that more money was paid for the spaces occupied by the market men in Faneuil Hall than was paid for the same space occupied by the most costly banking houses in State street. Talk about that property being worth only \$4 or \$5 a foot; why, Faneuil Hall Market is worth \$50 a foot for the interest the city is receiving from it. This property is 100 feet from Faneuil Hall, and \$4 is a low price for it and not a high one. It is not the mere amount of money we get from Faneuil Hall Market that gives value and interest to this business. The \$100,000 a year we receive in rents from the market is not the most important fact to look at. It is the growth of the produce trade that imparts an importance to our city. It has occupied North and South Market streets, Chatham row, Chatham street, Commercial street, and it is driving down to the water line on Atlantic avenue. It is one of the largest and most profitable trades of the city today; it has been growing year after year, and will continue to grow; and you cannot prevent it. I don't look upon this as an expenditure of money, or as carrying out the idea in the establishment of Faneuil Hall Market; but as an expenditure that will return to us fourfold. When the people of Boston look back fifty years hence, I believe they will say it was one of the most profitable investments the city has made for the development of the produce trade. Faneuil Hall Market covers only 27,000 square feet, and this 80,000 feet will give us an opportunity to grow a little during the next fifty years. The farmers are only on the dump temporarily. The reason it is not turned to more profitable purposes is because the owners don't know whether they have an equity in it. The courts will have to decide that matter. But if we buy it I have no doubt the farmers will fill it immediately and make it productive. The reason the farmers don't go there is because they don't want to act upon an uncertainty. Let the city own it, and they will go there. I hope the order will pass tonight. It has been before us nine months, and if we send it to the next Government they will consider it nine months more, and somebody in that Government will pass it over to the next Government, which may also be afraid of taking the responsibility. I regret that many of these expensive schemes have been forced upon us; but if it is worth while to establish this market six months hence, there is no reason for rejecting it now.

Alderman Fitzgerald withdrew his motion to refer to the next City Government.

Alderman Slade moved to strike out the clause requesting the Committee on Finance to provide the means, and said he should move to refer it to that committee.

Alderman Clark objected to the amendment as, it would leave the committee to consider the

merits of the question, while they should consider only the financial aspects. This matter had been considered by an able committee, conversant with the wants of the marketmen, and he should submit to their opinion. He believed the market had been a great credit to the city and that this would sustain the city's property. He regretted to hear the talk about the dull times introduced in the Board, and thought it better to speak of reviving trade, as he knew many large houses are doing better than last year. A member of the great house of Jordan, Marsh & Co. had just told him their business had increased thirty-three per cent. over what they did in the same month last year. In his own line of trade there has been an increase; but he could not state how much profit there had been. Gentlemen retired from business do not have so much income as formerly; but the business interests of the city have materially improved. He did not like this kind of talk, because our neighbors in Chicago and New York like to get hold of it and say Boston is not a good place to buy goods.

Alderman Fitzgerald said the Finance Committee are the watch dog of the treasury, and if they do not consider the merits of a question they are no use. They are to report whether the financial condition of the city will admit of an appropriation.

Alderman Thompson moved to amend by making the price \$3 per foot.

Alderman Slade said that would kill the bill, but it never could be purchased for that.

Alderman Wilder did not want to kill the bill. He would vote for \$3, but not for \$4, because it is more than the market price.

Alderman Clark said he forgot to add that the streets were laid out there because it was for the mutual interest of the city and the owners of the land, and the latter would have been ready to give their land without any idea of the city purchasing this tract. He would be glad to get this and for \$3; but understood \$4 was the lowest possible price.

Alderman Thompson called for the yeas and nays, and his amendment was lost—yeas 3, nays 8; Aldermen Fitzgerald, Thompson and Wilder voting yea. Absent—Alderman Gibson.

Alderman Thompson moved that the price be \$3.50 a foot.

Alderman Viles believed the property ought to be purchased, and knew it could not be for less

than \$4, though he should be glad to get it for \$3.50. The owners would be glad to have the lease surrendered.

The amendment (\$3.50) was lost.

Alderman Slade's amendment was adopted and the order was referred to the Finance Committee. Sent down.

#### MYSTIC RIVER IMPROVEMENT.

Alderman Thompson presented a petition from the Boston & Lowell Railroad for leave to build an additional track on Mystic wharf. He said the Bridge Committee had considered it and were unanimously in favor of granting it in order to facilitate the work while the bridge was being rebuilt. On his motion the request was granted in the form following, in accordance with the petition:

Ordered, That leave be granted to the Boston & Lowell Railroad Company to construct and maintain an additional railroad track adjoining and alongside on the south side of their present track crossing Chelsea Bridge on Mystic wharf, on condition that said railroad company shall protect said crossing by the erection and maintenance of railroad safety gates to the satisfaction of the City Engineer.

Pending action on the petition, Aldermen Clark and O'Brien both expressed surprise at the petition, and asked Alderman Thompson if he thought the increase of business demanded this expenditure by the corporation.

Alderman Thompson said it was to accommodate the travelling public by keeping the cars off the street, and not for an increased business.

#### INSPECTION OF BILLS IN THE AUDITOR'S OFFICE.

Alderman Clark moved to reconsider the vote referring the ordinance to allow the inspection of bills in the Auditor's office by citizens.

Alderman Clark stated that there was no necessity for it, as the bills are now open to public inspection, and any citizen can see any bill by calling for it. As an instance, he had today seen a note calling for the refreshment bills of the committees on Public Lands and Public Buildings.

Alderman O'Brien said it was merely for reference, and probably the Ordinance Committee would report that no action is necessary.

Alderman Clark said he had accomplished his purpose by making the statement, and withdrew the motion.

Adjourned on motion of Alderman O'Brien.





## CITY OF BOSTON.

## Proceedings of the Common Council,

NOVEMBER 8, 1877.

Regular meeting at 7.30 o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions, etc., were referred in concurrence.  
Report of Overseers of Poor placed on file.

## STONY BROOK IMPROVEMENT.

A report and order for a special committee to take charge of the improvement of Stony Brook, the estimated cost of improvement not to exceed \$163,000 (City Doc. No. 86), came down to be referred to Finance Committee.

Mr. Flynn of Ward 13—This is a matter of considerable importance, and comes before the Council for the first time. I move that it be laid upon the table.

Mr. Brown of Ward 23—It is the desire of the Committee on the Stony Brook Improvement that the report and order should go to the Finance Committee without discussion, and when it returns from them, if they approve the appropriation and provide the money, we propose to discuss the subject upon its merits at that time.

Mr. Flynn of Ward 13—This matter comes before the Council for the first time this evening, and the members have not had time to look into it. It is one of great importance, which ought to have the discussion of the members of the Council. Certainly there can be no harm to let it lie over.

Mr. Barry of Ward 22—This subject, in various forms, at one time or another, has occupied the public mind for some time, and I do not think it can do any harm to let it go to the committee, and let them discuss it. The people out there are suffering, and something ought to be done for them. I hope the motion will not prevail.

Mr. Coe of Ward 23—I hope this motion will not prevail. It seems to me it should be referred to the Finance Committee, and when it comes back from them it can be discussed upon its merits. I hope it will be referred.

The motion to table was declared lost. Mr. Flynn of Ward 13 doubted the vote; the Council divided and the motion was lost—9 for, 36 against. At the request of Mr. Flynn of Ward 13, the President read the order.

Mr. Flynn—I would ask now what is there in the order to refer to the Committee on Finance? There is nothing directing them to provide the means for this work. What is the need of referring it to the Committee on Finance? Is n't this the proper place for the Council to discuss the matter and ascertain whether or not it is a proper thing to do? It does not request them to provide the means, but refers to them a matter which another committee have already considered. Therefore, in justice to members of this Council who have not considered this matter at all, that it may lie over one week, so that they may judge whether it is proper to make an appropriation for this purpose.

Mr. Brown—I desire to say to the members of this Council that the reference is correct and is approved by all whose interest it is to understand it.

Mr. Flynn—What for?

Mr. Brown—To see if the Finance Committee consider it a proper step for the city to take, and to provide the means for it.

Mr. Flynn—Then, what has been the duty of this committee who have considered it?

Mr. Pratt of Ward 21—I don't see what we can do with one part of the order when the other is before the Committee on Finance. The reference seems to be very proper. The first thing will be the question of the means to carry on the improvement; and until we get the report from the Finance Committee we cannot discuss the question intelligently, for that lies at the threshold of the discussion. It seems to me the gentleman's remarks are not pertinent, because nothing can be done until the financial problem is settled. The reference will not prevent any member from examining the merits of the question. It will be virtually laying it on the table, so far as any action of this branch is concerned; whether the question is divided or not, I

hope the order will be referred to the Finance Committee.

Mr. Flynn of Ward 13—I would ask the gentleman opposite if, by the terms of the order, the Council will not commit itself to this project by referring it to the Committee on Finance?

Mr. Pratt—I don't understand that we are. If we referred it with instructions to provide the means for that object, it might be committing ourselves to the project. But I do not understand that that is the case.

Mr. Flynn—Then I understand this is to be referred for them to consider the financial expediency of this project, and I say it is the duty of every member to consider this before he votes for this reference. It involves some \$130,000. There can be no harm in letting it lie over one week. There is another matter of great importance that will come up after it. Members ought to have an opportunity to look into it. It is a matter of great importance to the city of Boston.

Mr. Thompson of Ward 9—As I understand the gentleman's point, it is that if we refer this matter to the Finance Committee we are committing ourselves to the passage of the order. As I understand, it has been the custom this year to refer a great many matters to the Finance Committee, and practically get their opinion upon it. They have been an advisory committee this year. Ordinarily it would have been their duty to report simply whether and how the city could provide the means to carry on improvements, but this year we have a very able Finance Committee, and a great many measures have been referred to them for their opinion, and a general reference, without any instructions to provide the means, is nothing more than for them to look into this matter and make a report. It is simply saying, We have here a very important matter; it has been carefully considered by one committee, and it being the special province of the Finance Committee to look after the finances of the city, they can at the same time say whether the city can raise the money. It does n't commit us to anything, and to refer it is in effect the same as laying it upon the table.

Mr. Richardson of Ward 11—This matter has been before a joint special committee, who, after due deliberation, report that this improvement should be made, and it is simply to go to the Finance Committee now to see if they will devise the means to carry out this improvement; and if so, and their committee is to be appointed to take charge of the expenditure of the money, it seems to me it is a proper matter to be referred to the Finance Committee.

Mr. Pratt—As a member of the committee who offered that order I should be very slow to force the matter, or press it in any way before this body. But I cannot help reminding gentlemen that this is towards the latter part of the year, and it is likely to go slowly with any order that is laid upon the table now, especially if it has to go to the committee afterwards. As this matter has been before the Council some time upon the reference to the special committee, and as it is now getting late in the year, I should hope that it might be considered as rapidly as is consistent with the proper transaction of business. The joint special committee have very thoroughly investigated the practical bearings of the proposed improvement; they have considered and reported upon the character of the improvement and the necessity for its being made. All those practical questions have been, or are supposed to have been, considered by the committee; and I think they have been thoroughly. Now, there is another matter which that committee have not been able to consider, which lies at the threshold of the discussion; and that is the financial expediency of doing it at this time. The special committee having reported on the practical aspect of the question, it seems very proper that it should now go to this Finance Committee on the financial aspect; and when we have their report we can take such time as we see fit to consider and discuss it, and meantime we can consider it as well as if it were lying upon the table.

Mr. Flynn of Ward 13—My only object in opposing the reference is that the members of the Council may judge for themselves of the feasibility of adopting this measure. We have in the report of the committee one section, which says—

"It is difficult, if not impossible, at the present time to estimate the amount of betterments which will be returned. The Street Commissioners called a meeting of the owners of land bordering

upon the brook, for the purpose of learning their opinions as to how much of the burden of the cost of the improvement the lands benefited would bear. The result of the interview was unsatisfactory."

Now, I say this is an expenditure of about \$130,000 which will go solely for the benefit of the land owners on the line of Stony Brook—entirely for their benefit—and no agreement can be got from them whereby they will pay one dollar towards the expense of this. Therefore, I say it is a matter of great importance to members of the Government to know whether they will pass a vote giving the Finance Committee instructions to procure the means to carry out the project. All I want is an opportunity for members of the Council to ascertain whether it is a proper measure to vote upon before they instruct the Finance Committee to provide the means.

Mr. Coe—I would call the gentleman's attention to the fact that the committee are not instructed to provide the means, but that the report is simply referred to them to report upon. If the order instructed them to provide the means, it would be mandatory and they could do nothing but provide the means. I hope it will take its reference tonight.

The report and order were referred to the Finance Committee in concurrence.

#### VEGETABLE MARKET.

A report and order to purchase from Mercantile Wharf Corporation the lot of land now leased for a produce market (80,000 square feet, more or less) on Atlantic avenue, at not exceeding \$4 per foot, came down to be referred to the Finance Committee.

Mr. Flynn of Ward 13—Here is an order, similar to the last one, to appropriate about \$400,000 for the purchase of land; it has never been before a committee of this branch of the Government, and yet the Finance Committee are instructed to provide that amount of money. Now, sir, here is a matter of just as much importance as the other, and I move that it be laid upon the table, in order to give the Council an opportunity to look into the matter.

At the request of Mr. Sampson, the President read the order.

Mr. Sampson—That order does not ask the Finance Committee to provide the means; but the whole subject is referred to them. Their report may be such as the gentleman desires. I should prefer a motion to indefinitely postpone to laying it upon the table.

Mr. Flynn—The order is for the committee to provide the means.

The President—That clause was stricken out in the other branch.

Mr. Flynn—This order is similar to the other, and it makes the same reference to the committee. It does not ask them to provide the means; only to consider the matter.

Mr. Sampson—That is just the point I made, exactly—that it refers the whole subject to the Committee on Finance to investigate and report. It does not order them to provide the means on either of those matters.

Mr. Flynn—Then I object to it on the same ground as the other, and because it has not been considered by a committee of this branch of the Government.

Mr. Sampson—One object of sending it to the Finance Committee is that it may be considered by a committee of this branch.

Mr. Flynn—As this order has not been referred to a committee of this branch of the Government, it seems to me it certainly ought to lie upon the table to give members an opportunity to look into the matter.

Mr. Sampson—The gentleman's objection is met by the reference. The Market Committee is composed entirely of members of the other branch, and if it goes to the Finance Committee it will be considered by members of this branch.

Mr. Flynn—Then I withdraw the motion to lay upon the table and move that it be referred to a special committee of members of this branch.

Mr. Danforth of Ward 10—I move as an amendment that this Mercantile-wharf matter be indefinitely postponed.

The President—The Chair thinks that motion would not be in order at this time, the motion to refer taking precedence.

Mr. Flynn renewed the motion to lay on the table, and it prevailed.

#### SOUTH BOSTON FLATS.

An order came down to request the Land Commissioners to commence the building of B or C street from First street to Eastern avenue, and to complete the same as soon as practicable; and to request the Albany Railroad Company to fill to grade sixteen feet above mean low water a portion of Eastern avenue, as in said order set forth.

The order was read twice and put upon its passage.

Mr. Thompson of Ward 9—Who has charge of this matter? and can some explanation of it be given?

Mr. Felt of Ward 18—There was an agreement on the part of the State to fill one of these streets in connection with Eastern avenue, and this is simply to request the Land Commissioners to fulfil the State's part of the contract.

Mr. Thompson—By the passage of this order is any expense to be entailed upon the city of Boston?

Mr. Felt—Not that I see.

The order was passed in concurrence.

#### UNFINISHED BUSINESS.

Order to release to Mary E. Cochrane the title of a parcel of land on Walkhill street, heretofore taken but not now required by the city, as therein set forth. Passed in concurrence.

Order to release to Sarah M. English *et al.* all the title of the city under deeds as therein set forth, by the payment of the sums of \$450 and \$154. Passed. Sent up.

#### ARMORY IN CHARLESTOWN.

The order to fit up the old Winthrop School building, Charlestown, as an armory for Company D, Fifth Regiment, at a cost not to exceed \$1000, was considered under unfinished business.

Mr. Thompson—I should like some one to explain that. I don't want to vote upon it without some explanation. If it has not been before any committee I move that it be referred to the Committee on Public Buildings.

Mr. Stone of Ward 3—I presume this came from the Committee on Armories of the other branch, which is not a joint committee. There is an old unoccupied school building there. The city has been paying rent elsewhere, and they propose to fit up this building at an expense of \$100, and save paying rent elsewhere.

Mr. Thompson—Before we pass the order it should be considered by a committee of this branch, and I move that it be referred to the Committee on Public Buildings.

Mr. Kelley of Ward 3—This company has no armory now, and the city has ceased paying rent for the building occupied by them for a number of years. The schoolhouse is vacant, and it is proposed to save the city about \$600 a year by letting the company have it for an armory. I don't see why it should be referred to the Committee on Public Buildings. It is for the interest of the city to let it to this company and save \$600 rent.

Mr. Thompson—The city would not save \$600 between now and next Thursday. Merely to do things properly and in order, and follow out a customary routine, I think it had better be referred. The committee may have informed themselves as individuals, but it seems to me we should have the benefit of their action as a committee. If we set the example this time of passing it without a reference, the Committee on Armories might ask for another building, and the city might make a mistake.

Mr. Kelley of Ward 3—This matter has been before the Committee on Armories almost all summer, and the company have been wanting an armory all the time. The city has ceased paying rent for the armory they occupied, and the company have no armory. I think the Committee on Armories should know something in regard to this matter. They have thoroughly investigated it, so far as I can find out. I live within two houses of the schoolhouse and know there is no use for the building at the present time, and there is not likely to be for a number of years to come.

Mr. Thompson—The gentleman don't meet my point, which is simply that it is improper to pass this order without its reference to a proper committee. The Committee on Armories is not a committee of this body, and we know nothing of what action they have taken. That order comes in the same as if it had been introduced by an individual member of this branch. It is our business to inform ourselves of the facts through the proper channels.

Mr. Kelley of Ward 3—Does not the gentleman

consider the Committee on Armories a proper channel for this body from which to learn the facts?

Mr. Thompson—I do not.

The order was referred to the Committee on Public Buildings. Sent up.

#### REPORTS OF CITY OFFICERS.

*Fire Commissioners.* Report of fires and alarms for the month of October. Sent up.

*Auditor of Accounts — Monthly Exhibit (City Doc. 88).* Total appropriations, \$13,863,593.32; expended, \$6,864,563.77; balance unexpended, \$6,999,029.55. Sent up.

#### PETITIONS PRESENTED.

By Mr. Kelley of Ward 3—Petitions of G. W. Hollis, for leave to erect a wooden building on Westin avenue, near Market street, Ward 25; Butchers' Slaughtering and Melting Association, for leave to erect a wooden building rear of Market street, Ward 25. Referred to Joint Committee on Survey and Inspection of Buildings. Sent up.

#### INSPECTOR OF BUILDINGS.

Mr. Flynn of Ward 13 moved to take from the table the Mayor's message appointing John S. Durrell Inspector of Buildings.

Mr. Pratt of Ward 21—Under the circumstances which are known to exist tonight, I think it would be better to let that nomination lie upon the table this evening, and I hope it will not be taken up.

Mr. Wilbur of Ward 20—I hope the gentleman will give some definite reason why this matter should lie upon the table.

Mr. Flynn—I hope the gentleman will give some reason why it should not be taken from the table. He says that for reasons known to exist he don't think it proper to take it from the table. I hope he will enlighten the Council.

Mr. Pratt—I do not wish to discuss the merits of the nomination upon a motion to take from the table. It has been before us only one week, and it has been a very busy week for all of us, I presume. I for one would like an opportunity to consider the nomination one week longer, and therefore I asked to have it remain on the table this evening.

Mr. McDonald of Ward 12—I trust this matter will be taken from the table this evening. I consider this one of the best appointments made by his Honor this year. I have not heard one word against the general character of the nominee; on the contrary, I have heard from many persons that he is fitted and capable for the position in every respect; therefore I hope it will be taken from the table tonight.

Mr. Ham of Ward 14 moved that the question be taken by yeas and nays. The motion was declared lost. Mr. Felt of Ward 18 doubted the vote.

Mr. Flynn—I hope the President will enforce the rule that a gentleman shall rise in his place when he doubts the vote.

Mr. Felt (rising)—Mr. President, I doubt the vote.

Mr. Flynn—That 's the proper way to do it.

The Council divided, the yeas and nays were ordered, and the motion to take from the table prevailed—yeas 40, nays 28.

Yeas—Messrs. Barry, Blanchard, Brintnall, Cannon, Clarke, Coe, Cox, Cross, Day, Dee, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mullane, Nugent, O'Connor, O'Donnell, Perham, Pope, Reed, Roach, Ruffin, Smardon, Upham, Vose, G. B. Webster, Wilbur—40.

Nays—Messrs. Barnard, Beeching, Blodgett, Brown, Burke, Crocker, Danforth, Doherty, Felt, Hibbard, Howes, Mowry, Pearl, J. H. Pierce, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Roberts, Sampson, Shepard, Souther, Stone, Thompson, Thorndike, Warren, E. R. Webster, Wolcott—28.

Absent or not voting—Messrs. Hiscock, Sibley, Spenceley—3.

The President read the Mayor's communication and announced the question as upon the confirmation and the appointment of Mr. Damrell.

Mr. Howes of Ward 18—I ask leave to present a memorial from citizens addressed to the City Council.

Mr. Flynn of Ward 13—I object to the reading of any memorial at this time.

Mr. Howes requested the President to return to him the communication, which was done.

Mr. Howes—At the last meeting of the Council I felt it my duty to move that the nomination of Mr. Damrell be laid upon the table. I have yet to find out that Mr. Damrell can hold the office legally; and it has not yet been proved, and it has yet to be shown by any gentleman here, provided he can hold office legally, that he can do so to the satisfaction of the citizens of Boston. I intended to present to the Council a remonstrance against Mr. Damrell's confirmation, signed by some twenty-five or thirty leading architects and builders of the city, headed by Nathaniel Adams. They are men who know what the practical duties of the office are and who come in connection with it. They state emphatically that Mr. Damrell is not qualified for that place, and they are men upon whose judgment I can place the utmost reliance, and in whose judgment it would be well for the Council to place confidence. According to their statements Mr. Damrell's qualifications are not such, as a mechanic or builder, to fit him for the place in any sense of the word. He is only a carpenter in a small way, and, therefore, is not competent to oversee the erection of buildings from the street to the finish. That is not the kind of man to put in a place of that kind. Those are the sentiments of Mr. Damrell in his business capacity. It has been my misfortune to know Mr. Damrell in other capacities, and I should dislike to see him come back into City Hall. I think his entrance into City Hall would tend to demoralize one of the most useful departments. Mr. Damrell has been known to be one of the most active of politicians. As I stated a year ago, on the confirmation of another professional politician, I do not like to see professional politicians put into offices that require disinterestedness in the discharge of their duties. For that reason I hope the appointment will not be approved; because there are a hundred men in this city who could be induced to take this office and discharge the duty better than Mr. Damrell. However this motion may go, I shall present this memorial handed to me by those builders and architects. It is a usual course for the gentlemen known to be friendly to this nomination to attempt to choke off this information, and the Council should judge whether it is advisable to have the information or not. Generally it is considered advisable to have all the information possible.

Mr. Pratt of Ward 21—I move a suspension of the rule in order that the document presented by the gentleman from Ward 18 may be received at this time. It seems from the gentleman's statement that it contains information which we may well have before us in considering this question.

Mr. O'Donnell of Ward 7—The gentleman from Ward 18 doubts the legality of his Honor the Mayor's action in making this nomination, and last Thursday night he made the same remark. In view of that statement, his Honor sent to the City Solicitor for his opinion as to the legality of his action in making that appointment. I have that opinion here, and I wish to present it to the Council.

Mr. Thompson of Ward 9—I should like to ask which rule makes a suspension necessary in order that a paper preliminary to a subject under discussion in the Council should not be read. The only rule I see here bearing upon the point is Rule 41. [Mr. Thompson read the rule.] Now, I ask where the rule is that prevents that paper from being read?

Mr. Pratt—I believe if the gentleman will look—  
Mr. Flynn of Ward 13—I hope the Chair will answer the gentleman's question before any further debate is allowed to go on.

Mr. Pratt—I claim the right to explain—  
Mr. Flynn—I object to the gentleman's making any explanation.

The President—The gentleman from Ward 21 has the floor.

Mr. Pratt—The rule which prescribes the order of business is the one which the gentleman from Ward 9 has overlooked.

The President—The Chair thinks the document presented by the gentleman from Ward 18 could not be read without the consent of the Council.

The rule was declared suspended. Mr. Flynn of Ward 13 doubted the vote, and on his motion the yeas and nays were ordered on solving the doubt.

Mr. Flynn—If the gentleman will agree that the document which the gentleman from Ward 7 intended to present to the Council may be presented, and which was objected to by the gentleman from Ward 10, I will withdraw my objection.

Mr. Pratt—I raise the point that the gentleman is not talking to the question.

Mr. Flynn—I meant to withdraw my objection to the suspension of the rule.

Mr. Mowry of Ward 11 called for the special assignment, which the President ruled out of order, the yeas and nays having been ordered.

The rule was suspended—yeas 52, nays 16.

Yeas—Messrs. Barnard, Beeching, Blanchard, Blodgett, Brintnall, Brown, Burke, Cannon, Clarke, Coe, Crocker, Cross, Danforth, Day, Dee, Doherty, Duggan, Felt, Ham, Hibbard, Howes, Kelley (Ward 3), Morrill, Mowry, O'Conor, O'Donnell, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pope, Pratt, Reed, J. B. Richardson, M. W. Richardson, Roach, Roberts, Ruffin, Sampson, Shepard, Smardon, Souther, Stone, Thompson, Thordike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—52.

Nays—Messrs. Barry, Cox, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Jackson, Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mullane, Nugent—16.

Absent or not voting—Messrs. Sibley, Spenceley—2.

Mr. Howes presented the following:

To the City Council of Boston—The undersigned, citizens, builders and taxpayers, interested in the building operations of the city, believing the inspection of buildings demands thorough mechanical skill and sound practical judgment, as well as mature experience; and believing the present nominee does *not*, in our opinion, possess those qualifications, respectfully petition your honorable body *not* to confirm said nomination: Nathaniel Adams, B. D. Whitcomb, William M. Rumery, Nathaniel Cummings, Ivory Bean, B. F. Prescott, J. J. McNutt, A. H. Caton, W. J. Wheeler, Creesy & Noyes, G. W. Pope, Benjamin H. Flanders, John S. Blair, George F. Fuller, George M. Harding, Hartwell & Tilden, George D. Rand, George B. Thayer, H. M. Stevenson, W. Whitney's Sons, Horace F. Burr, George F. Meacham, Morris Dorr, F. W. Kirby, Charles Whittier, George R. Clarke, Cummings & Sears, Ware & Van Brunt, W. T. Winslow.

On motion of Mr. Sampson of Ward 17, the rule was suspended, and Mr. O'Donnell presented the following:

On motion of Mr. Sampson, the rules were suspended, that the opinion of the City Solicitor offered by Mr. O'Donnell be read, and the same was read and is as follows:

CITY SOLICITOR'S OFFICE,  
2 PEMBERTON SQUARE,  
BOSTON, Nov. 8, 1877.

Dear Sir—In reply to your inquiry, I have to say that, in my opinion, the office of Inspector of Buildings in the city of Boston is made a permanent office by the statute which created it, namely, acts of 1871, chap. 280, and that successive appointments to that office may be made, in the manner provided by section 4 of that statute, at any and all times, when the office is vacant, either by the expiration of the term for which the Inspector was appointed or by other cause.

Yours truly,

J. P. HEALY.

Hon. F. O. PRINCE, Mayor, etc., etc., etc.

COMMERCIAL STREET.

Mr. Mowry of Ward 11 called up the special assignment for 8½ o'clock P. M. viz., the order for a loan of \$1,000,000 to widen Commercial street.

On motion of Mr. Flynn of Ward 13, the subject was further assigned to 8½ P. M. next Thursday.

INSPECTOR OF BUILDINGS—*resumed.*

Mr. Flynn of Ward 13—On the confirmation of John S. Damrell, I move the previous question.

Mr. Pratt—I raise the point of order that the intervening of the special order had the effect of laying the pending subject upon the table, and therefore the motion of the gentleman from Ward 13 is not in order.

The President—The Chair is of opinion that upon the conclusion of the special assignment the main question is resumed.

Mr. Burke—if the gentleman has no objection, I don't want to say anything why the previous question should not be put, but I should like to say a few words upon this question.

Mr. Flynn—Talk to the previous question.

Mr. Burke—Last Thursday evening I was one of the members who asked that this might be laid over for one week to give time to look into it properly. I do not rise to say anything against the gentleman who has been appointed. So far as I know

he is qualified for the position. But there are other matters connected with this question which makes me take a different view of it from what, perhaps, most members of the Council do. From the circumstances which occurred at Blackstone square, and also at Mr. Cheney's theatre, I think I am justified in believing there is a great deal of enmity against Mr. Shaw, the present incumbent of the office, and I therefore believe that the change is being made for cause. I certainly look upon this as if Mr. Shaw is not about to be displaced either for incompetence or neglect, and in justice to myself and him I cannot support this nomination.

Mr. Crocker of Ward 9—I hope the previous question will not be ordered. This is a matter upon which we need all the information we can get. There is a good deal of dispute on the part of various persons as to the qualifications of Mr. Damrell, and now is the proper place to hear all that can be said for or against him for the place. In the first place it was not proper to endeavor to prevent us from hearing what the builders and architects say against his qualifications and the attempt of his friends to shut off all discussions as to his qualifications. It makes me think the gentlemen urging his appointment are afraid to have his qualifications discussed, and that he will suffer from a full investigation. It seems to be an unbecoming matter to attempt to hurry this thing through. So far as I know, there has been no obstruction or attempt to cause unnecessary delay. The gentlemen who oppose Mr. Damrell have merely desired to state the reasons why they think he is not qualified for the place. After considerable difficulty they have shown what certain builders and architects in the city think of his qualifications. I know not what other gentlemen may think, but it seems to me that this trying to carry the previous question does not show any conscious strength in their cause.

Mr. Thompson—I came here tonight without having my mind made up in regard to the nomination of Mr. Damrell; but the attempt to shut off discussion of the qualifications of an officer who is to hold a very important position for a long period of time seems to be almost unpardonable. We are here to look out for the interest of the city, and not for the interest of any man. We are bound to examine carefully every qualification of the man. It is not to be passed upon hurriedly, and I am anxious to hear the freest expression of opinion. I am frank to say I know very little about his qualifications. I had no connection with the City Hall when he was here, and never came in contact with him.

Mr. Wilbur of Ward 20—I hope the previous question will not be ordered. I believe it will be doing a great injustice to Mr. Damrell, and also to the petitioners, for I believe Mr. Damrell can stand the test of one or two weeks' investigation, and will gain more friends than he would to undertake to force this thing through. I came here with the expectation of voting for Mr. Damrell, but if I am to be forced to act against this petition I shall vote against confirmation.

Mr. Webster of Ward 3—I move to lay the matter on the table. I can only say that one week ago when I came here I thought I should vote for the confirmation. From my little knowledge of the gentleman it was my impression that it was a very good nomination. I was requested by a good many who objected to the nomination to allow it to lie upon the table for one week to allow a full and fair investigation on both sides. Under those circumstances I voted to lay it over. No fair man could object to that. I also voted to take it from the table tonight in order to have a complete investigation; but as I find the object not to be complete investigation, but to carry it through under gag law, and give no time for discussion, I hope we shall rescind our action and lay it upon the table. When the friends of Mr. Damrell stand up here, man fashion, and show that he is a practical mechanic and has had practical experience as a builder, then we can act intelligently. We have already heard from competent builders and architects that he is not a proper man for the place, and we have not heard one word as to his capacity as a builder or mechanic. I contend that the attempt to force this nomination through under such circumstances is a complete outrage. Although I voted to take it from the table, I hope it will be put back again and lie there till doomsday, unless the friends of Mr. Damrell show that he is competent for the place.

Mr. Flynn of Ward 13—This is only a part of the tactics of the opponents of Mr. Damrell to stave this nomination off.

Mr. Webster of Ward 3—Mr. President—

Mr. Flynn—I am addressing the Chair. The gentleman says the friends of Mr. Damrell have not explained his qualifications. I would say that by my motion we are debarred from saying anything as to his qualifications, from the fact that I moved the previous question. The only question that can be discussed now is whether the main question shall be ordered or not. Therefore, we have not had an opportunity to discuss the merits of Mr. Damrell, but only to discuss whether the question shall be put. As I said before, it is only a part of the tactics of the opponents of this appointment to stave it off for some time.

Mr. Howes of Ward 18—I trust the motion to lay on the table will prevail, after the exceedingly lucid statement by the gentleman from Ward 13 as to his reasons for not stating Mr. Damrell's qualifications, and that it will remain there until he or some one else can give us more information. The tactics that have not succeeded in South Boston should not succeed here, as to the methods of putting parties into power.

Mr. Pratt—I agree fully with what has been said by the gentlemen from Wards 20 and 3; where reasonable doubts exist, or where so short a time has been given to ascertain proper information in regard to this matter, we do not ask anything unfair or unheard-of when we ask for a week's delay before being required to vote upon this question. I shall certainly be very reluctant to vote against the confirmation of Mr. Damrell tonight, but I feel, under the circumstances, that I cannot vote in his favor. I have been approached, as I suppose many have here, by gentlemen on both sides of the question; some urging that he is a fit man for the place; others that he is not a proper man for the position; reliable gentlemen have stated that he is not a builder; others have urged that he is under censure by an investigating committee of the City Government, the same as Mr. Shaw is; and there are other reasons urged against his confirmation which I should like to investigate before voting. If forced to vote tonight I shall very reluctantly vote against it. As the gentlemen from Wards 3 and 18 have said, it is nothing but justice and fairness to allow it to lie upon the table till another night.

Mr. Thompson of Ward 9—The gentleman from Ward 13 is of so positive a character that—

Mr. Flynn of Ward 13—I raise the point of order that the time for debate has expired.

The President—The time allowed for debate on the motion to lay on the table has not expired.

Mr. Flynn—The time for debate on the previous question.

Mr. Thompson—I am happy to say that—

Mr. Flynn—I raise the point of order that the time for debate has expired.

The President—The Chair rules that the time has not expired.

Mr. Thompson—The gentleman from Ward 13 is of so positive a character that he cannot conceive of a member not having made up his mind, and it would seem that he thinks the motive for so doing is dictated by some wrong mode of action.

Mr. Flynn—I would advise the gentleman not to say so.

Mr. Thompson—I did not say so. I would say to him, for one, that he must not judge other people by himself; that we are trying honestly and fairly to make up our minds, and are anxious to have information about this matter. It appears that two or three gentlemen came here with their minds made up, and were prepared to vote one way or the other on the evidence. I think that if Mr. Damrell is defeated it will be owing to the action of the gentleman from Ward 13. I think the gentleman should be careful not to have it happen. I don't want to see the nomination rejected unless there is good cause for doing so.

Mr. Crocker of Ward 9—I only wish to state my view of the delicious coolness of the gentleman from Ward 13 in getting up here and saying that he had not been able to extol the merits of Mr. Damrell by the moving of the previous question. If I am not mistaken he moved it himself, and it is cool in him to get up here and say that if it were not for the previous question he should be happy to give us all the information upon that subject. It is rather a cool proceeding.

Mr. Flynn of Ward 13—I only wish to inform the gentleman, who has been in the Council a number of years, that when the previous question is moved the merits of the main question cannot be

debated by the person moving the previous question, and that I cannot get up here and give reasons for the confirmation because I moved the previous question. The other side of the house has the right to do it.

Mr. Mowry of Ward 11—I would ask if the gentleman could not withdraw the motion?

Mr. Flynn—Not at this time very well.

Mr. Ruffin of Ward 9—I think the motion for the previous question was unfortunately made, at a time when no discussion had been had here upon the main question. It had been partially opened by the presentation of a petition by the gentleman from Ward 18, which let in a flood of light upon one side of the question; but I believe no arguments have been made upon the other side. In making the motion for the previous question, it had the appearance of cutting off debate and preventing an expression of opinion. When I came into this chamber, my intention, from what I knew of Captain Damrell, was to support him. I don't know that I would change my opinion; but at this stage I could not vote for any motion that does not look for a complete and full investigation. If gentlemen of character and standing in the community have made serious accusations against him, I think it is a matter for serious reflection, and it is the duty of some one on the other side to make a counter explanation. If we go to the issue as it now stands, I think he will lose; and therefore I think the motion an unfortunate one, and if pressed will lose the vote for Captain Damrell. It certainly will lay the friends of Captain Damrell to the criticism that they are trying to push this thing through without any discussion or information. Therefore I think we had better let gentlemen free their minds and have a full discussion on one side or the other, and then we can vote intelligently.

Mr. Flynn of Ward 13—After the speech of my friend from Ward 9, I withdraw my motion for the previous question.

Mr. Howes—I object.

The President—The question is upon laying the subject on the table.

Mr. Flynn—I hope it will not be laid upon the table; and if it is not, I will withdraw the motion for the previous question and allow the freest discussion.

The motion to table was lost by a division—28 for, 33 against.

Mr. Flynn of Ward 13—I withdraw the motion for the previous question, in order that the gentlemen opposed to Mr. Damrell may have a chance to discuss the matter.

The question then came on confirmation.

Mr. Thompson of Ward 9—I don't see how we are going to try the question of Mr. Damrell's character very well. We have had presented a petition to which are affixed the names of men for whom I have very great respect, and I think the easiest way to come at this would be to have it referred to a special committee of five of the Common Council, with instructions to give a public hearing to those opposed and those in favor, and I make that motion.

Mr. McGaragle—I ask what we have to do with it. This man is appointed by the Mayor.

Mr. Kelley of Ward 3—I think it would be well to refer the whole business of the city to a special committee.

The motion for a special committee was lost.

Mr. Pratt moved to refer it to the Committee on Public Buildings on the part of the Common Council.

Mr. Wilbur—It don't seem to me that that is the proper committee to investigate the qualifications of the Inspector of Buildings. Therefore I move it be referred to the Committee on Survey and Inspection of Buildings.

Mr. Kelley of Ward 3—It seems to me that that is not a proper committee, being composed of mechanics. I move it be referred to the Finance Committee.

Mr. Clarke of Ward 22—It seems to me, sir, this ought to go to the Committee on Sewers.

Mr. Wilbur—It seems to me that the Committee on Survey and Inspection of Buildings is the very committee that it should be referred to. There are mechanics on it, and they are peculiarly qualified to know whether this man is competent for the position.

Mr. Flynn of Ward 13—It is very evident from the dilatory motions made by the opponents of Mr. Damrell that they intend to stave this matter off. I now move the previous question.

Mr. Webster of Ward 3—I still wish to renew my point in regard to the responsibility resting

upon those who know Mr. Damrell to be a proper person to fill the bill. We have had very substantial reasons given by some twenty of the leading architects of Boston that they consider him unfit to fill the office. Now, unless there is some person in this Common Council willing to stand up and affirm that he knows him to be fit for it, by his record and ability, we should not take action. We have not yet had one person stand up and affirm that he knew he had the necessary experience and qualifications; and I say when no one present is willing to be responsible for his fitness, I repeat that it is an outrage to attempt to force it through.

Mr. Flynn of Ward 13—I only want to say that Mr. Damrell is so well known in Boston that any indorsement by his friends would be superfluous to what his ability is as a mechanic. So far as lawyers, hatters and dealers in boots and shoes are concerned, they may not be familiar with him; but the mechanics of Boston know him to be a practical and thorough mechanic.

Mr. Crocker—I am rather surprised at the readiness with which the gentleman turns around and calls for the previous question again, and the reason he gives for it. It turns out that two motions were made by two gentlemen, apparently opposed to Mr. Damrell, to have it referred to committees for investigation. It seems to me that is perfectly fair. An examination can be made better by a committee than by this Council. A gentleman proposed to refer it to a special committee, and that was voted down; and then a gentleman proposed to refer it to one of our regular committees; and then a gentleman who is in favor of Mr. Damrell proposed to send it to another committee, and then two other gentlemen, favoring Mr. Damrell, propose sending it to other committees, and the last two motions are dilatory. Then the gentleman from Ward 13 jumps up and says that because of this delay, which comes from his own side of the house, and which his friends have gotten up here, therefore we must have the previous question and no more investigation. It seems to me that the gentlemen favoring Mr. Damrell are ready to catch at straws to choke off all investigation in regard to Mr. Damrell's qualifications. I have been looking for the rule which prevents the gentleman from making an explanation.

Mr. Flynn—You ought to know; you are on the Committee on Rules and Orders.

The President—The gentleman from Ward 13 will address the Chair.

Mr. Crocker—I don't know any rules that are not here.

#### SALARIES FOR MEMBERS OF CITY GOVERNMENT.

On motion of Mr. Pratt of Ward 21 the special assignment for nine o'clock, viz., orders for petitions for act to allow members of the City Council salaries came up.

On motion of Mr. Thompson of Ward 9 the subject was specially assigned to 8½ P. M., two weeks from tonight.

Mr. Pratt explained that when he called for the special assignment he had not observed that the mover of the orders [Mr. Spenceley of Ward 19] was absent from the Council.

#### INSPECTOR OF BUILDINGS—*resumed.*

The discussion on the Inspector of Buildings was re-umed, the question being on ordering the main question.

Mr. Webster of Ward 3 moved to lay the whole matter on the table. The question was put; the President was in doubt, and on motion of Mr. Webster the yeas and nays were ordered, and the roll was called.

When the name of Mr. Fernald was called, he answered yes; Mr. Flynn of Ward 13 said no, and Mr. Fernald said no.

Mr. Howes of Ward 18—I raise the point of order that the gentleman from Ward 13 is voting for other people.

Mr. Flynn—I don't desire to insult the gentleman personally; but he is telling an untruth; it is false.

The President rapped to order, and the roll-call proceeded.

The motion to table was lost—yeas 27, nays 39:

Yeas—Messrs. Barnard, Beeching, Blodgett, Brown, Burke, Crocker, Danforth, Day, Doherty, Felt, Hibbard, Howes, Mowry, Pearl, Perham, J. H. Pierce, O. H. Pierce, Pope, Pratt, J. B. Richardson, Roberts, Shepard, Stone, Thorndike, Warren, E. R. Webster, G. B. Webster—27.

Nays—Messrs. Barry, Blanchard, Brintnall, Cannon, Clarke, Coe, Cox, Cross, Dee, Duggan, Fa-

gan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGarage, Mullane, Nugent, O'Connor, O'Donnell, Reed, M. W. Richardson, Roach, Ruffin, Sampson, Smardon, Souther, Thompson, Upham, Vose, Wilbur, Wolcott—40.

Absent or not voting—Messrs. Hiscock, Morrill, Sibley, Spenceley—4.

The question recurred on ordering the main question.

Mr. Thompson—It has been assumed by the gentleman from Ward 13, and my colleague from Ward 9, that in my motion to refer the subject to a special committee, I was actuated by my intention to oppose Mr. Damrell. I wish to state that I was not, but I was anxious to make up my mind as to the qualifications of the man. I will say now that my mind is made up and I shall vote against him any way. I hope the previous question will be ordered and that we shall come to a vote.

Mr. Crocker—I think the gentleman misunderstood me. I did not say that he made it in opposition to Mr. Damrell; but he had expressed some opposition to Mr. Damrell, and that motion might be charged to the opponents of Mr. Damrell, or to those somewhat inclined to oppose him. I think it a fair motion to refer it to a committee to inquire and report. I do not desire to make any dilatory motions; but if the matter had been discussed I should like to have asked some questions of the friends of Mr. Damrell. I should like to get answers to such questions, whether he ever built any buildings in his life, and what the nature of his business has been. Apparently we cannot get any information upon those points. I am not very particular, because it is as well to meet the matter now. It is fully as likely to be rejected now as under other circumstances.

Mr. Fagan of Ward 19—I can give the gentleman a little information. I know two large buildings he has put up; one on Blossom street and the large addition to the medical college at the South End. I am not acquainted with the gentleman personally, but I think in justice to him I should say that much. I think other gentlemen here know that he has put up buildings.

Mr. Pratt—I presume from the temper of the gentleman's friends, that the main question will be ordered and we shall be forced to vote. I have asked in all fairness for more time to consider this question before voting upon it, and I have been refused. In common with others I feel that upon such a question as this, where there is nothing suffering for the disposal of the question before us, we ask nothing unreasonable. I came here in no spirit of hostility to the nominee, and I don't propose to exhibit any such spirit. But if this question is forced upon us under the previous question, after these efforts to obtain more time, I shall certainly vote against confirmation.

Mr. Barnard of Ward 21—Several members seem to wish to have a little more time to investigate, and there seems to be a general disposition to lay it upon the table. In order to give the friends of Mr. Damrell time to come forward and bring some evidence as to his fitness, as they profess to believe they can, I move that the subject be specially assigned to next Thursday at 9 P. M. That will give friends and opponents of Mr. Damrell a week's time to examine and make themselves a little more familiar with the subject.

The Chair ruled the motion out of order, the time for discussing the previous question having expired.

The main question was ordered.

Mr. McDonald called for the yeas and nays.

Mr. Pratt moved that the question be taken by ballot, and the Chair ruled that the motion for the yeas and nays took precedence.

The yeas and nays were ordered.

The nomination was confirmed—yeas 35, nays 31:

Yeas—Messrs. Barry, Blanchard, Brintnall, Cannon, Clarke, Cox, Cross, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGarage, Mullane, Nugent, O'Connor, O'Donnell, Reed, Roach, Ruffin, Souther, Upham, Vose, Wilbur 35.

Nays—Messrs. Barnard, Beeching, Blodgett, Brown, Burke, Coe, Crocker, Danforth, Day, Felt, Hibbard, Howes, Mowry, Pearl, J. H. Pierce, O. H. Pierce, Pope, Pratt, J. B. Richard-

son, M. W. Richardson, Roberts, Sampson, Shepard, Smardon, Stone, Thompson, Thorndike, Warren, E. R. Webster, G. B. Webster, Wolcott—31.

Absent or not voting—Messrs. Hiscock, Morrill, Perham, Sibley, Spenceley—5.

#### STONY BROOK IMPROVEMENT.

A motion to reconsider the vote of reference ou order for Stony Brook improvement, by Mr. Coe, hoping it would not prevail, was lost.

#### INSPECTOR OF BUILDINGS AGAIN.

Mr. Howes moved to adjourn.

Mr. Flynn of Ward 13—I ask the gentleman to give way. I want to make a very important motion.

The motion to adjourn was lost by a division—24 for, 34 against.

Mr. Flynn of Ward 13—I move to reconsider the vote whereby the nomination of John S. Damrell was confirmed, hoping it will not prevail.

Mr. Pratt moved to lay on the table. Declared lost, and doubted by several members.

Mr. Pratt called for the yeas and nays, which were not ordered.

The resolution to table was lost—27 for, 33 against.

Mr. Flynn of Ward 16 moved the previous question.

Mr. Thompson of Ward 9—I hope that motion will not prevail. If the gentleman whose nomination has been confirmed is desirous of entering upon his office under these circumstances, then I pity him. Any man who has any self-respect, or any feeling of pride, which I hope he has, and who aspires to an office of this kind, will not desire to take an office under this city while not

daring to have his character go before the people for one week in order to examine whether he is a fit man for the place. Gentlemen have come here tonight, and by a bare majority of three have forced this man upon the city for three years. For the gentleman's own sake I hope there will be found some few of those men here who voted for confirmation who would be willing to trust their candidate's character to the test of a week's investigation. There must be some friends of his here who cannot feel that such a bargain and sale is upon them to push it through, and I believe they will give the citizens of Boston a week to investigate the character of this man. I said truly that I came here this evening without any particular prepossessions against him. But I say now, that, from the action of his friends tonight, I don't believe he can be worthy of the place.

Mr. Pratt asked for, and the President ruled on the question whether the motion for the previous question was in order. He ruled that it was.

Mr. Coe—I hope this will lie over one week. I came here intending to vote for Mr. Damrell, and voted to take it from the table for that purpose; but I am not prepared to vote for him in the face and eyes of such a paper as has been presented here this evening. If it lies over a week, his friends will have an opportunity to present a paper which may have as much weight as the other. I move the Council now adjourn.

The motion to adjourn was declared carried. Mr. Flynn of Ward 13 doubted the vote; the Council divided—35 for, 31 against—and the President declared the Council adjourned.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen

NOVEMBER 12, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE APPOINTMENT.

Police Officer without pay—Martin M. Tobin. Confirmed.

## HEARING ON ORDER OF NOTICE.

A hearing was had on order of notice in relation to the construction of a sewer in Dudley street, between Harvard avenue and Brook avenue. No objections, and recommitted to Committee on Sewers.

## PETITIONS REFERRED.

*To the Committee on Paving.* Timothy Nyhan, to be paid for grade damages on Tremont street, corner Kneeland street, Roxbury; Leonard Ware *et al.*, that Spear alley be repaved; Thomas Cushing *et al.*, that Northampton street, west of Columbus avenue, be provided with sidewalks and be numbered; Jordan, Marsh & Co., for the removal of the railroad track on Washington street between Temple place and Summer street; Alpheus M. Stetsou, for sidewalks on Brewster street; Mrs. O. C. Hapgood, for abatement of assessment at 21 Alpine street.

Petitions for brick sidewalks in front of estates of George W. Lovett, 10 Highland avenue; James Cushing, 12 Highland avenue; A. C. Small, 569, 571 and 573 Columbus avenue.

Petition for edgestones in front of estates of Delle S. Potter, Commonwealth avenue and Fairfield street.

Petitions for leave to move wooden buildings by Beven & Sefton from 79 George street to 508 Dudley street, Ward 20; by John S. Blaine, from 468 to 446 Harrison avenue, Ward 17.

Lynn & Boston Railroad Company, to run cars from Haymarket square to Temple place; George P. French and fifty others, that Downer street may be graded so that water pipes can be laid therein.

*To the Joint Committee on Claims.* Mary A. Dailey, to be paid for personal injuries caused by an alleged defect in B street; John H. Proctor, to be paid for personal injuries sustained on Meridiau-street Bridge.

*To the Committee on Licenses.* Theodore Lyman *et al.*, against the grant of license to L. J. Jourdain to exhibit a gallery of anatomy in this city; Boston Society of Natural History, against the issue of a license for Jourdain's gallery of anatomy.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables by Thomas White, new wooden shed for one cow and one horse, Longwood avenue; Renny Anderer, new wooden, four horses, on Rockland street; Thomas Igo, old shed, one cow and one horse, Greenwich street; Cook & Handy, new wooden, twenty horses, Island street; Simonton & Gill, new wooden, two horses, Marion street in rear; Charles E. Paige, old wooden building, two horses, Fifth street, between K and L streets.

*To the Committee on Lamps.* Levi B. Gay, that Huntington avenue from Dartmouth street to the bridge be lighted; that St. James avenue between Dartmouth street and the bridge be lighted; John L. Hunnewell *et al.*, that one or more lamps be located in Eaton court or place, East Boston; Joseph Dorr, that Nichols court be lighted.

## BONDS APPROVED.

Bonds were presented duly certified, and were approved as follows:

William H. Bradley, Superintendent of Sewers; Franklin T. Rose and four others, constables.

## SMALLPOX HOSPITAL.

The following was received from the Board of Health:

The undersigned respectfully represent that under the authority conferred by an order of the City Council approved Nov. 24, 1875, appropriating \$25,000 for the purpose of purchasing a suitable site and erecting a hospital for the treatment of contagious and infectious diseases, the Board of Health, after many fruitless efforts to obtain a lot of land both suitable and unobjectionable, succeeded in purchasing such a lot, containing about  $4\frac{1}{4}$  acres, situated on the southeasterly side of

Canterbury street, for which the city paid the sum of \$9000, and assumed the taxes of the current year, amounting to \$34.06, making the total cost of the lot \$9034.06, and leaving of the sum appropriated for the erection of such a hospital the sum of \$15,965.94. That the City Architect having prepared plans for said hospital, which in his judgment could be erected for said last-named sum, and said plans having been approved, said Board of Health has proceeded to prepare the foundation and erect said hospital in conformity thereto. That an additional appropriation of about \$6500 will be required to fence said lot, to pay the Water Board for extending the water pipes to supply said hospital, to pay for heating the same and grading about it, and for the erection of a stable to be used in connection therewith. That there is an unexpended balance in the general appropriation for the Board of Health from which a transfer can be made for that purpose. Wherefore the undersigned respectfully pray that such transfer may be made.

For the Board of Health,

S. H. DURGIN,

Chairman.

Referred to Finance Committee. Sent down.

## PAPERS FROM THE COMMON COUNCIL.

Petitions, etc., were referred in concurrence. Auditor's exhibit for Nov. 1, 1877. (City Doc., 88.) Placed on file.

Report of Board of Fire Commissioners on the number and character of alarms of fire in the month of October. Placed on file.

Order to release to Sarah M. English *et al.*, all the title of the city under deeds as therein set forth, by the payment of the sums of \$450 and \$154. Passed in concurrence.

## LICENSE REPORTS.

Alderman Dunbar submitted the following;

Hack Licenses Refused—John F. Bowers, 2-4-6 Chardon street; E. Kiusman, 25 Eliot street, at night.

Intelligence Office Licensed—Mary S. Belcher, 375 Tremont street.

Wagon Licenses Granted—W. P. Buckley, 63 Blackstone street; D. V. Neal, express; Jacob Russell, 459 Blue Hill avenue; Myron E. Winslow, 34 Harvard street.

Pawnbroker Licensed—Simon Levi, 47 Kneeland street.

Auctioneer Licensed—B. J. Hussey, 46 Washington street.

Victualler Licensed—S. S. Goodrich & Co, 33 Hanover street.

Severally accepted.

## FIRE DEPARTMENT.

Alderman Burnham submitted the following:

The Joint Standing Committee on Fire Department, who were directed to ascertain and report the number of meetings held by the Board of Fire Commissioners during the past twelve months, the names of the absentees, if any, at such meetings, and the causes of their absences, would respectfully report as follows: The number of meetings held by the Board of Fire Commissioners during the twelve months ending Oct. 29, 1877, is 302. Commissioner Chamberlin was absent from thirteen meetings; five of these absences occurred during his summer vacation, and the other four were caused by his visiting New York on official business, for the purpose of making some examinations in the New York Fire Department. Commissioner Curtis was absent from fifty-six meetings, the causes of absence being as follows: In February and March Commissioner Curtis was confined to his bed at home by sickness, compelling his absence at eight meetings; he was also prevented from attending the meetings of Nov. 25, 1876, and Aug. 2, 1877, by sickness; his vacation covered by arrangement one day in each week from July 11 to Oct. 10, 1877, causing his absence at thirteen meetings; his absence from twenty-five meetings was unavoidable, on account of his attending to official business authorized and directed by the board; official examination of the fire-alarm telegraph work in Brighton required some of these absences, but nearly all of them were caused while he was testing the department hose at the fire boat, circumstances requiring these tests to be made at the usual hour of meeting of the commissioners. He was at the department office on all the days on which these twenty-five meetings took place, although not being able to be present at the meetings, as stated, and he was familiar with all business transacted by the board. The remaining eight absences of Com-

missioner Curtis are not specially accounted for in the records of the board. Commissioner Allen, whose term expired May 1, 1877, was absent at six meetings, the absence not being specially accounted for in the records. Commissioner Longley, who was appointed May 26, 1877, has been absent once on official business, and three times which are not specially accounted for in the records. The absences not specially accounted for in the records are not believed by the committee to signify inattention to official business. Accepted. Sent down.

STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board, recommending the granting of permits to erect and occupy stables by M. Lefstrom, 201 Centre street; Alden Bartlett, Green street, Ward 23; estate of James B. Dow, East Chester park; Michael H. Leonard, 301 Bennington street. Severally accepted.

THE ELECTION RETURNS.

Alderman Viles submitted the following:

The committee appointed to examine the returns of votes cast in the several wards of this city on the 6th instant for State and county officers and on the constitutional proposition, have attended to their duty, and report that the returns from the several wards are properly made and signed and the results of the election are correctly recorded in the book kept for that purpose. The committee report that within the time and in the manner provided by law they received requests for the reexaminations of the ballots cast for Senators in Wards 16, 13, 14, and 15. They accordingly recounted said ballots, and the results of their count are entered in the record aforesaid. The committee recommend that the usual certificates be signed and transmitted to the Secretary of the Commonwealth. The committee also report that they have received within the time and in the manner provided by law requests for the recount of the original ballots cast for Representatives to the General Court in Wards 8, 12, 15, 16, 17, 20 and 22; they therefore ask for further time in which to report the names of the Representatives chosen in this city.

For the committee.

CLINTON VILES, Chairman.

For Senator—Fifth District.

Ward Returns.				
Wards.....	13	14	15	Total.
Thomas Gogin.....	399	904	694	1997
John B. Martin.....	872	458	491	1821
L. L. Wood. L. L. Wood.				
D. L. Wood.....	14	86	79	179
All others.....	5	5	2	12
Official Count.				
Thomas Gogin.....	406	959	693	2058
John B. Martin.....	865	459	495	1819
L. L. Wood.....	12	103	79	194
All others.....	9	5	8	22
Blanks.....	33	19	18	70

For Senator—Ward 16 of District 6.

Ward Returns—Official Count.

Alvah A. Enrrage.....	164	319
Edwin A. Alger, Jr.....	309	792
Alden Avery.....	29	30
All others.....		6
Blanks.....		21

Accepted.

SEWERS.

Alderman Viles submitted the following from the Committee on Sewers:

Ordered, That his Honor the Mayor be authorized and requested to release to N. M. Jernigan estates numbered 4 and 6 Fruit-street court, now held by the city under sale for unpaid sewer assessment, said sale being recorded in Suffolk Registry, lib. 1237, fol. 316, upon the payment by the said Jernigan of the sum of \$36.78. Read twice and passed. Sent down.

Order to construct sewer in Cunard street. Read twice and passed.

Report that no action is necessary on petition of George W. Parker, for abatement of his sewer assessment in Spring-park street. Accepted.

Ordered, That \$15.09 be abated from the assessment levied upon J. Tarpey's heirs for a sewer in Keyes street, on account of inability to pay; that \$72.40 be abated from the assessment levied upon the Universalist Church Society for a sewer in Greenough avenue, on account of inability to pay; also that \$27.69 be abated from the assessment levied upon Patrick Gilligan for a sewer in Greenwich street, on account of inability to pay. Read twice and passed.

DAMAGES FOR FOWLS KILLED BY DOGS.

Alderman Robinson offered an order--That the Treasurer he authorized to pay George T. Sears the sum of \$16 to compensate him for the loss of certain fowls which were killed by a dog on the 13th day of October, 1877; said sum to be deducted from the amount received for dog licenses. Read twice and passed.

PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Report--That leave be granted to move two wooden buildings by John Quirk from Northampton street to Swett street.

Report and order--That permission be granted to Charles G. Wood to erect a bridge over and across Milk street, to connect the Old South Church with the Transcript Building, for the accommodation of a fair to be held in the month of December, upon condition that said bridge shall be constructed under the direction and to the satisfaction of the City Engineer, and also with the usual conditions appended. Order read twice and passed.

Report and order that permission be granted to the Maverick Oil Company to lay a pipe for pumping oil under Saratoga and Bremen streets upon the usual conditions. Order read twice and passed.

Schedules of cost of edgestones in sundry streets, with orders for the assessment and collection of the same. Read twice and passed.

ROXBURY CANAL.

Alderman Viles submitted the following (City Doc. 92):

The Joint Standing Committee on Health, to whom was referred the petition of J. H. Chadwick and others, that the nuisance in and about Roxbury Canal be abated, having considered the subject and given a hearing to the petitioners, beg leave to submit the following report:

In the year 1796 John Lowell, Increase Sumner, Thomas Williams, and others were incorporated as "the proprietors of Roxbury Canal," for the purpose of opening a communication by water upon the easterly side of the town of Roxbury to extend into Roxbury, and under their charter straightened and excavated a creek which ran through Lamb's Dam Farm and the marsh adjoining, and constructed what is known as Roxbury Canal.

The canal is bordered by wharves, occupied by dealers in coal and wood, lumber, and building materials. These wharves are accessible to vessels only at high water. At low water portions of the bottom of the canal are bare, and there is no current except such as is produced by the ebb and flow of the tide.

The canal receives the contents of three sewers, viz., the Albany-street sewer, which drains 213 acres and 1377 houses; the Chester-park sewer, which drains 58 acres and 835 houses; and the Concord-street sewer, which drains 55 acres and 543 houses; making a total of 326 acres and 2755 houses, the drainage of which is emptied into the canal. As a natural consequence, the accumulation of filth has produced a nuisance which is a source of great discomfort and annoyance not only to persons living in the immediate vicinity, but also to others who reside at a considerable distance from the canal.

At the hearing given by the committee, residents of houses situated on Washington and Newton streets complained that they were frequently compelled to close their windows on account of the effluvia arising from the canal. Physicians connected with both the City Hospital and the Homœopathic Hospital testified to the annoyance which is experienced at those institutions from the nauseous odors, and expressed the opinion that the recovery of patients was in some cases retarded thereby. It was also in evidence that the value of real estate in the vicinity of the canal is diminished by the nuisance. Property owners and residents in that section of the city are anxious to have the nuisance abated, while the only opposition comes from the occupants of wharves situated on the canal, who object to having their business injured.

The only complete remedy for the evil is to intercept the sewers which now empty into the canal, and carry the sewage to a new outlet in deep water, and to fill the canal with clean gravel. To divert the drainage alone will not be an effectual remedy, as the bed and surroundings of the canal are so completely saturated with filth that a long period would elapse before they would be purified by natural methods. Besides, as long as

the canal remains open, it will continue to be a convenient receptacle for garbage and debris more or less offensive in character, and increasing in quantity with the growth of the neighborhood.

The necessary authority for abating the nuisance was granted by chapter 217 of the acts of 1877. By this act the city is authorized to purchase, or otherwise take, the lands and easements, with the buildings and other fixtures thereon, situated within the district bounded by Harrison avenue, the line of East Chester park extended to Swett street, Swett street and Northampton street. Within sixty days from the time it shall take the lands, the city is required to file in the office of the Registry of Deeds a description of the lands so taken; and the title of the lands and easements so taken shall then vest in the city of Boston. The city shall then forthwith raise the grade of the territory by filling up the same, including that portion of Roxbury Canal lying within the district, with good clean earth or gravel, and with reference to the complete drainage thereof. All lands and easements taken otherwise than by purchase must be taken within two years, and all grading and filling done within three years from the passage of the act. On and after the completion of the work the sewers and drains now discharging into Roxbury Canal must be discharged elsewhere, and cannot be discharged into any part of the canal. The city is authorized to lay and maintain railway tracks for the purpose of transporting earth and other material required to fill up the district.

The act further provides for the settlement of all claims on account of taking the lands, first by the appointment by the Supreme Court of three commissioners, who shall award and assess the value of the land at the time of taking, and the amount of damage, if any; and, secondly, by an appeal from the decision of the commissioners to a trial by jury at the bar of the Supreme Court.

The territory to be improved contains 329,466 square feet of land, including those portions of East Chester park and Albany street which are within its boundaries. The buildings upon it are all of wood, and consist mostly of coal and lumber sheds, stables and offices. It will not be necessary to raise the grade of the district. About 1000 feet in length of the canal will be filled up, and a sea wall built across the canal, on the line of East Chester park extended.

If the canal is filled up the city will be relieved of the cost of maintaining Albany-street Bridge. This bridge was constructed some twelve years since, and for temporary purposes. The bulkheads are of wood, and constant repairs are required. Its original cost was probably \$10,000. A new structure will be required within three years, the cost of which would, with stone abutments and modern construction of bridge, be about \$50,000.

The Superintendent of Sewers informs the committee that the cost of intercepting the sewers now discharging into the canal, and carrying them beyond the limits of the canal, as prescribed by the act, going over the Concord-street sewer, and discharging opposite Brookline street, through the yard of the Paving Department (not including the cost of any land or damages for going through the territory of the Paving Department), will be \$50,000.

The total cost of the improvement is estimated as follows:

Value of estates to be taken.....	\$305,900.00
Cost of filling canal.....	26,400.00
Cost of sea wall.....	9,000.00
Cost of intercepting sewer to outlet opposite Brookline street.....	50,000.00
Total.....	\$391,300.00

The value of the fee in the dock (if any there be) is not included in the above estimate. The value of the estates is taken from the Assessors' valuation of 1877.

The committee are of the opinion that the existence of what is nothing more or less than an open sewer within the limits of the city, and immediately adjoining a thickly populated district, is a nuisance which should be abated, and they believe that its continuance cannot fail to be prejudicial to the health of the community.

They would, therefore, respectfully recommend the passage of the following order of taking.

CLINTON VILES.  
CHOATE BURNHAM.  
EDWIN SIBLEY.  
JAMES J. FLYNN.  
ROBERT COX.

Whereas, By an act of the Legislature of the Commonwealth of Massachusetts, passed the eleventh day of May, A. D. 1877, entitled "An act to enable the city of Boston to abate a nuisance existing therein, and for the preservation of the public health of said city, and for other purposes," it is provided, among other things, as follows, viz.:

Section 1. The city of Boston may purchase or otherwise take for the purpose of abating the nuisance now existing in and about the Roxbury Canal, so called, the lands and easements with the buildings and other fixtures thereon situate and lying within the district hereinafter bounded and described, to wit, commencing at the junction of Harrison avenue and the northerly line of East Chester park, and thence running by said northerly line of East Chester park, produced in an easterly direction, across the said Roxbury Canal to Swett street; thence by the northerly line of Swett street to Northampton street; thence by the northerly line of Northampton street to Harrison avenue; and thence by the easterly line of Harrison avenue to the point of beginning.

Said city shall, within sixty days from the time it shall take said lands or easements, file in the office of the Registry of Deeds for the county of Suffolk a description of the lands or easements so taken as certain as is required in a common conveyance of land, and a statement that the same are taken pursuant to the provisions of this act; which said description and statement shall be signed by the Mayor of said city, and the title to all lands and easements so taken shall vest in the city of Boston; and, if any party whose land or easement is taken shall agree with the said city upon the damage done to him by the said taking, the same shall be paid to him by the said city forthwith. And it shall be the duty of the city of Boston forthwith to raise the grade of the territory so purchased or taken by filling up the same, including that portion of the Roxbury Canal lying within the described district, with good, clean earth or gravel, and with reference to a complete drainage thereof, so as to abate the present nuisance and to preserve the health of the city.

Now, therefore, know all men by these presents, That the said city of Boston, by virtue of the power and authority in said act given, and pursuant to the provisions thereof, has taken, and by these presents does take, the following-described parcel of land, situated within the limits described in said act, bounded and described as follows, viz.: Commencing at the junction of Harrison avenue and the northerly line of East Chester park; and thence running by said northerly line of East Chester park, produced in an easterly direction across the said Roxbury Canal to Swett street; thence by the northerly line of Swett street to Northampton street, thence by the northerly line of Northampton street to Harrison avenue; and thence by the easterly line of Harrison avenue to the point of beginning.

The said parcel of land is shown on a plan made by Thomas W. Davis, City Surveyor, bearing the date July 24, 1877, and deposited in the office of the said City Surveyor.

To have and to hold the same to the said city of Boston, its successors and assigns, to its and their sole use and behoof forever, agreeably to the provisions of the said act.

I, Frederick O. Prince, Mayor of the city of Boston, do hereby approve of the foregoing instruments, and of the action of the City Council in the premises; and in accordance with the provisions of the act referred to in said instrument, I hereby certify that the lands described in said instrument were, and are, taken pursuant to the provisions of the said act.

In witness whereof I have caused the common seal of the City of Boston to be hereto affixed, and have hereto set my hand as Mayor, as aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and seventy-

Alderman Viles—It is well known that a petition came in in the earlier part of the season in relation to abating the nuisance made by the Roxbury Canal. The Joint Committee on Health gave one public hearing, which was largely attended by many of the best citizens of the South End. They certainly made out a case that the canal was an unmitigated nuisance. The committee have visited the location, and have gone into the price of land and filling and all the details. The expense will be about \$400,000, but as it is in the heart of the city, in the midst of a dense population, in the best section of the city, the com-

mittee recommend that the improvement be made. By the act, the city takes the land, and after the work is done we don't think it will prove a great expense to the city. I move that the report be referred to the Committee on Finance.

Referred to the Committee on Finance. Sent down.

#### HORSE RAILROAD LOCATIONS.

*Middlesex Railroad.* Among the reports and orders from the Committee on Paving, submitted by Alderman Robinson, was the following:

The Committee on Paving, to whom was recommended the petition of the Middlesex Railroad Company for leave to construct a turnout track on South street at the Old Colony Railroad depot, respectfully recommend the passage of the accompanying order.

For the committee.

R. W. ROBINSON, Chairman.

Ordered, That in addition to the rights heretofore granted to the Middlesex Railroad Company to lay down tracks in several of the streets of the city of Boston, said company shall have the right to reconstruct a turnout track on South street, near the northwesterly corner of the Old Colony Railroad station, and to connect the same by curved tracks with the tracks of the South Boston Railroad Company on Kneeland street.

The tracks located by this order being shown on a plan drawn by Messrs. Barbour & Hodges, civil engineers, dated June 1, A. D. 1877, and deposited in the office of the Superintendent of Streets.

The right to lay down the tracks located by this order is upon the condition that the whole work of laying down said track, the form of rail to be used, and the kind and quality of material used in paving said track, shall be under the direction and to the satisfaction of the Committee on Paving and the Superintendent of Streets, and shall be approved by them. Also upon condition that the said Middlesex Railroad Company shall accept this order of location and shall agree in writing to comply with the conditions therein contained, and shall file said acceptance and agreement with the City Clerk within thirty days of the date of its passage, otherwise it shall be null and void.

Order read twice and passed.

*Metropolitan Railroad.* On motion of Alderman Robinson, the Board took from the table the majority and minority reports of Committee on Paving on petition of Metropolitan Railroad Company for additional locations in Washington, Milk and other streets.

Alderman Robinson—As the Board of Aldermen are aware, the Metropolitan Railroad Company petitioned for a double track from Dover street to Summer, and the committee, after full investigation, reported an order allowing them to lay down a track from Temple place to Summer street. The other turnouts and connections are incidental to the laying down of that piece of track. There is a majority and a minority report. All the difference between them is simply that the majority report allows them to go through Devonshire street direct to New Washington street and Haymarket square.

The Mayor interrupted Alderman Robinson, and read a communication from the president of the Metropolitan Railroad stating that they had concluded that the location proposed to be granted in Congress street was less objectionable to the abutters and better on the whole for the uses of the company.

Alderman Robinson—The reason I reported an order for a location in Congress street—and the Metropolitan Railroad have seen fit to take the same view since I reported the order—is that business is done in these dull times very much by express wagons which go direct from Summer street through Devonshire street to New Washington street and the northern depots; and from the northern depots to the southern depots in the same way. I thought it looked less objectionable to go through Congress street, landing passengers at the Post Office door precisely the same as if they went down on the other side; and if Exchange street is widened it will be almost a straight line through from Congress street to New Washington street. Those are some of the reasons which made me differ from my associates on the committee; and as the petition was for either location, either can be granted. Each member of the Board of Aldermen understands this matter, and knows the location just as well as the other members of the Paving Committee and myself.

Alderman Clark—I believe this is a pretty important subject for this present Board of Aldermen to determine. The Committee on Paving are not unanimous in regard to this subject. Majority and minority reports come in, one authorizing the Metropolitan Railroad to run its cars down Washington and Milk streets to Devonshire street, and through Devonshire street, across State street, to connect with the tracks already laid in New Washington street. The minority report recommends that, instead of that, they be allowed to go through Post Office square and Congress street, up State street and out Devonshire street to New Washington street. Since the last meeting the Metropolitan Railroad have come to the conclusion that they are undetermined which route is best for them, and come in with a communication saying they have decided that they were mistaken in what they asked for on the previous petition, and now, on the whole, they think it better to go through Congress street and up State street, in accordance with the views of the minority of the committee. That is precisely as it stands today. By this route they expect to relieve the present blockade on Tremont street; but it seems to me it is an attempt to do so by blocking up Washington street. It is nothing more or less; and you cannot get the remedy in the proposition made by the Committee on Paving and the request of the Metropolitan Railroad. If you take a certain number of cars off Tremont street and put them on the already crowded Washington street, you create a blockade on Washington street, which would be infinitely worse than a blockade on Tremont street. There are other ways of relieving this blockade on Tremont street. There is no question about it. The horse railroad presidents understand it, and can produce a programme that will remedy this blockade, by consultation with the Board of Aldermen or the Committee on Paving; and that is by continuing the double track on Tremont street to Scollay square, where no one doing business will complain of it; and then let all the cars that come up to Temple place make the circle at the square, and it will relieve the crossing of tracks at Temple place. It is a very simple thing; instead of making Tremont street a stable for the shifting of horses, they can make the circle by going to Scollay square, where they will interfere with no one. That is one way to relieve it to a great extent. Another is to take off a portion of the cars that now come down Columbus avenue, averaging five to eight passengers apiece; take off a sufficient number from both the Metropolitan and Highland roads and leave on sufficient to accommodate the people, and thereby you relieve the blockade on Tremont street. I believe that it is a subject of too much importance for this Board of Aldermen to decide upon in any hasty manner. If we are going to allow the Metropolitan Railroad to run its cars in the business part of the city and through streets that we laid out at a cost of a million dollars, I think the subject should receive more attention than we have had, or will have, time to give it. There has a petition come here to have the tracks already laid in Washington street taken up, and on that there is to be a public hearing. I understand that the law is that if tracks have been laid a year, and parties petition to have them taken up, they have to be heard just the same as a railroad company petitioning for a location. The Metropolitan Railroad Company have changed their mind, and instead of going through Devonshire street they want to go out through Congress street. The Committee on Paving are not unanimous. I believe it is of too much importance for us to act upon so hastily, and I move that the whole subject be referred to the next City Government.

Alderman Slade—In the early part of the season an order was passed for the Committee on Paving to see if something could be done to relieve Tremont street. They have had that matter under consideration all summer and given a good deal of careful attention and thought to it. We have, I think, been pretty faithful in trying to solve the difficulty, so that the riding public, the owners of stores and the railroad companies would all be satisfied. But that is an impossibility. This is not altogether a request of the Metropolitan Railroad. The Paving Committee requested the presidents of all the railroads to meet us in consultation and see if we could not devise some plan by which this whole difficulty might be got over. The difference between the majority and minority reports does not amount to a great deal; still, the

majority believe that it is the best for the road, if the track is laid at all, to go through Devonshire street, because it can go very close to the sidewalk in front of the post office; and on Devonshire street there are no stores scarcely, the buildings being principally occupied for offices, and the cars will go across State street very close to the Old State House, making a route which seemed to the majority of the committee as the most feasible. The Congress-street route carries the cars farther down, and when they get into State street it seemed to us that it made a pretty bad route, and would be an annoyance in State street; whereas, if they went through Devonshire street, it would be very little. The majority of the committee believe that the Devonshire-street route is the one to take. I, for one, believe that it is the route to take if either is given, particularly on account of the trouble it would make in State street, and the pretty short turn the cars would have to make coming out of Congress street to get into Devonshire street. The President of the Metropolitan Railroad agreed that Devonshire street was the better route, but since then I have understood he has expressed himself otherwise, he very likely having an eye to business by extending his road farther down into the city. Now, so far as this blockade on Washington street is concerned, it is simply this: All the cars that now come down Washington street go up to Temple place; and by laying a double track from Summer street you will take from Tremont street those that go to East Boston and a very large proportion of the depot cars. I think the presidents of the roads calculated it would take somewhere between two and three hundred trips off Tremont street. I don't think there will be any blockade on Washington street with the cars going straight along, as there is in Tremont street. The committee have looked at every route proposed, and tried to get another thoroughfare through the city where everybody wants to go. I don't believe there is any other way that will be as satisfactory as this, and that any one can suggest anything that will answer the public wishes like this. I am very sorry the committee were called upon to make any report at all. I am sorry that Tremont street is so blockaded as it is. Almost every day you see in the papers something about the block on Tremont street, and that something must be done to get the cars off there. I don't know what the South Boston cars want to go on Tremont street for, except those that go to the depots, for nine out of ten people they bring get out to go down to Washington street, except perhaps in the evening, when they may go around. I suppose they are waiting for the Board of Aldermen to pass some such order as that. What we want is something that will relieve Tremont street, and it seems to me this will do it. I don't know why they need be so scared about the blockade on Washington street. At the same time I am not particular about it, and if the public are satisfied I am; and if this Board will do anything to satisfy the public I shall be glad to add my voice to it. I know that a large firm on Washington street is very much hindered; but whether that should stand in the way I don't know. The question is whether this report of the majority of the committee will be satisfactory to the public generally.

Alderman Robinson—As the Alderman has just said, the Paving Committee have been exercised almost all through this season relative to this blockade on Tremont street. Your Honor and the Board will recall that some two months ago I made some remarks here that would seem to do away with the necessity of laying down tracks on Washington street, and which did not seem to meet the approbation of the Board, and have quietly lain among the archives of the Board. They were to the effect that the Middlesex and South Boston roads should come up Washington street and go down Milk street and turn into Hawley street, which would land their passengers in the centre of the retail trade, and then they should go through Summer and Chauncy or some other street to the depots. Then the Metropolitan and Highland cars shall continue on Washington street until they get to Summer street, and go down Summer street to Chauncy street and Harrison avenue or some other street beyond. This would obviate the necessity, as it seemed to me at that time, for laying down any more tracks on Washington street. But, as I say, that has been placed away among the waifs that have passed along, and no action has been taken upon it. Taking it for granted that that was not satisfactory, what is the next best thing? The appli-

cation was made for a track from Dover street to Summer street, but all that has been granted is the little piece of track between Summer street and Milk street. I asked several gentlemen doing business on Washington street, and they in a manner assented to it. It was not the wish of the committee to establish a double track on that street if they could see any other way to get out of this block on Tremont street, which they had been recommended by this Board of Aldermen to devise some means of relieving. The Committee on Paving have agreed upon a plan; and the only difference between the majority and the minority was simply this, and I appeal to each and every member of the Board to stand in Milk street, at the post office, and look through Devonshire street and see the Old State House projecting almost across the street, and see the necessity of making two turns; and whether that turn would n't be just as bad and a great deal worse than to continue them down Milk street, by the post-office door, into Post Office square, and make a turn into Congress street, and thence up State street into New Devonshire street. That is all the difference between the orders. As I said, each and every member of the Board knows that location and has looked at it and is just as conversant with it as I or my associates upon the committee are. As the petition was for either Devonshire or Congress street, it don't seem to me that there is any other way than for the Board of Aldermen to make their choice in the matter.

Alderman Gibson—As the Alderman on my right says, it seems to me this is a very important matter. No two men agree upon it. The outsiders have not agreed, and two of the committee have agreed upon a certain route and another takes the other route. Now, after considering it five months, if the people, the Paving Committee and the horse-railroad companies come in here so scattered, it seems to me it ought to be looked over with more care. We have one or two thoroughfares seemingly required by the public, and everybody wants to go through those thoroughfares. Take New York, for instance; they run cars on the side streets; and so in Philadelphia. They don't allow cars to run up and down Broadway, though they cross it sometimes. We should do the same in regard to Washington street. It is the grand promenade of New England. Thirty-three per cent. of the passengers coming from South Boston and the Highlands want to go on Washington street, and those coming from the North End want to get there, too. We all know it is the grand promenade, and I think every horse-car track ought to be taken out of it, and the cars go in a circuit right around it, down Tremont street or through Devonshire street, which brings everybody within one block of where they want to go. If some plan of that kind can be sought for, and if the Board of Aldermen could take a ride around this territory, I think they could settle it. If the Metropolitan road would take off their cars from Tremont street, as I suggest, and let them go up one street and down another, they would form a complete circle around this section that everybody wants to get to. I don't know the best way to go, but there is a way where they can go across the street, and up and down, and form a circuit right around here, and no one would have to walk more than one block. It is n't expected that the Board of Aldermen can agree if the committee cannot, after working a whole season upon it. I should hope that the Alderman's motion to refer to the next City Government would prevail. If we could go around the route I think I could select one which would satisfy the public and let Washington street remain as a great thoroughfare for a promenade for the public.

Alderman O'Brien—If this order is pressed tonight I shall vote for the minority report, as it is the most sensible one that we can adopt. If any gentleman takes a glance at Devonshire street he must know that it is more crowded by common carriers than any other street in the city of Boston today, and a horse railroad in that street would be a great obstruction to the common carriers. But I believe with the Alderman opposite that this question is too important a one for us to decide tonight. It ought to be referred to the next City Government, who ought to appoint a special committee to give their whole time and attention to horse-railroad locations. I have no doubt every member of this Board will

bear me out in saying that a special committee ought to take charge of this whole matter and give their whole time to it, because it has occupied nearly one-half the time of the Board of Aldermen this year. Early in the year the Highland Railroad came before us and told us that some 60,000 inhabitants of Roxbury were pressing to come in through Columbus avenue; that they wanted to go to the art museum and churches on the Back Bay. Now, does any member of the Board of Aldermen believe one word of it? What they wanted was to strike at the short travel of the Metropolitan Railroad on Tremont and Washington streets on the circuit. I don't believe that half a dozen citizens of the Highlands wanted a location there for the Highland road in order to go to the churches and art museums on the Back Bay. What they wanted was to make money by striking at the most profitable custom of the Metropolitan Railroad on Tremont street and around the circuit. That is all they wanted, and I think you might as well speak the truth. Again, the Middlesex road came before this Board and told us that 36,000 citizens of Charlestown want to go to the retail stores on Washington street, and to the southern depots. There is n't scarcely a word of truth in it. What they want is to strike around the circuit and get just as much of this short travel as they possibly can. They don't care what road they get it out of; they want a share of that short travel, and it is not to accommodate the people of Charlestown. The very retail stores whose patronage they say they promote come here and object to any new locations on Washington street. They don't want the custom from the Highlands or Charlestown if the street in front of their stores is to be blocked. Now, you grant the petition originally asked for—a track from Dover street to Summer street—and you would block Washington street more than any other street in Boston is blocked today, even Tremont street. Even this 200 feet of track in Washington street is objectionable. If it is necessary to relieve Tremont street I should be willing to vote for it; but, as I said, I think the best disposition to be made of this business is to refer the whole matter to the next City Government. When the Columbus-avenue track was asked for, I told the Board of Aldermen at that time that no more cars should be permitted on Tremont street. That was the keynote of this whole business, and the fact that the Board of Aldermen, early in the year, granted the location—and made a mistake in doing so—on Columbus avenue, has forced this question upon us. It forced so many more cars into Tremont street that now you have got to take them up and block up Washington street to cover the mistake made early in the year, I don't believe that twenty-four cars an hour ought ever to have been laid on Columbus avenue, and I believe that both the Highland and Metropolitan railroads feel that it was a mistake to place so many cars there, for they are running them without any benefit to themselves, and certainly without any benefit to the public. When I look over this question I cannot help thinking what a vast amount of material is wasted in horse railroads. Here are five horse railroads—the Metropolitan, Middlesex, Highland, South Boston and Union—all competing with each other, and trying to take each other's business away. If they were all under one management, you would have no blocks and the public would be far better accommodated than they are today. I understand that we are to have a petition from the Chelsea and Lynn horse railroads. They say they have some 50,000 or 60,000 inhabitants who want to come here and patronize our retail stores and reach the South End depots; but all they want to do is precisely what the Highland and Middlesex are trying to do, and precisely what the Union is trying to do in coming up Washington street and turning down Milk street—taking the business from some other road. That is precisely the whole of it. The accommodation of the people is the last consideration, and it is merely to make money that these roads are pressing these locations upon us; and I don't believe in it. I think that a committee of this Board ought to give their whole time to straightening out this matter, and I hope it will be passed over to the next City Government.

Alderman Thompson—I cannot agree with the gentlemen who advocate a reference of this question to the next City Government. It is paying a very poor compliment to the Committee on Paving, who have considered this matter with so

much care during a large portion of the year since this block commenced on Tremont street. It is rather late for members of this Board to question its ability to wrestle with a subject of this kind, when the laying out of parks, freeing the ferries and purchasing Mercantile wharf can come up and pass right through without much opposition. Now at this late day, when an extension of the Metropolitan Railroad, a corporation owned in this city, comes up, why should it be such a tremendous question for this Board of Aldermen to wrestle with? That is not the objection, because there have been two reports on the subject, and the question is only in regard to the best route to take. I have been informed—and I have no reason to question the authority—that the absent member [Alderman Fitzgerald] of the Paving Committee is now of the opinion that it is the wisest course for the railroad to take through Congress street, and his attention was called to this matter by one of the largest real-estate owners in this city on Devonshire and Congress streets, and who desires it to go down around Congress street, as he thought it would be an advantage to all the property in that section of the city. I know that there may be a little block in consequence of passing through Washington street; but I know it would be a great convenience to very many people who do business in the section of the city below Post Office square to be able to go there and take the cars to go from one section of the city to the other. For my part I am very glad to see these different petitions come in from these corporations; they show there is some life in the horse railroads if there is n't in steam roads. There is n't a manager of a horse-railroad corporation running out of the city but will tell you they have carried a larger number of passengers the past year than ever before. Why is that? Because the accommodations are greater. Is n't it for the advantage of the city of Boston and for those stores to have people come in from neighboring towns and cities? And is n't it for the advantage of our merchants to have them come? I propose to give them all the facilities that they want. The Alderman who has just taken his seat spoke of the Middlesex railroad, that they make an excuse that the people wanted to visit the retail stores on Washington street. He is mistaken when he says that is not the case. From my own personal knowledge I know that the cars passing through City square for Scollay square will go empty, when the cars bound for Washington street and the depots will go crowded and overflowing. And why is it? Because people want to go in that direction, and the reason why we have these different horse railroads in the different streets is because the people have asked for them; and if they accommodate the people why should n't they have them. The question was suggested at one of our meetings whether the great public should be inconvenienced to accommodate a small number of real-estate holders. That is a question for us to consider. I believe that travel on horse railroads will increase; that a year hence it will be larger than it has been the past year; and I believe that our successors—I presume that none of us expect to be here, under the present peculiar circumstances, and I suppose that is the reason the Alderman wishes to refer it to the next City Government—will have horse-railroad matters to consider as well as we have; and I believe that with the experience we have had this year we are abundantly competent to settle this question. I hope the minority report will be adopted; and I am sure that the absent member of the Paving Committee favors it. I hope we shall meet this question because we have had other very responsible matters to act upon.

Alderman Viles—We have had a good deal of horse-railroad matters the past year, and I was in hopes we should clean our docket of one or two of them. The committee have had the relief of Tremont street under consideration a long time, and both the majority and minority reports recommend this location in Washington street, and one going through by way of Congress and another by way of Devonshire street, and the company has asked for another route. I hope we shall not send it over to the next Government. I hope we shall act upon it today unless some member asks a week's time to look into it.

Alderman Slade—When the Committee on Paving were at work upon this matter I went one day with the Superintendent of Streets and we looked

the ground over as carefully as we could without consulting any railroad president or anybody else. We felt satisfied that Devonshire street was the route to take, more particularly where it crosses State street. If they go through Congress street, when they get into State street they have a pretty crooked place to get around. If the railroad folks think they can do that, I don't object to it, and it don't make any odds to me. If you can make anybody happy I am ready to do almost anything in regard to horse railroads. As the Alderman says, if the other member of the Paving Committee has changed his mind, I shall not stand out about Devonshire street; only I wish to get something that is satisfactory.

Alderman O'Brien—With all due respect for the Committee on Paving—and I am sure I have a great respect for all three of the Aldermen on that committee—I would say this: that the Committee on Paving blocked up Tremont street early in the year by giving a location on Columbus avenue and sending twenty four cars an hour on Tremont street and around the circle; and now the same committee come to this Board and say they want to relieve the block that they made on Tremont street early in the year by blocking up a portion of Washington street. That is the long and short of it; and the Alderman from Charlestown comes here and says that the Committee on Paving have given such great attention to this subject that he bows down to their opinion and is willing to vote for the order they presented. I would state that the facts in the case are precisely as I have said—that this Board of Aldermen, in giving the location on Columbus avenue early in the year, have blockaded Tremont street; and now they intend to block up a portion of Washington street in order to undo what they have done on Tremont street. It is very pleasant to hear the Alderman from Charlestown talk about an increase of business, when it was only at the last meeting of this Board that he was the most despondent man I ever saw, for he said that business was more depressed than during the past two or three years; and now he says that horse-car travel has increased, and business must be increasing, and really contradicts himself. I believe he really tells the truth tonight, and that business is gradually increasing and that we are growing out of the depression that has prevailed for some two or three years. Again, I repeat that the best disposition to be made of this matter will be to refer it to the next City Government; and I hope that City Government—and they will, if they know anything about the tax on their time and patience that this matter will cause—will refer this whole matter to a special committee to adjust. As I said, I believe that four or five railroads are pressing for the profitable travel in the city. They don't care about any location unless they get one on Washington street. It was a very dangerous thing for the president of the Metropolitan Railroad to rise here and state that he had carried thirty millions of passengers the past year. I can imagine the presidents of the Middlesex, Highland and Union figuring in their counting rooms how many of those millions they can take away from the Metropolitan by driving over their tracks. That is precisely what all this pressure for locations means. It means nothing else, and I believe the Board of Aldermen ought to put a stop to it.

Alderman Clark—My reason for asking for delay is simply that I don't believe this Board are prepared to, or can adjust this matter satisfactorily to the people or the horse railroads themselves. The Alderman from Charlestown says we have passed very important measures—much more important than this—during the present year, and having taken that responsibility, he wants us to take this. He must remember that the matter of parks was not only before this Government, but before three previous governments, having been introduced in 1874, and this Government simply carried out a portion of what was recommended three years ago, and we had considered it a very long time. So also in regard to sewerage; and free ferries have been before the City Government in one form or other since 1871. It was not a hurried matter by any means. Now, how can we vote consistently upon this subject when the very committee to whom this matter was referred, and who have been considering it for the past six months, only arrived at a conclusion within the past few days, and that simply in consultation with the presidents of the different

horse railroads? They brought them together and got their views, and in some sort of way patched up a route that would be satisfactory to the horse railroads, notwithstanding it might be a great detriment to public travel; and they bring in majority and minority reports, one of the Aldermen being in favor of Congress street and the other two in favor of Devonshire street. The railroad has changed its mind during the past week and is now willing to take Congress street, probably on account of the great opposition of real-estate owners to the cars passing through Devonshire street. One of the Aldermen offers very good reasons, from his standpoint, as an advocate of the Congress-street route, why the cars should not go through Devonshire street. Then there is this petition of the Union Railroad, who give good reasons why they should go up Washington street; and today the Lynn Horse Railroad has asked for leave to run cars up Washington street. This subject is too important to decide tonight, and the best disposition to make of it is to refer it to the next City Government, and the Board of Aldermen of next year can take it into consideration and devise some plan satisfactory to all the corporations in and out of town. In my opinion there should be a horse-railroad commission established to take this whole subject into consideration—an independent commission whose salaries shall be paid by the horse railroads themselves. Now, in regard to this enormous desire of the people to come from Charlestown to the business part of the city, you will find that they don't average half a dozen people to a car after nine o'clock in the morning until three in the afternoon, and most of the travel the Middlesex get they pick up from the Metropolitan and some other road. They pick up a great deal on the circuit. And it is so with the Union. I think they give a good argument why they should be allowed to come into the heart of the city. I think they can make a good argument why they should be allowed to pick up travel usually carried by the Metropolitan and other lines. This action proposed tonight is simply giving a new location to the Metropolitan road. It is n't to relieve the blockade. It is n't giving the Metropolitan what they ask for, or what the people and the Committee on Paving desire themselves, because a part of them recommend one thing, and a part recommend another, and the whole thing looks to me to be in a perfect muddle. I don't believe we can settle this thing satisfactorily without further time to consider it, and I believe it can be more satisfactorily settled three months hence than at present; therefore I hope it will be referred to the next City Government, and I call for the yeas and nays.

Alderman Robinson—I am exceedingly happy to find that my impression was correct, and that the Alderman from Ward 21 and myself perfectly agree in regard to the blockade on Tremont street in consequence of allowing those Columbus-avenue tracks to be laid; for such was my impression. But I cannot find how the cars got out of Columbus avenue. [The Alderman read from Alderman O'Brien's remarks at a meeting last spring to show that the allowing of Columbus-avenue cars on Tremont street would cause a blockade.] What I wanted to ask here tonight was how the cars got on Columbus avenue. Where is the permission of the Aldermen? I have no recollection of anything of the kind. How did they get there? and where is the vote giving permission to the horse cars to run on Columbus avenue?

Alderman Wilder—The president of the Metropolitan Railroad desires me to state that he has heard of no opposition, either at the hearing or at any other time, to the occupation of Congress street, and they prefer it on account of its width, and its being much more easy to keep clear of teams. In their first petition they expressed a preference for neither. I hope this Board thinks itself competent to deal with this question. It has occupied the attention of the Paving Committee, as well as every member of the Board. For the last ten days I have walked down from Temple place and made it my special business to talk with a few gentlemen doing business on that short piece of Washington street. It is true the principal business people fear it will work them an injury, but I don't think they are very decided in their opinions. I had a conversation with Messrs. Shreve, Crump & Low this morning; they are afraid it will block up Washington street, but still they thought as their patrons could stop their carriages in Summer



street, it would n't injure them very much. I had a conversation with Mr. Ditson on the same subject; his opposition is not very strong, for there is very grave doubt whether or not it is going to be an injury to him or his business. In discussing this question, gentlemen seem to take it as a foregone conclusion that this location is going to hlock up Washington street. I don't come to any such conclusion. I don't believe the inconvenience to business is going to be increased to any perceptible degree. I occupy a store on the square below, and am confident it will be a great convenience to many people doing business there. This is one of the matters we have considered up to a point where we can come to a conclusion; not because I desire to favor the Metropolitan, but because I wish such action as will relieve the difficulty which has been so annoying to the public, and because the Paving Committee and those who have studied the question more carefully than I have, have come to the conclusion that this will entirely mitigate and relieve the difficulty. I hope we shall adopt the minority report, and I believe we will have done our best duty in the premises from the light in which we view it.

Alderman Clark—The city has a little interest in this matter. There are something like \$50,000 of uncollected betterments on Congress and Devonshire streets, and if the city is to allow horse-railroad tracks put in that street, the abutters will have just cause of complaining that the streets were widened for the benefit of the railroads and not for the benefit of the public.

Alderman Wilder restated the information in regard to no opposition to the route.

Alderman Clark—Do I understand there is none on Devonshire street?

Alderman Wilder—There has been none on Devonshire street.

Alderman Clark—I call on the Alderman who made the statement to explain it.

Alderman Thompson—The agent of the Simmons estate, Mr. White, made objection to Devonshire street because he considers it too narrow, and as he controls property on Congress street, he objected to it on that street. I am very sorry to hear my associate on the Street Committee, who has labored so hard in the city interest, to my personal knowledge, in his endeavors to settle the betterment cases, present reasons to parties to hold back and not settle. But there are other sections where betterments have not been settled. On New Washington street there is quite a number not settled, and the occupants would rather have the railroads running through there than have the street in the condition Union street is. And so it will be in Washington street. The people will have customers coming from all directions. An Alderman stated that the storekeepers did not want customers to come from the suburban districts. He may be correct, but if he could see one-tenth of the circulars sent by them to the district where I reside—because people there have the reputation of being good pay—he would change his mind. It is nonsense to have this matter put off to the next Government simply because we have two reports. Every member is familiar with the subject. I think it will be a benefit to the property in this vicinity.

Alderman Robinson—I wish to apologize for the question I asked. I find that on May 23 I introduced an order. I don't know whether I was present at the meeting; but I find I introduced the order.

Alderman Gibson—I have no objection to going through Congress street, but it seems to me they will hlockade Washington street. It seems to me they ought to strike farther off towards the Albany depot instead of coming into the heart of the city. I should prefer to see all the tracks taken out of Washington street on the circuit.

The motion to refer to the next City Government was lost—yeas 5, nays 6.

Yeas—Aldermen Breck, Clark, Dunbar, Gibson, O'Brien—5.

Nays—Aldermen Burnham, Robinson, Slade, Thompson, Viles, Wilder—6.

Absent—Alderman Fitzgerald.

Alderman Thompson moved that the minority report be substituted for the majority.

Alderman Slade asked Alderman Thompson if he was sure Alderman Fitzgerald favored Congress street, and Alderman Thompson replied that he had a conversation with Mr. White, agent of the Simmons estate, who said he called Alder-

man Fitzgerald's attention to the feasibility of Congress street, and that Alderman Fitzgerald said, on second thought, he agreed with him, and thought it would be better to let it go around Congress street.

Alderman O'Brien—One important reason why the minority report should be adopted is that Devonshire street is crowded and narrow, and Congress street is wide, and it will be no impediment to travel to have the cars there.

The minority report was substituted for that of the majority, and the order reported by the minority (with the Congress-street location) was passed—yeas 8, nays 3.

Yeas—Aldermen Breck, Burnham, O'Brien, Robinson, Slade, Thompson, Viles, Wilder—8.

Nays—Aldermen Clark, Dunbar, Gibson—3.

Alderman Clark in the chair.

*Highland Street Railway.* On motion of Alderman Wilder, the order for a double track location for the Highland road on Eliot street (City Doc. 90) was taken from the table.

The chairman read a remonstrance from Moses Williams and others against the double track.

Alderman O'Brien asked for the necessity for a double track, and Alderman Robinson said he understood the vote to be for a single track.

Alderman O'Brien called attention to the fact that Eliot street was widened a few years ago to accommodate the traffic between the depots; and now the abutters, having paid betterments, object to a double track. He would favor a double track.

The matter was recommitted to the Committee on Paving, on motion of Alderman Viles, and subsequently that vote was reconsidered on motion of Alderman Wilder.

Alderman Gibson thought the wishes of a few abutters should not outweigh the convenience of the public in this matter.

On motion of Alderman Wilder the order was amended by making the location a single track, and as amended passed.

#### WARD ROOM IN WARD 24.

On motion of Alderman Wilder the report and order to establish a ward room at the Field's Corner police station in Ward 24 was taken up, and the Alderman presented a petition therefor from S. P. Dexter and 630 others; the chairman also read a petition from M. F. Lynch to the same effect.

A pending amendment, to have the order take effect on Dec. 1, was adopted.

The Alderman withdrew his objection, as so many citizens desired it. He had no personal interest one way or the other.

The order was passed as amended. Sent down.

#### STONY-BROOK IMPROVEMENT.

Alderman Clark submitted the following:

The Committee on Finance, to whom was referred the report of the joint special committee in favor of the improvement of Stony Brook, accompanied by an order providing that a joint special committee be appointed to take charge of the improvement of said brook at a cost of \$133,000, would respectfully report in favor of the passage of said order. In relation to providing the means for the accomplishment of said work, your committee are aware that it has been the financial policy for a few years past not to borrow any money for undertakings costing less than \$200,000, but make a direct tax for them; but in this case it appears from the report of the special committee who have investigated the subject that it is expected that a large amount will be received from betterments to be assessed on those benefited by this improvement; they therefore would recommend the passage of the accompanying order with the one attached to the report referred to the committee providing for a loan for \$133,000 which will be taken by the Board of Commissioners on the Sinking Funds, the said order containing a provision that all moneys received from betterments or otherwise from said improvement shall be paid by the City Treasurer to the Board of Commissioners on the Sinking Funds for the redemption and cancellation of said loan as soon as received by them:

Ordered, That the Treasurer be and he hereby is authorized to borrow under the direction of the Committee on Finance the sum of \$133,000 for the improvement of Stony Brook; and it is herein provided that all moneys received for betterments or otherwise from this improvement shall be paid by the City Treasurer to the Board of Commissioners on the Sinking Funds to be used by them specially for the redemption and cancellation of

the loan provided by this order, as soon as received by them.

The report was accepted and the order read a second time and put upon its passage.

Alderman O'Brien—This looks like an expenditure of \$133,000; but by the passage of the order 180 acres of land will be reclaimed and the betterments we are allowed to assess for the improvement will, it is believed by the committee, pay for the expense. About 1200 families will be relieved, who are flooded every year by the overflow of that brook. A short distance above the Roxbury stables it runs on almost a level grade to Hyde Park, and this improvement makes a gradual deepening and draining of the brook through its entire line. It will redeem a great deal of property, and relieve a

great many people who are now in distress by this overflow.

The order for the loan was passed—yeas 11, nays 0. The order for a joint special committee to take charge of the improvement was passed, and Aldermen O'Brien, Burnham and Dunbar were appointed on said committee.

Sent down.

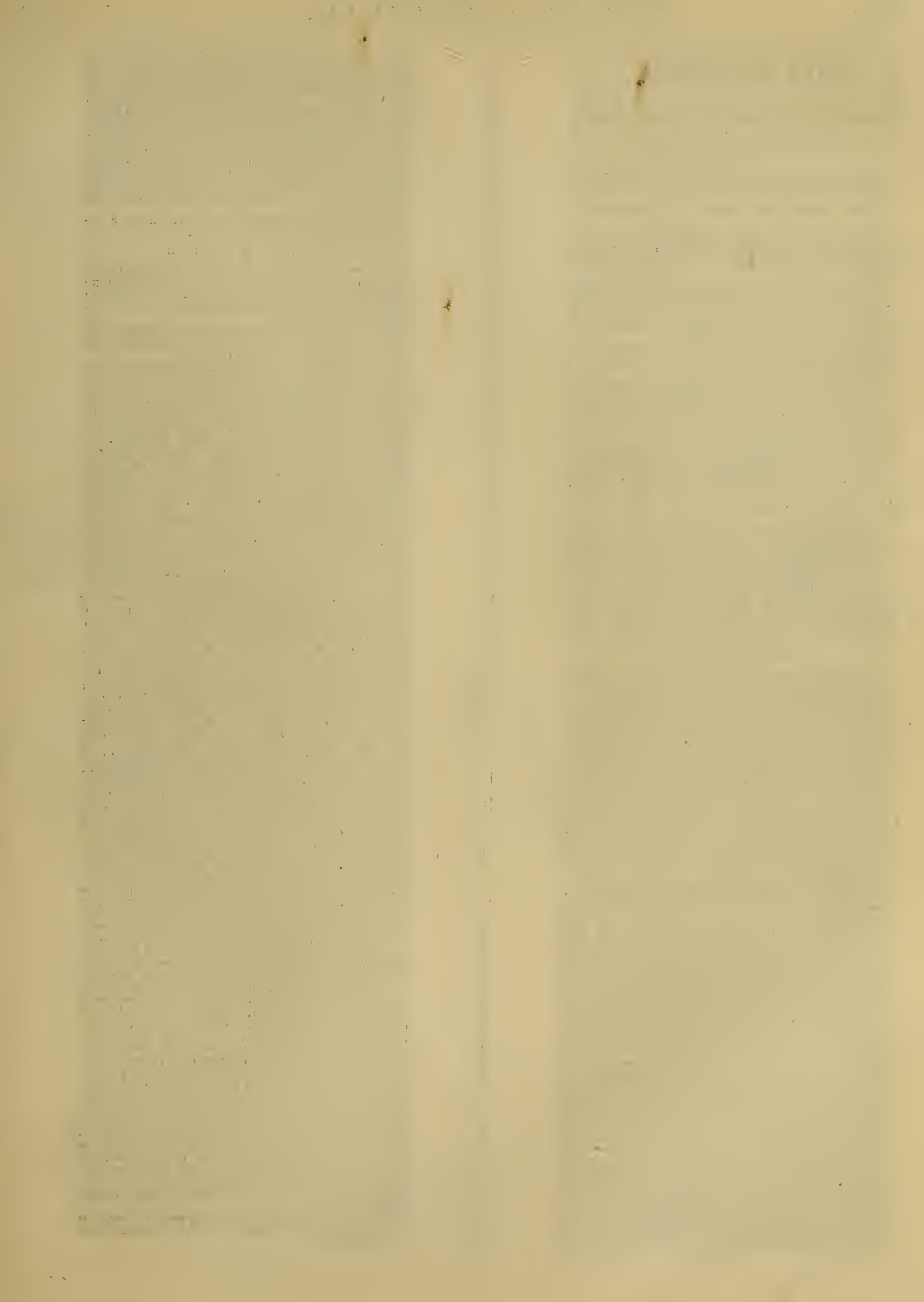
ORDER TO PAY.

Alderman Thompson, from the Committee on Streets on the part of the Board, submitted an order to pay Philip Sowdon, Jr., \$171 for land taken and all grade and other damages occasioned by the laying out of Jenkins street. Read twice and passed.

Adjourned, on motion of Alderman Viles.







## CITY OF BOSTON.

Proceedings of the Common Council,  
NOVEMBER 15, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

Reference to Committee on Finance of a request of the Board of Health for an additional appropriation of \$6500 to complete the Smallpox Hospital. Concurred.

Report and order to locate wardroom of Ward 24 at Police Station-house No. 11. Order read twice and passed in concurrence. Subsequently a motion to reconsider, by Mr. Pierce of Ward 24, hoping it would not prevail, was lost.

Order to release to N. M. Jernigan estates 4 and 6 Fruit-street court, held for unpaid sewer assessments, on payment of \$36.78.

Mr. Thompson of Ward 9—Can any member tell us what this is? I should like to ask some committee if they can tell us what this order is about? If no one can give any information I move to lay the order upon the table.

The motion was lost by a division—15 for, 27 against, and the order was passed in concurrence.

Reference to Committee on Finance of the report and order of the Committee on Health in relation to the abatement of the nuisance in and about Roxbury Canal. (City Doc. No. 92.)

Concurred.

Report of Committee on Finance, recommending the passage of the order for a special committee to take charge of the improvement of Stony Brook, the estimated cost of improvement not to exceed \$133,000 (City Doc. No. 86); and also an order for a loan of \$133,000—all money received for betterments or otherwise to be used for the redemption and cancellation of said loan. The orders were severally ordered to a second reading.

## FIRE COMMISSIONERS.

A report on the subject of the meetings of the Fire Commissioners and absentees therefrom came down to be accepted in concurrence.

Mr. Spenceley of Ward 19—At the time this committee meeting was held I was sick at home, and could not be present. I am very glad the Fire Department Committee did hold one meeting and bring in a report. But I wish to ask the members of the committee present one question. Near the latter part of the report it says—

“Of official examination of the fire-alarm telegraph work in Brighton required some of these absences, but nearly all of them were caused while he was testing the department hose at the fire boat, circumstances requiring these tests to be made at the usual hour of meeting of the commissioners.”

I would like to know the circumstances requiring that these tests should be made from one to two o'clock, if any member of the committee can tell me.

Mr. Burke of Ward 2—I was present at the meeting, but I do not know that I can explain the matter to the gentleman any more than is contained in the report. The records of the commissioners were shown to the committee, and they appear to be substantially the same as the report read tonight. We were informed that Mr. Curtis had been making a test of the hose for weeks past, and it so happened that he chose the time of day that the commissioners generally meet.

Mr. Spenceley—When this matter came up before the Council I stated that a gentleman had not been present for a week at City Hall. I stated it on good authority, and I have yet had no reason to find it to the contrary. Therefore I move that it be referred back to the committee.

Mr. Howes of Ward 18—I trust that it will not be referred back in that way. The report seems to be a full one and if the gentleman was not present at the meeting it certainly is his own fault. There need n't be any reflection upon the commissioners because the gentleman had a sore on his face which kept him in the house.

Mr. Spenceley—I think the gentleman [Mr. Wilbur] put the order in to find out whether this gentleman was attending to his duties or not, and

that was one reason why I stated what I did at the time in regard to this matter. Now, I only ask that this matter may be sifted to see whether I am right or wrong. I have made a certain statement. I don't know whether I am at fault. I don't know whether it is his business whether I have a sore on my face or anywhere else; and when the gentleman speaks of such accusations as that, I think the rest of his speech can go along with it. But I do want to know this, not only for the benefit of the Council, but also for the verification of the statement I made at that time, and that is the reason I ask it.

The motion to recommit was lost, and the report was accepted in concurrence.

## INSPECTOR OF BUILDINGS.

The confirmation of the executive appointment of John S. Damrell as Inspector of Buildings came up under unfinished business, the question being on ordering the previous question on the motion to reconsider.

At the request of Mr. Webster of Ward 3, Mr. Flynn of Ward 16 withdrew the motion for the previous question, to allow debate.

Mr. Webster of Ward 3—As the records will show, Mr. President, I have advocated the absence of all partisan spirit in city affairs, and it is my intention to be consistent tonight. But the rule must work both ways if it is to be applied at all. It has been my endeavor, in considering this matter and putting my ideas together, to judge it from a purely business standpoint. I assume at once that Mr. Damrell is a Democrat—speaking in the municipal sense of the term. He undoubtedly voted for Mayor Prince at the last election, and I suppose will vote for him at the next one. Now, I have always opposed the removal of any Democrat and his place filled by a Republican simply because the incumbent was a Democrat, and I should object to any one being removed because he was a Republican and his place filled by a Democrat. I contend that we should advocate the filling of the positions from a purely business standpoint. Now, it has been said that our policy would be to keep this matter upon the table for two months, and then the succeeding Mayor would have the appointment of this officer. I am opposed to that, as a matter of principle. Mr. Prince is Mayor, and is the man to make nominations, if any are to be made, and it is for us to either approve or reject them. We cannot elect whom we choose; but we can consider whom the Mayor appoints, and if it is not a proper appointment we have no other alternative but to reject it. The idea that we have any moral right to keep it upon the table will not bear the test of any critical examination. The idea would be futile, if attempted to be carried out, for many who oppose Mr. Damrell would be away, and therefore it would prove a failure theoretically and practically. The first question for us to consider is whether there should be any vacancy there, or whether there should be any new appointment at all, and if it proved to be a good thing for the city to retain Mr. Shaw, I would vote against confirming my own brother for the place. That I think is the key-note to the entire matter. Had it not been for the unfortunate affair at the South End I would have advocated Mr. Shaw's case freely tonight. He is personally my friend and I consider him competent for the position. I think he did as much as any man could do in regard to the accident at the South End; he sent his deputies to inspect the stands, believing them to be competent for the duty; and, looking at the matter from the ordinary standpoint, I think he did all that could be done. But, looking at it from a broader standpoint, it is a fact that a careless accident took place, and the result showed the inefficiency of the department; and, looking at it as a matter of life and death, I don't see why he should not be held responsible for the failure in his department. He considered his deputies first-class men; but nevertheless the accident occurred. If a man is going to run a department, and that department proves a failure, in any view of the matter you have got to look to the head of that department for the responsibility. If you sent to a druggist for medicine, and your child should be poisoned by the medicine you received, you would hold that druggist responsible.

Mr. Webster's time having expired, on motion of Mr. Thompson of Ward 9, it was extended, and he continued—

I would not be understood as saying that the Mayor has treated Mr. Shaw as he should be treated. I withhold any opinion upon that matter. But I firmly believe that if I was Mayor—which is of course a ridiculous proposition—I think my feeling would be that the head of the department should be responsible, and I should make some new appointment. Now, the simple question for us to consider is whether Mr. Damrell is fairly competent for the position—not whether he is the best man for the place, for that test would not be applied if Mayor Cobb was making the appointment, as I can mention some of his appointments that would not stand that test. I do not believe the best man can be obtained for this place for \$3000 salary. The question is to be judged from the same standpoint that it would be if the Mayor was more popular. If Mr. Damrell is well qualified for the position, it is my duty to vote for him; and, if he is not, to reject him. We all understand that he has retired from the active business of building, but we find that he is a first-class mechanic, carpenter and engineer of the Fire Department. It is claimed on the one hand that his experience in the Fire Department and his knowledge of unsafe buildings must preëminently qualify him for the office, so far as the safety of buildings, fire escapes and the general fire question are concerned, and that he must be peculiarly qualified for that part of the duty. The next question is whether he is a competent mechanic, and whether he is the right man for the place. There are two sides to this story, both of which present their claims very strongly. His friends claim that he was instrumental in drawing up both the building law and the ordinance which succeeded it, and in getting the law passed; in fact, many of his friends say if it had not been for Mr. Damrell we would not have had any building law. Of course any man who had knowledge enough to draw a law and force it through, ought to be competent to execute it. This is the statement of his friends and himself. On the other hand, I find many architects in Boston who claim the entire credit for the building law themselves, and I found some architects who claimed that he knew nothing about the building law. For the purpose of giving some facts in the matter, I will read a few lines from the New England Insurance Gazette of March 30, 1871.

"The committee met to hear the officers of the City Government and others, upon the bill providing for the inspection of buildings in Boston. Assistant Solicitor Stackpole explained the bill and its objects, which were to aid in the preservation of life and property by fire and other causes, incidental to the erection of unsafe buildings. He gave a full history of the growth of feeling in Boston in favor of the measure before and since the falling of the Tremont-street Skating Rink and Riding School, and remarked that the bill had been under consideration for two years, and had been drawn up with great care with a view to its simplification and comprehensiveness.

"Chief Engineer Damrell gave a full history of causes which led to the necessity of framing such a bill, and stated that the increasing tendency among builders to sacrifice safety to cheapness had given rise to much general remark, which had culminated in its introduction to the Legislature. Thirty per cent. of loss by fire he thought would be saved by its operation, if passed into a law, and he recounted various causes of fire which had come under his observation, defective flues, furnaces, etc. The danger to firemen and occupants from chimneys supported by wood-work; the careless proximity of wood to hearths and fire-places; the insecurity of partition walls, the non-reliability of pile-foundations, and the superiority of cylindrical flues were explained at some length, and the opinion was given that the establishment of a system of fire inquest and inspection of building in process of erection, would be the means of lessening the number of fires that have their origin in the carelessness of mechanics and the indifference of consequences to life entertained by speculators. He explained the various plans of putting up sham buildings, and gave several instances of dangerous support of chimneys by wood which would burn off, when down came the structure. Mr. Damrell also spoke of the overloading of buildings, of dangers resulting from changing dwelling houses into shops and stores, and particularly of the defective partition walls, which were certain to let in smoke

and generally fire; also of the imperfect mode of setting grates. Half the fires of a certain class would be prevented if it was known that the causes would be thoroughly inquired into, as proposed by this bill. He also alluded to the poor foundations for buildings, which caused tenants to become frightened—a block on Ruggles street, Highlands, and one in Blossom street. The principal builders and mechanics in the city were in favor of the provisions of this bill."

I will also read an extract from the Daily Advertiser of yesterday, and will then read another extract from the same paper of quite a number of years ago, showing quite a change in its opinions:

"The nomination of J. S. Damrell for the office of Inspector of Buildings took the public by surprise, and the more it is considered, the more its fitness is questioned.

"He has never held a prominent position as a builder, and no one questions that the office should be filled by either an engineer, architect or a builder of large experience.

"That Mr. Damrell possesses these qualifications does not appear, and in view of the strong petition of the architects and builders against his appointment, it is reasonable to suppose that the Council will reconsider its action and reject it."

I will now compare this with an editorial of the Daily Advertiser of Feb. 27, 1872, in regard to the building laws:

"Some of the builders and building owners in this city are considerably exercised in relation to the building law passed last winter, and the proposed amendments now pending before the Legislature. This is well. The attention of the people of Boston should be especially called to the subject. The character of the city depends in a large degree upon the quality of its buildings. No amount of enterprise and business energy will make a permanently prosperous city unless the buildings are of a substantial character. To withstand the destructive action of the elements they must be thoroughly built and of enduring materials. Especially to be exempt from the disastrous effects of fire, they should be so built. It is the experience of every city of considerable age and size that it will not do to leave each real-estate owner and mechanic to determine, without restriction, the size and character of any building he may choose to erect. Certain regulations affecting the kind of material, character of foundations, thickness of walls, amount and disposition of wood work, arrangement of flues, heating apparatus, and the like, have been found absolutely necessary.

"No well-informed and disinterested person will claim that we can safely do without such regulations. In fact, our building law has come none too soon. The first large fire or shock of an earthquake, of which there have been slight forewarnings, will demonstrate that we have already in the heart of the city many buildings of a dangerous character. Is it not the part of wisdom to see that no more such are erected? Years ago the custom was to build lower stories and less in number; consequently, light foundations and party walls were all sufficient. Now the temptation is to build upon such walls several stories more, adding greatly to walls and foundations, never intended for such a load. As long as all is quiet they will stand; when the severe test comes they will fail. A large portion of our city stands and must stand upon piles. It is of the first importance that they should be well driven, cut off below high-water mark and properly capped. In every department of business in order to get the best advice we consult competent and disinterested persons. If a merchant or capitalist contemplates the erection of dwellings or warehouses, he employs skilful mechanics, because they possess the requisite knowledge of the business, which he does not. It needs the same knowledge to frame a proper building law as to erect the buildings themselves. The Chief Engineer of the Fire Department and those who were associated with him in procuring the passage of this law, are competent mechanics experienced, and skilful house builders. They stand in the position of impartial advisers.

"Their past experience and present positions show them most clearly that the true interest of the city requires a sound and stringent law to regulate the erection of buildings for all purposes. In regard to many of the details, however, builders will honestly differ. It may be that the law is needlessly stringent and minute in some particulars, but in regard to the general principles,

which should govern all building operations in a large city like ours, that would be but little difference of opinion."

Without introducing any more testimony upon that point, or expressing any opinion of my own, I will state what evidence I have obtained upon my side, and leave the Council to judge of the merits of the case. I have called upon many of the gentlemen who signed the remonstrance. I know an instance where one partner refused to sign it and the other signed it. I know several gentlemen who did sign it who told me that they had but little knowledge of Mr. Damrell, and they do know a good deal about Mr. Shaw and Mr. Sears; that they knew Mr. Sears to be a first class mechanic, and that they did not know that Mr. Damrell was. Some preferred Mr. Shaw and some Mr. Sears. One gentleman, a prominent builder, whose name I cannot give, as he signed the remonstrance, told me he did not know anything particular against Mr. Damrell, and he would as soon have signed a paper in favor of Mr. Damrell as he would in favor of Mr. Shaw. Now, I don't claim that they all said this. I find a good deal of serious opposition to him, and they claim to give good reasons for it. The story which had been circulated, and which shook my faith in Mr. Damrell, was in regard to the building in Portland street. The agent claims that the work was given to Mr. Thomas Damrell and he engaged Mr. J. S. Damrell to assist him; and the agent claims that Mr. J. S. Damrell had entire charge of the matter, and that any defects in carpenter or mason work he should be held responsible for. It had no solid foundation, was built in an unworkmanlike manner, and a few years after another builder had to go entirely through it to prevent any accident. I heard this story from one party. I went to Mr. Damrell himself and examined his books. This story was circulated by some of the architects, and of course had a good deal of weight. Mr. Damrell's books simply show that he was responsible for the carpenter work. The bills speak only of the carpenter work and days' labor, and he had nothing to do with the mason work. In order to set this matter at rest Mr. Thomas Damrell has made a sworn affidavit, which I will read:

CITY OF BOSTON, COUNTY OF SUFFOLK,  
AND COMMONWEALTH OF MASSACHUSETTS.  
I, Thomas Damrell of Boston, County of Suffolk and Commonwealth of Massachusetts, being duly sworn, do hereby state that Messrs. Damrell & Long of said city, county and State were employed by me to *shore up* a stable on Portland street, numbered (20) twenty on the numbering of said street, and that said shoring was done in an acceptable manner, and that the aforesaid Damrell & Long had no knowledge of other work to be done, and that I, the said Thomas Damrell, performed and executed the *mason work* necessary to complete the job; making application for permit and taking the same out in my name and doing the said work under the immediate direction of the assistant inspector of buildings, Mr. George W. Griffin. THOS. DAMRELL.

Witness,  
D. L. WARE.  
Signed and sworn to before me, this fifteenth day of November, A. D. 1877.

M. W. BURLIN,  
Justice of the Peace.

I must say, with what knowledge I can obtain, I cannot see how that story has any foundation in fact, and why Mr. Damrell is not exculpated in the matter. Eleven years ago the church in Temple street was burned, nothing being left standing but the walls. Mr. Damrell was employed to put in new galleries, put on an entirely new roof and make extensive alterations—practically an entire rebuilding of the church so far as the carpenter work was concerned. The insurance company awarded \$17,000 for the job, and considered it a fair price. Mr. Damrell executed the work for about \$12,000, leaving about \$5000 for the church. The trustees were Mr. Woodbury of the firm of Standish & Woodbury (and they refused to sign this remonstrance), William Clafin, ex-governor of Massachusetts, James Mills and John Borrowscale. At the meeting of the trustees the vote in favor of giving the job to Mr. Damrell was unanimous, and I think the vote accepting the building was also unanimous in every respect. Now it seems to me that men of such standing in the community would not have employed Mr. Damrell unless he had been a competent mechanic. I am informed by Messrs. Damrell & Long that they have

built about fifty buildings. In conclusion, I will read a few letters which I think will have some weight. First is that of Joseph R. Richards, who has charge of many buildings in Boston:

BOSTON, Nov. 12, 1877.  
Captain John S. Damrell, Dear Sir—In answer to your question, "What do you know of me as a carpenter and practical builder?" I have known you as such ever since I knew you. Twenty years ago I knew you as a carpenter doing an extensive and profitable business. During a few years, say covering a period of from 1857 to '60, each year I made for you portions of plans of dwelling houses, and for alterations and additions to private buildings, the carpenter's work of which I knew you were to perform, and the whole work of which you were to assume entire control. In some instances the outline memoranda were made by yourself. Perhaps my earliest recollection of you as a carpenter was at the time you made the cases and drawers for the State Board of Agriculture from my plans, more than twenty years ago.

I have also a recollection that more recently, and during your official capacity as Chief Engineer, your advice was sought and opinion obtained before plans of engine and hose houses were completed and accepted by the official committee—so far, at least, as it concerned any plans made by me—as to their being especially adapted to the requirements of location and the purposes for which they were intended. That is to say, plans for such structures had to be submitted to you for approval.

I am very truly yours,

JOSEPH R. RICHARDS.

I will also read another letter from Mr. John Bacon, a chemist and a retired gentleman of quite large means, who lives on Somerset street:

BOSTON, Nov. 13, 1877.

To whom it may concern: This is to certify that Mr. John S. Damrell for the past twenty-five years has been employed by me as a master mechanic,—making designs, building and improving my estates, and executing the work in a skilful manner. I found him thoroughly conversant with the different branches of mechanism, and gave him full supervision of all my work, and I most cheerfully indorse him as a skilful and competent mechanic.

JOHN BACON.

I have also a letter from Mr. John Federhen, a jeweller on Washington street:

BOSTON, Nov. 10, 1877.

To whom it may concern: This is to certify that Mr. John S. Damrell has designed, executed and completed a number of dwellings for me in this city, as well as made extensive alterations and improvements in other buildings, previous to the year '66. Since that time, under the firm of Damrell & Long, they have erected a block of stores and also a block of dwellings, and I cheerfully bear testimony to his judgment, skill and thoroughness as a mechanic.

JOHN FEDERHEN,  
371 Washington street, Boston.

If I had time I could have procured several more letters, and I will add that I also obtained a good deal of information which I am not at liberty to quote. A good many gentlemen do not care to be mixed up in this controversy, and who would give me no opinion that I could quote. I will read a letter from Mr. William Washburn, who, I am told, is one of the best architects in Boston, and who built Tremont Temple and one of the largest and finest stores in Boston. I think that no one will question that he is one of our best architects, and a man who has been really valuable to the community. He writes—

BOSTON, Nov. 15, 1877.

Mr. John S. Damrell, Dear Sir—I notice by the papers that your fitness to perform the responsible duties pertaining to the office of Chief Inspector of Buildings is questioned on the ground of want of "mechanical skill, sound, practical judgment, and mature experience." In view of this unjust and injurious statement I am constrained to say, as an act of simple justice, that I have known you during the last twenty-nine years, and have had repeated personal knowledge of your ability in the execution of work requiring mature experience, sound judgment and unusual skill. Indeed, your reputation as a competent builder was so well established in 1866 that it was understood to be one of the strongest points in favor of your election to the office of Chief Engineer of the Fire Department, the power to prevent the erection of unsafe buildings being then exercised by



the Board of Engineers. I will say, further, that from my knowledge of your qualifications and long experience as a builder, engineer and business man, and from what I understand to be the duties required of the Chief Inspector of Buildings, I have no doubt that if the authorities confirm your nomination to that office the public interests in that department will be faithfully and properly protected.

Respectfully,

W. WASHBURN,  
Architect.

I can only say in conclusion, that, in looking up this matter as I have had time to do, I have found the best authorities upon the matter very conflicting. There seems to be a good deal of prejudice against Mr. Damrell because he did not save the city from the great fire. I have found many who do not consider Mr. Damrell the best man for the place; on the other hand, I have found this testimony, and a good deal more. Arguing in my own mind that a change should occur; considering that there is fairly and honorably a vacancy, and that his Honor the Mayor did right in making an appointment; judging it by the standard of other appointments, I have come to the conclusion that this appointment is a very good one. Judging it outside of politics, with which the question has nothing to do, I shall vote to confirm the appointment.

Mr. Howes of Ward 18—I had the honor at the last meeting to present a memorial of various architects and builders of Boston, and—

The President said the time for debate on the motion to reconsider had expired.

On motion of Mr. Spenceley the time allowed for debate on reconsideration was extended.

Mr. Howes—I had the honor at the last meeting to present a memorial from various builders and architects against the confirmation of Mr. Damrell to this position. In doing so I was in no way influenced or prejudiced in favor of Mr. Shaw. It was not a petition in Mr. Shaw's favor in any respect. If the question of Mr. Shaw's confirmation came up before this body, it would then be the duty of the Council to say whether they would accept or reject him. The duty of the Council in the present instance was, and now is, to act upon the confirmation or rejection of Mr. Damrell; and for my part I want that to be distinctly understood, so that Mr. Shaw may be kept entirely outside of the question, as he does not enter into it at all. The gentleman who last sat down has, as he rightly should, brought up the question of Mr. Damrell's qualifications for the position. He has also stated, what I have heard stated on quite a number of occasions, that Mr. Damrell was the father of the present building laws. Possibly the gentleman does not know that, prior to the great fire, our building laws were very simple and crude compared with the same laws as they now exist, in their perfectness; and I may say they are the most perfect in America. They are not the work of Mr. Damrell. His work was the framing of a building law which held up to the time of the great fire. Immediately after the fire there was a special session of the Legislature, and many alterations were made in the building law; subsequently, in 1873, numerous other amendments were made, and there have been amendments since; so that as the building law now stands, it is anything but the work of Mr. Damrell. In fact, it would be difficult to trace his workmanship in the building laws. The gentleman says Messrs. Damrell & Long have done a large amount of work. I have understood that that is the fact, though I am informed that while Mr. Damrell was Chief Engineer of the Fire Department, he did very little duty outside of that; that most of the building done by that firm was the work of Mr. Damrell's partner rather than himself, and what credit is due for that should go to the partner of Mr. Damrell rather than to Mr. Damrell. Now, as to the statements made in the opposition memorial presented at the last meeting. Quite a number of gentlemen have written letters complimentary to Mr. Damrell; but they are not professional. Those who have known Mr. Damrell twenty-nine years or more are certainly personal friends who, under any circumstances, would be willing to tender anything they could in order to favor him, so far as testimony is concerned. The gentleman from Ward 3 cited the case of the Temple-street church. I don't say but that Mr. Damrell was employed in all good faith,

and that the trustees scoured the city before selecting him. But gentlemen must know that in matters of that kind the religious denomination to which a man belongs has something to do with a man's reputation for repairing churches, and possibly it might have influenced them as much as any other consideration. The gentleman says Mr. Damrell is qualified for the office because the testimony is as strong on the one side as on the other. Now I think that any nomination that would come before this Council for an important office like that, if he were a competent, practical mechanic, it would be difficult to get persons to come forward and say he is not qualified. The mere fact that there are twenty or thirty or forty builders and architects willing to say that they believe this man is disqualified from a want of experience is to my mind a very strong fact against him. These men know that after he is put into the office he has power over them; and yet in spite of that they are willing to come forward and say he is not the right man. The testimonials in his favor, compared with those against him, really amount to nothing when you sift them down, and I certainly trust that the Council will not be misled by any such specious plea as was made by the gentleman who preceded me.

Mr. Thompson of Ward 9—In regard to the evidence put in by the gentleman from Ward 3 as to the qualifications of Mr. Damrell, he mentioned the names of gentlemen who had signed the remonstrance. I do not wish to draw the names of those gentlemen into the controversy, but I call upon the gentlemen for information in this matter, as they advised me not to vote for Mr. Damrell. There is one point in this discussion upon which I hope we shall get some information. It must be remembered that the Inspector of Buildings requires other qualifications besides being a good mechanic. A man may be a good carpenter, but this is an office requiring considerable executive ability. The Inspector must have great discretionary power over our streets, by the ordinance we passed this year, in addition to the power of granting permits for the erection of buildings; but the authority to grant permits to occupy portions of the public streets for building purposes rests with him. His powers are very largely discretionary, and his duties require talents which enable him to act promptly. He should have a firm, quiet mind, competent to prescribe rules, which he will observe and make other people follow. I hope the friends of Mr. Damrell will give us some information in regard to that question.

Mr. Webster of Ward 3—One part of the information I had I neglected to give, and that is, a comparison of his record with that of Captain Chamberlin would not, in my judgment, be unfavorable to Mr. Damrell. Mr. Chamberlin was a carpenter and had not had the building experience Mr. Damrell has had. He had not built any large blocks of buildings. It was precisely the same case with Mr. Shaw. He was a competent engineer; could draw plans thoroughly, and was no doubt scientifically qualified for the place. It might be a question whether a man who has never built a block of buildings would not be deficient in many qualifications which Mr. Damrell would possess, after his long experience as a carpenter and builder, and an engineer in the Fire Department; but of this I am not practically qualified to judge. I should admit that Mr. Shaw was scientifically qualified for the place; and I have been assured by men whose names are upon that remonstrance that they consider Mr. Damrell as well qualified as Mr. Shaw was when he took the position, but they consider Mr. Shaw's four years' experience invaluable. Of course there is something in that; any man who has been in the office has learned something, and Mr. Damrell can learn as well as any other man. There is one other point. It is well known that architects and mechanics have their distrusts and dislikes, just as men in mercantile life do. I am informed that two of the architects who signed that petition built the marble block at the corner of Summer and Washington streets, the entire front of which had to be taken down because it was not built properly; also that one of the masons on the remonstrance had charge of the Huntington-avenue bridge, and that it was his fault that it had to be built over again. I have no reason to doubt this information. Those men may be competent builders and masons; but they are professional opponents of Mr. Damrell, and why not tell the

truth about them? and, as I say, we must make some allowance for that sort of thing.

Mr. Crocker of Ward 9—I agree with the gentleman who last sat down, that the main question is whether Mr. Damrell is qualified for this place, and not specially whether he is a Democrat or a Republican. But on that point—his qualifications for the place—I must say that the evidence I get leads me to think that he is not properly qualified. That is the information I get from most of those gentlemen who seem qualified to judge of his ability to fill the place. When we asked for information as to what he has done to prove his fitness for the place, gentlemen have seemed inclined to indulge in general statements, rather than to specify what he has done. Only three instances have been specified—one a building on the corner of Cambridge and Blossom streets, an addition to a college on the Neck (I don't know how much of an addition it was), and the repairing the woodwork of the interior of the church on Temple street. Those are not very important works, and, except the first one, they are not regular erections of buildings. One of his indorsers, in endeavoring to back him up, is driven to mention that he constructed a chest of drawers for the Board of Agriculture which I suppose might be examined; but I do not imagine that ability to construct a chest of drawers is very well calculated to show that he is the proper man for Inspector of Buildings. Then we are told that he helped to get the present building law, and was mainly instrumental in so doing; but the only evidence we have of that is that he appeared before the Legislature as a witness, and his evidence has been read. But gentlemen must know that the building law was called for on account of the great fire, and an almost necessary witness was the Chief Engineer who had charge of the fire. He was almost necessarily a witness there. How much he had to do with the law I don't know; but it don't seem to me that the fact that he was a witness on that occasion tends to show that he was mainly instrumental in getting the law passed. For these reasons, and from the evidence received from various sources, it seems to me that he is not a suitable man for the place; that a much more suitable man, and much better qualified, could easily have been found, and I therefore feel unwilling to vote for his confirmation. I feel still more unwilling—though I don't know that I should allow such a consideration to guide me if I found Mr. Damrell to be properly qualified for the office—I feel still more unwilling, by giving my vote for confirmation, to aid the Mayor in paying his political debts.

Mr. Flynn of Ward 13—I rise to a point of order. My point is that the gentleman is reflecting upon the Executive of the city.

The President—The Chair thinks the point well taken. The gentleman must confine himself to the question.

Mr. Crocker—I would inquire if we are not allowed in this body to express our opinions of the doings of any other branch of this City Government. I should suppose we might comment in here upon the doings of the Aldermen and the Mayor.

Mr. Flynn of Ward 13—Not in the insulting manner in which he has attempted to do it.

Mr. Richardson of Ward 10—I should like to inquire where that order is, and who has the judicial determination of what is an insult in comments upon the performance of business or duty by any officer of the City Government. Who is above criticism? I ask for the order or rule that is referred to. The gentleman from Ward 13 calls the gentleman from Ward 9 to order. I call for the rule or order. I do not speak this in favor of one party or the other, but for fair play when a gentleman is called to order, because it is the rule I should like to see.

Mr. Flynn of Ward 13—I have called him to order and the Chair has sustained me; now it is for the Chair to explain it; I will it he cannot. I have been here long enough to know what is parliamentary in this body.

The President—The Chair thinks any reflection upon the Board of Aldermen or his Honor the Mayor would not be in order.

Mr. Webster of Ward 3—The gentleman from Ward 9 is still doubtful as to Mr. Damrell's influence in the matter of the building law, and I have some more evidence here which will prove conclusively that he played a prominent part in the establishment of the law. I will read very

briefly from the report of the commissioners on the great fire:

The question was asked Mr. Damrell—

Q.—Do you desire to say anything about the construction of the buildings?

A.—About the construction of the buildings and the height of them, I would like to say this: I have for quite a number of years regarded the buildings that have been constructed in Boston, especially the large warehouses, as being the instrument which would eventually destroy Boston, on account of the vast amount of wood used and the inferior manner of their construction, and their inaccessibility on account of the height. So much was I impressed with this that I have labored for the last five years, of which I have a record here, to bring the matter directly before the City Council and also our State Legislature. Two years ago I succeeded in getting a bill (of which I have a copy with me), which I presented to the City Council, accepted by them.

[The witness here produced a copy of the ordinance in relation to the "Regulation and Inspection of Buildings" (City Doc. No. 55, 1871), appended to which was the following certificate:]

"CITY HALL, BOSTON, Nov. 30, 1872.

Sections 1, 2, 3 and 4 of the foregoing ordinance, reported by the Committee on Ordinances, June 26, 1871, were based upon the recommendations made by the Board of Engineers as presented by the Chief Engineer of the Fire Department.

Attest:

JAMES M. BUGBEE, Clerk Committee."

In view of this evidence, I cannot refuse to conclude that he did have prominent influence in bringing about the ordinance in the first place, and that he was continually calling the attention of architects and others to it; and in getting it enacted he is entitled to some credit. I am glad to learn from my friend from Ward 9, and others, that it is very unwise for us, in the matter of partisanship, to apply to the Mayor any test in regard to the civil service that we would not apply to the President. From beginning to end Mr. Hayes's nominations have been of gentlemen who have rendered him invaluable party service and who will continue to do so.

Mr. Crocker—I call the gentleman to order. I suppose it is not allowed to comment upon the doings of the President.

The President—The Chair thinks the point not well taken.

Mr. Webster of Ward 3—It is well known that Mr. Schurz, Mr. Sherman and others rendered great service to the President during the campaign, and that they will do so in the future. Now, I contend that we, as partisans, have no right to place the Mayor in any position that we would not put the President in. It places me in the very strange position of defending the Mayor; but I contend that if there is a vacancy the Mayor has the right to appoint his political friends.

Mr. Crocker—I call the gentleman to order. If the Mayor cannot be attacked, he cannot be defended.

The President—The Chair would remind the gentleman from Ward 9 that he impugned the motives of the Mayor. The gentleman from Ward 3 will confine himself to the question.

Mr. Webster of Ward 3—In conclusion I will only say as General Butler said when in Congress, "Shoo, fly, don't bodder me."

Mr. Spenceley of Ward 19—If that chest of drawers had as many errors in it as Crocker's notes on the statutes were said to have, it never did the Board of Agriculture much good. I am really well pleased that this matter is receiving such consideration before this honorable body. I don't think it has had much attention paid to it heretofore, because if we look over the past and see the election of Mr. Chamberlin and Mr. Shaw to that office, we find that there was no debate about it whatever. Mr. Shaw's nomination was referred to the Committee on Survey and Inspection of Buildings; they reported back by Alderman Gibson of East Boston, who said they had inspected the qualifications of the Inspector and found him well qualified to fill the office; and it passed both branches unanimously. Now we find a gentleman who has been before the public for many years, a man who has had his ins and outs like other men, who has stood high in the estimation of the public, as has been stated and reiterated a hundred times before.

His name appears here as the nomination made by the Mayor for this office, and immediately a

gentleman, who, if he has not a sore spot on his face, has a sore spot on him somewhere, gets up and brings this matter up as a pompous idea, showing at once that there is animosity in his heart against a man who has served his city so well as Mr. Damrell has. I am pleased that the gentleman from Ward 18 has investigated this matter so thoroughly. I think he is doing his duty. I think he is growing. [Laughter.] I think if the gentleman had been half so thorough on the committee of which he is a member, he would have known something about the doings of the committee, and it would not have taken a committee three weeks to find out what he did know about it. Mr. President, the gentleman shows the point of his animosity, and I do hope this thing will be reconsidered.

Mr. Howes of Ward 18—I rise to a point of order. The gentleman is reflecting upon my motives.

The President—The Chair did not understand the gentleman [Mr. Spenceley] to impugn the gentleman's [Mr. Howes] motives, but simply to criticize his official action.

Mr. Howes of Ward 18—The gentleman states that I am opposed to the confirmation of Mr. Damrell on personal grounds, and that is reflecting upon my motives.

The President—The Chair did not so understand it.

Mr. Spenceley of Ward 19—Allow me, Mr. Chairman, to read from the gentleman's remarks.

"It has been my misfortune"—

I do not know what that means. [Laughter in the galleries.]

The President—Gentlemen in the galleries must preserve silence.

Mr. Spenceley of Ward 19—And do hope this matter will be reconsidered, that we may find out what the misfortune of the gentleman has been, "to know Mr. Damrell in years gone by"; I do not know what it is.

Mr. Howes of Ward 18—Most of the members of the Council do.

Mr. Spenceley of Ward 19—I do think, Mr. President, that we are here tonight to consider the qualifications of this man and to see if he is well fitted for this position. As I said, I am well pleased, because the gentleman has made such inquiries as he has—it is not the first time he has been after the Inspector of Buildings—about this matter, so that we may fully know and realize what we have to do. I think the office is a great one. It is a case where we need a man of executive ability as well as of practical ability. I think we want a man there who theoretically understands about building materials as well as about them after they are put together, and I believe that in Mr. Damrell we find all this. I have known him for some time, ever since I was in Boston, and I have known him as a builder. I know of many buildings which he has erected, and I know they are standing today as substantial as when they were built. I do not know but that because we have had a remonstrance in here from Nathaniel Adams, who is a great mechanic—and we all know it—from J. J. McNutt who is another mechanic, and who makes mistakes like some other people, and John W. Cavanaugh, who is a building mover—I do not know that he ever built a house in his life, but he moves buildings, and that is all right. I do not know whether Mr. Damrell is not mechanic enough for this office, and these men do not know it. Does Mr. Adams claim to know every building in Boston, how they are constructed, whether well or ill? Does he keep the run of all the buildings in Boston? Does he know whether down on Cambridge street Mr. Damrell may not be building a block of buildings as large as those on Washington street? Is it any sign that because he is not building these large stores on Milk and Devonshire streets he is no mechanic, and that he is not well qualified to fill this office?

The President—The gentleman's time has expired.

On motion of Mr. Flynn of Ward 13, the gentleman's time was extended.

Mr. Spenceley of Ward 19—I think not, Mr. Chairman. I think a man may be a mechanic and not have a box down at the Mechanics' Exchange, and going there to loaf two or three hours every noontime. I think he may be a mechanic who knows his business and does his business well, and be doing it well while others may be speculating on a suitable candidate for Inspector of Buildings. I was talking with one of

these gentlemen the other day, and he said, oh, he could go and lay his finger on a man who had all the qualifications for Inspector of Buildings! "But what is the matter with Mr. Damrell," I asked. "Well," he said, "I do not think he is just the man; why don't the Mayor appoint such and such a man?" Mr. Chairman, it is just as plain that they have picked out a man who they think is fit for the position, and they asked that he should be appointed, and the Mayor has seen fit not to appoint him, but has appointed Mr. Damrell in his place, and they are sore. The gentleman says he had the honor to bring in this petition. I do not know whether he went to get these gentlemen to sign or not, and I do not know how many gentlemen he asked to sign it who refused to sign, but I think if we had their names here they would number twenty-five as well as the men who did sign it. It shows that these gentlemen who signed that remonstrance did not know to what use it was to be put. Some of them have already said that they would just as soon sign a petition for Mr. Damrell as for Mr. Shaw. I think this state of affairs shows the animosity in the hearts of men who want to kill out Mr. Damrell for an old score which they have against him. Now, Mr. Damrell has been a mechanic twenty-five years in the city of Boston. He went to learn his trade when thirteen years of age; he served four years in Cambridge and then came to Boston and went to work, his own man, when seventeen years old. The first job he took was to finish the addition to the Quincy House, and if he had not been somewhat of a mechanic the gentleman who owned it would not have given him that large job to finish when he was only seventeen years old. It seems to me that shows something of ability. Ever since that time he has been a mechanic in the city of Boston. Ever since that time, with the exception of eight years when he was Chief Engineer of the Fire Department—and I defy any gentleman to prove that during that time he had any thing to do with Mr. Long, or that any buildings he ever erected were put into the schedule of that eight years he was Chief Engineer of the Fire Department—I say that all this time he has been a mechanic in the city of Boston he has done his work, done it faithfully and well, and for these honors the Mayor has appointed him to this position, and I say that he has appointed him because he knows that he is a capable man to fill the position not only practically but theoretically. The gentleman thinks not. What does he know about the strength of iron? What don't he know about it? What does he know about the strength of stone? What don't he know about it? Gentlemen can go out and see whether he knows anything about the strength of iron, wood or stone or of a truss. He has built buildings and I have seen them within a week where he has put trusses through a house and where he has put up iron columns under wooden beams which others had laid and which today show as level as when it was built. Now, Mr. Chairman, the gentleman from Ward 18 refers to the law which was framed some years ago—it is City Document No. 55 of 1871—in relation to the inspection of buildings, and which Mr. Bugbee says Mr. Damrell was the chief engineer of and he says, "Why, what is that? That is an old antediluvian affair. I think the man has got so much conceit that he would not look at the man who first thought of the insurance company. Insurance companies have grown and multiplied, and, because the first insurance laws were made so long ago, he would have us throw them all overboard. I believe the man who organized the first insurance company knew more than four-fifths of those who carry on the business today. And so with the first building law, the man who first had courage to stand up and say, 'Gentlemen, we must have this law established in the city of Boston,' I say he had more stamina and courage than three-fifths of the mechanics in Boston today. Why don't you declare against Columbus, who came here in three old boats without decks, and say that was nothing; 'he ought to have had a steamship.' It would have been a great thing, I suppose, but Columbus thought he would travel around the world in a boat. That is antediluvian. Throw it away; it don't amount to anything! But, gentlemen, is it so? Is not the man who brings forth a theory, and starts it, the man that we should respect and admire rather than the man who makes some amendment to it or who attempts to call it something new by introducing some new

idea? Now which is best? Now, Mr. Chairman, the gentleman from Ward 18 said in his remarks—  
 “I think his entrance into city hall would tend to demoralize one of the most useful departments. Mr. Damrell has been known to be one of the most active of politicians.”

I defy him to prove that for the last eighteen years Mr. Damrell has had anything more to do with politics than any private citizen should have to do with it. It is well enough for the gentleman to get up here and make such an accusation as that, but I defy him to prove it to be true. Mr. Damrell, since he went into the Fire Department, has not had anything to do with politics more than any citizen ought to have to do with it, and is bound to have, and is bound by every tie to have an interest in the good of his country, and love for good government—I defy the gentleman to prove otherwise. Why are all these slurs thrown in here if the gentleman has no animosity against this man. Why are all these things, piled one upon another, to kill Mr. Damrell, if there is not something lurking beneath, which the gentleman has not the backbone to stand up and declare, and say plainly, I am down on Mr. Damrell, because of my mistake, whatever that may be. Now, Mr. Chairman, I hope we will take this matter plainly and clearly, as it has been stated before us. I say it is wrong for the gentleman from Ward 18, or anybody else, to bring this accusation against Mr. Damrell just because some insurance company has failed up, because Mr. Damrell did not put out a big fire which I do not think the Angel Gabriel could have put out if he had been here on earth. I hope we will look at the matter just as it is, squarely in the face, and if we find that Mr. Damrell is not qualified for the office, reject him; but if he is I say throw overboard all these personal animosities which have come in here and let us act like square and honest men towards an honest man.

Mr. Howes of Ward 18—The gentleman has referred to me several times in the course of his harangue regarding the personal feeling I have against Mr. Damrell. Now, sir, I never spoke to Mr. Damrell in my life. I think I should know him if I should see him, because I have had him pointed out to me. I am quite certain, or at least I imagine, that Mr. Damrell does not know me. There is nothing personal in any statement I make against him. The gentleman will remember, as he was here last year, that I criticised that office as conducted by Mr. Shaw, and perhaps would do so again. I have nothing against Mr. Shaw personally, nor against Mr. Damrell personally; but I know, from the situation I have filled for several years past, the merits and the importance of this particular office to the city of Boston. The gentleman further says that, in his opinion, Mr. Shaw is a competent builder.

Mr. Spenceley of Ward 19—I beg your pardon. I never said so.

Mr. Howes of Ward 18—Mr. Damrell, I mean. He said that Mr. Damrell was a very competent builder. That may be; but then there are others that may have a different opinion of that gentleman. As to the knowledge we have of the men, he speaks, for instance, of Mr. Chamberlin and also of Mr. Shaw. Mr. Chamberlin was put into the office for a particular reason, as I understand. The office was a new one at that time in the city of Boston, though it was not anything new outside of Boston. Other places had this building law long before Mr. Damrell thought anything about it, and long before any one else in Boston seemed to think anything about it. When the office was created Mr. Chamberlin was put in there as a matter of trial. When the office was vacated by Mr. Chamberlin we did not go outside to get a man, but we took a man from the office and promoted him, and that was Mr. Shaw. It would have been a very handsome thing if the Mayor had done the same this year, and it would have been carrying out civil-service ideas, which my friend from Ward 3 does not seem to understand anything about; and if the Mayor had made an appointment like that, I think it might have been very satisfactory without knowing who the assistants in the office are. As for personal feeling against Mr. Damrell, I have none at all. I don't know the man personally.

Mr. Thompson of Ward 9—There has been considerable discussion in regard to who drew this bill. I hold in my hand City Document 43, of the year 1873. Mr. A. C. Martin, an

architect, in giving his sworn testimony before a committee of this City Government, says—

“Two years ago we got a building act passed, and that had certain restrictions; but even those were opposed by certain parties in the City Government, and we had to make a fight last year before the Legislature to retain those restrictions.”

Passing on, a question is asked by Mr. Russell—  
 “Were the architects generally desirous of having the act?”

“Yes, sir, the Society of Architects drew up the act, or compiled it from the London, New York, Philadelphia and Baltimore fire laws; and after I had gone as far as I could with it, the society passed it in review, amended some of the provisions, and then it was handed over to the City Government, and they further amended it, changed quite a number of the provisions to suit their own views, and then it was put into the hands of a committee at the State House, and after a number of hearings, it finally became a law.”

It seems to me that disposes pretty well of the claim that Mr. Damrell, or of the friends of Mr. Damrell, that he drew this law. Here is sworn evidence that you have as to where the law originally came from. It came from the society of architects who drew it up. While I have this document in my hand I wish to read an expression of the opinion of the committee who investigated the fire department after the great fire. The committee was composed of Thomas Russell, Charles G. Greene, Samuel C. Cobb, A. Firth and E. S. Philbrick. In their opinion of Mr. Damrell they say—

“He is described as being cool, and, with perhaps one exception, as master of himself, of his temper, and of his faculties. But while seeing this, and while admiring his many good qualities, we cannot fail to see that there was a want of preparation for so great an emergency, a want of system when the emergency comes, and especially the want of a leader capable of grasping the details of a great plan adapted to the terrible occasion. The fire was attacked piecemeal, as chances occurred. The heroism of individuals was too often wasted because it was not directed by a master mind.”

I read that, gentlemen, for the sake of giving point to the question which I am going to put, and which has not yet been answered by any of Mr. Damrell's friends. Have we any good reason to believe that Mr. Damrell has those executive qualities which are very desirable in the office which he is called upon to fill? If he does his duty in that office, he must be constantly making himself disagreeable to builders who are applying to him for permits to use the streets of the city or permission to put up buildings in a certain way. He must be a man capable of saying no, saying no decidedly, and seeing that his no is carried out. Now, have we the slightest reason to believe that Mr. Damrell is that kind of a man? From my recollection of the investigation which took place after the fire, I have every reason to believe that he is not that kind of a man, and that is one of the vital essentials of the office. Mr. Damrell may be a good carpenter or a bad one; he may be a good architect, he may be a man of good executive ability, but it seems to me we should not confirm him on these facts under the circumstances.

Mr. Spenceley of Ward 19—The remarks I made in reference to Mr. Damrell regarding this building law are just as I have stated. They were indorsed by Mr. Bugbee, who said it was prepared by the Chief Engineer and his associates. If it is necessary I will read:

First is the limit in which certain buildings should be built in the city of Boston. Mr. Martin had nothing to do with that. Next, the outside limits in which no wooden building should be built. That was the beginning of the building law in reference to this inspection of buildings. Section 2 goes on to state it shall be lawful to erect wooden buildings outside of certain limits, with the roof not more than forty-two feet in height above the sill. Section 3 says no wooden building shall be erected for mechanical purposes, etc. That was the beginning of the building law in the city of Boston, as now carried out. When I was up before I forgot to state one thing. If gentlemen will examine this law they will find that three out of five of the sections there apply to buildings in case of fire. The gentleman raises the objection to Mr. Damrell that in executing the law he has got to make enemies of all the builders because he cannot say no. Mr. Damrell only appeals to the law, and it

says thus and so. He does not make the law. If I am a mechanic and I know there is a law, I don't make an enemy because the Inspector says this is so. I do want a man there who knows the law and does not make a mechanic do these things which he is not required by law to do. I would rather hire a man who would find out this than a man of so much executive ability that he wants all the time to say no. I do not think it requires much effort to say no where there is a law and the officer knows the law. I have a list of buildings which Mr. Damrell has built during past years of his life, and if any gentleman wants to hear it read I will be glad to read it.

Mr. Crocker of Ward 9—I was interrupted in the remarks I was making before, and in order to know just how far I can go in completing my remarks I should like to inquire whether it is considered a rule that a member impugns the motives of the Mayor if he intimates that the Mayor appoints to office a gentleman because he voted for him and worked for him at the last election. I would like to understand that, so as to know how to guide myself in any further remarks I may make.

Mr. Flynn of Ward 13—The reason I called the gentleman to order was that he was impugning the motives of his Honor the Mayor. He said it was a part and parcel of the bargain to nominate Mr. Damrell for Inspector of Buildings.

Mr. Crocker of Ward 9—I used no language anything like that.

Mr. Flynn of Ward 13—You forget what you said.

Mr. Crocker of Ward 9—No, I do not.

The President—The gentleman will please address the Chair.

Mr. Flynn of Ward 13—I am addressing the Chair, and he is addressing me. I say that is almost exactly his language. He did say it was a part of the trade which the Mayor had made to nominate Mr. Damrell as Inspector of Buildings, and therefore I called him to order for the reason that he was impugning the motives of his Honor the Mayor. I now move the previous question.

Mr. Crocker of Ward 9—I believe I have the floor. I merely gave way for a point of order. I will state in reply to the remarks of the gentleman, that I did not say what he attributes to me. What I did say was that I did not care about giving my vote to help Mayor Prince pay his political debts. I had a few remarks to make on that subject, but I did not wish to go on with them and be called to order further; therefore I inquired whether it was the ruling of the Chair that it would be so far impugning the motives of the Mayor that I could not make further remarks.

Mr. Flynn of Ward 13—I rise to a point of order that thirty minutes have expired for which the motion to reconsider was made.

The President—That time was extended by vote of the Council.

Mr. Flynn of Ward 13—It was specially extended, I understood, for the gentleman from Ward 19.

The President—That extension was made before the gentleman from Ward 18 commenced his remarks. The gentleman from Ward 9 will proceed.

Mr. Crocker of Ward 9—Mr. President, as I got no further information, I will go on and say what I was going to say before. I had but a few more words to say. From the best information I can get I should not say that Mr. Damrell was duly qualified. What I said before was—I don't know as I will repeat that, because it was ruled out of order; but I will say further, that I believe that this gentleman has been nominated to this office, not because he was particularly qualified for it, but because he was one of the men who worked and voted for Mayor Prince at the last election, and it was hoped that he would do the same this year; and that was the main reason for his nomination. A nomination made for that purpose, and in that way, a man would hardly vote to confirm. If the Mayor will make a nomination of a man well qualified for the office, I will not inquire whether he is a Democrat or a Republican, or how he voted; but if I believe that a gentleman is picked up not specially qualified, but simply by reason of the votes cast at the last election and the vote he is expected to give at this election, I should not be ready to vote for his confirmation.

Mr. Thompson of Ward 9—The gentleman from Ward 19 asserted that Mr. Damrell had some part in drawing the building act of 1871. That is quite compatible with the statement of Mr. Martin, who said that the bill was compiled by himself,

submitted to the Society of Architects, and and they sent it to the City Government, where it was amended. Now, it is quite possible that Mr. Damrell had something to do with the act of 1871, and the ordinance passed here at City Hall, and the question is, whether the thing which he had to do with was a very desirable one, and it appears to me it very probably was not.

The President—The question is, Shall the main question be now put?

Mr. Thompson of Ward 9—I rise to a point of order, that the motion for the previous question was made while the gentleman from Ward 9 had yielded the floor, and could not be made at that time.

The President—The point of order is good as far as the gentleman's remarks are concerned.

Mr. Flynn of Ward 13—I renew the motion.

Mr. Webster of Ward 3—I wish to offer a communication, which I wish the Chair would read, bearing upon the matter, and from Captain Damrell. The gentleman from Ward 9 seems to be laboring under a strange delusion. I should judge that he thought the question was upon the confirmation of the Mayor. Now, if that is the case, I want to vote in the negative; but I believe it is simply and solely upon the confirmation of John S. Damrell, and I believe today that if Mayor Pierce or Mayor Cobb should make this same nomination the gentleman from Ward 9 would be the first to vote "Yes."

The President—If there is no objection the Chair will read this communication:

BOSTON, Nov. 15, 1877.

My Dear Sir—It has been intimated by several gentlemen who have made inquiries concerning the association of my name with a prominent city office, that some sort of trade, understanding, agreement or bargain was had between the city authorities and myself. Will you permit me to say that nothing of the kind has occurred; that I am too well known as a Republican in this city to have any question raised in that direction in connection with myself. The position for which I have been named is one which, in my judgment, should be entirely lifted above all questions of party politics, and there is no office within the gift of the City Government which I would think of accepting if its acceptance required any condition, political or personal, except an impartial, faithful and efficient performance of the duties of the same.

Very truly yours,

JOHN S. DAMRELL.

Mr. Spenceley of Ward 19—I want simply to say and to confirm that matter more fully, that in conversation today with the Mayor he said that this story was a falsehood from beginning to end; that he had not been approached by Mr. Damrell; that he had not seen Mr. Damrell, and that no friend of Mr. Damrell had been to see him since last August, and any statement as to this being done was unqualifiedly false. He said I might use these words here tonight, and I believe it.

The question was taken on the motion to reconsider, and it was declared lost.

Mr. Howes of Ward 18 doubted the vote, and the yeas and nays being called, the motion was lost—29 to 38.

Yeas—Messrs. Barnard, Beeching, Blanchard, Blodgett, Brown, Coe, Crocker, Danforth, Felt, Hibbard, Howes, Morrill, Mowry, Pearl, J. H. Pierce, O. H. Pierce, Pope, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Sampson, Shepard, Smardon, Stone, Thompson, E. R. Webster, Wilbur, Wolcott—29.

Nays—Messrs. Barry, Brintnall, Burke, Cannon, Clarke, Cox, Cross, Day, Dee, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Mullane, Nugent, O'Connor, O'Donnell, Perham, Roach, Souther, Spenceley, Thorndike, Upham, Vose, Warren, G. B. Webster—38.

Absent or not voting—Messrs. Doherty, Pratt, Reed, Sibley—4.

COMMERCIAL STREET.

On motion of Mr. Flynn the special assignment for 8 P. M. was taken up,—36 for, 56 against, viz.—Report and order for a loan of \$1,000,000 for the widening of Commercial street.

Mr. Flynn of Ward 13 moved to specially assign it to 7.45 next Thursday evening.

Mr. Richardson of Ward 10 desired to know why such an unusual course should be taken with this matter. It had been specially assigned three or four times without debate. The gentleman who

has moved that it be taken up has invariably moved its further assignment for a week later. He thought there could be no reason for such action unless it was to postpone it from time to time until there was some opportune moment for its friends to call for a vote which will prevent debate, or that it may be incidentally connected with some order and go through that process of legislative legerdemain called log-rolling, and thus get it through. No other bill has had such an experience as this. It should be taken up and discussed upon its merits and not be connected and log-rolled with other measures. He made this statement because he understood the friends of the bill had said that unless gentlemen in favor of other improvements vote for this, those gentlemen may expect no favor from the friends of this measure. Each measure should be considered on its merits, without prejudice to any other.

Mr. Flynn of Ward 13 said he supposed the Council was tired of listening to debate, and there is considerable other business to be done. There are other important measures coming up next week and they can be considered together. Mr. Richardson was right in saying the friends of this measure desire to see what the friends of other matters in their section will do in this matter.

Mr. Mowry of Ward 11 moved to lay this matter upon the table.

Mr. Flynn of Ward 13—I hope that motion will not prevail, and I hope the friends of the measure will vote it down.

The motion to table was lost and the motion to assign was carried.

#### BRIMMER SCHOOL.

The following was received from the School Committee:

Whereas section 6, chapter 241 of the Acts and Resolves of Massachusetts provides that "Whenever, in the judgment of the school committee, a new building or any addition to or alteration of a building, is needed for school purposes, of an estimated cost of over \$1000, they shall make a statement in writing to the City Council of the necessity of the proposed building, addition or alteration; and no contract for the purchase or lease of any building, or for any addition to or alteration of any building, for school purposes, shall be authorized by the City Council until such statement has been made, nor until the locality and plans for the same have been approved by the School Committee, or by a sub-committee thereof duly authorized to approve the same." And whereas, alteration has been made in the Brimmer School building at an estimated cost of over \$1000, and whereas no statement in writing has ever been made by authority of this board to the City Council of the necessity of the alteration; and whereas, no plans for such alteration have ever been approved by the School Committee, or by a sub-committee thereof duly authorized to approve the same,

Ordered, That the School Committee respectfully request the City Council to inform them by whose authority and for what reasons steam-heating apparatus has been introduced in the Brimmer School building, at an estimated expense of \$5000.

GEORGE A. SMITH, Secretary.

Mr. Spenceley of Ward 19 stated that when this matter came before the Council before, he rather unceremoniously moved an indefinite postponement, which was carried, which was not complimentary to the honorable School Committee. When the Building Committee took hold of this work they put in some heating apparatus, and they had offended the School Board. In order that they might obtain the desired information, he moved its reference to the Committee on Public Instruction. Carried. Sent up.

#### A PARK TO BE DONATED TO THE CITY.

Mr. Perham of Ward 23 presented a communication from W. E. Blakemore, offering to deed to the city, without cost, a tract of land containing 27,772 square feet of land on the summit of Mt. Bellevue, West Roxbury, on condition that the same shall forever be kept open for public use as a park. Referred to Joint Special Committee on Parks. Sent up.

#### PETITION REFERRED.

A petition was received from Sarah A. Holman, to be paid for personal injuries caused by a defect in the sidewalk at the corner of Tremont street and Temple place. Referred to Committee on Claims. Sent up.

Mr. Hiscock of Ward 21 presented the petition of

Martin Milmore for compensation for extra materials furnished for the soldiers' monument. Referred to Committee on Claims. Sent up.

#### RECORDS OF THE FERRIES.

Mr. Howes of Ward 18 read the ordinance requiring the records of the departments to be kept open for public inspection, and said that one department had violated that provision. A constituent of his had called to see the records of the East Boston ferries, and was refused.

Mr. Pearl of Ward 1 said it was the first he had heard of it. It had never been called to the attention of the directors.

#### TAXES AND BETTERMENTS ON SITE OF POST OFFICE EXTENSION.

Mr. Stone of Ward 3 offered the following:

The Committee on Treasury Department respectfully represent that there is now due the city of Boston the sum of \$70,784.80, on account of uncollected taxes and betterments, assessed for the years 1873, 1874, 1875 and 1876 on the land which was taken for the extension of the Post Office and Sub-Treasury building.

The act authorizing the United States to purchase the land was passed in 1873, and the estates have been acquired at various times since the passage of the act. The owners were prevented from using their property during the pendency of the proceedings, and therefore declined to pay the taxes thereon.

The following schedule will show the amounts due on each estate:

Land of Thomas Goddard,			
Tax for 1875.....	\$602.80		
" " 1876.....	558.80		
Betterments.....	2,000.00		
			\$3,161.60
Land of Peter B. Brigham,			
Tax for 1873.....	\$1,056.00		
" " 1874.....	1,388.40		
" " 1875.....	1,219.30		
" " 1876.....	1,150.30		
Betterments.....	4,600.00		
			\$9,394.80
Land of Merchants Ins. Com'y,			
Tax for 1873.....	\$2,995.20		
" " 1874.....	3,759.60		
Betterments.....	11,100.00		
			\$17,854.80
Land of Thomas Wigglesworth,			
Tax for 1874.....	\$842.40		
" " 1875.....	739.80		
" " 1876.....	685.80		
Betterments.....	3,500.00		
			\$5,768.00
Land of Edward Wigglesworth,			
Tax for 1875.....	2,753.70		
" " 1876.....	2,552.70		
Betterments.....	14,900.00		
			\$20,206.40
Land of the United States,			
Betterments.....			14,400.00
Total.....			\$70,784.80

In December, 1876, the City Collector applied to the United States Treasury Department for the payment of the amount, and was informed by the Secretary of the Treasury that it was not a matter for that department to take care of.

As the matter now stands the city has no claim against the persons in whose name the assessments were made, as the taxes are a lien on the land only, and as a lien cannot be enforced against the United States, there is no legal method of collecting the amount. The only alternative is to petition Congress for payment.

The committee would, therefore, respectfully recommend the passage of the following order.

For the Committee, P. J. STONE, JR.

Ordered, That his Honor the Mayor be requested to petition the Congress of the United States for the payment of the sum of \$70,784.80, the same being the amount assessed for taxes and betterments upon land taken for the site of the United States Post Office and Sub-Treasury building.

Order read twice and passed. Sent up.

#### PERMITS FOR WOODEN BUILDINGS.

Mr. Kelley of Ward 3 submitted reports from the Committee on Survey and Inspection of Buildings, with orders for permits to erect wooden buildings by Thomas Mayo (to enlarge) on Green street, Ward 23; Maverick Oil Company, on Chelsea street, Ward 4; George W. Hollis, on Western avenue, Ward 25; Highland Methodist Episcopal Church (to enlarge), on Warren street; Butchers' Slaughtering and Melting Association, rear of Martin street, Ward 25; East Boston Dock Company (to enlarge), in rear of 114 Border street. Severally read twice and passed.

## THE BLACKSTONE SQUARE ACCIDENT.

Mr. Sampson, from the Joint Standing Committee on Claims, to whom was referred the petitions of Ann Collins and Hannah J. Lynch and Mrs. Kate Chamberlain, to be paid for personal injuries caused by the accident in Blackstone square, Sept. 17, 1877, reported that they submitted the question of the liability of the city or its agents to the City Solicitor, and received from him the following reply:

CITY SOLICITOR'S OFFICE, }  
2 PEMBERTON SQUARE, BOSTON, Oct. 29, 1877. }

Gentlemen—The questions you propose to me are—

1. Whether or not the city of Boston is liable for injuries to persons caused by the fall of the spectators' stand on Blackstone square on the 17th of September.

2. Whether or not the Committee on the Army and Navy Monument are individually liable for the injuries so caused.

I reply that, in my opinion, the persons who suffered injuries by the misfortune stated, have no legal claim for redress upon either the city or the committee by whose direction the stand was erected.

No duty rested upon the city or the committee to erect the stand, and neither derived or expected to derive any benefit from it. The persons who entered upon it did so of their own volition and for their own gratification.

Very respectfully,

JOHN P. HEALY.

In view of the above opinion the committee respectfully recommend that the petitioners have leave to withdraw. The report was accepted. Sent up.

## STONE CUTTING AT PUBLIC INSTITUTIONS.

Mr. Webster of Ward 1 submitted a report from the Committee on Public Institutions, on request of directors, recommending the passage of an order—That the Board of Directors for Public Institutions be authorized to erect sheds, purchase tools, and make the necessary arrangements for establishing stone-cutting business at Deer and Rainsford islands; the expense thereof, not exceeding \$5000, to be charged to the appropriation for the House of Industry. Ordered to a second reading.

## LAND FORFEITED.

On motion of Mr. Clarke of Ward 22, the order to declare forfeited a lot of land bargained to Stephen H. Tarbell was taken from the table. Mr. Clarke explained that he did not remember the facts at the time it was laid on the table. The land was conveyed by Mr. Tarbell to Mr. Carruth, who is unable to pay the interest. The order was passed in concurrence.

## ARMORY.

Mr. Shepard of Ward 4 submitted a report from the Committee on Public Buildings on the part of the Council, recommending the passage of the order to fit up old Winthrop Schoolhouse in Charlestown as an armory for the Fifth Regiment of Infantry. Order passed in concurrence.

## REGISTRATION OF VOTERS.

Mr. Flynn of Ward 13 offered the following:

Ordered, That the Board of Registrars of Voters be authorized and requested to hold sessions for the registration of voters in the several wards of this city, as was done prior to the recent State election, for at least seven days before the close of registration for the next municipal election, at an expense not exceeding \$2000; said sum to be charged to Incidental Expenses and Miscellaneous Claims.

Mr. Flynn moved a suspension of the rule.

Mr. Thompson of Ward 9 asked for some explanation.

Mr. Flynn said it was to offer the same facilities to clerks and mechanics to register that were offered at the State election.

The rule was suspended and the order was read twice and passed. Sent up.

## SALARIES FOR MEMBERS OF THE CITY GOVERNMENT.

Mr. Richardson of Ward 10 offered the following:

## An Ordinance

To provide for the payment of members of the City Council, for expenses incurred by them in the performance of their official duties.

Be it ordained by the Aldermen and Common Council of the city of Boston, in City Council assembled, as follows:

Section 1. From and after the first Monday in January, 1878, there shall be allowed to each mem-

ber of the Board of Aldermen, for expenses incurred by him in the performance of his official duties a sum in all not exceeding five hundred dollars per annum, or at that rate. The same to be paid to him from time to time, on presentation of his certificate to the Auditor of Accounts that the amount at any time asked for has been properly incurred by him in the performance of his official duty as such Alderman.

Section 2. From and after the first Monday in January, 1878, there shall be allowed to each member of the Common Council, for expenses incurred by him in the performance of his official duties, a sum in all not exceeding one hundred dollars per annum, or at that rate, the same to be paid to him from time to time, on presentation of his certificate to the Auditor of Accounts that the amount at any time asked for has been properly incurred by him in the performance of his official duty as a member of the Common Council.

Section 3. From and after the first Monday in January, 1878, no bill for refreshment or carriage hire, or any other bill or expense, incurred by any member or any committee of the City Council, shall be paid, unless such bill or expense shall have first been authorized by the City Council.

Mr. Richardson explained that he desired to have this ordinance considered at the same time the orders on the same subject were, and which had been assigned to next Thursday at 8½ P. M. He moved to assign this to the same hour.

At the suggestion of Mr. Ruffin, the motion was amended so that the ordinance should be printed, and as amended the motion to assign was adopted.

## REFRESHMENT BILLS.

Mr. Webster of Ward 3 offered the following:

Whereas, Certain statements have been made and published in regard to bills for refreshment incurred by members of the City Council tending to reflect discredit upon said members; and

Whereas, Every citizen has an undoubted right to the most complete information in regard to all items of public expenditure:

It is hereby ordered—That the Auditor of Accounts be and hereby is instructed to report in print to the City Council copies of all bills for refreshment and carriage hire incurred by members of the City Council from Jan 1, 1877, to the present time.

Mr. Webster of Ward 3—I am very reluctant to bring up this question of junketing again. Members will bear witness I have taken little part in the discussion, but I do believe that the public have an equal right to a complete statement of that kind of expenditure, the same as for sewers or anything else. It is evident that public curiosity now tends that way. I offer the order in no spirit of self-righteousness, as I have eaten and drunk and ridden in carriages at the public expense, and I am perfectly willing that the public should know any expenditures of that kind that I have caused. The reason I offer it is that copies of some of the bills have been printed in the Transcript. In my judgment the bills are published for political effect, and have been gotten up with a special view of making it appear that certain members are economical and others extravagant. I believe the citizens have a right to the complete record in this matter. I think it should be fair and impartial for us, and that no reporter should go there and garble and extract a few bills and do any one an injustice. It seems to me that that would be fair to every gentleman not ashamed of his own record.

Mr. Spenceley of Ward 19—I move to amend by making it Jan. 1, 1878, as the bills for the whole year will come in together.

Mr. Webster—On many accounts the amendment would be better than the original motion; but the fact is the public desire this information before the election. As the bills are published they are partial and unjust. If the public are to have it before election it must be done right away. I fail to see why a desire for such information is not right.

Mr. Spenceley said he offered the amendment on account of Mr. Webster's own words, that the newspapers were publishing them for political effect.

Mr. Webster said if it was to have any effect they should be fair and square and not garbled.

The amendment was declared lost. Mr. Spenceley doubted the vote.

Twice the Council divided, but no quorum voted.

Mr. Webster of Ward 3 moved a call of the roll. Adjourned, on motion of Mr. Flynn of Ward 13.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

NOVEMBER 19, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE APPOINTMENTS.

Measurer of Upper Leather—R. F. Cook. Confirmed.

Inspector of Elections in Ward 15 for Three Years—Thomas F. Golding, in place of William H. Hart, who declines to serve. Confirmed.

Police Officers Without Pay—Jacksou Dawson, William Dawkins, James T. Knight, T. F. B. Cook. Confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* Petitions for brick sidewalks in front of estates of J. W. Haunum, on Stoughton street; Henry D. Denny, on Everett avenue; Charles Rollins, 56 Commonwealth avenue. For edgestones in front of estates of S. S. Russell, on Elm street, West Roxbury.

E. L. Tead *et al.*, that Chestnut street, Ward 23, be called Chestnut avenue; Henry L. Batchelder *et al.*, that Everett avenue be put in order for travel; Globe Nail Company, for the paving of Howard street, Boston Highlands; Hills & Brothers and fifty others, that the location of Middlesex Railroad for curve track in South street be rescinded.

Highland Street Railway Company, for the location of a track to enter its car house on Northampton street.

*To the Committee on County Accounts.* Social Law Library, for the annual appropriation for that institution.

*To the Committee on Sewers.* Winifred Looby, for removal of a nuisance caused by the Elmwood-street sewer.

*To the Committee on Police.* St. John's Workmen's Club, for leave to project a transparency from 1317 Tremont street; J. G. Brooks, for leave to project a lantern from 2½ Pyncheon street.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables by William Austin, two horses, iron building, High street; Parsous & Co., new wooden, two horses, West First street; Sarah Harvey, old wooden shed, one horse, 37 Ellery street; Robert Treat Paine, Jr., new brick, 100 horses, Dartmouth street; Howard Slade *et al.*, brick building, fifty horses, 439 to 441 Tremont street.

*To the Committee on Licenses.* Boston Young Men's Christian Union, and Boston Society of Medical Improvement, Boston Society of Medical Observation, severally against the issue of a license for Jourdain's Gallery of Anatomy; Seth Wheeler, for license for a skating rink at 520-524 Albany street; Charles A. Booth, for a license to give an athletic exhibition.

*To the Committee on Common on the part of the Board.* Bela H. Warner, for leave to remove a tree from Vine street in Ward 20.

*To the Committee on Lamps.* William A. Bangs, that Crawford street, Roxbury, be lighted; B. L. Young, that lamps be placed in the rear of 25 Chestnut street; William Merriam, that lamps be placed in the rear of Stevens street.

## HEARING.

A hearing was had on petition of Union Freight Railroad Company for leave to construct a track from Commercial street to and on Union wharf. No objections, and recommended to the Committee on Paving.

## PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Report of leave to withdraw on petitions of Ann Collins and others to be paid for injuries received by the recent accident on Blackstone square. Accepted in concurrence.

Report and order for the Mayor to apply to Congress for the payment of \$70,784.80 assessed as betterments on estates of P. B. Brigham and others taken as a site for the new Post Office. Order passed in concurrence.

Proposition of William B. Blakemore to convey to the city 27,772 square feet of land on Mt. Bellevue, West Roxbury, to be kept open for public purposes. Referred to the Committee on Public Parks in concurrence.

Order to request the Registrars of Voters to hold sessions in the several wards for at least seven days prior to the close of registration for the next municipal election, at an expense not to exceed \$2000. Passed in concurrence.

Report and order to allow the following-named parties to erect and to enlarge wooden buildings in their respective localities:

Thomas Mayo, on Green street, Ward 23.  
East Boston Dock Company, on Border street.  
Butchers' S. and M. Association, on Market street, Ward 25.

George W. Hollis, on Western avenue, Ward 25.  
Methodist Episcopal Church, on Warren street.  
Maverick Oil Company, Chelsea street, Ward 1.  
Orders severally read twice and passed.

## BRIMMER SCHOOL.

A request by the School Committee for information on the authority for placing steam-heating apparatus in the Brimmer Schoolhouse came up referred to the Committee on Public Instruction.

Alderman Fitzgerald—I do not wish to be captious, but it seems to me the School Board are unduly sensitive in this matter. They know all about it as well as the members of the Committee on Public Instruction. This request came before the Common Council once before and was indefinitely postponed; and it was again introduced a few nights ago into the School Board, who seem determined that we shall announce officially that we have done certain things. Any one who knows anything about the Brimmer School knows it was a trap, and that a fire has taken place there already. The matter was brought to the attention of the Committee on Public Instruction, and in order to prevent accident they introduced an order and had those repairs made and the apparatus put in during the vacation, and changed the heating apparatus from the old method to that by steam, making a fire-proof room, so that it is almost impossible for a fire to take place there. The building is so constructed that in case of a panic the children will be subjected to much danger in getting out of the building. The members of the School Board know this, and I think they are unduly sensitive. If the members of the City Council have transgressed the letter of the statute technically, they certainly have performed a work for which they ought to receive the thanks of the School Board. It was done during the vacation. The attention of the committee was called to it about the close of the term, and vacation was the only time when the committee could have it done. This is the second time it has been introduced in the City Council, and I move that the matter be indefinitely postponed.

The Mayor—Does the Alderman desire the Chair to read the order?

Alderman Fitzgerald—I think all the members understand it.

Alderman Thompson—I fully agree with the disposal of this subject proposed by the Alderman who has just taken his seat, although it may be proper to state the facts to the members of the Board, that they may properly understand them. At the request of the sub-committee of the School Committee on the East Boston District, the Committee on Public Instruction during the latter part of June visited East Boston to inspect the Adams School, to see what was necessary to be done in the way of alterations. They viewed the entire building from the attic to the cellar, and were perfectly astonished when they went into the basement to see the heating apparatus. I think there were six portable furnaces, each extending from the floor to the ceiling. The plastering was open, so that there was nothing to prevent flame and sparks from uniting with the floor above. They had with them the Superintendent of Public Buildings, the Inspector of Buildings, and the City Architect. The committee desired to know if there were other buildings similarly situated, as they did not wish to assume the responsibility of a fire taking place in this building with such heating apparatus. Their attention was called to the Brimmer School. There was no time to be lost, and if the changes were to be made at all they must be made during the vacation; and they had no time to go through the formality of obtaining the consent of the School Committee. With the advice of the Superintendent of Public Buildings they made those alterations, and only regretted that they had not time to carry them through other buildings. The members of the School Committee from East Boston approved of it, and I have no doubt they are just as well satisfied with

it as are the members of the Committee on Public Instruction. I hope the motion will prevail.

Alderman Fitzgerald—If I remember the building act aright, the Inspector of Buildings could order that schoolhouse vacated, and the statute with regard to the survey and inspection of buildings supersedes the power which is granted to the School Board. Even if it did n't, I think the School Board are acting rather pettishly in this matter, and that is the reason I ask for an indefinite postponement. We did it for the safety of the children.

The matter was indefinitely postponed in non-concurrence.

THE CITY CLERK'S REPORT

for the quarter ending Oct. 31—Received and paid to City Collector, \$1482.67. Sent down.

LOCATION ACCEPTED.

A communication was received from the Middlesex Railroad Company accepting the seventeenth location, granted by this Board on the 12th inst. Placed on file.

Alderman Burnham—It seems to me that matter should lie upon the table. You have already received, and there has been referred to the Committee on Paving, a petition representing that certain matters in regard to that location were not understood, and claiming that the petition of the Middlesex Railroad was illegally granted. It seems to me that the proper thing to do is to lay that matter upon the table until after the hearing upon the petition which has been referred to the Committee on Paving, and I move that it be laid upon the table.

The communication was laid upon the table.

BONDS APPROVED.

The bond of William C. Thomas, constable, being presented duly certified, was approved by the Board.

Alderman Gibson presented the bond of Thomas Sherwin, Collector of Taxes, for \$75,000, stating that it had been certified to its correctness of form by the City Solicitor, and had been approved by the Committee on the Treasury Department. The bond was approved by the Board.

ANCIENT LAND RECORDS OF THE ANNEXED DISTRICTS.

Alderman O'Brien presented the following:

To the Honorable the City Council of the City of Boston—The undersigned, citizens and taxpayers, respectfully represent that whereas the early land records of the town of Boston have been printed by the Record Commissioners, it is of equal importance to print the corresponding land records of those towns which have been recently incorporated with the city of Boston.

In regard to Charlestown, these early grants and conveyances are not matters of record in the Middlesex Registry of Deeds, and *practically* are not accessible or available to the legal profession and the public generally, being in the old style of handwriting, and without indices. These records, of whose existence, even, few persons are aware, are of the greatest value in tracing the titles of real estate, beginning as they do in 1638 (fourteen years earlier than the Boston Book of Possessions), and affecting lands now embraced in the towns of Malden, Woburn, Stoneham, Burlington, Somerville, Reading, and parts of Medford and Cambridge, which originally were included in the confines of Charlestown.

We therefore respectfully request your honorable body to authorize the Record Commissioners to publish a report to contain a transcript of the Charlestown Book of Possessions, and such other early land records of Charlestown as are connected therewith.

Boston, Nov. 15, 1877.

- Richard Frothingham.
- Caleb Rand.
- George B. Bigelow.
- Benjamin F. Thomas.
- Henry W. Bragg.
- Abiam E. Cutter.
- J. D. Bryant.
- J. H. Sweetser.
- George S. Poole.
- H. H. Edes.
- B. F. Brooks.
- Robert D. Smith.
- Darwin E. Ware.
- A. Churchill.
- James Dana.
- Isaac Sweetser.
- P. T. Jackson.

- James Adams.
- Edward Lawrence.
- P. W. Chaudler.
- Edward S. Rand.
- Isaac P. T. Edmands.
- F. B. Austin.
- E. F. Hodges.
- Timothy T. Sawyer.
- C. R. Lawrence.
- Samuel Gould.
- George O. Shattuck.
- George S. Hale.
- George V. Leverett.
- F. M. Weld.
- George C. Richardson.
- T. Jefferson Coolidge.
- Arthur W. Austin.

Alderman O'Brien—I have received the following letter, from which I will read:

CHARLESTOWN, Nov. 17, 1877.

My Dear Sir—I beg to commend to your favorable consideration the petition to the City Council for the printing of the Book of Possessions of this place of the date of 1638. Over thirty years ago I had occasion to examine this book with great care, going over every page of it, and I now regard it as one of our most valuable manuscripts, having far more than an antiquarian interest and value. I think the money will be well appropriated that shall place it beyond the reach of accident.

Yours truly,  
RICHARD FROTHINGHAM.

Alderman O'Brien.

On motion of Alderman O'Brien, the petition was referred to the Committee on Printing. Sent down.

PERMITS FOR STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board in favor of granting permits to occupy stables by Cook & Handy, Island street; Thomas White, Longwood avenue; Renny Anderer, Rockland street; Simonton & Gill, in rear of Marvin street. Severally accepted.

SEWERS.

Alderman Viles, from the Committee on Sewers, submitted an order—That \$53.84 be abated from the assessment levied upon Fanny E. Benedict for a sewer in Adams street on account of inability to pay.

Read twice and passed.

CLAIMS.

Alderman O'Brien submitted a report from the Committee on Claims of leave to withdraw on petition of William S. Keith, that certain encumbrances be removed from real estate sold for non-payment of taxes. Accepted. Sent down.

ELECTION RETURNS.

Alderman Viles submitted the following:

The committee appointed to examine the returns of votes cast in the several wards at the recent State election have examined said returns and have recounted the ballots cast for Representatives in Wards 8, 12, 15, 16, 17, 20, 22. The results of said examination will be found in tables hereto affixed. No changes were found in the persons returned as elected, except in Ward 8, where James L. Locke appears to be chosen instead of Dennis O'Connor, who was returned as elected by the ward officers. The results of the election are correctly entered in the books kept for that purpose, from which it appears that the following-named persons have been duly chosen to represent their several districts in the next General Court, viz.:

District No.

- 1—Edwin R. Webster, E. M. McPherson.
- 2—Sydney F. Whitehouse, James L. Walsh.
- 3—Eugene L. Norton, Freeman L. Gilman.
- 4—John Turner.
- 5—Charles R. Byram, Nahum Chapin.
- 6—Cornelius Desmond, Anthony C. Daley.
- 7—Daniel Doherty, Samuel H. Wentworth.
- 8—Francis Gargan, James L. Locke.
- 9—George W. Lowther, Edwin F. Leighton.
- 10—Alexander Wadsworth, Clement H. Hill.
- 11—Hamilton A. Hill, Charles J. Prescott.
- 12—Edward J. Jenkins, Patrick F. Murphy.
- 13—John T. Mahoney, John B. Shea.
- 14—Charles J. Noyes, Alonzo Bancroft.
- 15—Alonzo Warren, Stephen A. Stackpole.
- 16—Joseph H. O'Neill, Frederic A. Marden.
- 17—J. Q. A. Brackett, Albert E. Pillsbury.
- 18—Charles H. Allen, Henry D. Hyde.
- 19—James H. Nugent, Charles V. Jaeger.
- 20—Payson E. Tucker, William S. King.
- 21—John F. Newton, William Blanchard.
- 22—William H. Carberry.
- 23—H. Augustus Johnson, Matthew Bolles.
- 24—Joseph Wiswell, Frederick P. Moseley.
- 25—George A. Wilson.

The committee recommend that the City Clerk be directed to notify the foregoing persons of their election.

CLINTON VILES.  
LUCIUS SLADE.  
CHOATE BURNHAM. } Committee.

Ward No. 8.

Names.	Ward Returns.	Official Count.
Francis Gargan.....	738	667
James L. Locke.....	605	625
Dennis O'Connor.....	681	562
Charles Jarvis.....	519	542
Edmund T. Dooley.....	24	21
Benjamin Adams.....	29	25
All others.....	5	8

Ward No. 12.

Edward J. Jenkins.....	702	712
Patrick F. Murphy.....	642	644
Patrick H. Hallinan.....	585	592
Edwin A. Millard.....	310	298
Israel S. Trafton.....	33	36
Joel H. Saunders.....	27	27
All others.....		17

Ward No. 15.

Alonzo Warren.....	704	705
Stephen A. Stackpole.....	645	644
John F. McMahon.....	595	599
Martin T. Glynn.....	536	536
All others.....		5

Ward No. 16.

Joseph H. O'Neill.....	593	591
Frederick A. Marden.....	592	593
Thomas M. Babson.....	538	557
Abraham Firth.....	519	511
Edward Edmunds.....	30	34
Horatio G. Newton.....	29	32
All others.....	2	8

Ward No. 17.

J. Q. A. Brackett.....	887	887
Albert E. Pillsbury.....	749	749
F. S. Ristean.....	709	709
J. C. Crafts.....	559	558
Edward I. Aldrich.....	52	53
Frederic A. Inman.....	49	49
W. D. Johnson.....	19	19
All others.....	10	10

Ward 20.

Payson E. Tucker.....	896	885
William S. King.....	784	777
George W. Adams.....	736	736
Joseph T. Ryan.....	697	698
Asahel B. Wright.....	24	24
Osborn Barker.....	23	22
All others.....	13	18

Ward 22.

William H. Carberry.....	477	477
Charles W. Weeber.....	442	441
All others.....	4	5

Accepted.

LAND DAMAGES.

Alderman Clark, from the Committee on Streets on the part of the Board, submitted an order to pay William Childs \$2857.60, for land taken and damages occasioned by the widening of Emerson street. Read twice and passed.

SMALL-POX HOSPITAL.

Alderman Clark submitted the following: The Committee on Finance, to whom was referred the communication of the Board of Health, asking for an additional appropriation of \$6500 for fencing the new smallpox hospital lot on Canterbury street, and for completing the said hospital building and grading about it; also for the erection of a stable, to be used in connection therewith, represent that there remains unexpended of the original appropriation for the smallpox hospital, after taking out the appropriation of \$25,000 made Nov. 24, 1875, the sum of \$4243.64; and they recommend the further appropriation of the last-named sum and the transfer of the sum of \$2256.36 from the appropriation for the Board of Health to that of Smallpox Hospital. In advising this appropriation the committee would say that the practice of exceeding the amounts appropriated for buildings and other expenditures is very reprehensible, and that the Board of Health exceed their powers by incurring liabilities for hospital purposes in excess of their appropriation.

Ordered, That the Board of Health be authorized to expend towards the erection of a new smallpox hospital on the lot on Canterbury street, purchased for that purpose, for fencing the lot around said hospital, for extending the water pipes to supply the same, the grading about it, heating apparatus for same, and the erection of a stable connected therewith in addition to the amount of \$25,000, heretofore appropriated for the purchase of a lot and the erection thereon of a smallpox hospital, the further sum of \$6500; of said amount \$4243.64 to be charged to the appropriation for Smallpox Hospital, and the balance, \$2256.36, the Auditor of Accounts be and he hereby is authorized to transfer from the appropriation from Board of Health to that for Smallpox Hospital.

Read twice and passed—yeas 11, nays none. Sent down.

ROXBURY CANAL.

Alderman Clark submitted the following: The Committee on Finance—to whom was referred the report of the Joint Committee on Health, printed City Document No. 92, that the nuisance in and about the Roxbury Canal be

abated by taking, in accordance with an act of the Legislature of Massachusetts of May 11, 1877, certain parcels of land, filling said canal, and extending the sewers emptying into the same, accompanied by an order for taking the land in question, and estimating the whole cost at \$391,300—would report that the Committee on Health having in their printed report given in detail the reasons why the city should undertake the abatement of the alleged nuisance in and about the Roxbury Canal, this committee, without expressing any opinion in reference to the same, would recommend that if the City Council are in favor of the passage of the order attached to the report of the Committee on Health for taking of land, then the accompanying order should be passed providing the means for paying for the same and the completion of the improvement:

Ordered, That the City Treasurer be and he hereby is authorized to borrow, under the direction of the Committee on Finance, the sum of three hundred and ninety-two thousand (\$392,000) dollars, to constitute a special appropriation to be styled "Roxbury Canal Improvement," to pay for estates to be taken, the cost of filling the canal, the cost of sea-wall, and the cost of intercepting sewer to outlet opposite Brookline street; and it is herein provided that all moneys received from said improvement shall be paid by the City Treasurer to the Board of Commissioners on the Sinking Funds, and by them specially applied for the redemption and cancellation of the loan made by authority of this order.

Read once.

LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Hack License Refused—Edward Fleming, rear of 87 Boylston street.

Amusement License Granted—J. Jay Donahoe, for leave to exhibit a series of tableaux at Horticultural Hall; Theodore Thomas, to give concerts at Music Hall; Independent Dramatic Association, to give exhibitions in Paine Hall.

Wagon Licenses Granted—M. F. Smith, 8-10 Court square; Charles P. Trowbridge, 8-10 Court square.

Second-hand Dealers Licensed—M. J. Mahoney, M. D. Brackett, John O'Neil.

Pawnbroker Licensed—S. G. Rosnosky. Severally accepted.

FANEUIL HALL.

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall in favor of granting the use of said hall to J. G. Abbott *et al.* on Nov. 10. Accepted.

PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports in favor of granting permits to move wooden buildings, by W. R. Cavanagh, from Cottage street to Stoughton street, Ward 24; Beven & Sefton, from 79 George street to 508 Dudley street, Ward 20; John S. Blair, from 468 Harrison avenue to 446 Harrison avenue, Ward 17. Severally accepted.

Report and order for edgestones in front of estate of Delle S. Potter on Fairfield street. Order read twice and passed.

Ordered, That permission be granted to Richard J. Monks to close one sidewalk and the roadway of Oxford street adjacent to his building against public travel during the taking down and rebuilding of the wall of said building, condemned by the Inspector of Buildings. Read twice and passed.

Ordered, That the sum of \$10.50, assessed Albert Bowker for sidewalk in front of No. 73 Cottage street, be and the same is hereby abated, and the said amount is hereby assessed to William McGrath. Read twice and passed.

Ordered, That permission be given to the Maverick Oil Company to lay down their iron pipe authorized by vote of this Board Nov. 12, and approved Nov. 13, under *Chelsea* street, instead of *Saratoga* street, on the same conditions as are recited in said vote approved on the 13th inst. Read twice and passed.

METROPOLITAN RAILROAD LOCATION IN CONGRESS STREET.

Alderman Clark—At the last meeting of the Board of Aldermen it was voted to grant the Metropolitan Railroad leave to lay down additional tracks in certain streets in the city of Boston. I have given notice of a motion to reconsider that vote. I make the motion so that we can fully understand the views of the Alderman from

Ward 21, who is on the Committee on Paving, and who signed the majority report to allow them to go down Devonshire instead of Congress street, as has been passed by the Board of Aldermen. For one, I should like to have the views of the Alderman from Ward 21, who was absent at the last meeting, and for that purpose I move a reconsideration of the vote whereby that order was passed. It was stated that the Alderman from Ward 21, one of the Paving Committee, who signed the majority report, was in favor of a change of the location from Devonshire street to Congress street.

Alderman Fitzgerald—I don't want this Board to make this reconsideration for my sake. I would say to the Alderman opposite, "Speak for yourself, John Alden; don't speak for me." I am very thankful to him for moving a reconsideration of the vote, but I fancy that it would n't make much difference; it will only make an additional vote against reconsideration. It is true that I signed the majority report in favor of Devonshire street as the more convenient of the two routes; but in any matter where there is no principle involved, if I cannot get a whole loaf, I will take all I can get. Therefore, as this Board have voted to grant the location in Congress street, I shall vote against reconsideration. If the Alderman moved a reconsideration in order to give me an opportunity to ventilate my views, I will say the order meets my approbation. I am satisfied and I am much obliged to the Alderman.

Alderman Clark—Having accomplished the object I had in view, I withdraw the motion for a reconsideration.

#### WARRANTS FOR MUNICIPAL ELECTION.

Alderman Viles offered an order—That warrants be issued for the meeting of the legal voters of

this city in their respective wards on Tuesday, the 11th day of December next, at seven o'clock A. M., then and there to give in their votes for one able and discreet person to be *Mayor* of this city for the ensuing year; also for *twelve Aldermen* to serve for the year ensuing, also for eight members of the School Committee to serve for three years; and one able and discreet person to serve as a Street Commissioner for three years,—all the foregoing to be inhabitants of this city. Also, for three able and discreet men, qualified voters, and inhabitants of their respective wards, to be members of the Common Council for the ensuing year (provided, however, that this year the voters in Ward 22 shall elect one such member only, and the voters in Ward 25 shall elect two such members); also for a Warden, Clerk and three Inspectors of elections, all of whom to be inhabitants of this city and resident in their respective wards. All of the foregoing to be voted for on one ballot; the polls to be kept open until four o'clock P. M.

Ordered, That notice be also given that the registration of voters for this election will cease on Tuesday, the 4th day of December, at twelve o'clock, midnight, after which no names will be added to the voting lists except as provided by law.

Alderman Fitzgerald remarked that the law allowed the polls to be kept open until sunset, and asked what time the sun set on the 11th of November.

The Mayor said twenty minutes past four.

Alderman Fitzgerald—I move to amend so that the polls shall close at a quarter past four.

Alderman Viles accepted the amendment, and as amended the order was passed.

Adjourned, on motion of Alderman Viles.



## CITY OF BOSTON.

## Proceedings of the Common Council,

NOVEMBER 22, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

Quarterly report of City Clerk. Placed on file.

Report of leave to withdraw on petition of William S. Keith that certain encumbrances be removed from an estate sold for non-payment of taxes. Accepted in concurrence.

Report and order for an expenditure of an additional sum of \$6500 in the erection of a new smallpox hospital, etc., \$2256.36 to be transferred from the appropriation for Board of Health, and the balance to be charged to appropriation for Smallpox Hospital.

Mr. Stone of Ward 3—A few weeks ago the Committee on Common and Squares asked for an additional appropriation, and we ordered an investigation into the manner of conducting the business of the department. Here is a board who have exceeded their appropriation by some twenty-five per cent. They have had a job of about \$31,000, and I understand that the principal part of it has been done by the day. It seems to me it ought to have been done by contract, especially as the architect gave it as his opinion that the building could have been built for \$13,000. I move that this matter be referred to a special committee to report who is to blame for exceeding the appropriation in the manner in which the building has been built.

The motion prevailed, and Messrs. Stone of Ward 3, Reed of Ward 17 and Fernald of Ward 15 were appointed on said committee. Sent up.

## STONE-CUTTING BUSINESS AT THE ISLANDS.

The order to erect sheds, purchase tools, and make necessary arrangements for establishing the stone-cutting business at Deer and Rainsford islands, at an expense not to exceed \$5000, was considered under unfinished business, the question being on its passage.

Mr. Mowry of Ward 11—I should like to hear some explanation of this order.

Mr. Flynn of Ward 13—This subject was presented to the City Council by the Board of Directors for Public Institutions some time ago. The object is to keep from the island a certain number of tramps who go there from year to year to make it their home during the winter. There are some thirteen or fourteen hundred inmates of the institutions on the islands, of whom some four or five hundred are males, a large number of whom are tramps; and the object is to keep the tramps away from the islands. If these sheds can be erected, and these men put to work in the winter, instead of keeping them in a room where the temperature is about seventy, the directors feel that the interests of the city will be better protected during the winter months. The cost will be about \$5000 for the erection of sheds, purchase of tools, etc.

Mr. Pratt of Ward 21—Has this matter been before any committee of the City Council?

Mr. Flynn of Ward 13—It has been before the Committee on Public Institutions and they unanimously recommend the passage of this order.

Mr. Wilbur of Ward 20—I would state further, for the gentleman's information, that this matter came before the Committee on Public Institutions, who considered it one of the best moves made in that direction this year. It will give employment to the men at the islands; and though, perhaps, the cost of the stone may be no less than that which is procured elsewhere, yet it will result in many good things. They unanimously recommended it.

Mr. Clarke of Ward 22—I would state further that I understand that the Committee on Paving have had a great deal of difficulty in getting block stone for paving the streets. I understand that the paving of one street was delayed three months on account of delay in getting the stone; that the contractors took the contract to furnish the stone at a very low price; and they can only get it out in winter, for, when laboring men can get work on the farms during the summer, they will not work in the quarries, and they have to employ cheap

help in winter. It seems to me that it will be very desirable for the directors to be able to furnish the Paving Department with that article.

Mr. McGaragle—While this may be very desirable for the Directors for Public Institutions, I hardly think that the city of Boston is the right party to go into the stone-cutting business, especially at Deer Island. I don't think the large amount of paving stone they will get will pay for the delivery, and five thousand dollars will scarcely pay for the sheds and purchase the tools. There must be some means of conveying the stone to the city. Again, there is so much labor unemployed that I don't think it is best for the city of Boston to start opposition to them. If the present police regulations were enforced, they would get rid of the tramp nuisance. Let them be sent down to the Chardon-street Home and be made to saw wood. I think there are enough laboring men who need subsistence, without putting tramps to work in opposition to them.

Mr. Sampson of Ward 17—This order meets the entire approval of the directors. It does not affect the laboring men here. There is a class of men who seek the island for a home during the winter and stay there, and it is expected that this plan will reduce the number of these men there during the winter. I think it will be a great benefit to the city and prove very economical in the end. The first cost will be considerable, as the order indicates; but they will be there for all time, and the expense will be very small.

Mr. McGaragle of Ward 8—I fail to see how we are going to get the stone from Deer Island to the city without hiring an extra steamer; certainly the J. Putnam Bradlee would n't be suitable for this kind of business. But I am thinking that the Board of Directors for Public Institutions are taking steps to put inmates there; because, if they find they are going to get sheds to cover them from the weather, and further, that they are going to get something to eat three times a day, they will be pretty sure to go there.

Mr. Flynn of Ward 13—I desire to inform the gentleman that the granite will be delivered at the island by sloops from Rockport, at one dollar a ton, on the wharf. One or two expert mechanics will be employed to superintend the work, and the male inmates will be obliged to cut these stones, which will be landed by the Rockport Granite Company or some other company.

Mr. McGaragle—I understand that; but they don't propose to carry this stone from Deer Island to Boston. I want to know how you are going to get this stone to Boston?

The order was passed in concurrence. On motion of Mr. Flynn of Ward 13, the rule was suspended to allow him to move a reconsideration, which was moved by him and lost.

## STONY BROOK.

The order for a special committee to take charge of the improvement of Stony Brook, the estimated cost of improvement not to exceed \$133,000 (City Doc. No. 86); and also an order for a loan of \$133,000—all money received for betterments or otherwise to be used for the redemption and cancellation of said loan—was considered under unfinished business.

Mr. Brown of Ward 23—In order that the members of this Council may fully understand the importance of this Stony Brook matter, which is now before us, I desire to go back a few years to the first movements of the town of West Roxbury to abate the evils of the overflow of the brook within its limits, caused in a measure by obstructions and encroachments by the abutters on its borders, more especially on the line of the brook which flowed through the city of Roxbury. I propose to inform the Council what has been done in the Stony Brook interest up to the present time. This Stony Brook matter is no new scheme, which is now under consideration. Some fifteen years ago the attention of the selectmen of West Roxbury was called to investigate the sanitary condition of the overflowed lands within the limits of the town. The mode of relief of this great nuisance in the midst of our people was freely discussed by those in authority, but for a long time they could not see their way clear to recommend the means for the better drainage of the territory.

Mr. Flynn of Ward 13 inquired if it would be in order to call for the special assignment for 7.45 o'clock [widening of Commercial street], and the President said it would not.

Mr. Brown—It became more and more apparent to the inhabitants of the town that the periodical

freshets, which occurred in spring and fall, were continually becoming a greater nuisance to the inhabitants, especially to those living on the low lands. Some ten years ago this nuisance became so great, by affecting the health of our people who resided in the valley of the brook, that the physicians of the town brought the matter before the selectmen and urged some action which should lead to the abatement of the imperative causes of increased sickness in the town from these stagnant waters. Those in authority could devise no means of relief within their own power. In 1867 several prominent gentlemen of West Roxbury and the city of Roxbury petitioned to the Legislature of Massachusetts, praying for the enactment of a law authorizing their respective municipalities to take land to straighten and deepen the channel of Stony Brook, for the purpose of procuring better drainage of the low lands bordering on said brook. By such an act it was hoped that this standing nuisance in our town might be abated and the health of our people would not be jeopardized by the overflowing of the territory in the valley at Jamaica Plain in times of freshets. The town employed counsel to represent its case at the General Court, and to urge favorable action upon the petition. In 1868 an act was passed by the Legislature, entitled "An act to authorize the town of West Roxbury and the city of Boston to improve the drainage of Stony Brook and its tributaries." The town of West Roxbury immediately took measures to commence operations within its limits under the act. Money was appropriated and some improvements made during that year by the selectmen. They employed Mr. Bradley, Superintendent of the Boston sewers, to make surveys and profiles for some general plan which should connect with such improvements as Boston would be likely to make. It was hoped that the city authorities of Boston would act promptly in this important matter to carry out the plan contemplated by the act, but nothing was done that year by either municipality further than to make the surveys and the removal of some slight obstructions in the channel of the brook in the limits of West Roxbury. At the annual town meeting in 1869 the sum of \$25,000 was appropriated to enable the selectmen to commence the improvement of the channel of the brook under the act. After due consideration of the whole matter by both municipalities it was thought that the contemplated improvements should be done under the supervision of a competent commission, and it was decided to petition the Legislature for an act authorizing the appointment of commissioners by the town of West Roxbury and the city of Boston to carry out the necessary improvements, award damages and assess betterments. In 1870 the Legislature passed an act conforming to the above-named petition. Under this new act the town appointed three commissioners with full powers to go on and complete the improvement contemplated within its limits, and it was hoped at this time that Boston would do likewise. During that year the West Roxbury Commissioners devoted their time to the taking of lands and paying for same, and did nothing to the channel of the brook. The city did nothing that year. In 1871 the commissioners entered into negotiations with the authorities of Boston, which promised a satisfactory settlement of the joint interest between the two municipalities as to the immediate commencement and carrying out of the improvement of the brook. The West Roxbury Commissioners expended about \$25,000 that year on the brook, and at the close of the year Boston had done nothing in this direction within its limits to relieve the hundreds of human beings suffering on the line of the brook at Jamaica Plain and from the overflowing of the waters, which could not pass through the limits of Boston to tide water for obstructions created by man in the natural channel of the brook within its limits. In 1872 the West Roxbury Commissioners reported to the selectmen that they had taken a strip of land thirty feet in width from the Hyde Park to the Roxbury line, being a distance of about  $3\frac{1}{2}$  miles, and that they had nearly completed their works within the limits of the town, and had settled with the most of the abutters for the lands taken. The commissioners also stated in their report that they had endeavored, in all proper ways, to obtain the cooperation of the city of Boston in this important matter, but had failed. At this time the question of annexation of the town of West

Roxbury to Boston was agitated, and the interest of the Stony Brook project was not so well cared for, for a time, by our people. In 1873 the commissioners made their final report to the town, saying they had expended about \$43,000 on the improvement, within the town limits, and had completed the important matter intrusted to their care. And at this point, Mr. President, the town of West Roxbury, its inhabitants, together with Stony Brook, became a portion of Boston by annexation, and the first movement made by Boston to relieve the many sufferers residing in the valley of Stony Brook, within its newly acquired territory by annexation, was in the year 1874, when an order was presented to the Board of Aldermen requesting some information as to what action was necessary to complete the improvement of the channel of Stony Brook, commenced by the town of West Roxbury. This order was referred to the Committee on Sewers, and Alderman Power, chairman of said committee, reported back that his committee had been advised by the City Solicitor that the city would be liable in proceeding under the previous acts of 1868 and 1870 to pay damages for the contamination of the waters of Stony Brook, which was used by manufacturers within the limits of old Roxbury, so-called; and the following order was recommended and passed:

"Ordered, That his Honor the Mayor be authorized to petition to the Legislature for the passage of an act to enable the city of Boston to straighten, deepen and improve the channel of Stony Brook within its limits."

This petition was presented and granted; and the full provisions of said act will be found in chapter 196 of the acts and resolves of 1874. Under this new act it was expected by the entire population of the West Roxbury District that the city would at once take the necessary steps to carry out and complete the long contemplated improvements in the channel of the brook—which had been commenced by the town of West Roxbury six years ago. At this time the physicians of Ward 23 demanded of the citizens of the ward that something should be done for the sanitary benefit of the ward, and a strong petition was presented to the City Government, signed by Alden Bartlett and many others, demanding immediate relief from these troublesome waters. This petition was referred to the Committee on Sewers, and its chairman, Alderman Viles, reported back that the expense of completing this job was too heavy for the Sewer Committee to undertake under its appropriation, and recommended that a special appropriation should be made for the Stony Brook improvement, also recommended its reference to a joint special committee, and it was finally referred to the Street Commissioners, who reported back to the Sewer Committee the estimated cost of land damages in the Roxbury or Highland District. The city of Boston and the Providence Railroad Corporation did jointly expend the sum of about \$2000 in constructing culverts under the streets at Forest Hills station during the season of 1876. And here, Mr. President, the present City Government finds Stony Brook in its sluggish and unhealthy condition. Here this Council finds hundreds of human beings whose lives are endangered, year after year, by the unhealthy condition they are placed in, and compelled to submit to this wicked nuisance. Mr. President, it is unnecessary for me to try to picture to this Council the inevitable danger of sickness, resulting from such causes as are produced by living in houses whose cellars are partially filled with stagnant water. During the past spring the Councilmen in this board, representing Ward 23, appealed to the Board of Health, by the earnest solicitations of doctors, ministers and people of the West Roxbury District, to report to this City Government the sanitary condition of the brook, and the people residing in the valley at Jamaica Plain. The Board of Health reported that it had visited the location asked for and had found 126 dwelling houses and one schoolhouse between Boylston and Forest Hills station—a distance of about one mile—which were more or less flooded during the freshet of the past spring to the depth of three inches to five feet, and the duration of water was from two days to four weeks. And, Mr. President and gentlemen of this Council, the Board of Health reported that they found 750 men, women and children occupying these 126 houses and one schoolhouse flooded with Stony Brook waters to the depth of five feet or less, and remaining in many instances four weeks; and,

sir, this sad state of things is found in the city of Boston in Ward 23, and in the midst of a progressive and civilized community. The Board of Health did report to this Council that the city should do something to protect the health and lives of these people.

Mr. Brown's time having expired, on motion of Mr. Clarke of Ward 22 the rule was suspended and his time was extended.

Mr. Brown—An order was offered in this Council by a member from Ward 23 asking this body to appoint a special committee to investigate this matter with the view of remedying the intolerable evil—and there was a joint special committee of both branches appointed. This committee has done its duty and I refer the Council to the report of the committee on this matter. We asked for an appropriation of \$133,000 to complete and forever settle the Stouy Brook troubles, we hope. The Finance Committee approved of the undertaking unanimously and provided for the means; therefore, the Board of Aldermen has passed the order appropriating the \$133,000 unanimously. And now, Mr. President, the last act of this scene is before this body of men who have this sacred trust committed to their honor for the final passage of the order in concurrence. And I hope it will pass unanimously—and that the work may be commenced at once; in order to abate this intolerable nuisance as soon as possible, I desire to state to this Council that the representatives here from Ward 23 and advocates of this measure, are not here in the interest of any land speculators. We proclaim our disinterestedness on this subject in the interest of our people, and in the interest of humanity and our honest duty. There are about 180 acres of meadows and low lands in Ward 23 which are flowed by the waters of Stony Brook and its tributaries, which are of little value in its present condition. These lands will be *all* drained by the completion of the channel of the brook as contemplated; and your committee say in their report, that in their opinion, the betterments will nearly pay the expense of the improvement. The lands connected with the 127 houses which are flooded in the valley of the brook at Jamaica Plain *are not* included in the 180 acres of meadows and low lands. Mr. President, in conclusion, I sum up the whole matter under consideration. Stony Brook, as it now exists in Ward 23, is an intolerable nuisance to the whole people of the ward. It is unhealthy, and the lives of hundreds of our people are endangered, and \$133,000 will *forever* make us healthy and happy, as regards Stony Brook. I now, Mr. President, submit the whole matter to the wise consideration of this branch of the City Government.

#### COMMERCIAL STREET.

Mr. Fraser of Ward 6 called up the special assignment for 7.45 P. M., viz.:

Order for a loan of \$1,000,000 for widening, grading and repaving Commercial street, between Eastern avenue and Charles River Bridge, and for paying damages occasioned thereby.

Mr. Richards of Ward 10—That the street which it is proposed to widen is narrow and poor: that upon it are many shabby and dilapidated buildings, unfit for human habitation or any other purpose; and that the proposed widening would result in the removal of many of these old buildings, in the improvement of the street, and in a rise in value of the estates upon it, I do not deny. I concede the propriety and the full force of this argument for it, and I heartily wish that the financial condition of the city would not only warrant this, but also other and even larger expenditures for the improvement of streets, places and buildings in various other parts of the city. If I thought it wise to enter upon the business of street widening at this time, I might not object to commence on this part of Commercial street. But in view of what we have already done, and especially of the enterprises which we have entered upon, and are bound to go on with to completion, unless we want to incur the shame of the recorded folly of those who fail in attempts to build without counting the cost, I question the expediency of entering upon this business of street widening in general at this time. I doubt if I can better use part of the time during which I bespeak your patience than in referring briefly to some of the largest of these appropriations made, and to those enterprises to which we have irrevocably committed the city within the last ten months. Let me mention, as I pass, that the appropriations made for street purposes in the general appropriation bill are \$1,125,000—

\$850,000 for paving, \$125,000 for street widening in general. \$150,000 for the extension of West Chester park. These are three only, though the largest of the general appropriations for the year for street purposes; this does not include any appropriations or expenditures for commons and squares—which amount to \$90,000 more. But is the *special* appropriation to which I ask your attention; the first is that of \$3,713,000 for the new sewer, an expenditure inevitable and unavoidable, but not the less large, not the less to be paid, nor is it the less likely to require as much more to complete the work, and what the final aggregate cost of this great undertaking will be, no one can say; then came the appropriation of \$450,000 for land—if indeed it can with any propriety of language be called land—for the Back Bay park, and I venture to assert that that amount will be but the *earnest* of what the park will absorb. Who of us lives to see it completed will have seen the cost counted by millions—with fifteen acres of macadamized avenues, its water park of stone bridges. Then comes the abolition of the tolls of the East Boston ferries; in my judgment an unfortunate act—a constant drain from the treasury of at least \$250,000 per year; an experiment which many persons believe will prove to be what Voltaire called the royal gardens at Versailles—“*the bottomless pit for the public money.*” Then there is the appropriation of \$350,000 for a new English High School building—a worthy and necessary object, but none the less to be *paid* for. There have been various other quite large appropriations and expenditures for commons and squares, for dedication of the new monument, for land and other damages, and judgments against the city, not to mention by name some expenditures which have done not a little to injure the good name and credit of our city. All amount to a very large sum, and were appropriations made at a time of the existence of a large debt, and of continued unprecedented depression in all departments of business, and when we were required and professed to act here in the spirit and interest of economy. Before us is the proposition to buy a new vegetable market at a cost of \$320,000, of doubtful utility and expediency, unless our citizens can have some guarantee that, after we have bought it, they may have something left to buy the vegetables with. The spectre of the Stony Brook nuisance still stalks abroad over the territory of the Back Bay, notwithstanding the assurances that the location of a park there would extinguish it. The estimated cost for the removal of the nuisances of the Roxbury Canal is \$392,000. And I agree that whatever is necessary for the health of the city *must be done*. These places, where is bred and where lurks the “pestilence that walketh in darkness,” must be purified. For it money is required and must be paid.

The appropriations made and asked for on sanitary grounds within the last year, including the new sewers, amount to \$5,000,000. This, of course, does not include the \$1,125,000 for streets and paving, or the \$450,000 for the park, though passed at last as a sanitary measure; nor the \$90,000 about spent on commons and squares. And, sir, I cannot vote to increase this long list of large and unusual expenditures now, except for the most necessary and urgent reasons, and, I was about to say, for those things which are indispensable to the preservation of the city. I know that those who hesitate to join the popular clamor for any scheme put forth in the name or guise of public improvement may be called “*old fogies,*” conservatives who are not up with the times, etc., and will be ridiculed at any expression of fear in regard to the burden or increase of the burden of taxes; but I believe it is a time when we should here, as some of us do at home, exercise a rigid discrimination in expenditures between those which are quite *necessary now* and those which, though perhaps desirable, may be deferred. I believe that the present dead weight upon the wheels of business is burdensome taxation, and that we are losing much more than are we gaining by many of our so-called expensive improvements. We are driving the rich beyond our borders, and keeping the poor man in them on starvation prices; and it is a great popular fallacy for the poor man to think that he pays no taxes. The truth is the laboring man pays more in proportion to the rich, for besides the plain fact which every man can see, if he will, that high taxes do make a low price for labor, the laboring man, though he gets no tax bill, pays a tax in the increased price on



everything he eats and wears, and in the increased rental of the roof which shelters him from the storm. Taxes enter into the price and cost of all manufactures and of all productions, natural or mechanical, which the consumer has or uses. In fact it is, as theoretically it must be, that the higher taxes are, the more the consumer pays, and the less he can get also for his labor. The rich man always has this advantage, that he can hide his money in bonds or other securities from the reach of the assessor, but the consumer's food, clothing and shanty are unconcealed. His very necessities expose him. So it is a great and stupid mistake for the poor man or laboring man to suppose that a park or a free ferry or a street widening costs him nothing. I assert they cost him many times as much relatively as they do the rich man. I am, of course, speaking of the honest man who earns his support by the sweat of his brow, not of paupers or criminals. But it is said that present money is not required to be raised by taxation; that we can borrow on long credit. Does it never occur to those who are so willing to incur debts for the next generation to pay, that the next generation and the next will have their own expenses and bills to pay? their own battles to fight? the ravages of the wars, fires, pestilence or famine of their own times to repair or provide for? There are times in the lives of cities, as well as of men, when a mortgage upon the inheritable homestead is justifiable, because sometimes necessary; but money borrowed on credit, especially for others to pay, and spent for that which is not necessary, is making a show of generosity upon other men's money! A debt for posterity to discharge is a mortgage upon their inheritance, and a lien upon their industries. Yes, it is a pledge in advance of the future poor man's labor! Honored be the memories of those a generation before us here, that they did not bequeath such burdens to their children! Therefore, as a matter of street improvement merely, I cannot vote for this appropriation at this time. But it is urged that the proposed widening will revive business on the old wharves there, which for many years have stood silent and decaying. If this is true, it is a reason for doing it; but I believe that this rests in assertion and stops there. Because exports and imports are increasing it does *not* follow that we need a larger number of wharves any more than we need a larger number of vessels, and we know well that a modern steamship—that best illustration of the genius and commercial enterprise of this age—will accomplish as much transportation in any given time as a score of the old ships which used to summer or winter between voyages in these old docks. I do not believe that those old wharves at the North End, useful in their day, are, or can be adapted to the wants of modern steamships or modern ways of shipping. Constructed for other times and other fashions and upon other ideas than those which now prevail, their day has gone by, and I think you might, with as much reason, expect to effect a return of fashionable society to the once aristocratic Charter or Sbeafe street, by increasing their width, as to effect a return of shipping and scenes of business activity upon these old wharves by the widening of Commercial street. I understand that we have no contract, no guarantee or assurance that Constitution wharf will be used by a single steamship company or by any ship of any kind even after the proposed widening is made. And I submit, sir, that I cannot find it among my duties to vote \$1,000,000 on any such ground or argument as that suggested for it in this respect. As for widening the street to facilitate the business of other vessels, sailing vessels, at these wharves, the argument for this will not bear examination. Sailing vessels have not left these old wharves because the street is narrow; the street and the wharves are as wide and large as when built, and when, according to tradition, business flourished there! No, sir. Sailing vessels have left and are leaving these old wharves and docks because sailing vessels are leaving the ocean. The future steamships, of which the Great Eastern is the type, are, at least for transoceanic business, superseding them, and for these steamships these old wharves are of no use. And I cannot omit to call attention in this connection to the great wharf and dock facilities and accommodations being constructed on the South Boston flats. If I am correctly informed, there are in the process of construction by the State and various parties and corporations about 300 acres of wharf territory and docks, built of stone,

in deep water, more accessible than are the wharves at East Boston, some of which are nearly completed; one, a dock with wharves on either side of 900 feet in length, to be ready for use by January next, surpassing any other dock or wharf accommodation on this continent, and rivalling possibly the splendid works of the kind of Great Britain. They will furnish wharf facilities for the shipping needed in Boston for the next fifty years. It is claimed that the proposed widening will aid the business of several railroads. Very likely; but do either or any of these offer or propose to pay anything towards the expense? I have not heard of it. If any railroad desires to get to Constitution or any other wharf, why should it not purchase a roadway of the intervening owners, or get a charter of the General Court, take the land under it, and pay for it, as other railroads have usually done when they wanted to increase station facilities here? Why might they not as well ask us to lay their track or build an elevator as to provide or furnish them with a roadway without compensation? It strikes me that the railroads are not acting quite fairly in this matter—at all events, with a view to get the lion's share of the benefits, *and pay nothing!*

This also is the position of the owners of estates on the street, and the owners of the wharves, which it is said will be so much improved and benefited, they do not agree or propose to pay a dollar of the expense; and this puts, or ought to put, an end to all their fine talk about being actuated only by disinterested motives for the public good. As to getting anything back in the way of betterments, I understand from the commissioners that very little if anything could be expected to be recovered in this way, if widened on the land side, as the order contemplates. It is proposed to make the street of an unnecessary width. In the debates which took place in the Board of Aldermen of last year on the subject of street widening, two Aldermen who voted for this widening of 100 feet, both stated that fifty feet for most purposes, and sixty feet, was as wide as any business street in Boston was required to be, and cited at length instances to prove the truth of these their assertions. You will find them on pages 495 and 496 of reports of proceedings for 1876. I agree with those opinions, and I believe that all agree that too wide streets are not desirable. I doubt if, for example, the stores on New Washington street on both sides of it are as valuable for business purposes as the same places were before. It is a fact, I think, that the stores and buildings in the very narrowest parts of Washington street rent for the highest prices. Then consider the grade damages inevitably to follow from laying out this street so wide on the land side. I am informed that at one place, if the street is widened to one hundred feet on that [land] side as proposed, there will be a bank of a perpendicular height of ten feet where Copp's Hill is nearest the street; that at several places the grade of streets where they meet Commercial street will have to be changed for the distance of one or two hundred feet. This would lead to the demand for the levelling the whole of Copp's Hill. I believe that whenever the street is widened, it should be done on the water side—which is not sought or contemplated by the present advocates of this appropriation. The plan of widening on that side, as shown on a plan of Mr. Talbot (which if members have not already I hope they will examine before voting), has many advantages, especially of cheapness and of attractiveness. If you will remove the old buildings on the water side, widen the street to seventy-five feet and remove the railroad track over to the water side, you will have there an attractive avenue, something like, indeed, an embankment, from which, and from the houses on the land side, you have a clear and unobstructed view of the wharves, of the passing vessels, the channel, and the open sea—to the poor in the vicinity not a mean substitute for a park at their own doors. But if you widen it on the land side, leaving the other side and the old buildings standing there, you lose all these attractive features, and the occupants of those houses or stores will have before them only the unchanging and unvarying view of a bank of earth, with a lot of rickety buildings upon it. It would be almost like a tunnel in respect to light, air and general attractiveness, contrasted with the street open on one side to the sea, which I have suggested; everybody, except the land owners on the land side can see this, and yet *they* say they do not want it widened on the water

side; they go so far as to say they want it on the land side or not at all. And I submit that in this also they expose their insincerity when they ask to have it done for the "public good." The plan of Mr. Talbot's, to which I have alluded, makes the street exactly as useful for commercial purposes—but cannot detain you to explain it in detail—beginning at Lewis wharf, cutting a short distance on the water side, so as to make the avenue continuous, then crossing with the widening on the other or land side, as far as Eastern avenue, then crossing again as the street curves, so as to greatly straighten the street. This plan does not take any off from Battery wharf, Union wharf or Constitution wharf; and this plan can be carried out at one-half the cost of the other, because you avoid grade damages and obtain betterments. All considerations of economy, beauty and general utility, except the sale of land, lead to the widening on the water side whenever it is done. Sir, on no ground or reason yet stated do I believe that this expenditure is now so required by the general interest or good of the city as to be expedient or right to make it. I do not say that the street should not ever be widened or improved, though it seems to me that a greater width than sixty or seventy feet is wholly unnecessary ever, beyond that width. The only object can be is to make a market for land which is now probably paying a very small income upon its assessed valuation. In voting against it, I go against my professional interest, and, harder still, the interest and expressed wishes of personal friends, who own property there. But standing here, I look upon our city as a corporation—a savings bank, as it were—of which for the time being I am a trustee, in which all citizens are depositors of their fortunes. If it increases in wealth and prospers, so do the depositors; but it cannot increase in wealth by spoliation of some depositors to give to others; and it is suicidal for one class or one party to try to benefit themselves by plundering the common treasury. In the wreck of financial disaster some spoils might be found and appropriated by those who had the heart to hunt in the ruin, but their joy would be brief, and their small gain be their endless reproach. A single further suggestion. I should be content that the order should be referred to the next City Council. If the people desire this appropriation to be now made they will by their votes and voices say so. But I deny that public sentiment sustains the action of the Board of Aldermen in passing it. The delay of one month can do no harm at least; a desire to carry it through now betrays, it seems to me, a mistrust or suspicion that our action in doing it is not according to the wishes of our constituents; and if they would not have us vote for it, to do so now, because we have the power to do so, would be the abuse of our rights and a misrepresentation of our constituents. If the order is not referred I must vote against its passage; but whatever its fate, I do hope and trust it may be decided and voted upon on its own merits.

Mr. Barnard of Ward 24—I move that the subject be referred to the next City Government, and when the question is taken I call for the yeas and nays.

Mr. Flynn of Ward 13—I think, to say the least, that the motion is an unfair one to make at this stage of the proceedings. The friends of this measure have allowed the opposition to go on debating this matter, and now the gentleman comes up here and moves that it be referred to the next City Government. I hope no such reference will be made until the matter has been fully discussed by the members of the Council. I think it is an unfair motion to make at this time.

Mr. Mowry of Ward 11—I agree with the gentleman last up that it is unfair to cut off debate at this time. I hope the gentleman will withdraw the motion.

Mr. Flynn of Ward 13 called for a division of the question, which the President ruled out of order. The Council refused to order the yeas and nays.

Mr. Clarke of Ward 22—The gentleman last up stated that the widening of the street on the land side was going to interfere with the grade of Copp's Hill. Now, sir, some weeks ago I introduced an order in this Council to invite the members to go down and view the proposed widening of Commercial street, for the very purpose that he, as well as other members of this Council, might inform themselves; that we might have the City Engineer with us to explain the route where this extension is proposed to be carried. But

he did not choose to go, and I suppose other members did not; but if he had gone, one-half of his speech would not have been delivered. The Engineer shows us that it don't require to be widened upon the west side at all, so far as Copp's Hill is concerned, and it does not interfere with any grade of the street from the hill. After they get down to Commercial street, where you come to Copp's Hill, they go to the other side and widen on a very small portion of the gas company's works. At the same time, it is proposed—after the gas company's works are removed from that section of the city, as will be done at some future time, not a great while hence—that portion may then be widened to the same width, as far as Charlestown bridge. Well, sir, I don't understand that this is any railroad proposition brought here to benefit any particular railroad. It is a project to widen the most important commercial avenue that we have in this city, and the only avenue upon which we have a water front suitable for discharging large vessels. Sir, the great mistake that the city of Boston made a few years ago was in commencing at the foot of Summer street and laying out Atlantic avenue to India street. The improvement should have been commenced at the other end, at Charlestown bridge, and gone the other way. Those wharves at the south part of the city are only fit for small coasters to come up to at high tide; whereas, the wharves upon this proposed widening are all on deep water, where vessels drawing twenty-five feet of water can go at low water; and it is the most important water front that we have in this city of Boston. Now, sir, some years ago, the principal part of the business of Boston was done at the North End. I remember the time when all the caulking and the repairing of ships was done at those wharves. But what has been the result? The city of Boston in its economy—and it is the same thing now—did not widen the street and give facilities for doing business there, and the business increased so that they were obliged to go to East Boston and Charlestown to do the business which should have been done in this portion of the city. In 1838 Mr. William Eager, a Boston merchant, invested a large fortune in building ships of seven or eight hundred tons, which was at that time considered a very silly thing to do, and they called it Eager's folly—the idea of building vessels large enough to carry 700 tons. I remember seeing his vessels lying at Central wharf idle for a year, because they could not get employment. But it was found that they could go South and get cotton and carry it to Europe for much less than smaller vessels, and instead of being Eager's folly it proved a success, and other merchants followed his plan. But we have not kept up with the times, and have gone into the promoting of manufacturing interests rather than of commerce. We have spent some five or six millions of dollars in widening streets to keep the shoe and wool trades and other branches of industry in the city of Boston. Gentlemen say that manufacturing trade is leaving Boston. What is the reason? It is because that business can be done cheaper in other cities than it can be done here, and consequently the only thing we can fall back upon is what we ought to have encouraged in the first place, and that is to benefit the commerce of Boston. We have the best commercial water-front outside of New York; we should foster it and not lose it. The only thing to do is to give the merchants proper facilities for landing their cargoes at the wharves and delivering them in the city. It is a well-known fact that a manufacturing business can be extended year after year. A man can build manufacturing buildings larger and larger, year after year. It is not so with commerce. Unless you made your provisions in advance it wont come here. When a captain proposes to take a cargo, and if it is stated that it is to go to Boston, he asks, What are my facilities for discharging when I get there? It is well known that captains of vessels will not come where they have to pay a percentage for every bridge that they have to pass through. You may talk about Chester park, or Stony Brook, or the suburban residences; but what will they be worth if we lose our commerce? for that, in fact, is the only thing we have to rely upon. Anything that promotes that, it is our duty to do. It isn't whether Boston can afford to do it; it is whether Boston can afford not to do it. Now, sir, the gentleman says that perhaps this widening will accommodate Constitution wharf. But, sir, if I understand it aright—and I was down there a few days ago—we have

several other important wharves besides Constitution Wharf. We know that the principal part of the marble that comes to this country from the Mediterranean is brought to this port, and that the facilities for discharging it are not surpassed in this country. What is the result? They cannot get from that wharf with a loaded team. They have to hitch on a block and tackle on the building opposite, in order to turn their wagons to cart it through the city. It is a disgrace to Boston that she requires her merchants to deliver their cargoes in that way. When this matter first came up I supposed it would be acted upon. The gentleman says the press is against this project; but in looking over the daily papers I don't understand that they oppose any important project for the benefit of the interest of the city of Boston. I took the trouble to cut from the Boston Herald of Oct. 13 a little paragraph which may interest somebody here:

"A time shipment of cotton made from Memphis, Oct. 4, arrived at Norfolk Oct. 9, was immediately placed aboard the steamship Johns Hopkins, and was placed on board the steamship Palestine of the Warren line, which sailed from Boston today, and will be delivered in Liverpool on or about the 25th inst., making the quick time of twenty-one days from Memphis to Liverpool."

Now, sir, that fact shows that we can deliver cotton from the Southern States in a shorter time than it can be shipped here by rail, and then shipped from here by steamship. The article continues—

"Three European steamers which sailed hence today for Europe took out in the aggregate 133,000 bushels of grain. Four other sailing vessels which have sailed hence this week took out 131,000 bushels of corn.

"The imports of foreign coal at this port during the past week were the largest on record, comprising 5218 tons, of which 2534 tons were from Newcastle, Eng., and the balance from the Provinces."

Now, sir, gentlemen who went down to view this widening will remember that there were two steamships at the Boston Gas Company's works discharging coal, and since that time there have been several more there, and after discharging coal they have had to go to New York to get cargoes for Europe. If we had the facilities for loading those vessels, they would not have to go to New York for cargoes. We are losing business every day from Boston because we don't look after our commercial interests. We may lay out our parks and improve our sewerage, but we must keep looking after our commercial interests; for if we lose that we lose everything. Then, sir, on Oct. 17, the paper referred to says—

"Since Jan. 1, 1877, forty-three East Indianmen have arrived at this port, all laden with immense and valuable cargoes. Seventeen ships and harques are now on the way to Boston, all due before Jan. 1."

Making sixty East Indianmen that have arrived and are on their way and due this year. That shows that our East India trade is reviving, instead of our losing it. We are not losing our commerce, but our manufacturing business. Now let us hold on to our commerce, if we have sense enough to do it. Now, sir, in regard to other branches of business. I see by the papers the past week that one of the largest firms in Boston was obliged to suspend business—the Boston Lead Works, a very wealthy corporation, who have made money in days before. But what is the trouble? It is this, sir. They have elegant works and machinery for doing business; but lead is now manufactured in the States where the ore is procured, and they can make lead pipe there and compete with and undersell our Boston firms. That is what the trouble is with that branch of business. And so it is getting to be with the furniture trade. Out West they can manufacture furniture cheaper than we can do it here. Formerly we used to furnish all the West and most of the Southern trade with furniture. I know of a vessel today that is loading for Africa, and the only cargo she can carry at an advantage is furniture and New England rum. We have lost our Western trade, and have got to find a foreign trade; and if we wish to keep up our manufacturing interests we must hunt up foreign markets for our manufactures, and we must give our business men facilities equal to those of any other city in the United States.

Mr. Danforth of Ward 10—If he only knew it, the gentleman who just sat down has made the strongest argument I have heard against the

widening of Commercial street. He speaks of 133,000 bushels of grain to be exported. I wonder if he is aware of what it requires to export it. It would take three hundred full cars, and I would like to know how they are going to get through Commercial street. There is no public necessity for widening Commercial street. Since this matter has been before the City Government I have been down to Commercial street about twice a week. The last time I was there I counted nine teams between Eastern avenue and Charlestown bridge. I went into a number of places and asked if there was any necessity for widening the street, and whether any blocks occurred there; and they said that all the blocks they had were when some members of the City Government came down there, and then they got up a block. Now, in regard to marble; there is no marble trade that causes any business there. Those wharves are simply used for storage by vessels that come and discharge their cargoes. One house landed about 90,000 packages of sugar at Fisk's wharf and carted it through the city, and the teamster told me he had no trouble about getting through there. The afternoon the Council were there they had a large six-horse team with a large block of marble upon it, and they kept it standing till the Council came in sight; and when the members of the Council came in sight they turned it, and of course it blocked the street. Another team came through there with six hogsheads of sugar on it, and it was taken from South Boston and brought to Commercial street while the Councilmen were there. People who live on the street tell me there is no necessity for it, and that there are no blocks except when the Councilmen are there. So far as the business at Constitution wharf is concerned, there are about 450 feet of track upon it, and they can discharge three cars at a time at the elevator. Now, anybody who can figure can tell how long it will take to load a steamer if they have to unload those three cars and take them back to the Fitchburg depot before bringing any more on. No steamers come to Constitution wharf except one line from Europe twice a week, and they take away no cargo from here, but go around to New York. They cannot do a steamer export business at Constitution wharf. They have not more than about half as much land as the Boston & Albany use at East Boston, where there are about thirty acres and five miles of track for cars to stand upon; and they can run twelve cars through the elevator at once; and even then they have not room enough. The steamers of the Warren line used to go to Constitution wharf, but they have gone to East Boston. The gentleman speaks about cotton coming here and going to Liverpool. It is all taken to East Boston. It is very much like giving up steam railroads and going back to sailing vessels. The business is all done by steamships; they have got to have room, as they frequently discharge and take in a cargo in thirty-six hours. The cargo of one steamship would cover the whole of Constitution or any other wharf that they could get there. So far as the facilities for the Fitchburg Railroad and the Tunnel line are concerned, Boston has already paid forty per cent. of the cost of the tunnel, and I think it should have some benefit of it. Setting aside the financial question, I see no reason for widening Commercial street. So far as business leaving the North End is concerned, there is no city in this country which grows to the North. Every city in this country grows to the South and West. It is not the way population moves. Even in New York the heavy business has grown toward Jersey City. I hope the order will not pass.

The motion to refer to the next City Government was put and declared carried. Mr. Flynn (of Ward 13) doubted the vote, the Council divided—21 for, 31 against.

Mr. Thompson of Ward 9—This question of the widening of Commercial street is one that has occasioned me—and I have no doubt has occasioned all the members of the Government—very considerable worry of mind. When the matter was first brought before us I was very ready to say that there was nothing in it and that I would vote against it. As time passed on, and it became necessary to investigate it, I tried to do so fairly and thoroughly. I found that there were arguments—and it seems to me, strong arguments—on both sides. The man who examines this question candidly must see that there are two sides to it. Gentlemen on one side make much of the increase in

value to the wharf property to result from this widening; on the other side they say that this amounts to nothing. One gentleman argues that he would not widen a street for the use of a railroad; others that this improvement is necessary to get the good from the expenditure of money made by the State on the Hoosac Tunnel. It seems to me the truth of this matter lies midway between these two opinions. Undoubtedly the widening of Commercial street will benefit the wharf property there. I know that is the opinion of some as shrewd and as able men as there are in the city of Boston, men not connected with the property, and who do not own the wharves there. Persons who have made it their special business to look after the affairs of the city of Boston for a long period of years have expressed a decided opinion that that wharf property would be greatly benefited by the widening of Commercial street. We are all familiar with the present condition of this street—Atlantic avenue—a wide avenue leading from South Boston along a great portion of our wharves and then stopping at Eastern avenue, and narrowing down until, at its narrowest part, it becomes too narrow for a business street. We know that the Legislature of the State has given to a private corporation the right to lay its tracks in that street, and that over that street a very large amount of freight is drawn by means of steam cars. We know the effect of that freighting business has been to almost entirely destroy the value of the dwelling-house property on that street. I have made it my business to go through that street a good many times this year, for no other purpose than to observe the effect upon travel there, and for one I was convinced that in warm weather these dwelling houses must be almost uninhabitable. The windows could not be opened because at any time, either day or night, a passing locomotive might pass along and fill the room with dust and smoke.

Again, we must remember that the action of the City Government in widening Atlantic avenue and stopping just where it did has materially depreciated the value of a large property there. The property along the wharves and the property along the street cannot be improved while this question is pending. No sane man would put out a large amount of money for the erection of valuable buildings, either on the wharves or on the land side of this street while this question is unsettled. Any person who has been familiar with the affairs of the City Government knows that this matter has been before the City Government ever since the widening of Atlantic avenue stopped. Every year this thing comes in and probably every year it will come in until it is passed upon. Now, it seems to me it is better for us to stop right here and recognize the fact that it is our duty to investigate fairly any matter that is before us, and not attempt to save ourselves trouble by throwing this all upon the shoulders of the next City Government. We know that they will not take this matter up till it comes to the end of the year, as we have done; and the chances are that it will not be investigated, or the time may come when it will be rushed through without much investigation.

We must remember one thing more,—that whether or not the traffic that comes from the northern and western railroads goes to the wharves which lie off of Commercial street, or to the wharves at South Boston, that traffic must come over this street; that is, the traffic that comes in over the Hoosac Tunnel line. If the anticipations of those who guide the affairs of our State are to be realized, a very large business will be done in the way of bringing grain from the West through the Hoosac Tunnel. That grain will come over the Fitchburg Railroad, and must pass over this street to get to the wharves at South Boston, or to the wharves before you come to South Boston, unless it is stopped at the Grand Junction Railroad, which is controlled by the Boston & Albany Railroad, and carried over to East Boston in that way. But it will be observed that the effect of running the freight cars of the Hoosac Tunnel line over the line of the Boston & Albany Railroad at once puts an end to that which the authorities of the city wish to promote—profitable competition. If you have to move freight over the line of a competing road, even if only for half a mile, by that half-mile they may destroy competition by putting on such a charge as will destroy it. We all know the business of moving grain from the West is done at a very small profit, at best. Now then,

is it for the interest of the city of Boston that we should encourage the bringing of grain here? There is one very indisputable fact that has been made to appear clearly within the last few years; that is, that the city of New York is in some way losing its trade; that the cities of Philadelphia and Baltimore have been gaining from it largely, and Boston to some slight extent. What is the reason? As far as I know it is this: That the competition of competing railroads has destroyed the benefit which the city of New York has derived from the Erie Canal, so that they no longer can put grain into New York cheaper, on an average through the year, than it can be put into Baltimore, Philadelphia and Boston. And, furthermore, the terminal facilities of New York are not good; not as good as they are at either Philadelphia or Baltimore. A slight advance in cost affects freights largely and makes a very great difference in the cost of grain there. For that reason New York has been losing the business of exporting grain; and in losing its export business it rapidly loses its import business. I think there is a gentleman in this Council, a member of it, who has told me that he himself was largely engaged in the importing business; that formerly the vessels which brought the article which he imported from Europe brought their freight to Boston, and that Boston was the great distributing point for his particular trade. In the course of time Boston no longer had any article of export and the vessels which formerly brought his goods here stopped coming here and went to New York, where they could get a return cargo. It would not pay them, as a matter of expense, to come to Boston and discharge their cargo and then go to New York for a return cargo. They, therefore, went to New York, and that gentleman tells me that now his goods are imported at New York, that New York is the distributing point for his trade, and that he does his business there, though he still maintains his business house here.

Now, if we can encourage the grain trade here, we ought to do it. It is surely going to benefit every business interest of Boston. I am aware that every time we ask for one of these large appropriations for a public improvement we are touching upon a very difficult question. We must remember that we are appropriating the money of the citizens of Boston, many of whom have no direct interest, hardly an indirect interest, in the matter in question. Before we vote away that money we must be very certain that there is such a necessity as will justify us in doing so. Now, what are the interests connected with this street which seem to make the widening a public necessity? First—It is going to give us a street over which two lines of railway can be laid down, and over which the freight traffic coming from the Hoosac Tunnel line can pass and go either to Constitution wharf or Battery wharf, or the wharves in South Boston. Gentlemen here have said that no business could be done upon Constitution wharf or upon Battery wharf. I have not mastered that question, and I cannot say whether they are right or not. I have been told—and this is a matter which the City Council can, before finally passing upon it, determine by evidence—I am told that large capitalists are prepared to put large sums of money into improvements on these wharves in the way of erecting large elevators, such as would be capable of sustaining a weekly line of steamers; that the presence of these elevators will be used for bringing in freight and getting a combination of different freight lines using the Hoosac Tunnel to guarantee to steamers minimum return cargoes, which will result in bringing there, at least, a weekly line of steamers. That is something that should be investigated before we determine this question, and if it is true I think we should say there is one interest which would be subserved.

Second—There is this public interest to be subserved. The city of Boston has permitted—although perhaps that is hardly the proper term, for the Legislature of Massachusetts has granted to this corporation the right to take that street, but the city never resisted it. It was felt that it was for the benefit of the city that a railroad should be allowed to run through there, the city permitted it to stay there, and it has practically destroyed the value of the private property bordering on that street, and it seems to me we ought to do something towards repairing that injury. The third thing, it seems to me, is this: We put through

Atlantic avenue to a certain point; we have stopped there. We are holding this question, and it is being agitated year after year, saying to the people there, "Some time this street may go through." Perhaps it will, perhaps it will not. We are preventing them from improving their property, and so far we are damaging the city. That is an argument in favor of doing so much as to have an investigation whether it should be done, and for making that investigation so thorough and so full that, whatever conclusion may be arrived at, it will put an end to all questions of widening or not widening.

Now the gentleman from Ward 10 who spoke upon this matter voiced my views as to the way this street should be widened, exactly. I believe it would be utterly against the interests of the city to widen it on the land side. Any person who has passed along that street knows that his explanation of it is correct. If you widen it upon the land side you put such buildings as are upon the water side way down—you have the practical effect of lowering them. If the street is widened something in accordance with the plan here, it will give a street which will improve very largely the value of the property on the land side for business purposes or for the purpose of residences. It would give a wide avenue extending from South Boston by Eastern avenue to Charlestown bridge. Gentlemen have used as an argument against the widening of this street the fact that they have passed through it very often and have seen very few teams going through it. Now strange as it may seem, that has not occurred to me as an argument against the widening. We know, as a matter of fact, that there are a great many teams which have to pass from the Northern and Eastern depots, and from Charlestown to the South End, and to South Boston, and Commercial street would be as direct a line for them as they could have. They do not go that way now because they are liable to be interrupted at any time in the narrow part of the street. They choose the other course; they clog up our present business street—Washington street—and the other business streets running in that direction; they put a burden upon them which ought not to be put upon them, and which would not be put upon them if Commercial street was a wide street as Atlantic avenue now is.

But I believe that entirely too much money has been asked for for this purpose. I believe it can be widened at a great deal less expense. I believe there are persons who should contribute to the expense who, under the present law—and as this order stands at present—would not be compelled to pay a cent. The Old Colony Railroad, the Providence Railroad, the Fitchburg Railroad, are very largely interested in it. They should contribute and contribute largely. Some of the larger wharves are interested in it, much more largely than are the smaller wharves. That is to say, more largely in proportion to their value. The larger wharves would receive a greater benefit than the smaller wharves would. Under the new condition of affairs, their property would be increased in value more in proportion than the smaller ones. They should pay a larger proportion than the system of betterments would compel them to pay.

Before I sit down I propose to offer an amendment to the order as it stands now. I will read it now, and will offer it as an amendment.

By striking out the words "one million," and inserting in place thereof the words "eight hundred thousand," and by adding the words "provided, however, that no land shall be taken or other thing involving the expenditure of money done, until the abutters and persons interested in the widening of the street give to the Street Commissioners satisfactory bonds to pay one-fourth of the estimated expense of widening said street"; and by inserting after the words "for the widening of Commercial street" the words "on the water side."

Mr. Thompson's time having expired, on motion of Mr. Richardson of Ward 10 the rule was suspended and his time extended.

Mr. Thompson of Ward 9—As a matter of fact, the whole order is somewhat improperly before us. It is properly the business of the Street Commissioners, who recommend a widening, to have their plans and their estimates made, and then to put before us only the simple question, "Will you widen such a street in such a manner for such a cost?" and then we can pass upon

that. But this order puts before us something indeterminate. It says, "Will you appropriate a large sum of money and allow the Street Commissioners to do what they please?" I, for one, would not vote that money in that way. But it is also true that before a regular plan can be made and submitted to us, it would call for the outlay of a considerable amount of money, which would be saved by considering the subject generally and by making a conditional appropriation such as we would be willing to approve. The amendment I propose to offer will restrain the expenditure to be made by the city to about \$600,000. Now, with all the consideration I could give this matter—and I have thought of it a great deal and have been troubled about it a great deal, because my instinct and personal feeling, in the first place, were to oppose this motion—I have come to this condition myself, that I should be willing to vote this year for an appropriation equivalent to \$600,000 to widen that street on the water side, and give it such a widening as \$800,000 would do. I think that would result in making a street somewhere about eighty feet wide—that is my impression of the Street Commissioners' estimate—and would straighten that part of the street from Atlantic avenue to Hanover street. The larger wharves with sufficient length for steamers will lose no part of their land, and the smaller wharves will lose nothing they cannot afford to lose. The city will get a good wide street and an end will be put to this question. I do not use this as an argument in favor of it. It is simply an argument for investigation, because this is a question that is sure to trouble you until it is settled. If you decide it without proper investigation it will come back. You must stamp it down one way or the other. You must do it or make sure that it can never be done. I say, taking that idea of it, if you think there is reason for it, you will know how to act. I do not think the argument that has been used here, that we have done a great deal, and should leave something for our successors, is the true principle of public duty. You are to examine and act upon the things that are brought before you by the proper authorities. The Street Commissioners are the proper authorities to bring this matter before you; they have brought it before you, and you should examine it and act upon it.

At the suggestion of the gentleman from Ward 10, I will insert in my amendment before the word "persons" the word "corporations."

Mr. Flynn of Ward 13—I hope that amendment will not prevail. I have no objection to the first part of it making the appropriation \$800,000, but the provisions which are set forth after that I do object to, because, in my opinion, it never could be carried out. I believe that if the street can be widened for \$800,000, the city ought to do it, and that the betterments should be assessed by the Street Commissioners as in all other cases. I would therefore call for a division of the question on the amendment.

Mr. Howes of Ward 18—I certainly trust that the amendment will not pass. I also hope that the original order will be voted down. The gentleman who offers the amendment bases it entirely, it seems to me, on the ground that the widening of Commercial street is necessary for the development of our Western trade. Now, sir, if he had studied into the matter a little more thoroughly he would have found that his facts are absolutely bad. That is, that he has no facts to base that argument upon, because it is absolutely impossible for one steamer a week to be accommodated there after the Western trade has been built. It is a mere matter of fact. The distance of track room on which cars can stand and be discharged at the North End is not sufficient. It is absolutely impossible, and after the widening is done steamers from Europe can no more load there than they can at present. The only use that can be made of the North End wharves is for sailing vessels. To a certain extent I agree with the gentleman from Ward 22 that it is very bad that this city has at present no more maritime trade than it now has. I think that he and I perhaps are alone among the members of the Council who have had our ancestors engaged in maritime affairs in Boston for a long number of years. I certainly regret as much as any one to see the North End wharves deserted, but it is a matter of fact that they must be because we have not the commerce and never can have the commerce to put there. He brings up the matter of the East India trade as reviving. Why, sir, the East India trade of today is not one-quarter of

what it once was. We have lost all our California trade and we have lost our China trade. We have none at all at present, and even what trade we have with South America has pretty much gone, and our trade with Australia as well. Now, sir, what does this come from? Not from the fault of our wharf accommodations. We have just as large accommodations now as before. But the nature of the trade has changed, and the trade no longer comes to Boston; in fact no longer comes to New York—for many of the things we once imported are now manufactured in this country, and there is no need to import them. The only point, as I said before, in relation to the widening of this street is the matter of facilities for the Western trade, and we cannot facilitate Western trade by any such expenditure of money. The gentleman has said that trade has left New York. The reason it has left New York very largely is not so much owing to railroad competition—though that was in part the cause—but it is on account of excessive taxation; and that is what will prevent trade from coming to Boston, provided we go on keeping up our city debt so as to make all merchants prefer to go to Baltimore or some other city where the rate of taxation is low. The wharves in New York where they load grain are perhaps as narrow and as small as our own. There the steamers are loaded largely from canal boats; and in fact, where they are loaded from elevators they are taken sometimes up the river to load, and at other times the wheat is dumped from the elevators into barges and then carried to the steamer by floating elevators, and they are loaded in that way. But we have not the facilities in Boston to accomplish anything of that kind, and if we had the wharves we now have are sufficient without Commercial street. Taking the matter as a whole, seeing that the expenditure is a very large one, and that the purpose for which it is intended cannot accomplish any good, I simply trust that the order will not pass.

Mr. Thompson of Ward 9—I merely want to make one statement in reply to the gentleman from Ward 18, as to the facts involved in this case. I think I stated, or I intended to say, that the question relating to bringing trade here involved such great research that it was impossible for any one of us thoroughly to search into it. One of my reasons for offering this amendment is because I believe that the real way of testing the truth of this motion is to let these people directly interested in it test it by their willingness to pull out their pocketbooks and pay. If these railroad corporations and these large wharf-owners are firmly convinced that they can get trade there, they will pay this money. If they will not pay, our appropriation goes for nothing. I offered this amendment for the purpose of putting this investigation on their shoulders and taking it off of ours, who are not competent to make it. It was stated to me by parties that I have every reason to believe, that people who had control of large amounts of money, and who stand as the shrewdest financiers in our city, are ready to make large investments on these two wharves, Constitution and Battery wharves, in the way of erecting large elevators there. Now, if they are willing to put their money out there it must be because they believe there is something in this kind of trade, and I believe they are quite as competent to pass upon this matter as the gentleman from Ward 18.

Mr. Danforth of Ward 10—In relation to the elevator on Constitution wharf and its capacity, I will say the elevator in East Boston holds a million bushels. You can stand 175 freight cars on the track. You gentlemen can easily figure it up. It is a mile from the Fitchburg depot to Constitution wharf.

Mr. Clarke of Ward 22—Does the gentleman say a million bushels?

Mr. Danforth of Ward 10—I said a million.

Mr. Clarke of Ward 22—It holds five hundred thousand bushels.

Mr. Danforth of Ward 10—A million, sir. The elevator on Constitution wharf holds one hundred thousand bushels. A double track from the Fitchburg Railroad to Constitution wharf, with one hundred and seventy-five cars standing and one hundred and seventy-five cars going back would not leave much room for teams or anything else. The Boston & Albany are running three hundred cars a day for their Western business. They have three hundred full cars and three hundred empty cars going back. I do not know what you could do with them on Commercial street or on Consti-

tution wharf. The Fitchburg Railroad Company have a wharf now with just as good water as there is in the harbor. It adjoins the navy yard; it is within an eighth of a mile of the station, but they do not choose to go there, though they have a track to it. Within a mile and a half of their track is Mystic wharf, seven acres; that would accommodate the tunnel business very much better than Constitution wharf. With regard to teaming, I have talked with quite a number of the largest teamsters of Boston and they say the widening of Commercial street, as far as they are concerned, is money thrown away; that what teaming they do to the Northern depots goes across the city, because it is very much nearer. I have talked with a large teamster, who stands at the Fitchburg tracks, and he said he rarely goes through Commercial street, except with something he has to carry to Constitution wharf. If he has anything going as far as Lewis wharf, he goes through Beverly street and Cooper street; and there is no necessity for the widening as far as teaming is concerned. I think this amendment is a very good one, and if it is passed, the street will never be widened, because the real-estate people do not wish to pay for this improvement; they wish to put their property on the city, and the railroads will not pay. I think the street would never be widened, and the passage of the amendment would be the end of it.

Mr. Spenceley of Ward 19—With regard to this part of the amendment, it seems to me that if the abutters would be pleased to raise \$200,000 it would be a very large proportion of the amount. As to the widening of this street on the water side, it seems to me it would be a difficult job to do. While our water facilities are as small as they are at present, it seems to me that to cut off forty or fifty feet from our wharves would not be very desirable at the present time. I have thought a great deal about this matter, but I have never fully decided how I should vote. I think I have never stated. I voted against giving it a second reading, because I did not understand the question as it was. I had not looked into it, and had not seen it. But it seems to me that the question which comes before us tonight and which has already been so ably discussed, whether this street should be widened at the present time, and whether there is trade enough on the part of the city to necessitate it—it seems to me that the gentleman from Ward 10 has well stated it; that there is not at the present time passing enough over Commercial street to contemplate the spending of this money for the widening of it. I do not think it is demanded if we look only at the present state of affairs. But I think we should look a little further than that. I think we should believe that these times are not going to last always, and that the depressed state of trade which we find at present is not always going to remain in Boston. I know that sometimes farmers build barns when they see they are going to have large crops. I notice we all get our coal in the fall, when it is cheap, so that we may have it in the winter. Sometimes people buy cradles before the baby is born, in order that they may have it when he does arrive. I do not know but that we may take some such action in regard to this street. The gentleman says there is room enough without the widening. I doubt it, sir. I think the time will come within five years, if we do not do it this year, when we shall be called upon to pass upon a much larger sum for this purpose. It seems to me if we look at this question as it is today, with the depressed state of the money market, that we shall see very quickly that we can hire money at a very low rate of interest today, and that we can buy property at a very much lower rate than we could five years ago, or, as I believe, we can buy it five years hence, and so take time by the forelock, as it were, and do the work which we have to do instead of waiting until by and by when things are not in this depressed condition. I know it has been well stated that we have spent a great deal of money for improvements during the year. Yes, we have. But I do not know that I could change my vote in any way if I should go back and look it over. We economize where we can, just as we do in our families. We should do the same in city business. When we find there is anything we can do in our families to keep them physically well, we had better do it than to pay doctors' bills or some other bill which would have to be paid if we did not take time by the forelock. "An ounce of prevention is worth a pound of cure," it is said. I do not know but what in the

improvements we have made during the year that we have taken the ounce of prevention"

There is one thing, it seems to me, we should look at pretty fully, and that is the railroad running through Commercial street, as it does today. It has been stated here by the gentleman from Ward 9 that the houses there, a great many of them, are unfit for habitation. I don't know but what they are so. It has been stated that poor people are obliged to live there for want of better houses to live in, and that, perhaps, has been well stated. But it does seem to me that these poor people who are obliged to live there should receive just as much attention from this City Government as any other people in the city; and I would like to ask of gentlemen here how long a railroad like that would stay on Beacon street, or Union-park street or Worcester square, or any of the streets of the South End? Mr. President, we spend thousands of dollars here to abate nuisances because they are detrimental to the public health. I know for one I would not like to have my children play upon a street where I should fear that they would lose life or limb. And yet we say these are poor people. But are not poor people's children just as dear to their parents as rich people's children? and don't they need just as much care? Is not life there just as valuable as at the South End? Now, I believe, as the gentleman from Ward 9 has said, that down there in summer weather that railroad must be an intolerable nuisance; night or day the windows cannot be opened without the smoke and dust flying in. Is it a nuisance or not? Is it right to have it or not? The people on the street did not put it there or request it. It is there, and trains are running there, and I ask any gentleman if he would not vote to relieve them. I don't say that we should spend a million dollars for it, but the city has allowed these trains to go through there, and I say if we have allowed it we ought to be willing to rectify it as far as we can in order that these poor people may have just as good health and may have things just as comfortable as we have on South End streets or anywhere else. Now one gentleman comes in and says the Fitchburg Railroad is running this thing. I do not know that it is not so, but I have not seen anybody that had anything to do with the railroad that I know of. I do not know whether they need this in order to carry their freight or not. I have not gone into statistics to find out whether they can bring grain from Chicago here cheaper than they can to New York or not. I do not know their facilities for carrying it across the city or unloading it at Constitution wharf. I think they will find ways to unload all the grain the Fitchburg Railroad can bring there. But I do believe, sir, that whether it is the Fitchburg Railroad or the abutters on the street, or the men who carried out part of Atlantic avenue, with the promise we should extend it to Charlestown Bridge, I do not know, and I care not who brought it here, if it is a question we should consider. I recollect hearing, not a great while ago, a little story told in a Sunday school. The teacher was telling the pupils they were all born in sin. "Please, ma'am," said one of the pupils, "I was born in New Orleans." "It don't make any difference," said the teacher, "there is just as much sin in New Orleans as anywhere else." It seems to me, sir, it is a fact that there is a dreadful nuisance, and here are these things plainly before us. And with these things plainly before us, it seems to me, like men in other business, we should take this in just the same way. I find that narrow street; the people call for this widening—will have it—must have it. I find there is a railroad running through the street which is a nuisance to everybody on the street. I find we can hire help and get money cheaper and get these estates cheaper than we ever can again, and so for these reasons I shall vote for the widening of Commercial street.

Mr. Howes of Ward 18—I cannot say I know anything about the hypothetical financiering of the gentleman from Ward 10, but I rose to state this fact: that steamers cannot discharge and load at these wharves as they do at East Boston, and as it is necessary for large ocean steamers to do, that is, day and night, from four or five hatches. The wharves are not large enough, and the facilities are such that they would be cramped within two or three hours. That is a matter of fact, as can be proved by any one who will go to East Boston at any time and take measurements and witness the way vessels are loaded and un-

loaded. In regard to the argument of the gentleman from Ward 19 I would ask if there are not people who even buy their coffins before they need them?

Mr. Spenceley of Ward 19—Has the gentleman from Ward 18 bought his coffin?

Mr. Howes of Ward 18—I think those who go into this business will do something of the same sort.

Mr. Mowry of Ward 11—I hope that neither this amendment nor the original order will pass. It seems to me that in the solution of this question we must answer two inquiries. One is, "Is there a necessity for this improvement today?" Another is, "Do the conditions of trade at the present day demand or render expedient this contemplated improvement?" I certainly cannot come to the conclusion that they do. It seems to me to be unnecessary to make this improvement today. Another point, Mr. President, is this: We are nearly reaching the limit or margin to which we can increase our municipal indebtedness. On May 1 we could increase our indebtedness \$7,296,618. Today we can increase it \$2,783,618; thus showing that since the 1st of May we have increased it \$4,513,000. Now, if we pass this order we shall then have a margin of \$1,783,618. Now, under that state of affairs it seems to me impolitic to incur this large expenditure and thus reduce the margin by which we can increase the municipal indebtedness.

Mr. Thompson of Ward 9—I want to call attention to the fact that since the amendment was offered I have inserted the word "mainly" before the words "on the water side," because the gentleman from Ward 10 called my attention to the fact that the widening cannot be made wholly on that side.

The question was taken on the first part of the amendment, to strike out the words "one million" and insert "eight hundred thousand." Carried.

The question was then upon the remainder of the amendment.

Mr. Richardson of Ward 10—I only desire to say that all members who have not looked at that plan, I think, will see at a moment's glance more satisfactorily than from any statement I can make that it is very plain indeed that if the street is widened on the water side, substantially by that plan on the green line, to eighty feet or even one hundred feet, it will give an opportunity and a chance for betterments; and by the assessment of betterments on the estates on the other side we shall recover back from the people who are benefited a portion of the expense of doing it, under the general and equitable system of improving streets. The estates on the water side which would be taken are very few—I believe not over one-fifth—in number compared with those taken on the land side. If it is widened on the land side as contemplated by this order (or was before it was changed) it will cut off all the estates on that side so as to entirely destroy a great many of them, and render it impossible for these people to receive any benefit. I have reason to believe, and do believe, from what gentlemen here told me who are interested in the matter—and I may say in regard to betterments it is my opinion, and I think the commissioners had this in view in their report, when they said it is doubtful if few or any betterments can be recovered. It is quite doubtful as a matter of law whether you can assess wharf property the same as you can land for the purpose of betterments. I do not know how that may stand. But I do believe that negotiations can be entered into and made with the owners of the wharf property, by which they would contribute something for the benefit which this widening would make, and it would be just as fair to widen it substantially by Mr. Talbot's plan, which he has been kind enough to send in. I only want to say that, because the question of the cost of this improvement is one that, as I stated in my previous remarks, is decisive, and with me the suggestion is timely. The gentleman from Ward 19, I think, has stated that it injures the wharf property. It does not. It does not touch Constitution wharf, except a little strip eight feet wide on one side, and runs down to the gate and fence of Constitution wharf. It does not touch Union wharf or Battery wharf at all. It does cut off a narrow strip of those small wharves which are now used for coal, stone and wood wharves around near the gas company's sheds, and which nobody pretends to say can be utilized by steamships or large vessels of any kind.

Mr. Thompson of Ward 9—I was merely going to ask that when the question be taken it be taken by yeas and nays.

Mr. Flynn of Ward 13—I was going to say that if the amendment is adopted it does cut all the wharf property along on that street. The wharves are of no benefit to the owners for large ships to come in at.

Mr. Spenceley of Ward 19—It seems to me, according to my logic, that when the gentleman says that the widening on the water side hardly touches the larger wharves at the lower end, and does touch the smaller wharves at the other end, but does n't hurt them any, it is like saying that if you cut six inches off of me you would not destroy me, but if you cut six inches off of the other gentleman you could hardly find him. It seems to me it is the same with the wharves. There are long wharves down at the lower end which extend a great way out into the water, which will not be touched; but the small wharves are so small that you do not hurt them at all if you cut off eight or ten feet from them. Another question I would like to ask is this: He says, if you widen on the water side you can assess betterments. I would like to know if he would have gentlemen pay their betterments and then raise \$200,000 besides?

Mr. Thompson of Ward 9—I think the answer to the gentleman is this: That a large wharf, that along the wharves where steamers can be accommodated, the line does not come down to touch the water in any case. This proposed widening does not come down to take off any of the docks. It takes off the tops of the wharves and leaves all the accommodations for the vessels that they have to accommodate.

The question was taken on the remaining por-

tion of the amendment—"providing, however, that no land shall be taken, or other thing involving the expenditure of money done, until the abutters, corporations and persons interested in the widening of the street give to the Street Commissioners satisfactory bonds to pay one-fourth of the estimated expense of widening said street; and by inserting after the words 'for the widening of Commercial street' the words 'mainly on the water side.'"

The amendment was rejected—26 to 42.

Yeas—Messrs. Barnard, Beeching, Blanchard, Blodgett, Brown, Burke, Coe, Crocker, Cross, Danforth, Doherty, Fagan, Felt, D. A. Flynn, Hibbard, J. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Smardon, Stone, Thompson, Thorndike, Wolcott—26.

Nays—Messrs. Barry, Brintnall, Cannon, Clarke, Cox, Day, Dee, Duggan, Fernald, J. J. Flynn, Fraser, Ham, Hiscock, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, Loughlin, McClusky, McDonald, McGaragle, Morrill, Mowry, Nugent, O'Connor, O'Donnell, Pearl, Perham, O. H. Pierce, Pope, Reed, Roach, Sampson, Shepard, Spenceley, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur—42.

Absent or not voting—Messrs. Mullane, Sibley, Souther—3.

Mr. Howes moved the indefinite postponement of the order. Lost.

On motion of Mr. Flynn of Ward 13 it was voted that when the Council adjourn it be to meet two weeks from tonight.

Mr. Flynn of Ward 13 moved that the Council adjourn. Declared lost.

Mr. Flynn doubted the vote; a division was had—35 for, 29 against—and the Council stood adjourned for two weeks.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
NOVEMBER 26, 1877.

Regular meeting at 7½ o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Three grand and two petit jurors were drawn for the December term of the United States District Court.

## EXECUTIVE APPOINTMENTS.

Police Officers Without Pay—Thomas Folger, Barney Handlon, Henry Harrington, Michael Merrick, Jr., Joseph B. Cassidy—for duty in transporting prisoners. Confirmed.

Inspector of Elections, for two years—D. H. Gill, in Ward 17, in place of Thomas A. Tallon, resigned.

## PETITIONS REFERRED.

*To the Committee on Paving.* Alonzo Warren and many others, for a foot bridge at D street, over the Old Colony Railroad; Albert Green *et al.*, that the name of Gouch street be changed to Norman street; James G. Harrington *et al.*, for a plank walk on northwest side of Harvard street, Ward 24; George H. Homer *et al.*, for flagging crossing on Providence street.

Metropolitan Railroad Company, for leave to extend their location by a track to Brookline, from Marlborough street, on Hereford or West Chester park, to Beacon street, thence by the extreme northerly side of Beacon street to the boundary line.

John Cavanagh, for leave to move a wooden building from Neponset avenue to Clay avenue.

James McFall and others recently discharged from the Paving Department in Ward 24, that they may be restored to work at half pay. Patrick O'Brien *et al.*, laborers recently employed on Huntington avenue, to be provided with work by the city.

Petition for edgestone and brick sidewalk in front of estates 25, 27 and 29 Yarn.outh street.

Petitions for brick sidewalks in front of estates of Abner Coburn Eugene Battelle, Henry T. Batchelder, George R. Winslow, Clara D. Wilson.

*To the Committee on Police.* M. C. O'Connell, for compensation or salary as a police officer; S. A. Cole & Co., for leave to project a lantern at 25 School street; James M. Ham, for leave to project a lantern in front of 254 Tremont street; Perry Richardson, for leave to project a lantern at 11 Howard street.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables by F. Bemis, new wooden, 6 horses, 17 and 19 Corey street; P. Dolan, old shed, 2 cows, Centre place, Ward 23; Caleb Elms, new brick, 25 horses, 56 Cove street; E. Hodge, old wooden, 4 horses, Liverpool street; Erdman Hemman, old wooden, 1 cow and 1 horse, Beach street, near Poplar street, Ward 13; Dominico Lerrino, lessee, old wooden, 124 North street, in rear; Jeremiah Sanborn, old wooden, 1 horse, Hancock street, Ward 24; Peter Field, old wooden, 2 horses, Boylston street, Ward 23; Joseph Hussey, old wooden, 1 cow, White avenue.

*To the Committee on Armories.* Unattached Company of Infantry, M. V. M., for an appropriation to furnish their armory, corner of Cambridge and North Russell streets.

*To the Joint Committee on Claims.* J. A. Foster, to be compensated for extra expense and damage caused by the closing of Chelsea Bridge; N. B. Bryant, to be paid for damages sustained on Dedham street.

## HEARING.

A hearing was had on the petition of the Metropolitan Railroad Co. for an additional track in Battery street.

President Richards of the Metropolitan said the petition was for another track in Battery street from Hanover to Commercial street. It had been rendered necessary by the large increase of business on the ferry lines since the line to Chelsea was opened.

E. W. James desired two provisos put in that the Cambridge or Union road should never use the tracks, and if Mr. Richards don't build the track in a certain time some one else can go there. Recommitted to the Committee on Paving.

## ROXBURY CANAL.

Report of the Committee on Finance, with order for a loan of \$392,000 for cost of Roxbury Canal Improvement; also the order to cause said improvement to be made as recited in City Document 92, was considered under unfinished business.

Alderman Thompson—I should like to know from the committee if these estimates have been carefully considered, and if the sum asked for here is the exact amount that will be required.

Alderman Viles—We have been over this very carefully, and have given it a good deal of time and attention. The committee have had it under consideration all summer. The valuation of the land is taken from last year's assessment, not this year's, because they might say that we were lowering the estimate on account of the taking. The sewer will cost about \$50,000, and upon that we have the report of the Superintendent of Sewers. The figures in regard to the filling we have from the City Engineer, Mr. Davis. They have all been very carefully considered by the committee. It is a fact that it is a great nuisance, and probably every member of this Board is nearly as well acquainted with it as the committee. I don't think much of anything need be said about it. The report is brief and to the point, and I am willing to leave it with this Board.

Alderman Burnham—As has been said by the chairman of the committee, this matter has received very thorough consideration by our committee, and the report in City Document 92, as has already been said, presents all there is about the matter. It is an acknowledged nuisance which we have created and are maintaining. It ought not longer to be endured, and in its present shape it cannot be even abated. Dredging has been applied and will neither remedy or remove it. As I see it, there is nothing to do but to fill it up—to wipe it out wholly. This is the only thing we can do. First, then, as a matter of economy, we must take the land; no other course is available, and we can do so. The courts have held over and over again that, where the city took land under legislative acts to abate nuisances, the owners could only recover the market value of the land. Then how do we stand? The territory being ours after the land is filled, the value will be greatly increased, and as the city is not under any obligation to reconvey it to the owners, the land will come into the market at a greatly enhanced price, and consequently to the advantage of the city. I said we must fill it. Let us settle this. I call the attention of the Board to the fifth annual report of the Board of Health, City Doc. No. 67, May 1, 1877. They say—

“Roxbury Canal still remains prominent among the nuisances of Boston. Leading in from the South Bay, five or six rods wide, and extending several thousand feet, to Harrison avenue, we find this great slough or open sewer in the midst of a thickly-populated section. The sewage and mire lie, a fathom deep, bubbling their gases through the black, putrid water, while the lighter and soluble portions of filth are slowly surging back and forth with the rising and falling of the tide. The sight of this canal from the Albany-street Bridge is sufficient to nauseate any decent man, and it is said that horses even have refused to cross the bridge over this slough. We would gladly pass over this subject without a word of complaint, but duty forbids, even though we have besought its remedy for four years in vain. Business and dwellings are alike rendered exceedingly uncomfortable and unhealthy in the whole neighborhood at times, including one of the most beneficent and well-managed institutions in New England, where two hundred and fifty patients lie blessed with everything which an intelligent and worthy Board of Trustees and hospital staff can supply, yet deprived of nature's greatest gift,—pure air. Last fall the medical staff of the City Hospital, together with other physicians and people of that neighborhood, petitioned the City Council for relief from this canal nuisance. Thereupon the City Council asked the Legislature for authority to fill the canal, as a remedy for the trouble. The legislative Committee on Harbors, to whom the subject was referred, gave a long and patient hearing on the subject, reported in favor of the petitioners, and the Legislature then granted authority to the City Council to take the land and fill the canal. We cannot think the present City Council, knowing the nature and extent of this nuisance, and having the power in their hands to abate it, will allow the people of that neighborhood to pass

through another season with this open sewer in their midst."

"I ask you to notice," the Board of Health say, "We have besought its remedy for four years in vain." Now, Mr. Mayor and gentlemen of this Board, what is the use of a Board of Health if, when they call our attention to a manifest nuisance like this for four years in succession, we year after year pass it by,—not only allowing its existence but its constant accumulation of evils—let us be consistent. It is an acknowledged existing unmitigated nuisance. There is nothing to do but to fill it—wipe it out of existence. Do it now—this winter. Let it be finished before another summer. But to return to the matter of the expense. One great consideration, let me say, is, we can do it without large expense; indeed, the probability is that in the end it will not have added one dollar to our city indebtedness; and if you will allow me a moment, I will give you figures as an explanation why I claim this. The territory to be taken contains 329,466 square feet. The streets within this area, including the land needed to extend East Chester park to Sweet street, contain about 126,466 square feet of land, which, deducted from the total area, leaves about 203,000—say 200,000 square feet of land to be disposed of by the city of Boston after the nuisance is abated; and also remember 126,000 feet of land for streets retained. The average value by the assessors (of 1877) of the land taken is \$1.75 per square foot. The amount of land left for sale figured at that rate would amount to \$350,000, which, deducted from the estimate of the committee, shows an expense of say \$42,000; and I may say from this should be taken the value of the fee of the dock (area about 65,000 square feet), which the committee were unable to determine. The act, chap. 217, acts of 1877, which authorizes us to abate the nuisance, provides for the appointment by the Supreme Court of a commission to determine the value of this fee; but admitting that it is an unknown quantity that cannot now be determined, it is certainly fair to assume from what measures we do have, if the land is now valued in its present condition at \$1.75 per foot in these times, and depressed as it must be by the maintenance of such a gigantic nuisance, that the value of the property after the abatement of the nuisance would be greater than at present, if it should prove so to be, which I for one expect, it will probably leave, as I have said, a profit in place of being an expense to the city. There is still another indirect advantage which should be noticed. The city's property, as well as that of individual owners in the vicinity, is depreciated in value by this nuisance; the whole territory is greatly injured; the sewage matter forms gases which permeate Chester park and Chester square and other streets in the locality. With the canal existing, it is an infected territory; without it, the character of the whole neighborhood is changed. What is unsalable real estate today, because of this condition of sewerage, will find purchasers, and invite improvement when it is filled.

The city's interest directly in the large tract of land on Chester park, opposite the nuisance, is unquestionably injured thereby. No sales of land have been made here for a number of years, no doubt caused by the land being in an infected neighborhood. On the other side of the canal, in the Northampton-street district, the city owns other tracts of land also affected by this nuisance. Therefore, in a business light alone, to protect the interests of the city it is good policy to abate this nuisance, even if the protection of the public health did not imperatively demand it. As to the matter of health there is no question. Therefore, when both alike demand it, we should not hesitate to do it, and I believe our vote should, and will, be given for this measure. I believe we shall unanimously pass it, and the whole constituency of this Board will approve our action.

Alderman Thompson—I did not rise to oppose the passage of this order, but merely to inform myself in regard to one or two items. Everybody admits that the Roxbury Canal is and has been a nuisance in that section of the city for a number of years. But what I desired to know was, whether this hundred and twenty thousand dollars would be really sufficient to abate this nuisance. I do not see that it provides for consequential damages to the rights of the wharf owners, and whether their privileges to the docks have been considered. Then again, it occurred to me that the removal of the outlet of this sewer from this place down to Brookline street was

nothing more than simply transferring the nuisance from this section of the city to another section of the city. At the same time it occurred to me that this new sewer that we are building will remedy the whole difficulty, and I wanted to know whether I was correct in my views.

Alderman Viles—The act provides that we are to take the sewage out of the limits of the Roxbury Canal; consequently we are obliged to take it some distance from where it is. Furthermore, it has nothing to do with the new sewer, and it will have to be done any way.

Alderman Thompson—Will the matter empty into the new sewer when it is completed?

Alderman Viles—This will have to be done any way.

Alderman Fitzgerald—There seems to be some difference of opinion among the members of the Board, and as the Council will not meet for a fortnight, and as we will have another meeting before the Council meets, I would like to have this put over until next Monday to afford the members an opportunity to look into the matter, and afford the City Solicitor an opportunity to send in his answer to the question put to him some months ago in regard to the city indebtedness. I confess that I should like a little more time to look into the matter, and as the Council will not meet until after we meet next Monday, I would ask that it lie over until next Monday.

Alderman O'Brien—I would like to call the attention of the Board to the fact, for their consideration during the week if the matter is laid over, that the city of Boston owns 353,900 feet of land in the immediate vicinity of this nuisance that will be largely benefited by this improvement, particularly the City Hospital. If the Board lets this matter lie over for a week I would ask them to consider that matter also.

Alderman Burnham—There is one thing in answer to the question of the gentleman on the opposite side of the house with reference to the relation of this improvement to the system of improved sewerage. In regard to the necessity for emptying it opposite Brookline street, if he will look at the act authorizing the filling of this land he will see that—

"On and after the completion of the work to be performed under this act, the sewers or drains now discharging into said canal within the limits of that portion thereof authorized to be filled, shall be discharged elsewhere and shall not thereafter be discharged into any part of said canal."

Consequently there is a necessity that this sewer should be extended down to and opposite Brookline street. It has no relation to the intercepting system of sewerage other than this: That when the system of intercepting sewerage is completed, the sewage of the houses will go into this intercepting sewer. But it is provided for in every case that the surface flow of water creates a necessity that this sewer should be extended from Albany street to opposite Brookline street; so that when the sewer is completed the underground sewage will go into the large intercepting sewer, and there is a provision made for the outflow of the drainage water.

Alderman Viles—As this will probably lie over another week, I hope those who are not particularly familiar with the canal will visit it and see for themselves.

The matter was laid over for one week.

#### PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Order to erect sheds, purchase tools and make necessary arrangements for establishing the stone-cutting business at Deer and Rainsford Islands, at an expense not to exceed \$5000. Passed in concurrence.

#### LOCATIONS ACCEPTED.

Communications were received from the Highland and Metropolitan Railroad companies accepting the locations granted by this Board on the 12th inst. Placed on file.

#### PUBLIC LIBRARY.

A request was received from the Trustees of the Public Library for leave to use certain unexpended moneys for salaries, which Alderman Burnham explained grew out of the resignation of Mr. Winsor and the employment of others to do his work. Referred to Joint Committee on Public Library. Sent down.

#### PARK COMMISSIONERS.

A communication was received from the Park Commissioners representing that the unexpended balance of \$2159.92 was nearly expended, and re-

requesting an appropriation of \$3000 to enable them to continue their work and report in print in regard to the park on the Back Bay. Referred to Finance Committee. Sent down.

#### CONSTABLES' BONDS.

The bonds of John May and Norman Farr, Constables, being presented, duly certified, were approved by the Board.

#### JAIL EXPENSES.

A requisition was received from the Sheriff of Suffolk County for \$1568.07, being the amount of expenses at the jail for November. Ordered paid.

#### STERLING STREET.

A communication was received from the Street Commissioners, in response to the order of October 25, estimating the cost of extending Sterling street to Tremont street at \$62,500. Referred to Joint Committee on Streets. Sent down.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports and orders for brick sidewalks in front of estates of Charles Rollins, 56 Commonwealth avenue; in front of numbers 569-71-73 Columbus avenue. Orders read twice and passed.

Orders to grade Downer street as recently laid out, and to establish the grade of Mill street between Neponset avenue and Preston street, according to plan of City Surveyor dated Oct. 25, 1877; to establish the revised grade of Lamartine street, between Centre and Boylston streets, according to plan drawn by William A. Garbett, civil engineer, dated Sept. 1, 1869; to establish the revised grade of Wyman street, between Curtis and Lamartine streets, according to plan dated Sept. 23, 1875. Severally read twice and passed.

Report and order to pay John English \$250 for grade damages on Paris street. Order read twice and passed.

Report and order of notice for a hearing on Monday, Dec. 17, at four o'clock P. M., on petition of Highland Street Railway Company for right to enter its car house on Northampton street.

Report of leave to withdraw on petition of Jordan, Marsh & Co., for the removal of horse-railroad tracks in Washington street, between Temple place and Summer street. Accepted.

#### LANTERNS.

Alderman Robinson submitted reports from the Committee on Police as follows:

That Franklin P. Paul have leave to project an unlettered lantern in front of building on corner of Washington and Castle streets, on the usual conditions.

Of leave to withdraw, on petition of Theodore P. Williams for leave to project a lamp in front of his premises, 225 Tremont street.

Severally accepted.

#### STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports in favor of granting permits, on the usual conditions, to occupy stables, by Sarah Harvey, 37 Ellery street; Thomas Corbett, Northfield street, on condition that the vault on said premises is removed. Severally accepted.

Reports of leave to withdraw on the following petitions for leave to occupy stables: Thomas Igo, Greenwich street; Caroline W. Brama, Washington street, Ward 25 (as per request); John C. O'Callahan, Columbia street; H. Roghard, 464 Parker street; Howard Slade *et al.*, brick, fifty horses, 439-41 Tremont street; Parsons & Co., new wooden, two horses, West First street. Severally accepted.

#### CLAIMS.

Alderman O'Brien submitted a report from the Joint Committee on Claims of leave to withdraw on petition of Mrs. John McDonough, to be compensated for personal injuries received by falling on the ice in Bowdoin square. Accepted. Sent down.

#### PUBLIC LANDS.

Alderman O'Brien, from the Joint Committee on Public Lands, submitted the following:

Ordered, That the lot of land on Washington square, as shown upon a plan recorded in the office of the City Surveyor, and dated April 1, 1874, which lot was bargained to Freeborn F. Raymond April 24, 1874, be and the same is hereby declared forfeited to the city of Boston for non-fulfilment of the conditions of sale, and that the Superintendent of Public Lands is hereby directed to enter upon and take possession of the aforesaid lot of land, in behalf of and for the use of the said city of Boston.

Ordered, That the Collector be and he hereby is authorized to cancel the bond numbering 138,

the amount of instalments due being \$7406, and which was given by Francis F. Raymond for land on Washington square; provided Mr. Raymond shall give to the city a valid bill of sale of the buildings now standing upon the premises referred to in said bond.

Alderman Thompson asked for some explanation of the order.

Alderman O'Brien—Mr. Raymond came before the committee and represented that he was a comparatively poor man, unable to pay the instalments now due on this property; and after paying several instalments he was willing to throw up the land to the city, and also give a bill of sale to the city for the iron building on the property. The committee, knowing Mr. Raymond to be a man of truth and veracity, considered his statement, and thought it for the best interest of the city to take the property, as he was unable to meet the instalments coming due upon it.

Alderman Thompson—It has been the custom of the city of Boston, when land has been sold by auction, and pay has been received in instalments, that, if in consequence of dull times a depreciation of property takes place, parties can throw back their estates upon the city; but if there is an advance in real estate, it is not the case. Now, I have understood that a number of people who have purchased land of the city at sales by public auction and paid a certain amount in instalments, after a few years, or a certain time, concluded that there was no advantage or profit to them, that they have been in the habit of coming in here and throwing the lands back upon the city. It seems to me that that is not a proper course to take; that it is not just to the city and that it is not right to do so. Therefore, I think that if a party is able to pay and is responsible, they should carry out the terms of their bond to the city. I don't know anything about the present case, whether the party is able to do so or not; but if he is able he should be required to do so, as private individuals would be required to do with each other.

Alderman O'Brien—Does the Alderman from Charlestown know of a solitary instance where such property has been thrown upon the city when the parties were able to pay the instalments? The only instance that has come within the observation of the Committee on Public Lands was one in which a gentleman who is reputed to be worth two or three hundred thousand dollars asked leave to throw his property back upon the city, after expending some four or five thousand dollars upon it, even at a less price than it was valued at the present year, and the committee positively refused to do so, knowing that the man was perfectly able to take care of all his indebtedness. That is the only case that I am aware of of any one wanting to surrender his property when he was able to take care of the instalments.

Alderman Thompson—I can only relate my own experience. Some two or three years ago, at the time his estate was purchased of the city, I purchased an estate there on ten annual instalments. I sold it within a few months after I purchased it, and the party who purchased it paid one of the instalments. Some months ago I was notified that no more instalments had been paid, and it had been a year since it left my hands. I don't think, under those circumstances, that I should be held responsible, when the parties are abundantly able to pay the second and third instalments, and they had let it run without any information to me in regard to it. I know it is the opinion of parties outside that they can hold their estates or not; and that they can discontinue the payment of the instalments simply by relinquishing the property to the city. I have always understood that this party has a large amount of property; and if that is the case, there is no reason why the land should be allowed to come back to the city.

Alderman O'Brien—Do I understand the Alderman to say a thing of this kind has happened this year?

Alderman Thompson—It is this year.

Alderman O'Brien—That the property has been surrendered to the city?

Alderman Thompson—No, sir, I don't know what has become of it; but a year's time had elapsed before the instalments had been collected. I don't know why they had not been collected, and as there was some talk that it would be surrendered, it occurred to me whether I would be responsible for the amount of the bond. It seems to me that if other parties can let their bonds remain unpaid for a year or six or eight months, the business of the department is conducted in rather loose manner.

Alderman O'Brien—I am not particularly familiar with the manner in which the Collector of the city of Boston attends to its business; but, from my observation, I believe him to be a faithful, prompt and energetic officer. I suppose that those who are immediately connected with his office can speak for him; but, so far as I am aware, he is prompt in the collection of taxes, betterments, sewer assessments and everything of that sort. So far as my observation goes, I don't know of any neglect on his part.

Alderman Thompson—I do not intend to cast any reflection upon the Collector of the city of Boston. I believe him to be as efficient an officer as there is in this building, and certainly more so than some of his predecessors. It occurred to me that this might be in the hands of another department, for I remember that when I gave the bond I did not go near the Collector, but to some other officer in the upper part of this building, and I supposed it had been the same in this as that case, supposing the city was amply secured, they were not so prompt in calling the attention of the parties giving the bond to the non-payment of the dues.

Alderman O'Brien—All these bonds are in the Collector's office for collection. He attends to it, and when he fails in the collection of an instalment, he generally refers it to the Committee on Public Lands. That committee, in numerous instances, during the past year or two, have extended the time of payments. That is, if a party owed five or six instalments on the bonds, and could not pay them, in order to relieve him temporarily, they have extended it a few years, but without any loss to the city. It is only giving him in a dull and depressed year for business a longer time to pay his debts.

Alderman Thompson—Has the Alderman made any inquiries about the responsibility of the party who now desires to give up his estate?

Alderman O'Brien—The committee have made a great many inquiries in regard to Mr. Raymond, and they feel that now he is unable to pay the assessments upon his property; and under any circumstances we would be compelled to take back the property. That is the way the committee feel about it. The Alderman from the North End can speak of Mr. Raymond, as he knows him personally.

Alderman Viles—As the Alderman has alluded to me, I would state that I know Mr. Raymond well. He has a large amount of property in his possession, but perhaps he is unfortunately different from the Alderman from Charlestown, as it is mortgaged. A great deal of it is lying idle, and it is impossible to get any rent from it, and I know that it is impossible for him to pay the amount due on it at the present time. I was at the sale when this property was sold, and offered him an eighth of a dollar bonus on his bargain; but fortunately for me he did not take it. I know he has a great deal of property outside of Boston and in Boston; I know that he has lately mortgaged his property, and that it is impossible for him to pay it at the present time.

On motion of Alderman Gibsou, the orders were laid on the table.

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Wagon License Granted—James M. Bennett, at New York & New England Railroad Station; F. A. Marple, 1480 Tremont street; George Baughan, 25 South Margin street.

Intelligence Office Licensed—Isabella McCormick, 115 Myrtle street.

Victualler Licensed—Mrs. Martha Hayne, 50 Bedford street; James Talbot, 133 North street.

Billiard License Granted—T. A. Emerson, 4 Warren and 3 Palmer street, Roxbury; Charles F. Clark, 70 Causeway street.

Skating Rink Licensed—Seth Whittier, 520-524 Albany street.

Hack License Granted—H. D. Smith, 12-14 Beach street, between 8 P. M. and 1 A. M.

Severally accepted.

#### PAY OF LABORERS.

Alderman Thompson offered an order—That the City Treasurer be authorized and directed to pay all laborers, whose names appear on the pay rolls of the several city departments, on Wednesday, Nov. 28, 1877, instead of on the regular pay day, the 30th of November. Passed. Sent down.

#### ASSESSORS' DEPARTMENT.

Alderman Wilder submitted reports from the Joint Committee on Assessors' Department, as follows:

Leave to withdraw on petitions of Joachim Guerrini that the tax paid on a certain estate in Prince street be refunded; Cornelia C. Brown and sister, that the tax paid in 1876 on estate 2 Bowdoin street be refunded, and that the tax assessed for the present year be remitted (the City Council not having legal power to grant the petition).

That no action is necessary on the part of the city on petition of Michael Donovan for the restoration to him of the title of an estate sold for non-payment of taxes, the matter having been adjusted; and Nathan Matthews, for the remission of taxes for 1875 upon certain property not in his possession, the matter having been adjusted by the Assessors.

Severally accepted. Sent down.

#### HISTORICAL MONUMENTS.

Alderman Thompson submitted the following:

The Committee on Historical Monuments respectfully represent that they have been requested by numerous citizens to place a tablet upon Christ Church, Salem street, commemorative of the fact that from the steeple of that church was shown the lantern which gave warning of the march to Lexington. The original order on which the committee was appointed contemplated the placing of a tablet upon this building, but, while the subject was under consideration by the City Council, a doubt was expressed as to the truth of the tradition which pointed out Christ Church as being the building from which the lantern was displayed, and the order was, therefore, amended by striking out all that related to Christ Church, and reducing the appropriation the amount which it was estimated the tablet would cost. The committee, after hearing the arguments for and against the authenticity of the tradition, and after carefully examining the historical authorities on the subject, are unanimously of the opinion that from the steeple of Christ Church was displayed the lantern which gave warning of the march to Lexington. The committee believe that the original design should be carried out, and they would, therefore, respectfully recommend the passage of the following order:

Ordered, That the Committee on Historical Monuments be authorized to expend, in addition to the amount already appropriated for erecting historical monuments, the sum of \$1000, for placing a tablet, suitably inscribed, upon Christ Church, Salem street; said sum to be charged to the appropriation for Incidentals.

Read once.

#### LAND DAMAGES.

Alderman Thompson, from the Committee on Streets on the part of the board, submitted orders to pay for land taken and damages occasioned as follows: Charles J. and Lydia L. Paine, \$1656, widening of Ruggles street; Catherine Sturm, \$600 (for grade and all other damages) laying out of Ward street; Alacia E. Marden, \$250, for land taken in her name and that of Bartholomew and John Roach, by the widening of Mill street. Severally read twice and passed.

#### REGISTRATION OF VOTERS.

Alderman Fitzgerald offered an order—That the Board of Registrars of Voters be authorized to employ temporary additional clerks to assist them in the discharge of their duties, on account of extra registration, provided the expense does not exceed the amount appropriated for that department.

Alderman Fitzgerald—In explanation of that order, I would state that the Registrars of Voters are obliged to appoint their assistant registrars between the 1st of May and October, and if they need any special help in the registration of voters, they have to be appointed between those two days, for, under the statute law, they cannot appoint them after the 1st of October. During the last few days the work has been such as to necessitate the employment of additional clerks. The Committee on Retrenchment allowed them but one clerk, and they now ask to be allowed to employ additional clerks so that they can make up the written books which they are to supply on the day of election. If they have those clerks they will have the books on the next day after registration closes. The chairman of the board has asked me to offer that order. It does not entitle them to any additional appropriation, and does not go beyond the appropriation already made.

The order was read twice and passed. Sent down.

Adjourned, on motion of Alderman Wilder.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

DECEMBER 3, 1877.

Regular meeting at four o'clock P. M., Alderman Clark, Chairman, presiding.

## JURORS DRAWN.

Forty-two traverse jurors were drawn for the September term of the Supreme Judicial Court.

## EXECUTIVE APPOINTMENTS.

Constables—James Bragdon, George W. Farr, Charles E. Stone, Christopher A. McCaffrey and John A. Duggan. Confirmed.

Railroad Police—Abraham O. Brown, William H. Chipman, Thomas J. Claffin, Alfred W. Cushman, Stephen Ellis, George R. Freeman, George D. Hamilton, Edward B. Harrington, Clothier P. Haskins, Friend W. Howland, Melvius L. Ingalls, Paul W. Jackson, William D. Jones, Harry C. Mapes, Augustus S. Messer, John Moriarty, Edwin A. Olmsted, William A. Osborne, Horatio E. Paine, Asa R. Porter, Jacob J. Randall, John A. Dexter, Charles H. Richardson, Philip W. Sampson, George T. Taylor, Francis Tilden, John W. Tower, Albert B. Watson, Amos A. Talford, Wendell A. Sampson, Isaac G. Grew, Thomas F. Atkins, Louis H. Barrus. Confirmed.

Inspector of Elections in Ward 23—P. J. Flatley, vice Cyrus M. Marshall, removed from the ward.

## PETITIONS REFERRED.

*To the Joint Committee on Claims.* City of Newton, for adjustment of a claim for the care of a smallpox patient.

*To the Committee on Lamps.* B. L. Young *et al.*, for lamps in rear of 25 Chestnut street; Mrs. M. G. C. Leavitt, president of the Women's Christian Temperance Union, that a lamp be placed at 36 Harrison avenue.

*To the Committee on Paving.* Newton Talbot, for a plank sidewalk on Clarendon street, between Newbury and Boylston streets; George A. Shaw *et al.*, for a plank walk on a portion of Wales street and Blue Hill avenue.

Petitions for leave to move wooden buildings by John Cavanagh, 19, 21 and 23 West Fourth street, to 5, 7 and rear of 111 West Fourth street; and by M. Ellis & Co., from Marginal street, Ward 2, to Decatur street.

J. C. Dodge heirs *et al.*, for leave to run a shaft under Pearl place.

Petition for brick sidewalk in front of estate of West Boston Savings Bank in Everett avenue, Ward 24.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables as follows: Jordan, Marsh & Co., brick, fourteen horses, 477 Harrison avenue; Clark Smith, 2d, new wooden, two horses, Parsons street; Samuel J. Clapp, new wooden, one horse, Princeton street; Alpheus M. Stetson, new wooden, two horses, Vicksburg place; Sarah Whitney, old wooden, one horse, 1064-1066 Tremont street; Isaac H. Cary, new wooden, three horses, Union terrace; J. R. Kenniston, old wooden, three horses, Border street.

*To the Committee on Police.* Stewart & Macomber, for leave to project a flag in front of 26 Portland street; James R. Merrow, for leave to project a lantern at 50 Shawmut avenue; Mary Ann Scanlan, for leave to project a druggist's mortar at corner of D and Sixth streets.

## PETITION FOR AID.

A petition was received from Mrs. Jaue Burrill, representing that her husband had been employed for thirty years in the service of the city, and recently fell down a flight of stairs while in the discharge of his duty, and was instantly killed, leaving the petitioner entirely destitute, and she therefore requests aid from the city.

Alderman Viles—Since I came into the hall my attention has been called to that petition. The facts are substantially as stated in it. He had worked for the city for the last thirty years, and on the 7th of last September he fell down a pair of stairs and broke his neck and died instantly. This is something that has never come up before. I don't know whether it should go to the Committee on Claims or not.

The Chairman—The Chair awaits any motion. It is not a claim for assistance, but a request.

Alderman Viles—I move that it be referred to the Overseers of the Poor.

Alderman Thompson—As it is a petition to the City Council, it seems to me that it should be referred to some committee of the City Council. I move as an amendment that it be referred to the Joint Committee on Health.

Alderman Viles—I will accept the amendment. I have no objections to its coming to my committee. I don't know what there is to investigate.

The petition was referred to the Joint Committee on Health. Sent down.

## HISTORICAL SITES.

The report and order to place a suitable tablet on Christ Church, at a cost of \$1000, was considered under unfinished business. Order passed. Sent down.

## BONDS APPROVED.

The bonds of George C. Richardson and another constable, being presented duly certified, were approved by the Board.

## ROXBURY CANAL.

The Board took up the special assignment, viz., Report of the Committee on Finance, with order for a loan of \$392,000 for cost of Roxbury Canal improvement; also the order to cause said improvement to be made as recited in City Doc. 92. The question was on the passage of the order for the loan.

Alderman Burnham—Before proceeding to consider this subject, I ask the indulgence of the Board to make a correction of certain language used by me in presenting this subject at our last meeting, as it appears in the record. I said—

"I may say, from this should be taken the value of the fee of the dock."

I was under that impression in so wording this matter with reference to the dock, but I should have said—

"And to this should be added the value of the dock," etc.

The misapprehension arose from a hasty overlooking of the general cost, supposing that it included the estimate of the dock fee. I do not make this correction because there is anything very material about it, but that I may stand right on the record. While I am up, if the Board will grant me the indulgence, I wish to call attention to another matter which seems to me should be presented at this time by me as chairman of the Committee on Intercepting Sewerage, and as a member of the committee which made this report. While I do not ordinarily believe in noticing what may be said of the action of the various departments of the City Government by the daily papers—indeed, I question the propriety of it at all—but an article appeared in one of the papers yesterday which must have been written under a misapprehension of the facts, and as it seems to be so unjust in its criticism upon the action of one of the heads of the departments, and is also an indirect criticism upon the Committee on Intercepting Sewerage, I feel called upon to call the attention of the Board to the matter. The article I refer to is as follows:

"Through the filling of the Roxbury Canal, for the purpose of abating the nuisance now existing there, is a work of absolute necessity, and one which should be performed with the least possible delay, there are grave reasons why the order for this purpose, now before the Board of Aldermen, *should not* be passed in its present form. The principal main of the great sewer which is to drain the South End and the Highland District is to go through Northampton street, and thence to *Dorchester*. Now it seems that this little side improvement has been laid out *without any reference* to its connection with the general plan to which the city has committed itself. It appears to be the intention of the Superintendent of Sewers to establish a separate system on his own account, and to this end he *has chosen* to locate his new sewer in Northampton street, utterly ignoring the right of preemption as indicated by the printed plans of the City Engineer. It has been hinted that this action is due to professional jealousy; but the citizens are not at all disposed to satisfy private piques at an expense to themselves of tens of thousands of dollars. If, on the other hand, the proposed intervention arises from ignorance, the mistake should be corrected before the order goes any farther."

That is about all of the article to which I wish to call the attention of the board.

Alderman O'Brien—What paper is the article copied from?

Alderman Burnham—The Boston Herald of yesterday. Now, in the consideration of the subject let me say that this Albany-street sewer drains an area of three hundred and twenty-six acres, and also carries away the sewage of 2755 houses in that locality. It is well known to those who are familiar with this system of intercepting sewerage, that not only must the house sewage be provided for, but also the surface drainage, and that the two are, to a certain extent, independent of each other. The house sewage must be provided for, and also the surface drainage above ground as well. and, as I stated, the two are independent of each other to a certain extent. Now, until the overflow comes, the plan of the improved sewerage is to carry off all that that comes into it until it is full. But in case of heavy rain provision must be made by which this water which comes from the overflow of the ground will pass into the intercepting sewerage and thence into the ocean. Now, with this view the Board will see why I desire to review this article. It says—

“The principal main of the great sewer which is to drain the South End and the Highland District is to go through Northampton street and thence to Dorchester.”

Now, that plan has not been settled upon either by the Superintendent of Sewers or the Committee on Intercepting Sewerage. It is open between them. The two sewers are related to each other and there is no plan which may be said to have been adopted yet by either party. It goes on to say—

“This little side improvement has been laid out without any reference to its connection with the general plan to which the city has committed itself.”

It has not been laid out without connection with the general plan; there have been several conferences, and it is fully understood by the Committee on Intercepting Sewerage and the Superintendent of Sewers. Further, it says—

“It appears to be the intention of the Superintendent of Sewers to establish a little system on his own account, and to this end he has chosen to locate his new sewer in Northampton street.”

Now, as I have said, it may be that when this matter is fully understood there will be a reversal of the proposed system of carrying the sewage to the sea. It may be that the borings in West Chester park extended may make it desirable to put the intercepting sewerage there; and it may be that the Northampton-street sewer will be used for carrying off the surface water, and it may be desirable to put the intercepting sewer there, and the surface sewer in Chester park extended. There has been no decision in regard to it. The committee are unacquainted with the existence of any private, personal piques, or anything of that kind. The article says that “if the intervention arose from ignorance, the mistake should be corrected.” I believe that the committees on Health and Intercepting Sewerage fully understand the matter, and that the plan adopted did not arise from ignorance. It seemed to me to be but fair that I, being connected with those two committees, should make this statement.

Alderman Viles—I will simply state that in considering this matter of the Roxbury Canal, the Board well know that by the act under which we take the land and fill it up, we are obliged to take the sewage outside of the limits of the canal. The committee requested the Superintendent to give them the cost of taking it out, and he did so; and as the line where the canal commences has never been definitely decided upon, the nearest way was to take it through the yard of the Paving Department to deep water, and the cost will be about \$50,000. We are obliged to take it there without any reference to this system of improved sewerage. The utmost harmony exists between the Superintendent of Sewers and the committee, and I have never heard of any jealousy in relation to it.

Alderman Burnham—As corroboratory of the Alderman's words, I will read from the report of the committee:

“On and after the completion of the work the sewers and drains now discharging into Roxbury Canal must be discharged elsewhere, and cannot be discharged into any part of the canal.”

And then in relation to the position of the Superintendent of Sewers in this matter, here is a concise statement from the report:

“The Superintendent of Sewers informs the committee that the cost of intercepting the sewers now discharging into the canal, and carrying

them beyond the limits of the canal, as prescribed by the act, going over the Concord-street sewer and discharging opposite Brookline street, through the yard of the Paving Department—not including the cost of any land or damages for going through the territory of the Paving Department—will be \$50,000.”

Alderman Fitzgerald called for the reading of a communication from the City Solicitor, which he understood had been received, and the Chairman read the following:

CITY SOLICITOR'S OFFICE, 2 PEMBERTON SQUARE, BOSTON, Dec. 3, 1877.

Sir—In reply to the order of the Board of Aldermen asking my opinion whether the city has not already exceeded the limit of municipal indebtedness, fixed by the act of 1875, entitled an act to regulate and limit municipal indebtedness, and also whether the city may now increase its indebtedness, to the extent of one per cent. additional allowed under section 10—section 7 supposed to be intended—of said act. Allow me to say that when said act took effect, the indebtedness of the city exceeded two per centum on its valuation, and the city then had the right under the act to increase its indebtedness to the additional amount of one per centum on its valuation, being \$7,939,618.00. This right has been availed of to the amount of \$5,156,000.00, leaving a balance of \$2,783,618.00, to be still expended if the City Council shall so determine.

The only doubt that can exist as to the correctness of this result arises from the consideration that the leading purpose of the act cited was to oblige cities and towns to keep their indebtedness within the amount of three per centum on their respective valuations; and it is supposed that the authority to increase the indebtedness one per cent. of the valuation, when the municipality was then indebted to the amount of more than two per cent. on its valuation, was intended to be temporary, and cannot be longer exercised.

The statute fixes no time within which this right of increasing the municipal indebtedness shall be exercised; and therefore a reasonable time is granted; and in my opinion that reasonable time has not yet expired.

Very respectfully, your obedient servant,

J. P. HEALY.

To John T. Clark, Esq., Chairman of the Board of Aldermen.

Alderman Fitzgerald—As I understand it, the limit of our municipal indebtedness is now \$2,700,000, in the opinion of the City Solicitor. And I understand that we cannot go beyond that. That, in the opinion of the City Solicitor, with the loans already made, we have a margin of \$2,700,000. From that must be taken the \$1,000,000 which has passed this Board for the widening of Commercial street, and the amount we have passed for the Stony Brook improvement—\$133,000—and the amount for the Mercantile wharf. Deducting all those, and there will be left a margin of about \$1,000,000, and not \$6,900,000, as was asserted in this Board some time ago. I am glad we have got this opinion from the City Solicitor on this question, for there was a doubt in my mind whether we could incur this additional indebtedness. We now have an authoritative statement from the legal adviser of the City Council, to make our bonds legal. There is a margin of \$2,700,000 allowed, and there are orders for one million six or seven hundred thousand more on the table of the other branch. If we pass these, we have \$1,000,000 more, and after that we can expend no more until we come below the two per cent. I hope this Board will take all that into consideration before passing these orders.

At the request of Alderman O'Brien, the chairman read the opinion of the City Solicitor again.

Alderman Fitzgerald—The Alderman from Ward 21 perhaps labors under a misapprehension in regard to the opinion. At the time of the passage of the act limiting municipal indebtedness, we had exceeded the two per cent. Any city that had not exceeded the two per cent. indebtedness on its valuation could go no farther than that. But any city or town which had exceeded that amount could increase its debt one per cent. additional. We were in the category of those cities and towns which had exceeded the amount, and we were allowed to contract a debt exceeding three per cent. of the valuation at that time. If we had had the valuation at that time that we have now, we could not have contracted as much debt as we have. The valuation of that day was about seven hundred and thirty-nine millions of dollars,

instead of six hundred and forty-nine or fifty millions as it is today; so that we can avail ourselves of about one million dollars more than we could if the act were passed today. We can contract what is equal to two million seven hundred thousand dollars. Since April we have already authorized loans that leave this balance of two million seven hundred thousand dollars. We have on the tables of the Common Council orders authorizing loans equal to about seventeen hundred thousand dollars, and if they pass, the limit of our municipal indebtedness will be about one million dollars, and we cannot go beyond that for any number of years until we bring our indebtedness below two per cent. It may be one, two or three or five years hence. If that is the meaning of it, I think the Alderman and I understand it alike.

Alderman Thompson—I should like to inquire of the committee if the act received from the Legislature was such an act as the city asked for.

Alderman Viles—I believe not substantially as they asked for; but it was the best the city could get. I am of the opinion that we should abate this nuisance, any way. This canal is about in the same condition that a man's house is when it is on fire—you would not stop to say what kind of water you would put on it. The city owns very much property in that vicinity which needs improvement. All of this money will not go out; much of it will come back. If it is not acted upon now, it will only come up every year hereafter to trouble future governments.

Alderman Robinson—As I understand by the remarks of the Alderman from Ward 21, the limit of the indebtedness this year is reduced by the valuation made last April, so that the indebtedness last year could be made to an amount of three per cent. of fifty or sixty millions of the reduced valuation this year, and that we cannot increase the indebtedness of the city this year by some million dollars. That is, that it goes down; that if we reduce the valuation next year, the percentage by which we can increase the debt of the city would be decreased in the same ratio.

Alderman Fitzgerald—The act is very specific. It excludes any debt contracted for water. It says the city may increase its indebtedness to an amount not exceeding two per cent. on its valuation, and if a city or town has already exceeded two per cent. it may increase its indebtedness one per cent. and no more. If we exhaust the additional one per cent. we must cease borrowing money for any purposes until we get down to two per cent.

Alderman Robinson—The Alderman did not understand me. Whether the increase is upon a sliding scale? Whether the limit is reduced by the reduction in the valuation?

Alderman Fitzgerald—The City Solicitor gives the amount on the valuation of 1874. If it were upon the valuation of today, then we would have exhausted the whole limit of our municipal indebtedness, and the city could borrow no more money.

Alderman Robinson—That is the point.

Alderman Fitzgerald—As I understand the opinion, if the Commercial-street and the other orders pass, which are upon the table of the Common Council, we cannot go beyond one million dollars. That includes this improvement also.

Alderman Thompson—I agree with the Alderman from Ward 6 that this nuisance should be abated, and if no better plan can be adopted than the one proposed, why I shall vote for that. But the objectionable feature in this plan is that the city will not know what it is going to cost. They propose to take a certain amount of land at the Assessors' valuation. Now, if the owners of this land are not satisfied to release it at this price, why it leaves the door open for suits against the city, and there is no knowing what may be the cost in the end. That is the objectionable feature of it. If the committee could agree with the abutters and owners as to what they should be paid, then I should agree to it. As I said before, I think this nuisance should be abated; but it has seemed to me that by diverting these sewers from this canal, whether or not that might not answer the purpose until the city or the committee could agree with the owners of this land, and then come in for an appropriation. If that has been tried, and nothing of that kind can be done, I shall vote for the order.

Alderman Viles—I would ask the Alderman from Charlestown if he thinks he could treat with the owners of property near the big nuisance in Charlestown.

Alderman Thompson—I think there would be no difficulty in purchasing it at all at very much less than the assessed valuation. I think the owners of property in that vicinity would be very glad to relinquish it for less than the assessed valuation, for this reason—that they see no prospect for relief. And I am very much surprised that the Committee on Health should not present a plan for the relief of a nuisance in one section of the city where they have suffered much longer than in any other section. If it were not for fear of being considered captious, I would move to have the report recommitted, to have it done, and have it acted upon by the Board. There is no reason why one section should be subjected to a nuisance any more than another. I do not see why there should not be relief for one section as well as the other.

Alderman Fitzgerald—Is there any absolute necessity for the passage of this order this evening? I must confess that I have not received that information from the committee, or from what I have heard, to enable me to vote intelligently upon this question this evening. The order was introduced here for the appropriation of a certain amount of money, and the argument was that it is a nuisance and therefore it should be abated. That is all. What the estimates are to be and what it will probably cost by and by the committee are not able to state. Now, I think we ought to have an estimate of the probable cost of this whole matter. The committee give their own estimates, and if the people go to law they do not know how much they will sue for, or how much they will take when they conclude to settle. The committee take the Assessors' valuation. I submit that in a matter like this, the shutting up of the wharves in the side of the canal, that these people would not be content with the valuation which the city is going to make, and that there should be some conference between the city and the owners on the canal before we pass the order. I doubt if this can be put in such a condition to relieve the city of the responsibility for twice the amount of money asked for in the order.

Alderman Viles—There is no way that the committee can get at the exact cost. We have given the cost of the land by its assessed valuation for the past two years; we have given the cost of filling the canal, from the figures of the City Engineer, the cost of the sea wall, and the cost of the intercepting sewer. It is impossible to treat with those men to find out what damages they will claim. It must be settled in the courts. I think that some of the land can be taken from some of the parties at its assessed valuation. I have no objections to its lying over another week, if the Alderman desires to look into it further.

Alderman Burham—I would ask the Alderman from Ward 21 if he is in possession of any information by which the committee can arrive at the probable cost of this matter. We have given the assessed valuation of the land; the City Engineer has made estimates of the cost of the filling; we have gone over the land, and listened to the statements of the owners of the land, and we have computed the city's interest in the matter, the city being the owner of large tracts of land adjoining the canal. We have gone all over this ground, and now the Alderman asks that it may lie over, that we may arrive at the probable expense. There must be some new avenue opened in order to arrive at further information upon this matter.

Alderman Fitzgerald—I would ask the chairman of the committee if in the hearings which have been given, he has asked the owners of the property on this canal if they will be satisfied with the assessed value of the land as assessed by the City Assessors; if they do not value the property and the privileges there higher than the assessed valuation.

Alderman Viles—They would give us no information as to what they would take. We had to use our own judgment.

Alderman Fitzgerald—The act provides, the committee say—

“For the settlement of all claims on account of taking the lands, first, by the appointment by the Supreme Court of three commissioners, who shall award and assess the value of the land at the time of taking and the amount of damage, if any; and, secondly, by an appeal from the decision of the commissioners to a trial by jury at the bar of the Supreme Court.”

Now, I submit that in this report of the committee we have nothing to guide us, save and except that the land is valued at so much.



That is all. We have no information as to any conversation between the owners of the land and the committee as to what they would be willing to take or the price which they set upon the land and the wharf privileges, which must be worth a great deal more than the intrinsic value of the land. There is nothing of the kind at all, and I venture to say that if we pass this order, the city of Boston cannot come out of this matter for double the amount named in the order. I say we have nothing to guide us. That is why I have asked the committee for some information in connection with that. There is no doubt that it is a nuisance, and that something must be done there. But if we are going to pass an order, we ought to know what we are voting for. If it is to cost \$600,000 we ought to know it. If it is to cost \$390,000, we ought to know that the amount named in the order will be something near the cost of taking the land and the wharf privileges from the owners, and filling up the canal. I submit that we have nothing in the report to guide us in that. I think it will be nearer seven or eight hundred thousand dollars than the sum named.

Alderman Viles—I would state in regard to the business on the canal that I saw but one party who is doing much there. There is one man, a Mr. Ham, who is doing quite a thriving business there.

Alderman Fitzgerald—Has any one of these owners fixed a value on his land?

Alderman Viles—I don't think they have. I think that one or two will settle on the basis of the assessed valuation.

Alderman Fitzgerald—Have the members of the committee asked any owner of land how much he would be willing to take for his property above its assessed valuation—if he has set a value upon it?

Alderman Viles—No, they have not.

Alderman Fitzgerald—Then the committee cannot give us any information at all about the probable valuation of this property except by the Assessors' valuation?

Alderman Viles—Is n't that the best valuation we can get—the judgment of the sworn Assessors?

Alderman Fitzgerald—The chairman will remember that the city offered to settle with some parties down near the wharf some years ago—I forget the corporation—and they had a margin of so much above the assessed valuation; but they went to a jury in the Supreme Court and got double the amount. I don't want the city to offer fifteen thousand dollars for property, when a jury in the Supreme Court would give thirty thousand. I think this committee ought to be able to report what these persons would probably be willing to take for their land, and not oblige us to offer so much on the assessed value of the property, and then be obliged to go into court and defend all these cases. I think the nuisance ought to be abated, but I think we ought to have some further information about the amount of money it will cost. If there is no great hurry in this matter, I should like to have it lie over until next Monday.

Alderman Viles—I have no objection.

Alderman Robinson—I should like the committee to see the different parties and ascertain the amount of money that they would take, so that the Board can act understandingly upon the matter.

Alderman O'Brien—I feel that it would be an impossibility at the present time to come to any arrangement with the parties who own property in that locality. If the Aldermen are convinced that it is a nuisance—and I feel assured that they are all convinced that it is an unmitigated nuisance—I think that they will have to take the responsibility, and let the commissioners of the courts fix the compensation for the damages. I believe that is the only way that it will be done, and that is all the responsibility that we will have to take in the matter. However, I don't think there is any hurry about it, and it is just as well that the matter should be postponed for another week.

Alderman Burnham—I am perfectly willing that the matter should lie upon the table, and no doubt it is proper that we should do so; but if gentlemen around this Board suppose that the members of this committee have had any means of arriving at the cost that are not open to any one they are mistaken. I cannot see how any valuable information upon the matter of mitigating this nuisance can be had unless we can go to the owners and bring bonds signifying that they will sell the land

for so much money, or an agreement taken from the parties that in case the city seizes the land they will settle with the city for the amount that they signify in the agreement. Now there is not a man at this Board who believes that the committee can do anything of that kind. It seems to me that putting off this matter will only consume time, and that our object will not be gained.

Alderman Thompson—While we are upon this subject I would like to inquire of the committee if they have any plan in view for the relief of the nuisance in the northerly part of the city at the Mill Pond?

Alderman Burnham—As a member of the committee I may say that the committee have under consideration all matters that have been referred to them, and that it is the intention of the committee, to give every matter referred to them due consideration, including the matter referred to by the Alderman opposite.

Alderman Robinson—I don't believe there is a single member of the Board but is in favor of abating the nuisance at the Roxbury Canal; but as I understand the Alderman from Ward 21, and my own feeling in the matter, some efforts should be made, before we involve the city in lawsuits, to ascertain the cost of abating this nuisance. It has been the practice of the Alderman on my right, in another department, to ascertain something near the cost to the city, and to try to obtain some sort of bonds, as my friend from South Boston states, showing how much it will cost to make the improvements projected in petitions coming before this Board. I understand that that is about all that is meant by the Alderman from the Twenty-first Ward, and as my friend from South Boston says that the committee cannot probably ascertain how much those individuals will sell their land and wharf privileges for, it would seem to convey the impression that it leaves it open for those persons to make some sort of speculation, when there are only one or two individuals that will have any property injured by it. If this is laid over for a week, I hope this committee will see if they cannot get some approximate estimate of the damages that the city will be subject to. I move as an amendment that the committee be requested to ascertain as far as they are able the probable cost of abating this nuisance.

Alderman Viles—I am afraid the committee will be about in the same condition that the Committee on Streets were when they came to settle with the Alderman from Ward 24, when the street was widened in front of his house.

Alderman O'Brien—One of the owners went before the Legislaturc and fought it before the committee, and he will fight it before this committee. I don't believe he will come to any terms with the city unless the city takes his property.

The matter was laid on the table.

#### CHARLESTOWN BOOK OF POSSESSIONS.

Alderman O'Brien submitted a report from the Committee on Printing, on petition of Richard Frothingham and others, recommending the passage of an order—That the Record Commissioners be authorized to have transcribed the Charlestown Book of Possessions, and to have the same printed, bound and distributed in the same manner as their first and second reports, at an expense not exceeding \$1000; to be charged to the appropriation for Printing. Read twice and passed. Sent down.

#### BILLS ALLOWED.

Alderman O'Brien offered the following:  
Ordered, That the Auditor of Accounts allow for payment the following-named bills, the said bills not having been presented at his office within three months of the date of contracting the same, as required by the 21st joint rule of the City Council, provided the same are duly certified and approved: John P. Barnard, for carriage hire, Committee on Public Buildings, chargeable to appropriation for Public Buildings, \$1900; W. P. Pierce, for carriage hire, Committee on Celebration July 4, 1877, chargeable to appropriation for Incidental Expenses, \$600. Read twice and passed. Sent down.

Ordered, That there be allowed and paid the sum of \$352.50 for making a phonographic report of the public hearings given by the joint special committee appointed to investigate the management of the Department of Common and Public Grounds; the said sum to be charged to the appropriation for Contingent Funds of Joint Committees of the City Council. Read twice and passed.

# BOARD OF ALDERMEN.

## PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Report and Order—That the Collector be and he hereby is authorized to cancel the bond numbering 2449, the amount of which is \$7264.00, and given by Henry R. Plimpton, for land on Dover and Albany streets, upon his surrendering the agreement received from the city to convey said land, and that the Superintendent of Public Lands be directed to issue a new agreement to the said Henry R. Plimpton, with all the conditions inserted as in the previous one, except that which relates to the time of building, upon his giving a bond in the sum of \$7409.28, made payable in eight annual instalments of \$926.16 each, with interest at six per cent., said bond and agreement to be dated Dec. 15, 1877. Order read twice and passed.

Ordered, That the tax for the year 1877, as assessed upon two lots of land on West Castle and Albion streets, as shown upon a plan drawn by Thomas W. Davis, City Surveyor, and dated March 23, 1873, which plan is deposited in the office of said City Surveyor, be remitted, the said lots having been forfeited to the city for breach of the conditions of sale. Read twice and passed.

## LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Ordered, That the license to keep an intelligence office at No. 61 Shawmut avenue, heretofore granted to Mary J. Carlton, be revoked for cause. Read twice and passed.

Victuallers Licensed—John Deshon, 390½ Commercial street; Edmund H. Swett, 890 Washington street.

Auctioneer Licensed—George V. Quigley, 659 Shawmut avenue.

Wagon Licenses Granted—F. L. Porter, 565 Washington street, after 8 P. M.; Ladensack & Burroughs, 24 Portland street; William Lowey, Drake's wharf; R. C. Harlow, 400 Broadway.

Pawnbroker Licensed—H. Tannerbaum, 2305 Washington street. Severally accepted.

## TECHNICAL EDUCATION.

Alderman Fitzgerald submitted the following:

The joint special committee to whom was referred the petition of Edward E. Hale *et al.* for the establishment by the city of a system of "Technical Education," having considered the subject, would respectfully recommend the adoption of the accompanying preamble and order, and that the matter be referred to the Committee on Finance for the purpose of providing the means:

Whereas, In the opinion of the City Council, it is expedient to establish an industrial school in this city, pursuant to the provisions of chapter 86 of the acts of 1872: it is therefore hereby

Ordered, That one such industrial school be established and placed under the superintendence of the School Committee, and that the sum of \$15,000 be especially appropriated for that purpose.

Referred to the Committee on Finance, on motion of Alderman Fitzgerald, who said the committee would be prepared to explain the meaning of the order when that committee make their report. Sent down.

## FANEUIL HALL.

Alderman Fitzgerald submitted a report from the Committee on Faneuil Hall in favor of granting the use of said hall to Benjamin Dean and others on Thursday evening, Dec. 6, 1877. Accepted.

## PROJECTING SIGNS.

Alderman Robinson submitted the following from the Committee on Police:

Reports that St. John's Workingmen's Club have leave to project a transparency from 1317 Tremont street; and that J. G. Brooks have leave to project a lantern from 2½ Pyncheon street, provided that they are severally secured in a manner satisfactory to the Inspector of Buildings. Severally accepted.

## PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Schedules of the cost of edgestones and brick sidewalks on sundry streets, with orders for the assessment and collection of the same. Orders read twice and passed.

Reports and orders for hearings on Monday, Dec. 24, on the petitions of the Middlesex Rail-

road Company, for tracks in South and Kneeland streets; and Metropolitan Railroad Company, for change of location on Washington street between Temple place and Summer street. Orders passed.

Order to establish the grade of A street easterly of Richards street at sixteen feet above mean low water. Read twice and passed.

Order, That the street leading from Gordon street to Starr street, Jamaica Plain, formerly known as Starr lane, be hereafter called and known as Everett street; and that the street leading from Gordon street to Keyes street, a part of which has heretofore been known as Starr street, and a part Union avenue, be hereafter called and known as "Call street." Read twice and passed.

Order to pay Rufus Estabrook \$1167, for grade damages to seven wooden buildings and 8400 feet of land on Johnson street. Read twice and passed.

## DEPUTY COLLECTORS.

A petition was received from the Deputy Collectors for an increase of pay.

The Chairman—Is it the pleasure of the Board to refer this petition to the Committee on Retrenchment.

Alderman Fitzgerald—That is a cutting down committee; they want to be cut up.

On motion of Alderman Fitzgerald, the petition was referred to the Joint Committee on Salaries. Sent down.

## STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted to occupy stables by Peter Field, on Boylston street, Ward 23; E. Hodge, Liverpool street; Joseph Hussey, on White avenue. Severally accepted.

## SEWERS.

Alderman Viles submitted a report from the Committee on Sewers of leave to withdraw on petition of D. N. Pickering, for sewer in Midland street, or Savin Hill avenue.

## DOVER-STREET BRIDGE.

Alderman Thompson offered an order—That there be allowed and paid to Alpheus M. Stetson the sum of \$650 in payment for a coal-run which was removed by the city during the rebuilding of Dover-street Bridge, and which was destroyed by fire while in the possession of the city; said sum to be charged to the appropriation for Bridges. Read twice and passed.

## STREET LIGHTS.

Alderman Thompson submitted the following:

The Committee on Lamps, to which was referred the accompanying petition of R. M. C. Graham and others, to lay gas mains and manufacture gas in the city of Boston, submit the following report:

Your committee have given such careful attention to the subject referred to them as the importance of the question demands. They have personally visited New York and the works of the Municipal Gas Company there, which is understood to manufacture its gas under a process and a patent like those proposed to be employed here. They do not profess to be experts in chemistry, or in the manipulations of the various materials used by different companies to produce gas of a good illuminative quality, but they have given to the various bearings of the subject such careful examination as enables them, in their opinion, to form an intelligent judgment on it.

There is no question that an article which at first was a luxury has now become almost a necessity in every household, and we hold it to be the duty of every municipal corporation to know that the gas distributed through the streets under its charge shall be of good quality, and sold at a price for public and private consumption which shall be fair and just.

It is fortunate that the merits of the whole case should have received so recently a full and exhaustive examination from the Gas Commissioners of the City of Boston, who spent more than a year and a half in the investigations from which they derived their conclusions; and it will be seen in the progress of this report how largely we are indebted to them for statements of facts, explanations of processes of manufacture, and the logical conclusions to which their examinations led.

As shown by their report there are substantially but three processes of gas making which have any considerable use. First—Coal gas, which furnishes the only illuminating gas for all the

great cities of Europe, and of Boston and Philadelphia in this country; second, petroleum or naphtha gas, in partial use in some towns and cities in the United States; third, water gas, in moderate use in half a dozen different processes in this country.

Neither of these processes has been substantially improved since its invention, although each has been simplified, and advantageous changes in the details of manufacture have been made.

Full descriptions of the comparative values of each of these forms of manufacture are to be found on pages 9 to 33, inclusive, of the commissioners' report.

The petition now before us for consideration is for permission to introduce a form of water gas now in use in the city of New York.

Of the character of this gas it is sufficient to say that its use was forbidden in the city of Paris on account of the large amount of carbonic oxide which it contained, which a scientific commission of eminent chemists reported that it would be dangerous to introduce, even by way of experiment.

By a law which passed the New Jersey Legislature at its last session, no gas is allowed to be sold in the State which contains more than two per cent. of carbonic oxide. In explanation of this it may be stated that carbonic oxide is a gas of so poisonous a character that one volume of it diffused through one hundred volumes of air renders the latter unfit to sustain life.

It is said by the commissioner to be a pure physiological poison producing death almost as readily when diluted as when pure.

We here subjoin an analysis of the gas furnished by the Municipal Company by Professor Heury Morton of the Stevens Institute of Technology, Hoboken, New York, a distinguished chemist, during the past summer.

Constituents.	Per cent. in volume.
Carbonic acid.....	.21
Oxygen.....	.14
Olefiant gas and like "illuminants".....	15.12
Benzine vapors and like "illuminants".....	1.13
Carbonic oxide.....	26.18
Hydrogen.....	27.29
Marsh gas.....	25.43
Nitrogen.....	4.45
	99.96

The amount of carbonic oxide here shown, viz., about twenty-six per cent., is, in my opinion, quite enough to render this gas very dangerous in view of the liability to leakage and escape which exists in its distribution and use. The amount of carbonic acid which this gas will develop in burning will also be about fifty per cent. more than that produced by ordinary coal gas.

Carbonic acid, as is well known, is fatal to life immediately if present to the extent of thirty per cent. in the air inhaled, and produces serious injury if present to the extent of even one or two per cent. in air which is inhaled for a long time.

"Carbonic oxide is, however, far more poisonous, and is stated to produce fatal effects when present even to the extent of three per cent. in the air inhaled; even very minute quantities producing severe symptoms of headache, giddiness, etc., in a short time."

Before considering specifically in detail what the petitioners desire, it is obvious that the establishment of such a manufacture must bring into employment additional capital upon which the gas consumers must pay interest. It is worth while to look for a moment at the price of gas as affected by the capital employed to manufacture and distribute it.

There is invested in the city of New York in gas capital and bonds the sum of \$20,750,000, or \$20.75 to each inhabitant on the basis of 1,000,000 population.

With recent proposed additions, Brooklyn will have invested a capital of \$11,845,000, or \$23.69 to each inhabitant, estimating the population at half a million.

In the large district supplied by the Boston companies, \$5,333,000 is invested, or \$15.24 to each inhabitant, on the basis of 350,000 population.

The practical result from this is that gas is sold to private consumers by every company but one in New York and Brooklyn at \$2.50 per 1000 cubic feet, while in Boston proper it has been for many years sold at a lower price than in either of those cities, and the price is now \$2.25 per 1000 cubic feet.

The general reasons for this result may be found in the masterly statement of John Stuart Mill, quoted in the hearing before the Board of

Aldermen in 1874, page 124, and in the Commissioners' report, pages 60 and 61.

"When, in any employment, the régime of independent small producers has either never been possible, or has been suspended, and the system of many work-people under one management has become fully established, from that time any further enlargement in the scale of production is generally an unqualified benefit. It is obvious, for example, how great an economy of labor would be obtained if London were to be supplied by a single gas or water company, instead of the existing plurality. While there are even as many as two, this implies double establishments of all sorts, when one only, with a small increase, could probably perform the whole operation equally well; double sets of machinery and works, when the whole of the gas or water required could generally be produced by one set only; even double sets of pipes, if the companies did not prevent this needless expense, by agreeing upon a division of the territory. Were there only one establishment, it could make lower charges consistently with obtaining the rate of profit now realized. It is, however, an error to suppose that prices are even permanently kept down by the competition of these companies. Where competitors are so few, they always end by agreeing not to compete. They may run a race of cheapness to ruin a new candidate, but as soon as he has established his footing they come to terms with him. When, therefore, a business of real public importance can only be carried on advantageously upon so large a scale as to render the liberty of competition almost illusory, it is an unthrifty dispensation of the public resources, that several costly sets of arrangements should be kept up for the purpose of rendering to the community this one service. It is much better to treat it at once as a public function; and if it be not such as the government itself could beneficially undertake, it should be made over entire to the company or association, which will perform it on the best terms for the public. In the case of railways, for example, no one can desire to see the enormous waste of capital and land (not to speak of increased nuisance) involved in the construction of a second railway to connect the same places already united by an existing one; while the two would not do the work better than it could be done by one, and, after a short time, would probably be amalgamated. Only one such line ought to be permitted; but the control over that line never ought to be parted with by the State, unless on a temporary concession, as in France; and the vested right which Parliament has allowed to be acquired by the existing companies, like all other proprietary rights which are opposed to public utility, is morally valid only as a claim to compensation."

In this connection we quote to the same point from the commissioners' report, page 61, as follows:

"In the early days of railroads in this country and England competition was regarded as a sovereign remedy for high rates of transportation; but the result has shown a vast waste of capital, and compelled the public to pay interest on the cost of many lines which should never have been built. In gas companies the result has been the same, wherever competition in the same district has been carried to its legitimate and necessary issue. But one line of main pipes was necessary to supply the public wants, and wherever two were laid, in some form or other the consumer must pay the cost upon the unnecessary expenditure. Such a competition has led to precisely the result which might have been expected, a combination of or compromise between the companies, and an increased rate of gas to the consumers to pay the interest on the unnecessary outlay of capital.

"While the public interest in the proper and economical management of gas companies is less in extent than that in the management of railroad corporations, it is precisely of the same nature. Both are and must remain monopolies. Both are liable to be conducted arbitrarily and in a manner to injure and abuse. The railroad corporations of this State have been always controlled by law, while the gas companies have been left to pursue their way unchecked and untrammelled; and it is due to their managers to say that, in most instances, they have not abused the license they have enjoyed."

The advantages which the petitioners offer are two—a nominally lower price for the gas for the street lamps, including the care of the lamps; and

a lower price for the gas used in the public buildings; with respect to the price to be charged to private consumers nothing is said in their proposals.

As regards the street lamps, they propose to use three-foot burners, as is done in New York, where the lamps are placed 100 feet apart.

In Boston, burners consuming not less than four feet per hour are used, and the lamps are 150 feet apart.

It will be seen, therefore, that to cover the same space which is now lighted by two lamps there must be, by the new plan, three lamps, the cost of which will be \$75 per annum.

The experience of the Lamp Department shows that this is a little more than it now costs in the city proper.

As regards the public buildings the quantity of gas used is so small as not to be worth considering.

Whatever saving there might be would be far more than offset by the injury to the streets and the inconvenience to the public.

The whole cost of gas for the public buildings, for the year ending May 1, 1877, was \$39,200.28. Of this sum \$24,378.62 was paid to the Boston Gas Light Company, for the gas furnished to the public buildings in the city proper.

At the price at which the petitioners propose to furnish gas the cost would have been but \$1500 less; and this saving is all the advantage which the city would derive from the grant of a perpetual right to a new corporation to break up the pavements and interrupt public travel whenever the necessities or convenience of the new corporation might require.

These are the considerations which are offered the city of Boston as reasons for the investment of further capital in the business, for the injury to be done to the streets, and for the erection of works, of the dangerous character of all works where naphtha is used.

In this connection we may quote advantageously some of the conclusions of the Gas Commissioners.

"I. That the citizens of Boston are being supplied by the Boston Gas Light Company with gas of excellent quality, and at a price, in comparison with the cost of coal and the quality of the gas, lower than in most of the cities of the United States. No fair comparison can be made in regard to price with European cities, on account of the great difference in the cost of labor and material, and the value of residuals.

"II. That there are other processes than those in use in the various companies in this city by which illuminating gas can be made, and for which great improvements in regard to cost and quality are claimed. At this present time, however, it would probably be impossible for a large gas company like the Boston Gas Light Company, to make use of any process for the manufacture of illuminating gas from naphtha or petroleum, without either paying a considerable royalty or becoming involved in lawsuits for the alleged infringement of some patent. It is, nevertheless, doubtful whether any of the patents for using petroleum or naphtha in gas-making are valid. We advise, most decidedly, against the admission of another private gas corporation within the limits of Boston to compete in the sale of gas with the existing companies, as being disadvantageous to the public generally."

In the course of our investigations we have visited the gas works in this city and the largest gas works in New York, as well as the Municipal Gas Company Works, and we find the works of the Boston Gas Light Company fully up to the standard of the best works which we have visited; and we believe that it is admitted by all gas engineers that their apparatus for experimental purposes is not surpassed by any in the country.

Your committee are of the opinion that it is not for the interest of the city to grant permission to another company to dig up its streets in order to try the experiment whether cheaper or better gas can be made from some other material than coal.

It is for the interest of every gas company to make its gas as cheaply as possible; and all experiments for this purpose may be safely left to the companies already established.

If the experiment succeeds, the new process or the new material is sure to be adopted by the watchful and intelligent managers of gas companies.

If it fails, no great harm will have been done. But if new works have been built and new mains have been laid in the streets to try an experiment which proves to be unsuccessful, the community is at once subjected to a heavy loss in addition to the inconvenience and ultimate loss which have been found to follow invariably from the acts of competing gas companies; no one has been benefited except the contractor for building the works.

Your committee, for the reasons herein set forth, recommend that the petitioners be granted leave to withdraw.

FRANCIS THOMPSON.

GEO. DUNBAR.

R. W. ROBINSON.

Committee on Lamps.

Laid on the table and ordered printed, on motion of Alderman Thompson.

#### LAND FORFEITED.

On motion of Alderman O'Brien, the order to declare forfeited certain land on Washington square, sold to F. F. Raymond, was taken from the table.

Alderman O'Brien—I have merely to add that Mr. Raymond has already paid \$3180 in instalments, and \$989.91 in interest. The amount due is \$7406. He has also placed upon the land an iron building that cost about \$1500. He proposes to surrender all that he has paid to the city if the city will take the land out of his hands. As I stated at the last meeting, he represents that he is too poor to hold the property. I understood him to say that he owns about a hundred thousand dollars in real estate in the city of Boston which is mortgaged for about seventy-five thousand dollars; and he says that if it was sold today it would not bring the value of the mortgages that are upon the property. If, however, any Alderman of the Board has any doubt as to the responsibility of Mr. Raymond, I have no objection to giving the city the benefit of the doubt; but I am satisfied that the result of it will be that the city will have to take possession of this property, if in doing so they break Mr. Raymond up. In relation to another matter, of which the Alderman from Charlestown spoke of at the last meeting, he said—

"I can only relate my own experience. Some two or three years ago, at the time this estate was purchased of the city, I purchased an estate there on ten annual instalments. I sold it within a few months after I purchased it, and the party who purchased it paid one of the instalments. Some months ago I was notified that no more instalments had been paid, and it had been a year since it left my hands. I don't think, under those circumstances, that I should be held responsible, when the parties are abundantly able to pay the second and third instalments."

The estate that the Alderman referred to, I did not know but that the members of the Board had been led to believe, had come before the Committee on Public Lands. That was not the case. Francis Thompson sold to Cressy & Hieyer, dated April 25, 1874, real estate in the city amounting to \$6883.66. On this instalments have been paid amounting to \$6845.63; interest has been paid amounting to \$1841.65; and on that piece of property there is nothing due until April, 1878. So far as that property is concerned the Alderman from Charlestown of course will rest in peace.

Alderman Thompson—Nevertheless, what I stated in regard to the transaction is strictly true. The instalments had not been paid for a long time, and I was called upon by Mr. Hall, the Superintendent of Public Lands, and in return I called upon him several times, urging upon him the importance of his making those collections. If there is any doubt about the matter, we can send for Mr. Hall, and he can relate his experience in regard to that transaction. It is a fact, I think, that one instalment remained unpaid for a year. Cressy & Noyes were the parties that bought.

Alderman O'Brien—This is official information from the Collector's Department.

The order was passed. Sent down.

Adjourned, on motion of Alderman O'Brien.



## CITY OF BOSTON.

## Proceedings of the Common Council,

DECEMBER 6, 1877.

Regular meeting at 7 o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions were referred in concurrence.

References to Committee on Finance—1. A request of Park Commissioners for an appropriation of \$3000 to carry on the work. 2. A report and order for establishment of one Industrial School, and that \$15,000 be appropriated therefor. Concurred.

Reference to Committee on Streets of a report of Street Commissioners that the cost of opening Sterling street to Tremont street, as shown on an accompanying plan, is estimated at \$62,500. Concurred.

Reports of leave to withdraw on petitions, viz., 1. Joachim Guerrini, for tax on an estate on Prince street to be refunded; 2. C. C. Brown *et al.*, for abatement of tax on estate 8 Bowdoin street; 3. Mrs. John McDonough, to be paid for personal injuries from a fall in Bowdoin square. Severally accepted in concurrence.

Reports, no action necessary on petitions, viz., 1. Michael Donovan, for restoration of title of estate sold for non-payment of taxes; 2. Nathan Matthews, for remission of a tax on property not in his possession. Severally accepted in concurrence.

Orders to declare forfeited a lot of land on Washington square of F. F. Raymond and to cancel bond. Read twice, and passed in concurrence.

Report and order to cancel bond of and issue new agreement to Henry R. Plimpton for land on Dover and Albany streets, as therein set forth. Order read twice and passed in concurrence.

Order to remit tax for 1877 on two forfeited lots of land on West Castle and Albion streets. Ordered to a second reading.

Order to employ temporary clerks on account of extra registration of voters. Ordered to a second reading.

Mr. Sampson of Ward 17—In connection with that order, I wish to state that there was an order passed here some weeks ago authorizing the Registrars of Voters to employ assistant registrars in the several wards, the expense to be charged to Incidental Expenses, which was illegal, as there are ample funds in the appropriations for the registration of voters, and I wish to offer the following order to rescind a portion of that order.

There being no objection, the President entertained the motion, and Mr. Sampson offered the following:

Ordered, That so much of the order in relation to the registration of voters, approved Nov. 21, 1877, as provides that the expense (\$2000) shall be charged to the appropriation for Incidental Expenses and Miscellaneous Claims be and the same hereby is rescinded, and it is herein provided that said expense be charged to the appropriation for Registration of Voters and Election Expenses.

The order was passed to a second reading.

Report and order to transcribe, print, bind and distribute the "Charlestown Book of Possessions," at a cost not to exceed \$1000. Order passed to a second reading.

Report and order for an additional expenditure of \$1000 for a tablet for Christ Church, Salem street. Passed to a second reading.

Order to allow \$352.50 for making a phonographic report of the public hearings in the investigation of the management of Common, etc. Read twice under a suspension of the rule, on motion of Mr. Ruffin of Ward 9, and passed in concurrence.

Order to pay city laborers on Wednesday, Nov. 28, instead of on Nov. 30.

Mr. Richardson of Ward 10 said he did not understand the order, which proposed to do something on a date which had passed. He did not know, but perhaps it might be intended to ratify something that had been done.

The President said the order was dated Nov. 26th, and probably it was intended to offer the order at that time.

Mr. McGaragle said the laborers had probably got their pay before this, and he moved that the order be indefinitely postponed. The President said the order had been passed by the other

branch in season to be of effect, but its final passage had been delayed by the recess of the Council.

Mr. Richardson said that it was absurd to pass an order to do something at a time which had passed.

The order was indefinitely postponed in non-concurrence.

Order to pay the bills of John P. Baruard of \$19, and W. P. Peirce \$6, for carriage hire, as therein set forth.

Mr. Crocker of Ward 9 said it was not a matter of much consequence at this time; but he wished to call attention to the rule requiring the names of persons who used carriages to be appended to the bills before the same shall be approved by the City Council.

The President said he was informed that the bills in question had the names of the parties appended to them in accordance with the rule.

Mr. Crocker read the rule, and contended that it required that the names of the parties should come before the City Council before the bill is approved. However, he did not intend to press the objection at this time; but he believed that the rules should be strictly followed.

Mr. Spenceley of Ward 19 said that if a man could not get a bill for carriage hire before the City Government within three months, he should be made to wait three months longer, and he moved to lay on the table, which motion prevailed.

## INVESTIGATION OF COMMON AND PUBLIC GROUNDS.

Mr. Ruffin of Ward 9 said he noticed by the orders that there were several debatable matters, and as they might have a long discussion he moved to suspend the rule, that he might introduce the report of the Joint Special Committee to Investigate the Management of the Department of Common and Public Grounds.

Mr. Flynn of Ward 13 supposed the report to be submitted would create some discussion, as much perhaps as any of the matters down in the orders. He had intended, at the proper time, to move the postponement of the order in relation to the widening of Commercial street, and he understood that the friends of the Stony Brook improvement intended to do the same. There would be no debate on those subjects. Other matters had been on hand for the past few weeks which should be attended to.

Mr. Ruffin said the committee did not expect to have any debate on the report of the special committee; but there are some suggestions which they wished to have referred to the proper committees, and the other matters in the report could lie upon the table until members have had time to discuss the report.

Mr. Howes of Ward 18 trusted that the rule would be suspended in order that the committee could make their report, for certainly a few of the members had waited long enough to hear what was the judgment of the committee. He should object to any discussion of the report to-night, and would move to lay it upon the table as soon as it is presented.

Mr. Flynn of Ward 13 said that he would withdraw his objection, with the understanding that the report should be laid upon the table as soon as the report is presented.

The rule was suspended.

Mr. Ruffin submitted the following report, which, on his motion, was laid upon the table:

The report (City Doc. 87) begins with a list of the public grounds of the city, with the area, location, etc., of each appended. It then continues—

The Committee on Common and Public Grounds have the care and custody of these; under the direction and control of the Committee on Common and Public Grounds, the Superintendent of Common and Public Grounds has the care and superintendence of the same; they have the entire direction and care, and all improvements or alterations, or repairs, which have been made in the above-named places, have been made by them or by their authority. The Common has been the pride of the citizens of Boston for many years, and is now, and justly, too; its pleasing variety of hill and dale, its gradual and easy rise from Boylston street to the hill crowned by the State House, its greensward, and, best of all, its grand old trees, make it a fitting adornment to our city. Situated as it is, in the very heart of the city, it is unlike the public parks of most other cities in this respect—it is easily and quickly reached; and in the summer season the fatigued and overheated

ed citizens, and that large number of persons who find it inconvenient or impossible to leave the city, can quit the hot pavements of our streets, and heated brick walls, and in a few minutes enjoy here the pure air, green grass and trees, and nearly all the usual sights and benefits that the country affords. But while this accessibility is a pleasure and a benefit to the citizens, it fails to be an advantage to the appearance of the Common or to the trees or the grass; on the contrary, it is a positive disadvantage. Pedestrians going from one section of the city to the other, for the purpose of business or pleasure, or as in many cases, to reach the railway depots, find it convenient to "cross the Common," and the paths and malls have become to all intents and purposes public highways, at certain hours of the day and evening, as crowded as Tremont row or Court street. The consequence of this is, the earth in these much-travelled paths and malls has become hardened to the extent of making it almost impervious to water, and the trees which fringe and shade these malls, whose roots run under them, get little moisture and nourishment through this hard-packed soil when a rainfall comes, the water running quickly off into the gutters and sewers. The effect of this is obvious—the trees do not thrive; in some instances they die; the asphalt which was put down in some of the paths and malls to save them has made the matter worse.

The Public Garden, from an ash heap within the memory of men now living, has become one of the most attractive spots in the country. Some travelled persons (witnesses before us) declare it to be the prettiest public garden on either side of the Atlantic; others affirm it to be *not* pretty, but insignificant and unworthy. It is a question of taste and opinion. From the whole testimony, it appears to answer the present purposes of the city and meet the wants of the average citizen. It has few or no expensive plants and shrubs and tropical flowers; but to replant it with the higher grade variety of evergreens and shrubs, alluded to by the last-mentioned class of persons, would cost a great deal of money,—more than can be afforded at the present time. It is estimated that to replant the Public Garden properly, with different and finer flowers and plants, would cost not less than \$50,000, and that it would require \$30,000 per annum to keep and maintain it. Under the present system it costs now in the neighborhood of \$20,000 per annum to carry it on. Whether the results obtained from this outlay are adequate was not made very clear by the evidence. The only comparison as to cost made was between the Public Garden and private estates. It is plain that this could be no true test.

Private estates in the country do not get the wear and tear which the Public Garden is subjected to; their walks and grass can be kept in order cheaper. Besides, the flowers used in the Public Garden are bought; those used in private estates were raised in greenhouses on the spot; and this brings us to the consideration of the question, whether it would be wise for the city to build a greenhouse. We are compelled to say, from the evidence, it would not be wise. In the first place, the city has no proper place to build three greenhouses,—it was shown that it would require three to raise 30,000 plants, the quantity used by the city,—and, secondly and more important, the kind and variety of plants used on the Public Garden are not worth being housed and cared for during the fall and winter months. It would be cheaper to give away or destroy the flowers after the first of November than to take them up and put them away in greenhouses.

The few expensive plants bought by the sub-committee on Common and Public Grounds (the rhododendrons and azaleas) were bought, in the usual course of business, from respectable business persons, and at no unreasonable price; the other cheaper variety of flowers used in the Garden were bought also by a sub-committee, and the price does not seem to have been exorbitant. The sub-committee purchase all the flowers for the city; they do it in their best judgment and discretion.

The rhododendrons might have been and ought to be, if they are to be used hereafter, imported directly by the city. It would be considerably cheaper. The contract made by the sub-committee with Galvin Brothers was a verbal one, and rather loose in its character. There was no advertisement made for bidders, although the committee did make inquiries among florists in the city as to prices. Nothing has been shown that the prices paid were not reasonable and fair; but

it does seem that there should have been greater scrutiny exercised by the committee in examining the flowers delivered to the city as to their quantity and quality. There was error on the part of the sub-committee in these respects.

The grading and improvements made around the Soldiers' Monument will be an ornament to the city; but no such extensive work and expenditure of money were contemplated by the Committee on Common and Public Grounds. The vote passed Aug. 28, 1877, at the meeting of the committee, from the evidence, we must admit, was *passed* as we find it recorded in the clerk's book, from memoranda made at the time—"that the Superintendent be authorized to have the necessary grading done near the grounds of the Army and Navy Monument." But, from the conversation and general discussion among the committee when the vote was passed, it would appear that no member had in his mind an expenditure larger than \$2500; and the impression seems to have prevailed among the majority of the committee that it would cost no more than \$400 or \$500. We are clearly of the opinion that, if the committee had understood that any such an amount would be spent as was spent, they would not have passed the vote.

It does not appear, however, that the Committee on the Army and Navy Monument, who made the request for this grading spoken of, or the Committee on Common and Public Grounds, had any very clear conception of the extent of the grading required, or the amount of money necessary to do it. It was during the latter part of August, and the Army and Navy Monument Committee were getting ready for the celebration on the 17th of September.

The necessity of more grading and work seems to have opened up as this work progressed and the day of celebration approached; the Superintendent, under the vote passed, felt authorized to do that which in his judgment was necessary to be done. It is in evidence that what was done was very well done, and, sooner or later, would have to be done. In our opinion, the committee erred in not seeing to it that no more money was expended than they intended should be expended. It did appear that some of the committee remonstrated when they learned the condition of things, but it seems that it was either too late—the 15th of September—or fruitless.

The city pays fifty cents per load for loam to be used in its public grounds, and a large number of loads are used annually; street sweepings, after they have lain one or two years, are said to be the best loam. From Jan. 1, 1877, to Oct. 26, 1877, it appears from the Superintendent of Health's statement [Mr. George W. Forristall] that we have gratuitously given away 36,511 loads of sweepings; this is done, and gladly done, because we have no place to deposit this large quantity. It turns out in the course of things, however, that a part of these very sweepings, when it has become suitable, is sometimes brought back by the city to be used on our Public Garden and public grounds. It is true the Superintendent of Health saves the best of these sweepings and sells them to the farmers; but the city ought not to be buyer of an article which she already has or can easily have.

The manner in which laborers are procured to work on the Common and Public Garden (through the "influence" or by the recommendation of members of the City Council) is an unqualified nuisance and wrong; it has grown up under our system of government, but it is bad in every particular—bad for the Alderman or Common Councilman who is put to the inconvenience of begging or demanding the situation sought for; bad for the laborer who gets and holds his situation only through the favor of the Alderman or Common Councilman; and bad for the city, who has to pay for the services of a person sometimes ill qualified for the work, to be changed in a few weeks for another still less qualified. Let it be abolished! The city needs in this department a permanent body of men, trained to the work.

The time will come, doubtless, when the Common and Public Garden will be under the custody and care of the Park Commissioners, and that time may not be very distant. When the extensive system of parks now contemplated shall be laid out and put into actual operation, it will be very much more convenient to have all the public pleasure grounds under the direction of one board of officers; at present the committee are not prepared to say that this change should be made, inasmuch as the present Park Commission (unpaid as the members are) was organized mainly for the

purpose of securing land and laying out parks not now in existence, and estimating and determining land damages sustained by persons whose property has been taken for this purpose, and it was not contemplated, at the time of the formation of the commission, that they should have the burden of the care of the Common and Public Grounds placed upon their shoulders. A more substantial reason, however, is found in this—in the opinion of the committee, under chapter 185, statutes of 1875, and the city charter, section 39, the commission have no legal right to the custody and care of the Common; nor can the City Council give them the right until the Legislature gives them the power.

The Committee on Common and Public Grounds, in their report submitted in the Common Council, Oct. 18, 1877, say that—

“The appropriation asked for by the committee early in the year was \$70,700. This was reduced by the City Council, on the recommendation of the Committee on Auditor’s Estimates, to \$65,100.

“No estimate, of course, was made by the committee, when asking for their appropriation, for work on the Army and Navy Monument grounds, as it was uncertain at that time when the monument would be completed.”

“Appropriation.....	\$65,100.00
Expenses up to Oct. 15.....	62,924.27
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Balance unexpended.....	\$2,175.73

“The committee estimate that, in addition to the balance unexpended, there will be required the sum of \$15,000, divided as follows:

“For material used in grading and putting in order the monument grounds.....	\$6,000.00
Teaming, tools, bulbs, etc.....	1,500.00
Labor and general expenses.....	7,500.00
<hr/>	
	\$15,000.00”

From the above it appears that the Committee on Common and Public Grounds have expended more money than the City Council appropriated for that department for this year. This was a serious mistake. The committee had no legal nor moral right to do it, and from any standpoint it was clearly and inexcusably wrong. The joint rules of the City Council require that—

“Whenever an expenditure is required for an object, or a purpose, not contemplated at the time the appropriation was made, the committee, board or officer having charge thereof shall furnish to the City Council a detailed statement in print of the expenditures already made, and the necessity for an additional appropriation; and no contract shall be made, nor expenditure authorized, in either case, unless provision for the same shall be made by special transfer from some of the appropriations contained in the general appropriation bill, or by loan.”

We have already adverted to the probable manner in which the Committee on Common and Public Grounds were led into the commission of this mistake; but it was no less a mistake, and a grave one, to say the least; the blunder was in passing the limitless vote they did, “that the Superintendent be authorized to have the necessary grading done near the grounds of the Army and Navy Monument.” Under this authorization it is fortunate that the deficiency in the appropriation is as small as it is. The only manner in which the expenditure of money could have been controlled under this vote, and kept within the bounds of the intention of the committee, was by a personal oversight, on the part of the committee, of the work being done.

If it be answered that this was impossible, or asking too much of the committee, the reply is, then, that they should not have passed such a vote. With the limited information which the committee possessed as to the amount of grading required, they may have thought it their duty to pass the vote; but, having passed it, they should have taken the precaution to protect the city’s interest by seeing to it that the amount expended did not exceed their intentions; and, when it became apparent that it would require a very much larger amount of money to complete the grading around the monument than was originally contemplated, the committee should have immediately reported the fact to the City Council, and asked for an additional appropriation.

At the request of the committee, the City Engineer made a survey of the work done around the Soldiers’ Monument, with a view of finding out the amount of material used in filling and grading. We append his report:

OFFICE OF CITY ENGINEER, )  
CITY HALL, BOSTON, Nov. 20, 1877. }

Estimate of amount of filling around Soldiers’ Monument, on Boston Common, as measured in place, eight hundred and thirty-five (835) cubic yards of stone; twenty-six hundred (2600) cubic yards of loam.

JOS. P. DAVIS,  
City Engineer.

To Alderman Hugh O’Brien, Chairman of Investigating Committee, etc.

The above-mentioned survey of the work done around the Soldiers’ Monument was made by the City Engineer about the middle of November, two months, or more, after the earth and gravel had been deposited there. In submitting this report the City Engineer, in a conversation, stated to the committee that when loose earth had lain any length of time, from rain and other causes, there would be a shrinkage of thirty-three per cent. He also said that there were found very many stones, large as a man’s head, at the bottom of the road-bed, and that gravel and stone-chips would get into the interstices between these large stones to an extent that would cause a shrinkage of fifteen per cent. Mr. Owen Nawn, contractor, who furnished loam, stone chips, and gravel, used around the Soldiers’ Monument, testified that he delivered 5635 loads of loam, and 950 loads of stone chips and gravel; also, that his carts measured twenty cubic feet, and that he received fifty cents per load for loam, and \$1.15 per load for stone chips and gravel, and for each load of gravel or loam delivered on the grounds about the monument he received a ticket.

George Coyle, according to his bill against the city, delivered 414 loads of loam, at fifty cents per load, and Martin Hayes, we find, delivered 494 loads of loam, at fifty cents per load. This, Mr. Galvin says, was all the material used around the monument for filling and grading. The following is submitted:

835 cubic yards of stone, equal to 22,545 cubic feet.  
950 loads of stone, at 20 cubic feet per load, equal to.....19,000 “ “

Difference equal to..... 3,545 “ “  
Equal to 177 loads.

835 cubic yards plus 15 per cent., equal to.....26,926 cubic feet.  
650 loads at 20 cubic feet per load, equal to.....19,000 “ “

6,926 “ “  
Equal to 346 loads.

Or 346 loads increase of stone, etc.  
2,600 cubic yards soil, equal to...70,200 cubic feet.  
Add 1/3 for shrinkage.....23,400 “ “

93,600 “ “  
6,543 loads soil, at 20 cubic feet per load, equal to...130,860 “ “

37,260 “ “  
Equal to 1,863 loads.

Or 1863 loads decrease of loam.

It appears, from the foregoing figures, that there is a difference between the City Engineer’s estimate and the tickets, in favor of the city, of 1863 loads of loam, and a difference in favor of the tickets of 346 loads of stone chips and gravel. Expressed in a money value, this difference is \$533.60 in favor of the city; that is, if the above calculation is correct, the city has paid, or will have to pay, \$533.60 for an article not delivered. In this connection it ought to be stated that the City Engineer also said that any survey that might be made would not be absolutely correct; that there is a wide margin, either way, for error; and we ought, also, to add that there is a prevailing impression that tip-carts do not hold twenty cubic feet.

The manner of conducting business in the meetings of the Committee on Common and Public Grounds was irregular; there was lack of parliamentary precision and decorum. This is to be condemned.

For some time the keeping of Franklin square, Blackstone square, Union park and Lowell square has been given out on contract, and the cost has been moderate. The committee would recommend that this practice be continued, and that hereafter a still greater number of the public squares be included in the contract work.

The committee are of the opinion that too many men have been employed in the Department of Common and Public Grounds. They recommend, for the future, a reduction of the force.

In relation to the elm trees in Chester square, the committee believe that it is impossible to



make them grow in that locality, because of the unfavorable character of the soil and the proximity of the poplar trees, with their thick and far-reaching network of roots.

The committee recommend the passage of the following ordinance, amendment to the joint rules, and resolution to amend the ordinance on parks, page 590, Statutes and Ordinances, by adding the following:

Be it ordained, etc., When trees, plants, shrubs, flowers or evergreens are required to be used on the Common and public grounds, exceeding in value \$500, the Committee on Common and Public Grounds shall advertise in two or more newspapers, during the autumn preceding the spring that they may be required, for sealed proposals for furnishing such trees, plants, shrubs, flowers or evergreens, describing, as particularly as may be, the quantity and quality, and the times and places of delivery. Such proposals shall be opened at the meeting of the Committee on Common and Public Grounds, and the contract shall be awarded to the lowest bidder.

Rule 5 of Joint Rules and Orders of the City Council is hereby amended by adding the following:

"And at all meetings of committees, the records of the previous meeting shall be read," so that it shall read, "The Joint Standing Committee shall cause the records of their proceedings to be kept in books provided for that purpose, and at all meetings of committees the records of the previous meeting shall be read."

Resolved, That a proper performance of the city work requires that the Superintendent of Common and Public Grounds should hire the laborers employed in his department, free from the interference or suggestion of members of the City Council. Respectfully submitted.

- HUGH O'BRIEN.
  - CLINTON VILES.
  - GEO. DUNBAR.
  - GEORGE L. RUFFIN.
  - NATHAN S. WILBUR.
  - ALFRED S. BROWN.
  - WILLIAM J. BURKE.
  - ROBERT VOSE, JR.
- Committee.

*Addenda.*

Appropriations and Expenditures for the Department of Common and Public Grounds for the following years, prepared at the request of Alderman O'Brien, Chairman of the Committee to Investigate the Department of Common and Public Grounds.

Year.	Original Appropriation.	Expended.
1868-69.....	\$44,167.00	\$60,671.54
1869-70.....	59,800.00	64,720.04
1870-71*.....	75,000.00	60,918.25
1871-72.....	87,850.00	77,946.87
1872-73.....	90,000.00	91,347.87
1873-74.....	80,000.00	90,120.94
1874-75†.....	115,700.00	94,413.23
1875-76.....	85,000.00	84,185.14
1876-77.....	75,450.00	89,129.55
1877-78.....	65,100.00	62,024.27 to Oct. 15.
Totals.....	\$778,067.00	\$776,377.70

\* 1870-71. Transferred to special appropriation for grading Madison square, \$12,000.

† 1874-75. Transferred to special appropriations, viz.: Tremont-street mall curb, \$10,000; fountain, Independence square, \$4000; and Commonwealth-avenue extension, \$3921.11.

ALFRED T. TURNER, Auditor.

[The evidence taken at the public hearings occupies over 250 pages.]

COMMERCIAL-STREET WIDENING AND STONY BROOK IMPROVEMENT.

The amended order for an appropriation of eight hundred thousand dollars for the widening of Commercial street was considered under unfinished business.

Mr. Flynn of Ward 13 moved that the further consideration of the subject be specially assigned to next Thursday evening at eight o'clock.

Mr. Pratt of Ward 21 inquired for what reason this order has been specially assigned night after night for several weeks past, and at this time, when there is a prospect of its going over for some time to come. There are but three or four meetings in which anything can be done this year, and he hoped with the large amount of business on the table it would be acted upon and not wait until the last moments of the year, when it would have to be hurried through.

Mr. Flynn of Ward 13—It is easy to see that the attendance is somewhat light, and I don't think the members are quite in the mood for discussing this matter tonight. But for one, I generally talk

out what I mean, and it was said in the Transcript a little while ago that this government was going on spending thousands of dollars, and using that as an argument against the reelection of Mr. Prince; and in order that they cannot have that to say of this branch, a majority of the members of which are Republicans, in going on and spending this money for the widening of Commercial street, I think it had better lie over until next Thursday, after the election.

Mr. Pratt—I am sorry the gentleman has been frightened at the articles in the Transcript, but I think it is time for the question to be taken up and decided. I am not anxious to have the question debated this evening, but it looks a little mysterious for the gentleman from Ward 13 to have this matter specially assigned week after week, and when the time comes to which it has been specially assigned he moves a further assignment. It looks particularly mysterious when there is another matter of importance before us which should be adopted this year, and it is apparently kept along awaiting for Commercial street to be acted upon, and in the mind of the gentleman from Ward 13 there appears to be some connection between Commercial street and Stony Brook, which I fail to comprehend; and as the gentleman has announced, apparently with authority, that the Stony Brook matter was to be postponed, I thought I would ask this explanation. I hope some of these important matters upon our programme will be acted upon and not kept along and be crowded through without proper debate at the end of the year. Even if the Commercial-street matter is not passed and will have to go over to another year, I hope it will not force other important matters to lie over, as has been intimated.

Mr. Flynn—I only want to say that as a friend of Commercial street and Stony Brook, I would not advise the friends of Commercial street or Stony Brook to force either matter tonight, because if they do they will be defeated. That is the reason I asked for the assignment.

The order in regard to Commercial street was specially assigned for consideration on next Thursday evening at eight o'clock.

The order for a loan for the improvement of Stony Brook and for a joint special committee to take charge of the work, was laid on the table, on motion of Mr. Coe of Ward 23.

REFRESHMENT BILLS.

The preamble and order for copies to be submitted in print of all bills for refreshment and carriage hire incurred from Jan. 1, 1877, to the present time, was considered under unfinished business, the question being on ordering the yeas and nays on solving the doubt on the question of including all such bills up to Jan. 1 next, which the President had declared rejected.

Mr. Flynn of Ward 13—It appears to me that we have gone far enough in this matter this year, and I don't believe that any member of the Council cares to go any farther, and I move that the order be indefinitely postponed.

Mr. Pratt of Ward 21—I don't know why the matter should be indefinitely postponed. It is true, as the gentleman has said, that a great deal has been said about the refreshment bills this year; it is true that extravagant statements have been made outside in regard to the amount of junketing alleged to have been done by the members of the present City Council; and where there is so much smoke there evidently must be some fire at the bottom of it, and the public thinks there is some reason for it. Although I should doubt the expediency of passing the order without some amendment, yet I hope this matter will not be indefinitely postponed without some action by the City Council. It has been stated by a member of the City Council that the expenses for refreshment and carriage hire have been steadily on the decrease for the past ten years, and figures from the Auditor's office have been produced for the purpose of showing that fact. Those figures were taken from the fiscal years, and they show that from 1869-70, which appears to be the most extravagant year in the history of riding and drinking by the City Council, there has been a constant decrease in such expenditures until this year. The figures produced for 1876-77 include about two months of the present calendar year; therefore, so far as they affect the present City Council favorably or adversely, they mislead. Now, I do not oppose the indefinite postponement of this order for the pur-

pose of parading before the public any unseemly details; but because I think the matter can be better disposed of than by an indefinite postponement. I have taken the pains to examine into the accounts for this year, to see whether this City Council has eaten and drunk and ridden less, and while I find that it has not been the most extravagant City Council, I do find that such expenses are about one-third more than they were for either of the three preceding years. I obtained from the Auditor's office the expenditures for 1875-76 and 1877 from September to March inclusive, in the calendar years, which do not include the amounts paid for the Board of Aldermen and the entertainment of the city's guests, or the special appropriations for the entertainment of other guests, which I shall mention in detail.

Mr. Pratt read the following statement, though omitting some of the details, saying that he would have them all reported:

*Bills for Refreshment and Carriage Hire.*

Expenditures for refreshments and carriage hire of the City Governments of 1875, 1876 and 1877 for the drafts from March to September, inclusive, in each year.

This does not include amounts paid for board or entertainment of the city's guests.

Prepared at the request of Councilman Charles E. Pratt.

Years.	Refreshments.	Carriage Hire.	Excursions of City Government and Committees.....	Special Entertainments—Expenses of Committees of Government not included under head of City Government.	Boards Controlling Departments.....	Totals.
1875.....	\$7,476.00	\$2,812.88	\$798.30	\$920.00	\$38.00	\$14,112.30
1876.....	5,208.51	2,079.95	729.79	2,035.70	281.50	12,943.84
1877.....	9,174.81	2,525.03	1,109.02	1,328.40	162.00	16,672.67
Totals...	\$21,949.32	\$7,417.86	\$2,637.11	\$4,284.10	\$541.50	\$43,728.81

Auditor's Office, Nov. 12, 1877.

*Board of Aldermen.*

Expenditures on account of refreshments and carriage hire for the first nine months of the following years.

	Refreshments.	Carriage Hire.	Totals.
1875.....	\$1,244.20	\$420.00	\$1,664.20
1876.....	1,024.73	348.35	1,373.08
1877.....	1,858.70	423.15	2,281.85

Auditor's Office, Oct. 25, 1877.

Mr. Pratt continued—These statements do not include the excursions down the harbor this year, or the expense of the Army and Navy Monument Committee, or the expense of the entertainment at the Hotel Brunswick, which was more than a "simple repast," and cost the city more than \$4200.00. I simply produced them for the purpose of showing, in an accurate manner, what the true state of the question is this year, namely, that the expenses for refreshment and carriage hire, taking the calendar months, are largely in excess of the four preceding years, and more than one-third greater than either of the three preceding years. I hope this order will not be indefinitely postponed, but that some gentlemen will have an opportunity of discussing it; and as I did not have the opportunity to be present when the gentleman from Ward 3 offered the order, and of hearing his statement, I should like to hear something more in regard to it before having it banished from us.

The President—The motion to indefinitely postpone is not in order at this time, the question being on ordering the yeas and nays on solving the doubt.

Mr. Flynn of Ward 13—Then I would move that the whole matter be laid upon the table.

Mr. Crocker of Ward 9—Would not that motion be out of order at the present time?

The President—The Chair thinks it would not be in order at the present time.

Mr. Flynn of Ward 13—I would ask whether, other business having intervened, a motion to lay upon the table is not in order?

The President—The Chair thinks not.

Mr. Flynn—Then may I ask when would be the proper time to make such a motion?

The President—After the disposal of the yeas and nays.

Mr. McGaragle of Ward 8—Suppose the Council ordered the yeas and nays, would n't it be in order to lay it on the table?

The President—Not until the Council has disposed of the original motion for the amendment.

Mr. Flynn of Ward 13—Now I will make a motion to adjourn. I do this for the purpose of testing this question.

Mr. Thompson of Ward 9—I hope that motion will not be—

Mr. Flynn of Ward 13—I call the gentleman to order.

The motion to adjourn was put, and the President was in doubt.

Mr. Thompson called for the yeas and nays, which were ordered on solving the doubt. The roll was called with the following result:

Yeas—Messrs. Burke, Cannon, Dee, J. J. Flynn, Hiscock, Kelley (Ward 6), Kelley (Ward 3), Kidney, McClusky, O'Donnell, Roach—11.

Nays—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Clarke, Coe, Crocker, Danforth, Day, Doberty, Duggan, Felt, D. A. Flynn, Fraser, Ham, Hibbard, Howes, Jackson, McDonald, McGaragle, Morrill, Mowry, Nugent, Pearl, Perham, O. H. Pierce, Pope, Pratt, Reed, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Sampson, Smardon, Spenceley, Stone, Thompson, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—49.

Absent or not voting—Messrs. Cox, Cross, Fagan, Fernald, Loughlin, Mullane, O'Connor, J. H. Pierce, Shepard, Sibley, Souther.

The motion to adjourn was lost.

The yeas and nays were ordered on solving the doubt on the original amendment to include all bills between Jan. 1, 1877, and Jan. 1, 1878.

Mr. Flynn of Ward 13—Will a motion to lay on the table be in order now?

The President—No, sir; the question was upon ordering the yeas to solve the doubt, the Chair having decided the amendment rejected.

Mr. Flynn—Does the Chair rule that the motion to lay on the table is not in order?

The President—The gentleman rose in his place and doubted the vote on the amendment, and the Chair wishes to solve that doubt.

Mr. Flynn—My point now is whether I can make a motion to lay upon the table.

The President—The Chair thinks not.

Mr. Richardson—It strikes me that pending the solving of the doubt the motion to lay upon the table was not in order; but the solving of the doubt has been disposed of, and now it seems to me that the motion of the gentleman from Ward 13 is in order.

Mr. Thompson of Ward 9 read rule 63 to show that no motion or debate of any kind was in order until after the doubt had been solved.

The question on the amendment was put; on the first trial a quorum did not vote.

Mr. McGaragle of Ward 8 moved that the roll be called to ascertain if a quorum was present.

The Council refused to order a call of the roll.

The amendment was lost by a division—8 for, 48 against.

On motion of Mr. Flynn of Ward 13, the preamble and order were laid upon the table.

Near the close of the session, on motion of Mr. Barnard of Ward 24, the preamble and order were taken from the table and indefinitely postponed.

#### SALARIES FOR MEMBERS OF CITY GOVERNMENT.

Orders to ask the General Court for acts providing that the Aldermen shall be elected for not less than three years, devote their whole time to the city, perform the duties of commissioners, and be paid a salary; and that the members of the Common Council shall be elected for like time, and also be paid a salary. Rejected.

Also, an ordinance to provide for the payment of members of the City Council, for expenses incurred by them in the performance of their official duties. (Printed City Doc. No. 94.)

On motion of Mr. Thompson of Ward 9 the ordinance was specially assigned for consideration at half-past eight o'clock next Thursday evening.

#### SMALLPOX HOSPITAL.

Mr. Sampson of Ward 17 moved to reconsider the vote of reference to a special committee of the report and order for an expenditure of an additional sum of \$6500 in the erection of a new smallpox hospital, etc.; \$2256.36 to be transferred from the appropriation for Board of Health, and the balance to be charged to appropriation for Smallpox Hospital.

Mr. Sampson—My reason for moving the reconsideration is that the amount asked for is absolutely required to finish the present building. When this matter was before the Finance Committee the only parties who can be investigated were investigated there, and the Finance Committee made a report reflecting upon the Board of Health as strongly as any investigating committee can; and as the facts are well known, it is entirely unnecessary for any investigating committee to be appointed. The Board of Health have not exceeded their appropriation. It will require six thousand dollars more to finish the building, and in order that the Council may understand the question I would ask the President to read the report of the Finance Committee.

The President read the report recommending a transfer for the additional appropriation, and styling the action of the Board of Health in exceeding their appropriation as highly reprehensible.

Mr. Sampson—I suppose no one will doubt but that the Board of Health are to blame in this matter; but there is no need of an investigation. We have a smallpox hospital there nearly completed, and the city is under contract with contractors to complete that work, and it will cost some money to suspend that work, for the city will of course be liable for damages. Everybody can see that. Every one who was here three years ago knows the facts relating to the establishment of the smallpox hospital. The institution was formerly located at the Marcella-street building, now occupied as a truant school, and an order was introduced to establish a smallpox hospital at an expense of twenty-nine thousand dollars. That order was preliminary to another one offered here for an appropriation of twenty-five thousand dollars. The appropriation was made, but was not used until the present year. The Board of Health were not able to find a suitable lot of land until last summer. They have now purchased a lot in the rear of Canterbury street, and have gone on and constructed a building in a plain and simple manner. The land cost \$9000, and the cost of the building was estimated by the City Architect to be \$14,000. At the time the matter was submitted to him last July, he told the Board of

Health that it would take him some six weeks to make his plans and specifications, and probably it would require two weeks longer to advertise and get proposals for the contract. The board were very desirous of getting the building done before cold weather set in, to avoid sending patients to Gallop's Island in the winter season. They urged the Architect to bring in his plans earlier, but he told them it would be impossible with the work he had on hand; and he advised them to go ahead and get in the foundation for the cellar, and they did so, and since then everything has been and will be done by contract. There seems to be no occasion for further delay. Smallpox patients are now sent to Gallop's Island, and with the rigors of winter upon us it seems to me it would be a hardship to send them there during the winter. I hope the reconsideration will prevail, and that the money asked for will be appropriated.

Mr. Pratt of Ward 21—Since this matter was last before the Council I have taken the pains to go out to Canterbury street and examine the site of the building and the building itself, and also to look over the accounts of the Board of Health in relation to it; and the investigation has been such as to satisfy my mind that the Board of Health have not exceeded their appropriation, and that they have not exceeded any fair expenditures that might have been made for the purpose for which the building is intended. I must differ with the gentleman from Ward 17 in respect to the amount of censure due to the Board of Health. I find that the nature of the contracts made is such that they do not involve any further liability from what has already been incurred, and that they have funds in hand to meet all the bills which have been contracted for. I find the circumstances to be about this: A long time ago—I need not state again what the gentleman from Ward 17 has so well explained—there was an appropriation of \$29,000 for the purpose of establishing a smallpox hospital; and in 1875 the City Council instructed the Board of Health to use \$25,000 of that in building a hospital in some place where they could locate it. They had, therefore, to begin with, an appropriation of \$25,000. As the gentleman stated, they have gone ahead and expended of that amount \$9000 for  $4\frac{1}{4}$  acres of land, and \$830 for extending the water pipes to the premises, which left \$15,170 for grading the land, digging the cellar, for clearing off the scrub forest standing on most of the land, fencing the lot, and erecting suitable buildings for a hospital and stable, which seems to me to be not a very large sum with which to do that. When every bill is paid, the expenditures up to the present time will not exceed \$24,600; that statement is given to me officially, and the larger part of it confirmed by reference to the book—that is to say, \$23,600 have already been used of the amount they had to start with—and there are other bills to come in which will bring it up to about \$24,600. Beyond that no liability has been incurred, and the contracts made are not such as to render the city liable for any sum on account of them. I shall not go into the details of the contracts unless requested. Now, the City Council had appropriated \$29,000 as the sum deemed sufficient for establishing a smallpox hospital; and \$25,000 were given to the Board of Health for that purpose, and they now ask for the balance of that sum and \$2300 more. Now, sir, hospitals do not spring up out of the ground. This hospital is 150 feet in length, and is calculated to accommodate seventy-five patients; and in cases of great emergency a great many more. It has been built upon the plainest plan, in a good location, is isolated from other dwellings, has good drainage and exposure to the sun; all the surroundings are adapted for convalescents, and nothing has been put upon it for luxury. It has been built in a substantial manner, with a good stable for the ambulances that may be required in cases of epidemic. The land has only been graded sufficiently to furnish a driveway for the teams. There is a plain, picket fence; [to Mr. Felt] the house has no lightning rods, and everything about the building is aimed to make it appropriate for the purposes to which it is to be dedicated. Under that state of facts, I do not see why we should stop the work. The Board of Health have discharged all the laborers not necessary to take care of the premises; they have incurred no liability that will involve the city beyond the appropriation; they have erected a building

that will be a credit to the city, and in case the smallpox should break out in cold weather, as it is liable to do at any time, it will furnish a place where patients can be carried. When the smallpox was here before, Mr. Justice Colt was taken with it, and without mincing matters, he requested to be carried to the hospital. Members of the City Council may have to be carried there. The exposure incident to taking patients to Gallop's Island is dangerous, and a hospital on the main land is needed. Under the existing facts, I think any man who looks at the matter impartially will say that this ought not to be referred to any special investigating committee, but that the additional money ought to be cheerfully granted.

Mr. Wilbur of Ward 20—Since this matter has been before the City Council I have taken some pains to go out to this building. I found that it covered nearly 7000 feet of land, and was plainly and substantially built, and I don't know that I can say anything more than what has already been said, except to corroborate what has been stated. A great many things which might have been added, but which would have increased the expense, have been left off, and so far as the cost is concerned it has seemed to me to reflect credit upon either the committee in charge of the erection of the work, or the architect; and I must say I was very much surprised when I examined the building. I cannot see where any money has been misspent; on the contrary I think it has been judiciously spent, and I cannot see any necessity for an investigation. All the bills are open for examination, and any judge of such work would say it is a substantial, plain and appropriate building; that its location and surroundings are a credit to the management of those who have so far carried it through. I hope there will be no delay; and it seems to me this additional appropriation should be added, so that they can go on, and have the building ready for occupancy as soon as possible.

Mr. Stone of Ward 3—I don't know that anybody doubts that the building is substantially built; the only question was whether the work should be done by the day. The architect testified that the original estimate was for \$14,000 for the building, and the land costing \$9000, left \$1000 for the stable, which was ample. They ask for \$6300 more. Now, why was all this work done by the day which should have been done by contract. A few weeks ago a committee asked for an additional appropriation, and there has been an investigation, to which no one objected.

Mr. Thompson of Ward 9—I would call the gentleman's attention to the fact that the Committee on Common exceeded their appropriation before coming to the City Council for additional money.

Mr. Stone—And because this is a commission which is a pet hobby of some gentlemen we must keep our hands off. I believe in having this investigated, and if everything is all right it will do no harm to the Board of Health. They have gone on till they exceeded their appropriation of \$25,000. The same gentleman who testified before the committee testified last spring that \$350,000 would complete the high school, including the heating apparatus; and the other day he said he did n't think the building could be completed with that. I would like to ask the gentleman from Ward 21 if the carpenter work was done by the day?

Mr. Pratt—The gentleman from Ward 17 stated the circumstances under which the work on this hospital was begun. First, plans were asked for, and it was found that some time would be required to complete them, and it was found necessary to expedite business in order to complete the hospital before cold weather, and the Board of Health unanimously concluded it was better to go ahead and complete it by the day, and avoid a delay of six or eight weeks. The work has been done by the day under the oversight and superintendence of the Board of Health, who employ Mr. Weatherspoon to overlook the work and buy materials where he can make arrangements; and an arrangement was made with ex-Alderman Sayward to do the masonry. Mr. Sayward has no contract except to set men to work and keep them there until the job is done. He has engaged to keep the men there to do the work, and he is to charge the regular market rates for their labor: he has done so, and has no other percentage than the usual percentage on the wages on his men.

Mr. McGaragle of Ward 8—The gentleman men-

tions ex-Alderman Sayward as in charge of the carpenter work. I understand that he is a mason.

Mr. Sampson—I have a communication from the City Architect saying that the exterior walls and digging the cellar were done by Mr. Sayward by the day, and that all the interior work is done by contract.

Mr. Pratt—I inadvertently made a change in the names. Mr. Weatherspoon had charge of the wood work and Mr. Sayward of the mason work. I don't think there is any special contract work.

Mr. Sampson—I only know what I have read in this communication from the City Architect. He says—

"The work was commenced by the day instead of by contract, in order to save the delay that would be caused in preparing plans and specifications, and for advertising (saving about six weeks), this was considered important. The plastering, the painting and glazing and the plumbing were estimated upon and contracted for. Also all of the work for the interior finishing of the main building is to be contracted for."

Mr. McGaragle—Unfortunately for me I know something about building smallpox hospitals, and when the gentleman intimates that they do not grow up like mushrooms, I call to mind one built on Swett street in 1872 covering a good deal more land than the present one, which was commenced and completed in five days. Be that as it may, I don't propose to oppose this appropriation, for I think it is better to go on and finish the work. But I don't approve of the system of doing the work by the Board of Health. They have never advertised for proposals and given the work out by contract. If I understand it correctly, this hospital will cost from seven to ten thousand dollars more than was estimated for. I have not seen the buildings, but I am very sure I would be glad to take the contract for a good deal less than the price stated as required to finish it. The two smallpox hospitals built in 1872, and destroyed by fire, were 140 feet long by thirty wide, resting on pile foundations, were two stories high, pitch roof, well shingled, with a large number of windows on both sides and ends, with ventilation underneath—very large and substantially built structures, and with the laundry, smoking and other rooms, cost the city but \$14,200.

Mr. Pratt—Was that to be a permanent building, finished suitably for winter year in and year out?

Mr. McGaragle—One was intended to be a permanent building, but was destroyed by fire. The other was a single-story building, suitable for an emergency, and cost \$9000. As I understand, they have been paying masons \$3.75 a day. It may be very well. There is no man I should be more willing to trust to do the work satisfactorily to all concerned than ex-Alderman Sayward. If that gentleman has done the mason work I guess the city wont suffer.

Mr. Thompson of Ward 9—We can reconsider this vote and pass the appropriation, and then appoint a committee on investigation. Facts enough have been stated to show that there is a strong difference of opinion between the members of the City Government. My own idea is that the duties of the City Council should be purely critical. Let all the departments see that the City Council will frequently examine their accounts and be jealous of their privileges, and I think it will tend to bring about economy in the management of the details of the city business. I know nothing about the facts of this case, and from the statements made I cannot see that there is evidence of anything wrong in the action of the Board of Health. Yet the Finance Committee think that they did wrong, and are deserving of censure; and the gentleman who made the motion for an investigation brings in the action for another individual as a reason for the investigation.

Mr. Richardson of Ward 11—I am not opposed to the appointment of investigating committees in any case where they can be of any good; but I must say that in this case I can see no cause for an investigating committee. When this matter came before the Finance Committee, they constituted themselves an investigating committee and sent for the architect and Board of Health. From the information derived from those who came before them, and from other sources, the Finance Committee thought they were fully justified in granting the appropriation, although the building has cost somewhat more than was first estimated, the details of which have been presented by other

members, and it is not necessary for me to do so. In view of all the facts before the Council, I don't think an investigating committee will develop any new light or facts, and I do not see any cause for the appointment of such a committee.

Mr. Coe of Ward 23—There are two or three things in regard to this matter that we should bear in mind. The gentleman from Ward 21 has spoken of an appropriation of \$29,000 which the Board of Health were to have for the erection of this building. There is danger of the Council being misled, because that was a balance of an old appropriation, out of which the City Government allowed them \$25,000; and so far as the Board of Health are concerned, they did not know but that \$25,000 would be all that they would have; in fact, the member of the Board of Health who came before the Finance Committee did not know that there was an appropriation of \$29,000. The Board of Health went to work with an appropriation of \$25,000; they bought land at an expense of \$9000, leaving \$16,000, which was all they were to have, so far as they knew; and yet they laid out work for a building costing forty per cent. more money than they had to operate with. I contend that they had no right to go ahead in this way; that the report of the Finance Committee is correct, and that it was reprehensible for the Board of Health to do so. It seems to me the idea of the gentleman from Ward 9 is right. I shall vote to reconsider, and pass the order, and then vote for an investigating committee. If I was a member of the Board of Health I should favor it, for if they are not to blame, the investigation will be doing them a kindness. The gentleman from Ward 21 has spoken of the Board of Health as not exceeding their appropriation. As I understand it, the Department of Common and Squares had not exceeded their appropriation. They had spent all their money and asked for more; we allowed them the money and appointed the investigating committee. I don't see why the whole truth should not come out in the case before us.

Mr. Pratt—The Committee on Common had incurred liabilities which required us to pass orders for money in addition to what they had. The Board of Health have not incurred liabilities that will have to be met hereafter and require us to put an appropriation at their disposal to do so. But I wish to answer in a few words what the gentleman from Ward 23 has suggested, which very much depresses the tone of his censure when properly understood. We are not asked to make a new appropriation. The board have had in their hands certain funds for the preservation of the public health; they had specially set apart \$25,000 for a smallpox hospital; they had in their hands a balance of \$4000 more than that which had been originally set apart for the purpose of erecting a smallpox hospital, and they ask for that. In other words, the City Council of 1875 tried to get up a smallpox hospital for less than the amount appropriated. Now the Board come and say that was not enough; but you ought to give us the whole appropriation, namely, \$29,000. The Board of Health have in their hands sufficient funds to transfer \$6300 for this purpose, and the question is not on making a new appropriation. I do not object to an investigating committee. I think I should vote for one if anybody desires it. I think it is well to investigate where there is any serious charge against any department of the City Government. As has been suggested by two or three gentlemen, I think it would be well to reconsider the reference, pass the order, and allow the building to be completed; and then investigate the matter. Since I made my statement before, one or two facts have been called to my recollection in regard to the work. The carpenter work, under the direction of Mr. Weatherspoon, has been done by the day; the carpenters have been employed at \$1.75 a day, which I think is a small enough sum. I understand that the materials have been bought at the lowest possible rate in the market, and the only interest Mr. Weatherspoon has is his \$5 a day for superintendence. The gentleman from Ward 8 has given a sufficient guarantee for Mr. Sayward. The expense of bringing the water pipes a long distance was \$830, and should be taken out of these figures, because it is simply transferring the money from one pocket of the city to another. I am still of the opinion that the Board of Health is not entitled to any censure in the matter, and I have formed that

opinion by an actual inspection of the site of the buildings and of the accounts. If any gentlemen have different opinions, I hope the committee will be appointed.

Mr. Mowry of Ward 11—It seems to me it would be politic to reconsider this matter for the purpose of passing the appropriations. I think the Board of Health are to be commended for ceasing operations and asking for an appropriation before finishing this smallpox hospital. It seems to me that the additional appropriation is needed, because some changes were made in the plans, and on account of the large expense of introducing the water pipes. With all these facts, it seems politic to pass the appropriation, and I move the previous question.

The President said the motion was not necessary, the time for discussion on the reconsideration having expired.

The reconsideration prevailed and the question came on the passage of the order appointing the investigating committee.

Mr. Clarke of Ward 22—In arguing this matter, gentlemen have lost sight of the power of the Board of Health. By the act of the Legislature, on page 385, the city of Boston is "authorized to erect, under the direction of the Board of Health and Inspector of Buildings, any wooden building within the city"; and on the next page it says that when diseases dangerous to the public health break out at any time, the Board of Health shall immediately provide such a hospital for the sick and afflicted as they judge best for the accommodation of the inhabitants. The city is authorized to erect the building, and the Board of Health are to direct where it shall be erected; and therefore I don't see that they have exceeded the powers that the statute gives them. If they have erected a suitable building for the purpose, we are bound to pay the expense, no matter what it may cost. Further than that, in case any infectious diseases should break out in Boston at this time, they have a right to take any dwelling house for a hospital in any portion of the city. Consequently, it is their duty to provide this hospital, and it seems to me this building should be finished before the weather gets more inclement than it is, because, under the present state of things, they will be obliged to take patients down to Gallop's Island, which would be dangerous in winter, or else they would be obliged to put the city to the expense of seizing some private house.

Mr. Barry of Ward 22—There is one fact to which I wish to call attention. I don't know exactly what the powers of the Board of Health are, but I know that if the rumor is true that they have paid \$3.75 a day for masons it is \$1.50 a day more than the market rate. I hope the appropriation will be made to complete this building, as it has got so far along; but I trust that the investigation will take place. I hope it will be understood if men can come to the city and get work to do at their own prices.

Mr. Thompson of Ward 9—The gentleman from Ward 22 [Mr. Clarke] has raised the point that the Board of Health have the right to force the city to erect such a building. I apprehend that a proper reading of the law will show that that is not the case. That power is to be exercised only in case of a sudden breaking out of the disease. This is a case where they are acting as the agent of the city to carry out an appropriation made by the City Council. The city made them the agent, and they have no right to exceed the appropriation. To use a common expression, they should have cut their coat according to the cloth; but they have endeavored to cut an English walking suit out of the cloth for a coat. I think that either the Board of Health or their official adviser is to blame. I suggest an amendment, that the appropriation be made, and then a special committee be appointed to investigate the course taken by the Board of Health in erecting this building. I prefer that Mr. Stone should put the amendment in shape, and for the purpose of allowing him to do so I will give him the floor.

Mr. Stone—I move as a substitute that the special committee consist of five members of this branch with such as the Aldermen may join.

Mr. Crocker of Ward 9—The question now is upon referring it to a special committee to report back. I think the better way is to reject the motion to refer, pass the appropriation, and then I should be willing to have the rule suspended to allow a motion for an investigating committee.

Mr. Thompson—I hope the gentleman from Ward 3 will withdraw the motion to refer, allow us to vote directly upon the appropriation, and then renew the motion for an investigation.

Mr. Stone—If there is no objection, I withdraw the motion, so that the vote may be taken on the appropriation, although I see no occasion for passing the appropriation, as the architect told the Board of Health to go ahead and he would shoulder the responsibility. If he wants to shoulder the responsibility, he ought to provide the means.

The order for the transfer was ordered to a second reading and laid over under the rules.

On motion of Mr. Stone, the rule was suspended and he moved to appoint a special committee of five, with such as the Aldermen may join, to make an investigation.

On motion of Mr. Howes of Ward 18, the motion was amended so as to require them to report within two weeks, and as amended, passed.

The President added Messrs. McGaragle of Ward 8 and Spenceley of Ward 19 to the original committee, which consisted of Messrs. Stone of Ward 3, Reed of Ward 17, and Barnard of Ward 24. Sent up.

On motion of Mr. Sampson, the rule was suspended and the order for the transfer was passed in concurrence—yeas 62, nays 1; Mr. Stone of Ward 3 voting nay.

#### AUDITOR'S EXHIBIT.

The Auditor's Exhibit for Dec. 1 was received. Sent down.

Total appropriations, \$14,000,405.72; expended, \$8,482,032.51.

#### PETITION REFERRED.

Petition of T. O. Nichols for compensation for damage to a wagon by defect in Putnam street. Referred to Committee on Claims. Sent up.

Mr. Clarke of Ward 22 presented the petition of James L. Symonds for cancellation of an agreement in relation to land on Chapman street. Referred to Committee on Public Lands. Sent up.

#### EMPLOYES ON FIRE BOAT.

Mr. Spenceley of Ward 19 submitted a report from the Joint Committee on Fire Department on the order in relation to the pay and rations of the crew of the fire boat, recommending the passage of the following as a substitute for the original order:

Ordered, That the pay of the officers and men employed in the service of the Fire Department be and it is hereby increased the sum of \$100 each per annum, said increase to take effect from the beginning of the present year.

Mr. Spenceley—At the beginning of the year a reduction was not only made in the pay of the men, but the rations allowed them were taken from them. Last year they were allowed \$105 a month for rations on board the fire boat, equal to \$1260 a year. Last year the captain of the fire boat received \$1368.75, and he has been reduced to \$1250. The mate was paid \$1186.25, and was reduced to \$1000. The engineman was reduced from \$1368.75 to \$1200, and the assistant engineman from \$1186.25 to \$1100, making a reduction in their pay of \$560, and a reduction in pay and rations of \$1820. The committee went over this matter thoroughly, and they unanimously reported that the pay should be increased for the year. The men have to take most of their meals on the boat, and the only vacation they have is one day off in the month, the same as the men on the land force have. The cut-down is \$1800, and we propose to raise them \$1700.

Mr. Richardson of Ward 10—This order is to increase the salaries from the commencement of the year. On another order, involving the same principle, I had occasion to submit it would be an extremely unwise and impolitic measure, in fact nothing more than a salary grab on a small scale. If established in one department, the precedent must be followed, to be consistent, if consistency is one of the jewels in the diadem of the gentleman from that ward. There must be other reasons stated before I can vote for this order. The question of salaries was investigated at length early in the year; the salaries were fixed, and the men accepted the offices at those salaries. They were not obliged to take the offices; if they could make more money or find more agreeable service, they were at liberty to go elsewhere. The principle involved in a measure of this kind is bad, and will lead to most disastrous consequences if carried out.

Mr. Spenceley—I only wish this City Council had the right to establish the pay of lawyers as they do firemen. I don't think the gentleman has looked at this matter fairly and squarely. The order was put in early in the year [May 21], and

has been lying in the committee. If it had been acted upon then it would not have gone back so far. But now it is so long, it is said to be a bad precedent to establish. In New York, where there is a boat doing the same duty that this one does, they have thirteen men where we have seven. The captain receives \$1500, the foreman (which we do not have) \$1300; pilot, \$1200; engineman, \$1300; assistant engineman, \$1200; engineer, \$1200; and fireman, \$1200. The New York men have three hours a day to themselves, and one day in each week, and the Boston men have to answer more boxes than they do in New York.

Mr. Howes—What time do the men on the fire boat have?

Mr. Spenceley—One day in fourteen, I understand.

Mr. Howes—Is the gentleman sure of that? I understand from good authority that it is different. Whether the gentleman knows it to be a fact, or whether he is assuming that to be the case.

Mr. Spenceley—The commissioners put them on the same footing as the land department, only they do not allow them three hours a day.

Mr. Howes—I thought that was about as much as the gentleman knew about it. The men have twenty-two hours a week, instead of one day in fourteen. I think the order a good one, that might be passed with propriety, except that it should take effect from its passage. If the order has been long before the committee it is the fault of the committee, and gentlemen on the committee should have taken some account of it. I move to amend so that it shall take effect on its passage.

Mr. McGaragle of Ward 18—I hope the amendment will not prevail. I don't think the fireman should suffer from the negligence of the committee. Early in the year I introduced an order in regard to a uniform for the commissioners, but nothing has been heard from it. The firemen certainly earn and they will receive even with the additional \$100. It is clearly the fault of the committee that they are suffering.

Mr. Spenceley—The committee have been waiting for the Ordinance Committee on that matter. We cannot report a uniform until we have an ordinance. I have asked them to report several times. In this matter, I want the gentleman from Ward 18 to understand that it is not the fault of the Chairman on the part of the Council. I cannot call meetings of the committee, or keep them together when they meet.

Mr. Burke of Ward 2—I had the honor to offer the original order. As a member of the Committee on Fire Department it came to my knowledge that the reduction was to be made. I opposed it in the committee. I consider it a greater reduction, in proportion to salary paid, than has been made in any other department. I am confident the Retrenchment Committee, after investigating the case, would never have made any such reduction. I stated to the chairman of the commission that some reduction should be made, but I thought this one too large. I know that men employed in the same work by private corporations get more pay, and have only nine or ten hours' duty a day; many receive \$125 a month and are found. The engineer of the J. P. Bradlee gets \$120 a month and is found; the engineers on the East Boston ferries get the same; and these men have a great deal less duty than those on the fire boat do. My reason for offering the order was to have justice done to the men.

Mr. Richardson of Ward 10—The duties of a fireman are referred to as hard, but if these positions were vacant tomorrow would there not be ten applicants for every position?

Mr. Burke—That same question was put to me, and I told Mr. Chamberlin that I believed men quite as competent to take his position would do so at a much less salary than he receives. I don't think it is a fair question.

Mr. Thompson—That is not my object. Because the gentleman from Ward 18 favors the order is not conclusive reason for passing it. On one side we have the opinion of the commissioners, and on the other that of the committee. I am inclined to defer to the decision of the committee, but I want time to consider it.

The President—The order will lie over.

Mr. Thompson withdrew the motion to table.

Mr. Thompson of Ward 9 moved to lay on the table, in order to give time to consider the subject.

Mr. Howes—I hope that motion will not prevail. I favor paying the men from the passage of the

order, and it might as well pass now as at any other time. If we go on postponing action it will look as if we are trying to keep the men out of their pay for a week or ten days at least.

Mr. Howes's amendment was adopted by a division—24 for, 20 against.

Mr. Richardson of Ward 10 called attention to the recommendation of the Retrenchment Committee, that the fire boat be abolished. He had as keen a sense of justice as any one, but the interests of the city were to be consulted as well as those of the firemen. Such an appropriation would be a charity; it is not the fulfilment of a contract.

Mr. Thompson made a comparison of the salaries paid similar officers on the J. P. Bradlee, saying that unless it was shown that the service was greater he would vote against the order.

Mr. Howes said the city fixed the pay and prescribed the duty. The Retrenchment Committee recommended the abolition of the boat because many boxes responded to by the fire boat are responded to by wheel vehicles. So long as the boat remains it responds to the alarms, and waiting for the alarms is a part of the work of the men on the boat. The men do not take their positions by contract; they are appointed for life or good behavior. The captain of the Bradlee makes two trips to the island each day, and takes his meals and spends his evenings at home; the fire-boat men are on board all night, whether needed or not. They are in anticipation of work. It may be that they are doing nothing; but a distinguished poet has said that they also stand and work who stand and wait.

Mr. Richardson of Ward 10 begged leave to correct the gentleman. The poet said—

"They also serve who only  
Stand and wait—"

Mr. Howes—Serve then. The men are doing the same work and getting smaller pay than others.

Mr. Burke said the men on the Bradlee had several hours every day. Living on the fire boat is not so agreeable as in the engine houses, with no room to stand up. The land employes take their meals at home; the fire-boat men do not, and cannot board so cheaply. It is customary to pay such men so much a month and found, and General Rockwell established the fireboat on that basis.

Mr. Thompson drew a comparison between the salaries paid these men and the salaries paid in the navy for the same work, and he contended that the salaries paid bordered on extravagance.

Mr. Spenceley contended that the men on the fireboat did much more duty than the others referred to. He advocated this as purely a matter of justice.

Mr. McGaragle moved to adjourn. Lost.

On motion of Mr. Beeching, the main question was ordered.

The order was declared passed to a second reading.

Mr. Thompson doubted the vote and called for the yeas and nays, which were not ordered.

The order was passed to a second reading—23 for, 9 against—and laid over.

#### COMPENSATION.

Mr. Spenceley submitted a report from the Committee on Fire Department with an order—That there be allowed and paid, under the provisions of section 5, chapter 262 of the acts of the year 1850, to Charles Brooks, formerly a member of the Fire Department, as indemnity for corporal injuries sustained in the discharge of his duty, the sum of \$300; to be charged to the appropriation for Fire Department. Ordered to a second reading.

#### BRIGHTON HIGH SCHOOL.

Mr. Spenceley submitted a report from the Committee on Public Buildings, that they have arranged for the removal of the ledge in front of the Brighton High School building, with the Paving Committee, for the stone it will furnish; but they have not enough means to provide for further grading, and on account of the lateness of the season they recommend its reference to the next City Government. Accepted and referred accordingly. Sent up.

#### CLAIMS.

Mr. Sampson submitted a report of leave to withdraw from Committee on Claims on petition of Ellen G. Fraser to be compensated for personal injuries on Whitney street. Accepted. Sent up.

#### SOUP FOR THE POOR.

Mr. Fraser of Ward 6 offered an order—That the Board of Aldermen be, and they are hereby authorized to provide soup for the worthy poor during the winter months, at an expense not to exceed \$4800.

Mr. Sampson said no provision was made for paying the money.

On motion of Mr. Fraser the order was referred to the Finance Committee. Sent up.

#### WEST ROXBURY BRANCH LIBRARY.

Mr. Brown of Ward 23 offered an order—That the Trustees of the Public Library be authorized to cause to be printed an account of the proceedings at the dedication of the Jamaica Plain Branch Library on Dec. 5, 1877; the expense to be charged to the appropriation for Printing.

On motion of Mr. Crocker the order was referred to the Committee on Printing. Sent up.

#### ROLL CALL.

Mr. Fraser moved to suspend the rule so that the order for a tablet on Christ Church might be passed, and Mr. Thompson asked if a quorum was present.

On motion of Mr. Crocker the roll was called, with the following result:

Present—Messrs. Barnard, Barry, Beeching, Brintnall, Brown, Burke, Clarke, Coe, Cox, Crocker, Danforth, Dee, Doherty, D. A. Flynn, Fraser, Ham, Hibbard, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClusky, McGaragle, Morrill, Mowry, Nugent, Pearl, Perham, O. H. Pierce, Pratt, Reed, J. B. Richardson, M. W. Richardson, Ruffin, Sampson, Smardon, Spenceley, Stone, Thompson, Upham, Vose, Warren, Wilbur, Wolcott—46.

Absent—Messrs. Blanchard, Blodgett, Cannon, Cross, Day, Duggan, Fagan, Felt, Fernald, J. J. Flynn, Hiscock, Loughlin, McDonald, Mullane, O'Connor, O'Donnell, J. H. Pierce, Pope, Roach, Roberts, Shepard, Sibley, Souther, Thorndike, E. R. Webster, G. B. Webster—26.

#### CONDITION OF SCHOOLHOUSES.

Mr. Coe of Ward 23 offered an order—That the Inspector of Buildings be requested to report to the City Council whether or not the public schoolhouses in this city are provided with sufficient facilities for egress in case of fire or accident, and also whether the heating apparatus in said buildings is properly protected.

Mr. Coe—I offer the order for the purpose of saying a few words with reference to our schoolhouses. It will be remembered that the School Committee have sent one or two communications here with reference to the change in the heating apparatus of the Brimmer School. Those orders have been indefinitely postponed, and I notice that the School Committee have appointed a committee of investigation. I wish to say a word in reference to the reason the change was made. Some time in June, I think, the Committee on Public Instruction went to East Boston to inspect the Adams Schoolhouse, to which our attention had been called by the School Committee. They were accompanied by the Superintendent of Public Buildings, the Inspector of Buildings, and the City Architect. They examined the building, and an order was passed by the City Council for what was necessary to be done. While over there our attention was called to the Brimmer Schoolhouse; they told us that something needed to be done to that building, and the committee went there and examined it. They found a schoolhouse, four stories in height, with rooms for the accommodation of something more than 800 children; they found narrow staircases, 3½ feet in width, on which were hooks for the children to hang their clothing on in winter. They also examined the heating apparatus, and, being reinforced by the judgment of the experts, they decided that the furnaces were not in good condition for the safety of the children; and therefore an order was introduced by the Committee on Public Instruction, and passed, for the change to be made by the Committee on Public Buildings. I suppose that the City Council technically violated the law. I was not cognizant of the provisions of the law at that time, which are, that—

"Whenever, in the judgment of the School Committee, a new building or an addition to or alteration of a building is needed for school purposes, of an estimated cost of over one thousand dollars, they shall make a statement in writing to the City Council of the necessity of the proposed building, addition or alteration; and no contract

for the purchase or lease of land, or for the erection, purchase or lease of any building, or for any addition to or alteration of any building for school purposes, shall be authorized by the City Council until such statement has been made, nor until the locality and plans for the same have been approved by the School Committee, or by a sub-committee thereof, duly authorized to approve the same."

I presume this provision of the law escaped the attention of the Committees on Public Instruction and Public Buildings. But it seems to me that the School Board make altogether too much of a handle of this, especially as the fact is that when the furnaces were taken out, the wood was found to be so badly charred that, in the opinion of experts, a fire would have taken place had they remained there this winter. I wish to call the attention of the Council particularly to this point. It seems to me that the School Committee are carrying this matter too far. If they are responsible for the condition of the schoolhouses, certainly they are censurable for permitting the furnaces to remain in that condition. Now, we can imagine what the state of affairs would be in case of a fire in that schoolhouse, with those narrow staircases, made still narrower by the hooks loaded with the clothing of the children. In case of a panic, those clothes would have been knocked off the hooks, and it would be impossible for the children to go down stairs without falling. I introduced this order because I think the attention of the City Council should be called to the schoolhouses, although I would not cause any alarm in the public mind. The committee visited another schoolhouse, and found the same hooks and narrow staircases, storm doors not two feet in width, and four stairways exposed to fire. Now, in reference to the care of these schoolhouses, the janitors should be persons of experience in such matters. We found the Adams Schoolhouse in charge of a janitor entirely unfit for the position. The lower part of the building was in an exceedingly filthy condition; near the furnace doors the plastering had fallen from the laths, and in the openings were stuffed newspapers for kindling the fires. Those janitors should be looked after. The School Committee employ them, and if they employ janitors who are unfit for their places they should be held responsible for them. There was a fire in the Webster Schoolhouse lately, and I understand that when the janitor went away, he left the furnace doors closed, and it got so hot that the building was set on fire. I think it would be well to refer this matter to the Committee on Survey and Inspection of Buildings, who can ascertain what facts in relation to the subject are on file in the Inspector's office.

Mr. Wolcott of Ward 11—As a member of the

Committee on Public Instruction, I concur very heartily in everything that the gentleman on my right has said. The committee spent the greater part of one day visiting two or three schoolhouses which the Inspector of Buildings pronounced more faulty and dangerous than the others. The gentleman has described some of the defects we discovered. I have heard it said that when the old heating apparatus in the Brimmer Schoolhouse was removed, the woodwork was found to be in such a condition that it could be crumbled in the hand. The Inspector freely stated that, in his opinion, the schoolhouses were very faulty in their original construction and present condition; and as the responsibility in case of a fire would certainly rest to a great extent upon the committee of which the gentleman from Ward 23 and myself are members, I should be glad to have an investigation made, as thorough as possible. I also wish to say a word in regard to the reception of the vote of the School Committee asking by what authority this change was made in the heating apparatus. Although it was at first somewhat curtly worded, perhaps, I for one do not feel that it was intended in any improper spirit. I apprehend that the committee did technically commit a breach of the law in recommending an extensive change in the City Council without first submitting the subject to the School Committee for their approval. That regulation seems to me to be a very proper one, as great confusion might be caused by the City Council making large repairs which should first have the approval of the School Committee. In this case the change made was not only judicious, but absolutely necessary. However, the query in regard to it was proper enough, I think, and certainly the committee will be careful in the future to give no cause for such complaints. I hope the order will pass, as I think the Committee on Public Instruction have reason to fear that other schoolhouses, if not so bad as this, are at least in a condition which calls for a careful inspection and some changes.

Mr. Spenceley moved to adjourn. Lost.

The order was passed. Sent up.

#### PARKS.

Mr. Mowry of Ward 11 moved to take from the table the order to consider the expediency of placing the Department of Common, etc., in charge of the Park Commissioners.

Mr. Ham thought it hardly fair to take it up while the mover [Mr. Pierce of Ward 24] was absent.

Mr. Mowry said he merely wanted to move its reference to the Special Committee on Parks.

Adjourned on motion of Mr. Fraser of Ward 6.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

DECEMBER 6, 1877.

Regular meeting at 4 o'clock P. M., his Honor the Mayor presiding.

## EXECUTIVE NOMINATIONS.

Weigher of Coal—Jos. Kennedy. Confirmed.  
Police Officers without pay—H. B. Williams, William P. Cowin, Benjamin Luscombe. Confirmed.

Inspector and Weigher of Hay—William Lincoln. Confirmed.

## PETITIONS REFERRED.

*To the Committee on Lamps.* Charles Holmes *et al.*, that lamps be placed in Sydney street, Ward 24; William H. Homan *et al.*, for a street lamp in Dell avenue, South Boston.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables as follows: Metropolitan Railroad Company, new wooden, ten additional horses, Draper street; Maurice Curry, new wooden, one horse, Gold street; O. Blybeven, old wooden shed, one horse, Bills Court; E. M. Stiemle, new wooden, seven horses, Parker street; John C. O'Callahan, new wooden, one horse, Columbia street.

*To the Committee on Paving.* Petition for brick sidewalk in front of estate of Mary C. Carlton on Yarmouth street.

R. W. Ames *et al.*, for grade damages on Ruggles street; Reuben S. Hobart *et al.*, for the removal of a tree and stone posts in front of 27 Ash street, Ward 12; H. G. Burgess, for a plank sidewalk on Bailey street; Abbott Lawrence *et al.*, for a brick sidewalk at southeast corner of East Canton street and Harrison avenue.

Petitions for leave to move wooden buildings by William R. Cavanagh from Adams street to Shelton street, Ward 24; and by John Cavanagh, from St. James avenue to Exeter street.

Michael Daley and other laborers in the Paving Department, to be allowed compensation for service on Thanksgiving Day.

*To the Committee on Harbor on the part of the Board.* James Brown, for leave to take gravel from Great Head in the town of Winthrop.

*To the Committee on Common on the part of the Board.* Catherine Kelleher, for removal of a tree from 246 Cabot street.

## SOUTH BOSTON RAILROAD.

A petition was received from the South Boston Railroad for leave to unite in a southerly direction by curved tracks and suitable connections the tracks at the foot of Broadway with the tracks in Dorchester avenue, and these tracks by suitable connections and tracks curving in a westerly direction toward Dover-street Bridge with a double track to be laid in Fourth street, extending from said curved tracks to and over Dover-street Bridge, and through Dover street to and across Albany street; in Dover street between Albany street and Harrison avenue, to lay a track additional to the one now located there, and to remove said track so as to centralize the double track in Dover street between Albany street and Harrison avenue; to connect the westerly of said tracks in Dover street by a track easterly therefrom, and uniting by suitable connection with the track in Harrison avenue; to connect the easterly of said tracks in Dover street between Albany street and Harrison avenue with the track in Dover street, between Harrison avenue and Washington street, by a track to be laid extending across Harrison avenue; to connect the track in Dover street by suitable connections and a curve extending from said track easterly with the track in Washington street; also for leave to enter upon and to use with its horses and cars the specified new tracks and the tracks of the Metropolitan Railroad in Dorchester avenue, in Dover street, and in Washington street between Dover and Summer streets, and in Harrison avenue between Beach and Dover streets, so that a route for the street cars of this company via Dover-street Bridge and the South End can be established for the public use and convenience; also for leave to enter upon and use as aforesaid the tracks of the Metropolitan Railroad Company recently laid in Milk, Congress, State and New Washington streets, connecting with the track of this company in Milk

street and the other tracks of the Metropolitan company in New Washington street.  
Referred to Committee on Paving.

## PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.  
Auditor's exhibit for Dec. 1, 1877. (City Document 95.) Placed on file.

Report of reference to next City Council of the subject of the improvement of the grounds and walks in the yard of the Brighton High School. Concurred.

Report of leave to withdraw on petition of Ellen G. Fraser to be paid for personal injuries received in Whitney street. Accepted in concurrence.

Order for printing the account of the proceedings at the dedication of the Jamaica Plain Branch Library. Referred to the Committee on Printing in concurrence.

Order to appropriate \$4800 to provide soup for the worthy poor this winter. Referred to the Committee on Finance in concurrence.

## SMALLPOX HOSPITAL.

An order came up for a special committee (Messrs. Stone, Reed, Fernald, McGaragle and Spenceley to be joined) to examine and report why the expenditure for the smallpox hospital exceeded the appropriation therefor.

The order was passed in concurrence.

Alderman Viles—While I do not believe there is any need of any investigation,—for I believe that everything is square and above board in that department,—still I am in favor of having the committee appointed, and I think the commissioner's rather court the investigation if anything.

The Mayor appointed Aldermen Fitzgerald, O'Brien and Viles on said committee.

Alderman Fitzgerald—I have been on so many mousing committees that I think I have done my share of that business. I should much prefer that somebody else would be appointed, because I think I have been on my share of investigating committees. I have served a good apprenticeship at investigating, and I hope somebody else will be appointed on this one.

Alderman O'Brien—The Aldermen will find on their desks a volume of two hundred and fifty-odd pages of an investigation on which I have been for some weeks past, which has occupied a great deal of my time, and if your Honor could make it convenient to appoint some other Alderman upon this committee I should hope you will do so.

Alderman Viles—Your honor will also notice that I was on the committee to investigate the Committee on Common and Squares, and as I am also very closely connected with the Health Department, I should like to be excused.

Alderman Clark—I move a reconsideration of the vote concurring with the Common Council in the passage of the order appointing the Investigating Committee. I do not believe the Board of Health need investigating in the least. I believe they have used their best judgment in the erection of this building for a smallpox hospital, and I believe it was in evidence before the Common Council that they had not exceeded their appropriation. There was a balance of \$29,000 left from an old appropriation for a smallpox hospital, and they had authority to spend \$25,000 of that amount. They have purchased the land, and up to the time of coming and asking for an additional appropriation they had nearly got the building completed. I believe they have spent the money in the most judicious manner, and that there is nothing to investigate. We have had one investigating committee and I am utterly surprised that the report does not censure some one more than it does. It has been rather an expensive job, and this one will cost something. I hope, for the credit of the retiring City Government, we shall not have another investigation, as it will amount to nothing, and I hope the reconsideration will prevail.

Alderman Thompson—I hope the motion to reconsider will not prevail. It seems to me that there is sufficient reason for the concurrence of this branch if the other branch deem the matter of sufficient importance to appoint an investigating committee. It is well known that in the minds of the press of Boston this board is a corrupt body, and it seems to me that nothing would strike more at this feeling than for us to vote against this investigation. If there is nothing wrong it will do the Board of Health no harm, and if there is anything wrong it will be shown. I hope this Board will not attempt to shut off an investigation when a majority of the other branch desire one.

Alderman O'Brien—I don't believe in investigations as a general thing. I don't believe in investigating men who come here and give their time day after day and year after year to the city of Boston, without one cent of remuneration. I don't believe in the character of such investigations as this one on Common and squares, because it was to investigate men who come here and give their time and attention to the work of the city of Boston for nothing; and that investigation has been held to show them up as far as possible to the contempt of the citizens of Boston. My heart was not in that investigation, because I did not believe in it; but when I was in it I was determined to state the truth about it. But this is a different matter altogether. Here is a paid commission, men who receive large salaries; it is a new spirit that is intended to be introduced into the City Government, and they are also overstepping the limits which the City Council have permitted them to move in. I remember that in 1875 this very Board of Health came before the Board of Aldermen and asked for an additional appropriation to the \$25,000 that they already had to draw upon to build a smallpox hospital; but this Board, by a very decided vote, said that they would not give them one dollar more; that they must confine the building of that hospital within the limit of the appropriation of \$25,000. After coming before the City Council and asking for an additional appropriation for more money, and being refused, they went beyond the appropriation. I think, with the Alderman from Charlestown, that they should be investigated. If there is any blame attached to any one, let it be known. Let the public know that the paid boards of the City Government are just as liable to overstep the limits of their appropriation as the members of a committee who come here and do their work gratuitously. I hope the investigation will go on, although, after expressing myself very freely, year after year, about the Board of Health, I hope I shall not be one of the Investigating Committee.

Alderman Viles—While I agree with the Alderman from the Eleventh Ward that there is no need of an investigation, I hope it will go on, for the Board of Health court it. I hope the committee will be appointed, for I know there is nothing wrong in that department.

Alderman Clark—I hope the Investigating Committee will not be appointed. If it had been to investigate a committee of this branch I should have advocated it. I advocated a committee to investigate the Department of Common and Squares. I believe the Board of Health did what was for the best interests of the city when they pushed this matter forward in the best possible manner. It seems to be reflecting upon one of the commissions, for which there is no occasion, and therefore I am opposed to it. All the explanation that was necessary the Committee on Finance obtained before the additional appropriation was granted. They had one of the Board of Health before them, and the City Architect, and obtained all the information necessary to be obtained for them to recommend the passage of the order for an additional appropriation. I fail to remember the time when the Board of Health came before the City Council and asked for an additional appropriation in addition to the unexpended amount which was in the treasury for them to expend. I think the Alderman must be mistaken. This unexpended balance has been in the treasury for some time. I think he must be mistaken in saying that they asked for an additional appropriation.

Alderman O'Brien—If the Alderman will refer to the records of 1875, he will find that the Board of Health, if I remember rightly, asked for an additional appropriation of \$10,000 to their \$25,000, and the Board of Aldermen at that time were very decidedly opposed to it. They believed that this smallpox hospital could be built within the limits of \$25,000; some of them even thought that \$10,000 was as large a sum as ought to be expended on a hospital of that kind; and the Board positively declined to give them a cent in addition to the \$25,000 that they had been allowed.

The reconsideration was lost, and the Mayor appointed Aldermen Fitzgerald, Thompson and Viles as the committee on the part of the Board.

#### CONDITION OF SCHOOLHOUSES.

An order came up for the Inspector of Buildings to report on facilities of egress from the several school buildings of this city.

Alderman Fitzgerald—I hope the Board will pause before they pass such an order as this. It will be creating an unnecessary panic among the parents of the children attending the several schools. This matter was thoroughly gone into by the late Inspector of Buildings, and his report on all the schoolhouses is now in the office of that department. He has made a report to the Committee on Public Buildings, and in accordance with the report which he has made, the Committee on Public Buildings and the Committee on Public Instruction have been making improvements in the several schoolhouses, with a desire to conform to the recommendations of the Inspector of Buildings. I do not see the necessity of parading in a report to the City Council all the defects in the facilities for egress and ingress in the public schoolhouses. If any order should be adopted at all, it should be one requesting the Inspector of Buildings to report to the Committee on Public Buildings the schoolhouses which he considers defective, and that will accomplish all that the offerer of the order intended. I hope the order will not pass in its present form, and I move that it be laid upon the table.

The order was laid upon the table.

#### BONDS APPROVED.

Alderman Gibson presented the bond of Charles H. Dennie, City Treasurer, for \$150,000; being presented duly certified, it was approved by the Board.

The bonds of James Bragdon and two others, constables, being presented duly certified, were approved.

#### FIRE COMMISSIONERS.

The report of the Fire Commissioners of the number and character of the fires and alarms for November was received. Sent down.

#### APPROPRIATION FOR PUBLIC PARKS.

Alderman Clark submitted a report from the Finance Committee, on the request of the Park Commissioners, recommending the passage of an order—That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund to the appropriation for Park Department the sum of \$3000. Read twice and passed—yeas 12, nays 0. Sent down.

#### LOCATION ACCEPTED.

A communication was received from the South Boston Railroad, accepting the fifteenth location granted by this Board. Placed on file.

#### SOCIAL LAW LIBRARY.

Alderman Wilder submitted a report from the Committee on County Accounts, on petition of proprietors of the Social Law Library, recommending the passage of an order—that there be allowed and paid to the proprietors of the Social Law Library, under the provisions of section 10, chapter 33 of the General Statutes, and chapter 215 of the acts of 1863, the sum of \$1000.

On motion of Alderman Wilder, the order took its second reading and was put upon its passage.

Alderman Thompson—I should like to hear some reason for the passage of the order.

Alderman Wilder—They are entitled to that sum under the provisions of the statute cited, and it is a matter in which we have no choice about except to conform to the law and pay them that money.

The order was passed.

#### INDUSTRIAL SCHOOL.

Alderman Clark submitted a report from the Finance Committee on the report of the Joint Special Committee, favoring the passage of an order for the establishment of an industrial school at an expense of \$15,000—that if the City Council decide to pass the aforesaid order, then the following order, providing the means, should be passed with it:

Ordered, That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund the sum of \$15,000, to constitute a special appropriation, to be styled Industrial School.

Alderman Clark—It is important that the order take its second reading at the present time if it is the desire of the committee to have it go to the other branch of the City Council. The Alderman from Ward 21 is in his seat and can explain it if it is necessary.

On motion of Alderman Clark the order took its second reading and was put upon its passage.

Alderman Fitzgerald—The order which was reported and referred to the Finance Committee came up originally on a petition from Rev. E. E.

Hale, Mr. Ruggles and Wendell Phillips, and a great many other persons interested in industrial education. It came before the City Council and was referred to a special committee of which I was chairman. Five or six of those gentlemen came before the committee—among them Mr. Clapp and Mr. Ruggles, Dr. Ellis and some two or three others, and a lady from the South End, representing a philanthropic lady in New York who has devoted several thousand dollars toward promoting the industrial school system. Under an act of the Legislature, passed some years ago, any city or town in this Commonwealth was allowed, if they deem it expedient, to establish an industrial school, which is to be under the control of the School Board; the teachers and those in the school were to be appointed by the School Board, and the details of the management of the school were to be under them. The City Council were simply to pass upon the expediency of establishing such a school; after they pass the order and appropriate the money the details of the whole matter will be under the School Board. Mr. Ruggles, one of the principal petitioners, states that he has in his possession a large workshop which he uses for his own purposes. He has acquired a large fortune by investing, and he maintains this shop simply for the purpose of keeping himself occupied. He hires two or three men to whom he pays large salaries. He has taken keen interest in industrial education. The point with him and those persons who have favored the passage of an order of this kind is this—that our schools lack one great element, the lack of which is apparent to all who visit them. It is this: While we educate the head, while we cram our children with geometry, history and geography, we don't teach them what to do with their hands. The head is educated, and not the hands. Persons who take an interest in education are beginning to see that not only the head but the hands must be educated. The faculties of the youth should be peculiarly developed, so that the particular trade or calling for which they are fitted by nature may be brought out by study. A boy leaves a school today, and it is simply an accident what trade he takes. He takes the trade of a plumber because there is a vacancy in the plumber's shop; and he may take to the trade of a carpenter for the same reason. The object of these gentlemen is that when boys obtain a certain period in life they shall have an opportunity to visit this place, which is called a developing shop, and see the work and the tools and appliances, so that their peculiar tastes shall be developed in that way. The Legislature passed this act some four or five years ago. Our committee were unanimous that such an order as this should pass. Everybody sees the necessity of doing something in the near future to develop the hands as well as the head. We send out educated women as well as men, but they are absolutely incapable of using their hands and gaining a livelihood; and the point with the gentlemen who take an interest in this system of education is that our school system is utterly at fault in this respect. If we give authority to the School Board to establish this school, it will rest with the School Board to determine what shall be done towards getting an educational shop. Mr. Ruggles has offered all his tools and models, and his own services, in carrying out this work. His tools are worth \$10,000, and the school will have the benefit of his personal supervision. He has devoted a great deal of thoughtful time during his life to the consideration of this subject. This is the sum and substance of it. This matter ought to have the thoughtful reflection of the Board of Aldermen, and I believe that \$15,000 cannot be devoted to a better purpose than to at least make an experiment in this direction.

Alderman Thompson—I cannot quite understand how \$15,000 is going to establish a mechanic's school that will be of any efficiency. Now, it seems to me that in times like these, rather than encourage the School Board in incurring additional expenses, we should rather induce them to reduce expenses, if possible. This is an experiment; and, as I said before, I don't see that \$15,000 is going to accomplish much. If it is the intention of the Alderman who offered this order to make this experiment successful, and if the city is going to educate all the children in the different branches of mechanics, it seems to me that the city of Boston will have quite as much as it can do in attending to that. I think this is a matter that should be acted upon after due deliberation, and for my own part I should like further

time to consider it. It is not that this appropriation of \$15,000 is so much; but it is what it will lead to. I move that the order be laid upon the table.

Alderman Fitzgerald—If the Alderman will not object, I would ask that it be specially assigned for next Monday, and not laid on the table. We ought to dispose of it. If anything is to be done it ought to be done on next Monday—not later than that. I have no desire that it should pass without thorough investigation on the part of the Aldermen.

On motion of Alderman Fitzgerald the matter was specially assigned for next Monday at half-past four o'clock.

#### PROJECTING SIGNS.

Alderman Robinson submitted reports from the Committee on Police recommending that leave be granted S. A. Cole & Co. to project a lantern at 25 School street; Perry & Richardson, to project a lantern at 11 Howard street; and Mary Ann Scanlan, to project a druggist's mortar at the corner of D and Sixth streets. Severally accepted.

#### HORSE RAILROAD LOCATIONS.

Alderman Robinson submitted the following from the Committee on Paving:

Report and order of notice for hearing on Monday, Dec. 31, at four o'clock P. M., on petition of Metropolitan Railroad Company, for leave to extend their location by a track to Brookline. Order passed.

Report and order, granting right to Union Freight Railway Company to lay down a curved track from its track on Commercial street to Union wharf, as shown on plan dated Nov. 19, 1877, deposited in the office of the Superintendent of Streets. [Appended to the order are the usual conditions.] Order read twice and passed.

Report and order granting the right to the Metropolitan Railroad Company to lay down a double track on Battery street, from Hanover street to Commercial street, and across Commercial street to the avenue leading to the East Boston North Ferry slip, and upon said avenue to a point about eighty feet east of the easterly line of Commercial street, there to connect the same with the tracks of said company now laid down in said avenue; also to connect by curved tracks the tracks located by this order on Battery street with the tracks of said company as now laid down on Hanover street; and said company are hereby authorized and directed to take up and remove so much of the track or tracks now laid down in said Hanover, Battery and Commercial streets, and in the avenue leading to the East Boston North Ferry slip, as shall not be required by said company for its convenience or use after the tracks located by this order shall have been laid. [Appended to the order are the usual conditions.] Order read twice and passed.

Report and order granting the South Boston Railroad Company the right to lay down curved tracks on Sixth street, between O and P streets, to connect the double tracks now laid down in said street with the car house recently erected by said company on the northerly side of Sixth street. [Appended to the order are the usual conditions.]

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Reports that leave be granted to move wooden buildings by John Cavanagh from 19, 21 and 23 West Fourth street to 5, 7 and 111 same street, and from Neponset avenue to Clay avenue. Severally accepted.

Order to grade A street to the established grade. Read twice and passed.

Order to abate \$28.94 laid upon Jonathan C. Choate for edgestones on Wales street, and assess the same on Joseph F. Paul, the owner of the estate for which said edgestones were furnished. Read twice and passed, and subsequently reconsidered on motion of Alderman Robinson, and laid upon the table.

Schedule of cost of edgestones in Myrtle street, with order for assessment and collection of the same. Order read twice and passed.

Order that permission be granted to Daniel Denny and to the heirs of J. C. Dodge to place a shaft under Pearl place to connect the stores on opposite sides of the street; said place for the purpose of hoisting goods, upon the usual condition. Read twice and passed.

#### STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports, That leave be granted to occupy stable by Jordan, Marsh & Co., 477 Harrison avenue; J. R. Kenniston, Border street; Isaac H. Cary, Union Terrace; Clark Smith, 2d, Parsons street; Patrick H. Barry, Chelsea street.

Reports of leave to withdraw on petitions for leave to occupy stables by William Austin, High street; Patrick Dolan, Centre place, Ward 23.

Severally accepted.

#### LICENSES.

Alderman Dunbar submitted reports from the Committee on Licenses as follows:

Application for Coach Line Refused—Eli Fernald, to run coaches from the Highland Street Railway office on Dudley street to Fort avenue.

Wagon Licenses Granted—Dennis Flaherty, 21 Wall street; R. J. Ellis, corner Summer and Devonshire streets; Charles A. Rice, 61 Blackstone street.

Victuallers Licensed—Williams & Wheeler, 193 Eliot street.

Auctioneer Licensed—Francis W. Ryder, 3 Boylston Hall.

Amusement Licenses Granted—Frank Uffner, to exhibit giants and hliptutians at Horticultural Hall; Joseph Goss, to give athletic exhibitions at Beethoven Hall, subject to the police regulations.

Severally accepted.

#### ARMORIES.

Alderman O'Brien offered an order—That there be allowed and paid for rent of armory for the unattached company of infantry, M. V. M., at the corner of Cambridge and North Russell streets, the sum of \$600 per annum, said company having been recruited under authority of chapter 118 of the acts of 1877; said allowance to date from June 1, 1877, and to continue until otherwise ordered, and to be charged to the appropriation for armories. Read twice and passed.

#### CLAIMS.

Alderman O'Brien submitted a report of leave to withdraw, from the Joint Committee on Claims, on petition of Sophia N. French to be paid for personal injuries caused by a sled on G street, near Eighth street. Accepted. Sent down.

#### PUBLIC LIBRARY.

Alderman Burnham submitted a report from the Joint Committee on Public Library on request of trustees for permission to expend certain unused balances of salaries in the administration of the Public Library—That they approve entirely of the measures proposed, and as the trustees have, under the votes of the City Council already passed, all the authority desired in the premises, no further action is necessary. Accepted. Sent down.

#### LAND AND STREET DAMAGES, ETC.

Alderman Clark submitted the following from the Committee on Streets on the part of the Board:

Ordered, That the betterment of three thousand five hundred dollars assessed upon the estate belonging to the city of Boston, at the corner of Beach street and Harrison avenue, for the widening of Beach street, be and the same is hereby cancelled. Read twice and passed.

Order to pay William L. Bradley \$14,500 for land taken and all damages occasioned by the laying out of Swett street, on condition of his paying the betterment assessed of \$4500 to his estate for the laying out of Swett street, without interest. Read twice and passed.

Report of leave to withdraw on the petition of Eliza A. Squire for abatement of betterment assessment on estate 34 Auburn street. Read twice and passed.

Ordered, That the Mayor be and he is hereby authorized to execute a release to Patrick Mulrey of the title of the city to a parcel of land situated at the corner of Harrison avenue and Warren place, in that part of Boston formerly Roxbury, acquired under a deed from Frederick U. Tracy, Collector, dated Oct. 10, 1874, and recorded with Suffolk Deeds, libro 1240, folio 102, in consideration of six hundred and ninety-four and sixteen one-hundredths (694 16/100) dollars, and that the Collector be authorized to deliver said deed to said Mulrey, upon payment by him of the sum of one hundred forty-six and thirty-two one-hundredths (146 32/100) dollars, in addition to the sum of five hundred and forty-seven and eighty-four one-hundredths (547 84/100) dollars paid on the 9th day of October, 1876, and also upon his procuring and surrendering to the city the deed of release made by the city to Margaret Mulrey his wife, on said day, together with a release, surrender

and disclaimer of all title acquired by said release to Margaret Mulrey. Read twice and passed. Sent down.

#### SEWERS.

Alderman Viles, from the Committee on Sewers, submitted an order—That the sum of one hundred and fifty dollars be abated from the assessment levied upon James Baker for a sewer in Bird street. Read twice and passed.

#### SWETT STREET.

Alderman Thompson moved to reconsider the vote by which was passed the order to pay Rufus Estabrook \$1167 for grade damages on Johnson street, in the Swett-street district.

The reconsideration prevailed, and Alderman Thompson offered the following amendment to the order:

"Provided, That no payment shall be made to said Estabrook under authority of this order until the betterment assessed upon this same estate—in the name of Emery Bermis—for the laying out of Swett street, with all dues thereon, is paid into the city treasury."

Alderman Robinson—I should like to know the reason for amending the order. I hope the Alderman will explain.

Alderman Thompson—The reason is that it is for the best interest of the city that this amendment should be attached to the order. My authority for that statement is the Board of Street Commissioners. It seems to me that this matter should be settled at the same time, and there can be no harm in it.

Alderman Robinson—Do I understand that this is a request of the Street Commissioners?

Alderman Thompson—It is by the recommendation of the Street Commissioners.

The amendment was adopted and the order was passed as amended.

#### ELECTION RETURNS.

Alderman Viles offered an order—That a committee of three Aldermen be appointed to examine the returns of votes cast in the several wards tomorrow for municipal officers. Read twice and passed, and Aldermen Viles, Slade and Clark were appointed said committee. Alderman Clark requested to be excused, as he expected to leave the city to be absent for a week. The Mayor appointed Alderman Breck in place of Alderman Clark.

#### STREET LAMPS.

On motion of Alderman Thompson the report of leave to withdraw on the petition of R. M. C. Graham and others, for leave to lay gas mains in the streets of the city, was taken from the table and specially assigned for next Monday afternoon at five o'clock.

#### TIME FOR EMPLOYEES TO VOTE.

Alderman Slade offered an order—That the employes of the Paving Department be allowed from 7 to 10 A. M. to vote at the coming municipal election.

A motion to reconsider, by Alderman Fitzgerald, hoping it would not prevail, was lost.

#### ROXBURY CANAL.

On motion of Alderman Viles the report and order for a loan of \$392,000 for the filling of Roxbury Canal, and the order to take the land for said improvement, and to appoint a committee to take charge of the same, were taken from the table, the question being on the passage of the order for the loan.

Alderman Viles—The committee have no new light upon this subject. We think it is pretty generally understood, and the reason why I moved to take it from the table is that it is necessary that it should pass this Board in order to reach the other branch in season to be passed before the end of this year. In regard to the committee going to people and asking what they will take for their land, they will say that they have no land to sell. The Supreme Court is to appoint three commissioners to adjust and award the damages. The report is before the Board of Aldermen; it gives all the particulars and details without my going over a multitude of figures. The Alderman from the Eighteenth Ward, who resides in that vicinity, at my request has looked into the matter and searched the records, and I think he can give us some information that we are not acquainted with.

Alderman Wilder—It is true that I live in the neighborhood of this proposed improvement, and at the request of the committee I have taken some pains to inform myself in regard to the matter. The labor which I have done in that direc-

tion has been more in the examination of the records to ascertain, as near as they can give the information, what are the rights of the city of Boston and other parties in regard to the filling up of the Roxbury Canal and the abatement of the nuisance. I can best explain the result by reference to the records. I go back to 1784, and find from the Roxbury Town Records, volume 2, page 340, that Aaron Blaney petitions for a license to dig a small canal, to bring up a small fishing boat, by purchase or otherwise. The next is in 1786, Roxbury Town Records, volume 2, page 408, John Pope's survey of the nearly obliterated part of the line or creek dividing the town of Boston and Roxbury. Nothing further till 1795, Oct. 5; the Roxbury Canal proprietors appoint a committee to contract with some person or persons to open the creek and land below the Town Landing (which is at present Morse & Remick's wharf) to the bottom of the proposed canal through the flats to Fort Point Channel. Again, on the 26th of February, 1796, act incorporating the Roxbury Canal proprietors was passed. On April 5, 1796, a new contract for digging the canal through the flats to Fort Point Channel was made, which was continued until August, 1801, summer and winter, when, on examination by a committee, they reported that the work was not completed in the manner agreed upon. One Patrick Welch then contracted to finish the canal through the flats to Fort Point Channel at five dollars per scow load, and one quart of West India rum was allowed to the five dollars for each load. Mr. Welch continued to work on this contract for a time and found it a bad bargain, even with the liquid added to the fee, and gave it up. Another contract was made afterward at seven dollars with Seth Lawrence, and after he gave it up, which was after a few months, laborers were employed by the day by the town of Roxbury to finish the digging of the canal, which was carried on for over six years, summer and winter, this work being done entirely by the town of Roxbury. The canal proved to be a failure financially, and on the 12th of June, 1818, a committee was appointed to either repair the old banks of the upper canal or fill across the canal at Lamb's Dam (Northampton street) as the committee thought best for the interests of all concerned. In the next year, 1819, the committee, on the 4th of October, reported and it was decided to fill up the canal by taking so much of the island marsh and a strip of marsh fifty feet wide and fifty feet from the east line of Northampton street extended to within five feet of Hill's Dam, as is necessary for that purpose, which was done. In 1822, it would seem that the strip of marsh, fifty feet wide, above mentioned, really belonged to the town of Boston, as I find on file in the City Clerk's office an agreement between the Roxbury Canal proprietors and the Selectmen of the town of Boston, dated Aug. 31, 1822, to submit to the decision of Augustus Peabody and Shuman Leland as to which of the parties were the rightful owners of this strip of land or marsh. The arbitrators, Messrs. Peabody and Leland, made their award Sept. 30 following, awarding to the town of Boston all that part of the canal lying west of Pope's new boundary line, as shown on his plan of 1786, or about two hundred and fifty feet of the extreme upper end of the canal as it now exists (i. e.), commence at the end nearest Harrison avenue and measure two hundred and fifty feet towards Albany street; and you will then see what the arbitrators awarded to the town of Boston in 1822, and I believe that the city of Boston to-day still holds all the rights granted to it by that award, for there has been no real adverse occupation of the soil then awarded. No one can gain a fee in an open highway common to all, and I maintain that the Roxbury Canal was and is to this day neither more nor less than a highway common to all who may choose to use it. In City Document 63 of 1858, on page five, I find the following:

"In addition to the evidence of Mr. Davis, given in the note of Mayor Sleeper [of Roxbury] to Mr. Bonney, there are documents on file in the office of the Superintendent of Sewers in this city [Boston] which go to prove that the ditch was originally a creek or canal, and that when the adjoining territory was set off from Roxbury [1850] and annexed to Boston, the city of Boston acquired all the rights held by the city of Roxbury in the portion set off to Boston. (See Mr. Sleeper's note on page 6 of this Doc.) In 1867, by the act approved June 1, 1867, Roxbury was annexed

to the city of Boston. (See City Docs. 73 and 104 of that year.)

By the annexation act, the city of Boston acquired, among other public property belonging to Roxbury, land or marsh bordering on the Roxbury Canal and Albany street, and by deeds dated March 23, 1872, and recorded in the Registry of Deeds, lib. 1098, fol. 300@301, conveyed to Morse & Remick, and by deed of same date. This deed contains, as do all the deeds that have been given by any parties to Boston, the following reservation, namely:

"The right to fill up the canal at any time without any claim for damages by the grantees, their heirs or assignees."

Mr. Mayor, I am entirely in favor of the passage of this order. I don't believe that the sum named in that order will be necessary, because I am satisfied that the City Solicitor will find that so far as the filling up the canal is concerned, there are no damages to be extinguished. It is necessary that we should seize the land as the order requires, and as to the appropriation of \$392,000, if we find that we don't need so much we shall not use it. But as regards the damages, so far as the filling is concerned, I think it will be decided that we are not liable for filling the canal. I submit the search of these records I have made for the benefit of the committee. I am satisfied that we must acquire the land by taking, by reason of the uncertainty as to the title. Nothing but the courts can determine that. I have myself conversed with several owners of the land; they say to me as they did to the committee that they are not prepared to name any price; in fact, one large owner tells me he don't know where his lines are and don't know what lines he has. It will be necessary for the court to fix his lines. I don't know that I have any further information to give, except to say that I hope the order will pass.

Alderman Fitzgerald—I agree thoroughly with the gentleman who has just spoken, that this place is a nuisance which should be abated. No member of the Board of Aldermen will dissent from that. Where I disagree with the Alderman is in the amount to be appropriated. Now, it seems to me, that if what the Alderman says he true—and he seems to have devoted a great deal of time to searching the records of this canal—if what he says be correct, the city of Boston can shut that canal up under the provisions of the contract made between the town of Roxbury and those persons; the city of Boston, which has inherited all the rights of the town of Roxbury in that canal, will not be liable for any damages. Now, while I am willing to vote for any appropriation which is necessary, or for any amount of money which is necessary to abate that nuisance, I am not willing to vote for a large amount of money which is probably—and which, according to the gentleman here—not necessary to abate this nuisance. I think the city of Boston has got a very bad bill for the abatement of this nuisance. It obliges us to take not only certain parts around the canal, but all the lands upon it. We can take it or buy it under the act. I think this act is not such a one as the city of Boston ought to get. But if what the Alderman says is true, the act is not necessary. If the act was necessary, the persons who applied for it were completely ignorant of the rights and privileges which the city had to close up this canal without damages resulting to them from the closing up of the canal. This is a new question, and new light has been thrown upon this whole subject. I don't know whether the committee knew anything about the document which Alderman Wilder has read; but if what he says is true; in relation to the position of the city toward Roxbury Canal, we are appropriating \$305,000 more than is necessary to abate this nuisance. In view of what he has said, I think the Board should hesitate before we pass the order for so large a sum to abate this nuisance, when only seventy-five or eighty thousand dollars are necessary to do it. The argument is that if we don't want the money, we need n't use it. I think the proper course for this Board of Aldermen to take is just what any of us would do under the same circumstances in his own private business; if we were going to build a drain or a house; we would find out the probable cost. If this will cost only \$75,000, I see no propriety in passing an order for \$305,000. There is no need of it. I should hope that the Committee on Sewers would take this order and report to us

what would be necessary. I should be in favor of abating this nuisance; but I should not be in favor of appropriating four times what would be necessary to do it. That seems to be the condition of this case, if the facts reported by the Alderman be correct, as I have no doubt they are. I hope the document will be placed in the hands of the committee on this subject, and that they will be able to report to this Board next Monday the exact relations of the city of Boston to this canal.

Alderman Wilder—It will be quite impossible for the Committee on Claims to settle the old conflicting claims, if there are any. They cannot fix the bounds of the lands, or ascertain whether the facts which I have transcribed from the records do settle the question positively that the city of Boston owns the Roxbury Canal, and has the right to fill it up. I myself am perfectly satisfied that such will be found to be the fact.

Alderman Fitzgerald—Do you mean to say that the fee of the land is in the city of Boston?

Alderman Wilder—I mean to say that the fee of the canal is in the city of Boston; that the reservations in all the conveyances insure to the city of Boston the right to run its scows in there and fill it up tomorrow, without trespassing upon the rights of anybody, so far as the canal is concerned. The conclusion I have arrived at is that the canal is simply a public highway, in which nobody but the public have acquired any right. I believe that such will be the decision. I venture to show these facts to the committee that they may have the benefit of my week's labor in the matter; and I announced them in the Board of Aldermen more to insure the passage of the order than for any other purpose, because it has been said that we are acting blindly in passing the order. All concur in the belief that it is an unmitigated nuisance, spreading destruction and desolation over a large area of property. The people in my section of the city believe that we have been very dilatory in not taking hold of it, and they are indulging the hope that something will be done, and that another hot summer will not be upon them before something is done. I felt that the Alderman on my right would vote for the order much more cheerfully if I could give him some more information to show that the appropriation will not only be sufficient, but more than is needed. It is possible that some parties bordering on the canal may have some rights that the city should buy; but I believe that if the principle is once settled that the city of Boston owns the canal itself, no litigation will be required to settle the questions that will arise in regard to the margins of the canal. There are various questions to be settled by this matter. Some people may have riparian rights bordering upon the canal, but I don't believe that the postponement of this matter for one week will do the least good. I hope the Alderman on my right, and all the other Aldermen, will be ready to vote to accept the committee's report and pass the order, for the city will be protected in all its rights; and no more money will be expended by taking action now than by deferring it longer. The statements I make are simply transcripts from the records, but I am very glad to bring them before the Board. The City Solicitor or those whose business it is to do so, will either verify what I have said—which I believe to be the facts—or show that I have made some mistake. For myself I don't believe I have.

Alderman Robinson—Will the Alderman be kind enough to read the first part, to show where the town of Roxbury got their rights?

Alderman Wilder—In 1784 was the time. Roxbury Town Records, volume 2, page 340. Aaron Blaney petitions for a license to dig a small canal to bring up a small fishing boat, by purchase or otherwise, and that petition was granted by the town of Roxbury.

Alderman Fitzgerald—The more the Alderman speaks about this matter the more I am convinced that this Board ought not to pass the order in its present shape. He says nothing will be lost by a week's delay. Why, sir, the order we pass takes a certain amount of land under the statute; takes it into the possession of the city; when it is taken we are obliged to pay for it, whether we have the right to fill up the canal or not. The Alderman says it is a highway. I shall disagree with him in that it is a highway, which the city of Boston has the right to fill up when it pleases, without any right on the part of any persons who own any property on either side being impaired, or without their having the right to come to us and demand dam-

ages. Suppose that the Alderman was wisely convinced, under the same plea of public necessity, that what is called a public highway needed to be repaired; do you suppose that any member of this Board would vote to buy all the surrounding land on either side and pay the owners for the privilege of doing what we have the right to do? That is the condition of the Roxbury Canal, if the Alderman's position is correct. I am as ready and willing to abate this nuisance as any other member of this Board or the City Government; but my anxiety to do that will not lead me to involve the city of Boston in an expenditure of two or three hundred thousand dollars for which there is no necessity; and that is the state of affairs with regard to the canal, if the Alderman's statement is correct. I am willing to abate the nuisance, and to buy and fill all the land on either side that we are obliged to have; but if we are not obliged to fill the land on either side, I shall not vote to do it. The Alderman seems to be the only one in this Board who has any definite knowledge about the ownership of the canal, which is to the effect that the Legislature has given us no more rights than we had before. If what he says be correct, the members or the City Government have been completely ignorant of the rights which the city possessed, and there was no need of going to the Legislature for this act. The act was not such a one as the city asked for, or ought to have, if the position of Alderman Wilder be correct. The Committee on Health did not know anything about this apparently. I have heard nothing about it before, and for one I should be anxious to go right in this matter; that we should do this at as little expense as we can. There is no need of incurring \$250,000 more expense than is necessary. We shall need all the money which we can scrape together in the next few years for necessary improvements. When we have incurred \$1,700,000 more debt the city of Boston must stop for four or five years. I should vote heartily for the abatement of this nuisance, but I hope this Board will not pass this order to borrow \$390,000 when \$75,000 or \$90,000 is all that will be necessary for this work—I mean, if the position of the Alderman is correct.

Alderman Wilder—I wish to correct the Aldermen. I mean to say that the city owns all that portion of the canal that Roxbury ever owned. About 250 feet is all of the original canal to which I claim ownership for the city, according to the document which I have here. The order reported by the committee covers 1000 feet. There is a reason for some portion of the appropriation.

Alderman Viles—The Alderman from Ward 21 wishes this to be referred back to the committee to report in a week. Now, it is impossible for any committee to report upon this in a week, and especially election week. It is a question for the City Solicitor, and I doubt if we could get an opinion from him in three months. I have no objection to referring it to the City Solicitor, but I warrant we shall not get an opinion this year.

Alderman Wilder—I fail to see the slightest logic in the argument of my friend against passing this order. If all the rights we need can be acquired for a less sum than the appropriation, I cannot see that the appropriation in any way increases the city debt if it is not used.

Alderman Robinson—In listening to the statement of my friend, Alderman Wilder, although no lawyer, I could not for myself see how the title to that canal, or little ditch, came to the town of Roxbury. Some years ago, when money was a little more plentiful than now, I had a desire to change the road back of the house where I live. I got the consent of the abutters and procured a bond of about all the land. I went to a conveyancer, Mr. E. S. Rand, and he told me it was necessary to get the fee of the road, because when that road was taken for purposes other than for what it was laid out, it reverted back to the abutters. I then abandoned the whole thing. I see by the paper the Alderman has read that some person had a petition to dig a little ditch in 1784, which was only a right, as it seems to me, to run a little gutter. Since then wharves have been built upon it, and I cannot see where the Alderman gets authority for saying that that property belonged to the town of Roxbury, although the town gave permission at that time.

Alderman Burnham—I have listened with interest to the record of territory in this Roxbury Canal, which has been presented by the Alderman from Ward 18, and also to the remarks of the Alderman from Ward 21. I was not aware

until this time that the committee were in any particular muddle about this matter, or that there was in this report any uncertainty, as has been said, about the cost of this improvement, which arose from ignorance. I believe that the record as presented should rather be an inducement to us to pass the order than as an argument against passing it at the present time. The act provides for filling this nuisance, and for the appointment by the Supreme Court of three commissioners, who shall assess and award the value of the land at the time of taking, and the amount of damage; also for an appeal from the decision of the commissioners to a trial by jury. If the city owns a given number of feet in this territory, as seems to be settled by the record, there can be no question about it so far as that goes. But, as I said, there is some uncertainty about the matter; an indefiniteness about the lines, which should prevent our action at the present time or makes it difficult for us to proceed. The act requires the most exact survey of the land taken; but here is a question of ownership up and down this canal side lines, which, in taking the land, cannot be defined by anybody. One man claims a certain portion, and another another portion. Here is a record showing that the city owns a certain portion. The committee have been over the whole matter, and have found so much difficulty in settling the matter that they finally came to the conclusion, in consultation with the City Solicitor and Engineer, and other sources from which they could gain any information, that there was no other way but to take the lands and provide for these matters to be settled by the courts afterwards. If the city owns it there is nothing to be paid for even by an appeal to the Supreme Court, or by a trial by jury; and instead of being an argument against the passing of the order, it would seem to me to be an argument in favor of passing it now. If, as the Alderman has shown, it is not going to cost so much, because the city has a title to the dock, it is a stronger argument in favor of it. The illustration upon which the Alderman from Ward 21 has made a specious argument, calling it a highway, should not mislead us. We all know that in filling the canal we have no right to obliterate the water rights on both sides. Here is a nuisance that calls for mitigation, and does not the Alderman see that it would be impossible for the committee to say just what the cost will be? Supposing even we did own the fee. Does he not see that the city cannot fill only its own canal—for to do this would require stone walls on either side which it would be impossible to build. The committee were driven to the conclusion that there is no other way than to seize the land bounded by the lines given in the order, and then leave the question of fees to be settled afterward. There is no other way to do it. We might talk about and refer it back to the committee; but that won't settle it. It is a question of ownership to be settled by the courts. It has had full and free discussion on all points, and I hope the order will pass tonight.

Alderman O'Brien—I believe that this is a nuisance which must and will be abated; but I think the position of the Alderman from Ward 21 is a very strong one. If the city own this canal and can leave it an open nuisance as it is now, or fill it up, as it pleases, I think it is a very important question for this Board to consider. According to the estimates the filling of the canal will cost \$26,400. If we possess the right to go to work and fill up the canal at an expense of \$26,400, it will be far more economical than to take the land on each side. If there is any doubt about it, why not insist upon the City Solicitor giving his opinion in relation to it? Let us first know whether we have this right. Although I am in favor of filling this canal, I don't think it is important to decide it tonight, or a week or two weeks hence. If we have the right to abate the nuisance at an expense of \$26,400, I think it would be far better for the city to wait three or four weeks and ascertain that fact, rather than purchase the lands and commit ourselves to lawsuits. Haste in this matter will be very injudicious. After what I have heard tonight, I think we should wait another week; meantime let us have the opinion of the City Solicitor on the question whether we have the right to fill up that canal. I believe the Solicitor can give us his opinion in a week. If an Alderman, not pretending to be a lawyer, can obtain these facts in a week, I think the City Solicitor,

with all the force at his command, can also give us his opinion on the facts. I hope the matter will be postponed for another week.

Alderman Wilder—There is no fact in this statement that was not known to Mr. Caret; and there is no doubt in the minds of the gentlemen I have consulted that the fee of 250 feet in that canal belongs to the city of Boston. Boston became possessed of it by the annexation of Roxbury. The committee ask for an appropriation to fill up 1000 feet. I brought this matter before the committee, who received it with pleasure, and thought that, when the facts became known that we had to pay for filling only 750 feet instead of 1000, the order would be passed without a dissenting voice.

Alderman Burnham—One fact the Aldermen should bear in mind: there are no side lines which we can use. One of the wharf owners said he did not know where his lines were. The only way is to seize the territory and control it.

Alderman Gibson—It seems to me that more is to be spent in this than there is any occasion for. I see there are \$50,000 for a sewer, for which I see no reason while we are to have the intercepting system. I do not see why this is a nuisance. Providence and Baltimore drain through a public street, and they have no nuisance. I don't believe there is a great nuisance there, and I don't see any occasion for hurrying this matter until we know who owns the property. I should not want to go into the thing blindly and not know what the parties own and how much it will cost. It comes on the tail end of a City Government, and if passed, will serve as an excuse for saying that we are extravagant. If the intercepting sewer comes along it will save this \$50,000. I hope it will lie over a week.

Alderman Burnham—I must say that the Alderman is laboring under a mistake. Do I understand the Alderman to say that the Roxbury Canal is not a nuisance? I thought the day had gone by for any one to say that. It is a nuisance that can be no longer endured. In answer to his statement that it should remain until the intercepting sewer is built, I would say to the Alderman that the intercepting sewer will not provide for the surface water. It is intended to provide for the house sewage, but none of the sewage can go into the canal, because the act plainly specifies that hereafter no sewage shall flow into it; consequently this \$5000 must be spent to provide surface sewerage for the territory. When we have taken the house sewage away, that expense must still be had, for notwithstanding the intercepting sewer, there is a certain number of acres of surface to be provided for. Thence the necessity for this sewerage in Albany street.

Alderman Clark—This canal is a nuisance at the south part of the city, and I had proposed to let the Alderman from the Eighteenth Ward take care of the matter in behalf of his constituents. It has been a nuisance for many years, and I am only surprised that the people of the South End should have let it remain. For the past four years I have done the best I could to prevent the Committee on Paving from taking the sewage from this canal and sprinkling the streets with it, which they have done for the last four years to my knowledge, although they claim that the hose, by some arrangement, runs down to deep water in Boston Harbor, and the water drawn up does not come in contact with the sewage. Everybody who has had occasion to pass over that bridge from April to November knows about this nuisance. It is simply a receptacle for the mass of sewage which comes down from Roxbury through Albany street. You may dredge it one hundred feet deep and the nuisance will remain, and no dredging will get rid of it. It breeds pestilence and disease in that section of the city, and this is the only way to get rid of it. It was dredged out this year, and two or three years ago; and still the nuisance remains, and will remain there until the entire sewage matter is taken out of it. The act allows the city to purchase the surrounding land, and the city will have 200,000 feet of land to sell after the filling is done, and the net expense will be comparatively small, the city getting a large proportion of the outlay back. Instead of passing it over to a new City Government to investigate and report at the end of the year, I believe it is our duty to pass it. The health of patients at the City Hospital needs it. I believe it was in evidence that deaths had been hastened at the City Hospital by this nuisance.

Alderman Viles—It was.

Alderman Clark—If that is a fact, although it is expensive, I believe it is our duty to abate it. The city has a large property there and has spent a large amount in trying to heal the sick by placing a hospital upon the borders of this vile stream that endangers the health of every person put into this hospital.

Alderman Burnham—They did it by putting it upon the receptacle of the sewage of 2755 houses, besides many stables.

Alderman Clark—It is a reservoir of sewage matter. I cannot see where we run into any danger by passing the order, as the act provides for a commission to assess the value of the land taken, and the amount of the damages. They will examine into the title of the land, and if the city has rights in this canal they will say what they are, and if the city has the right to fill up the canal without paying damages to the abutters they will so report. It is the best act that could be obtained from the Legislature. The abutters opposed it with able counsel. The city tried to get an act to fill up the canal and pay for the land necessary; but it could not be obtained last year and could not be obtained next year. Under this act the rights of the city and the abutters will be equally protected. I am ready to vote for the order. I desire to vote upon this question, for I believe it is an act of justice, and as I do not expect to be here at the next meeting I desire to go upon record on this question. As for the intercepting sewer I do not expect to see that in a condition to take away this sewage for three or four years at least.

Alderman Burnham—Three years.

Alderman Clark—I don't believe we have a right to allow this nuisance to remain and endanger the health of a large part of the city.

Alderman Viles—The Alderman from East Boston, who is a member of the Sewer Committee, knows that people came to the committee asking, in the name of humanity, that it be dredged. It was dredged two years ago, but we could not get near the wharves without endangering the piles, and the sewage settles under the wharves, where it cannot be reached.

Alderman Gibson—The Alderman on my right has painted a dreadful picture of the sewers. Here is a tract of 100 feet long by 50 feet wide, and physicians say it is killing people. Why, in the section where I live there are sixty acres where the sewers all empty; but the Alderman does not look over there. I don't believe one person has died from the effects of this nuisance in the canal. Judging from the remarks I have heard, I don't believe the Aldermen are better posted than the members of the next Board will be.

Alderman Clark—I supposed that East Boston was surrounded by nothing but deep water, the best in the world for large shipping. The territory he refers to belongs to the East Boston Land Company, who will not do anything until there is an advance in real estate. I doubt if the Alderman has been to the Roxbury Canal for some time.

Alderman O'Brien—I indorse every word the Alderman from the Back Bay has said, and I am aware that property owners at the South End have been before the Committee on Claims stating that their houses were untenable, and asking

for an abatement of taxes. It was shown by testimony at the recent investigation; that the gases from the canal prevent trees from growing in Chester square, and even killed them. If this is forced tonight I shall vote for the order, as I would not block the final settlement of this question; but I should like a postponement for another week, and I make that motion.

Alderman Slade believed they had all the information they could get, and favored action.

Alderman Thompson alluded to the unavoidable absence of Alderman Fitzgerald, who had been called away on business, and thought it should be postponed for a week to allow him to investigate. He favored the order, if no better plan could be proposed.

Alderman O'Brien withdrew the motion to postpone.

Alderman Gibson desired a postponement to allow time to settle the ownership of the land.

Alderman Robinson renewed the motion to lay over one week, which was lost—4 for, 7 against.

The order for the loan was passed—yeas 9, nays 2.

Yeas—Aldermen Breck, Burnham, Clark, Dunbar, O'Brien, Slade, Thompson, Viles, Wilder—9.

Nays—Aldermen Gibson, Robinson—2.

Absent—Alderman Fitzgerald.

The order to take the land was passed.

A motion to reconsider, by Alderman Wilder, hoping it would not prevail, was lost.

Sent down.

#### MILL POND FLATS.

Alderman Thompson offered an order—That the Committee on Health be, and they are hereby, instructed to report on the 17th instant an order for relief upon the petition of the citizens of the Fourth Ward for the abatement of the nuisance in said ward.

Alderman Clark in the chair.

Alderman Thompson said they had been waiting patiently for this report, for the people there are suffering a great deal more injury in their property than the people are on the Roxbury Canal. He desired some recommendation for something to be done.

Alderman Viles said the committee gave the parties a hearing, and all the petitioners wanted was for the city to say the place was a nuisance, and they so reported.

Alderman Thompson asked why they did not report some plan, as in the case of the Roxbury Canal.

Alderman Viles said they reported all they were asked to report.

Alderman Wilder thought it would be impossible to report in a week, and Alderman Burnham said that the owners had refused to do anything until the City Government had decided that it was a nuisance, which had been done.

Alderman Viles said an order had been reported and passed for the Board of Health to abate the nuisance, which was substantially what the petitioners asked for.

On motion of Alderman O'Brien, the order was referred to the Board of Health. Sent down.

Adjourned on motion of Alderman O'Brien.

[In the report of the last meeting of this Board, in the order to allow certain bills of John P. Barnard and W. P. Fierce for hacks used by the City Government, the types made the amounts \$1900 and \$600, when they should have been \$19 and \$6.]





## CITY OF BOSTON.

## Proceedings of the Common Council,

DECEMBER 13, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Reports of city officers were placed on file, and petitions referred in concurrence.

Reports of city officers. Placed on file.

Reference to Board of Health of an order for a report to be made on the petition for abatement of Mill Pond nuisance, Ward 4. Concurred.

Report of leave to withdraw on petition of Sophia W. French to be paid for personal injuries from a sled. Accepted in concurrence.

Report that no further action is necessary on petition of Trustees of Public Library for leave to expend certain unused balances of appropriations. Accepted in concurrence.

Order to issue a deed of release to Patrick Mulrey, as in said order set forth, for a parcel of land corner of Harrison avenue and Warren place. Read twice and passed in concurrence.

Report and order for a transfer of \$3000 from Reserved Fund to appropriation for Park Department. Ordered to a second reading.

## ROXBURY CANAL.

A report and order came down for a loan of \$392,000 for Roxbury Canal Improvement, all moneys received to be applied for redemption, etc., of said loan. Also an order to take a certain parcel of land therein described for the purpose of said improvement of Roxbury Canal. (City Doc. No. 92, 1877.)

The order for the loan was ordered to a second reading and laid over.

The order to take the land and provide for the improvement having been read once at a previous meeting, was read a second time and put upon its passage.

Mr. Thompson of Ward 9—As the order making the appropriation has to lie over, I move that this order lie upon the table until the order for the appropriation comes up.

Mr. Richardson of Ward 10—I can only say in addition that I hope that will be done. This Council will hardly pass upon this subject without some discussion or debate. I hope no gentleman will vote for or against this order without going personally to take a view of the premises. Anybody who has read the report of the debate in the other branch of the Government at the last session cannot fail to see the importance of getting the facts in regard to the title to this property, and in regard to the measures which have been suggested for the abatement of the nuisance. That a nuisance exists there which should be abated nobody denies; but it is a grave question whether it is necessary to spend anywhere the amount of money named in this order. I understand that the law which the city applied for last year was, in the first place, for an act authorizing the city to fill up this canal, and simply pay the damages without taking the large district of land and paying for it, for which we now propose to raise a large sum of money by borrowing it and issuing bonds, and then for the city to take the chance of disposing of the land by and by when the land, if ever, should come into the market. In view of the facts stated by the Alderman from Ward 18, at the last meeting of the Board of Aldermen—where it was confessed by several members of that branch that they did not know the facts about the title to the canal and the land about it until that time, and I am certain I did not—that are of the greatest importance, I hope it will lie over for one week.

Mr. Flynn of Ward 13—I hope the matter will lie over one week in order that members of the Council—particularly the last gentleman—may post themselves more thoroughly as to the act passed by the last Legislature, particularly upon the point which he raises, that the act only contemplated the filling up of the canal. As a member of the committee I have no desire to press the matter tonight, and I don't think the chairman or any other member has. I hope it may lie over.

The order was laid on the table.

## UNFINISHED BUSINESS.

Order to remit tax for 1877 on two forfeited lots of land on West Castle and Albion streets. Passed in concurrence.

Order to employ temporary clerks on account of extra registration of voters. Passed in concurrence.

Order to charge to appropriation for Registration of Voters and Election Expenses the expense, \$2000, for extra registration. Passed. Sent up.

Order to transcribe, print, bind and distribute the Charlestown Book of Possessions, at a cost not to exceed \$1000. Passed in concurrence.

Order to allow \$300 to Charles Brooks, on account of corporal injuries received when a fireman. Passed. Sent up.

## HISTORICAL SITES.

The order to place a tablet upon Christ Church, at a cost of \$1000, was considered under unfinished business, the question being on its passage.

Mr. Wolcott of Ward 11—I should like to ask for some further information in regard to the amount asked for. I do not question the propriety of marking such sites; in fact I fully concur in the propriety and advisability of marking historical sites in a suitable way. The amount looks excessive to me, without proper knowledge. I should suppose that a proper stone tablet could be put in for \$500.

Mr. Ham of Ward 14—At the time the original order was introduced, the appropriation asked for was \$2000; but a question was raised whether a tablet should be placed on Christ Church, and finally the appropriation was cut down to \$1200, which has already been expended for the monuments already erected on Dorchester Heights and in Roxbury. The committee gave a hearing, and decided, upon the testimony and the evidence that was offered, that Christ Church was the proper place; and they also examined the church to decide what the probable cost would be. A staging must be erected at considerable expense, and the tablet will be placed high in the church; and the lowest for which the committee think that it could be done properly and satisfactorily would be \$1000.

Mr. Mowry of Ward 11—I should like to ask what the work will consist of, what will be placed upon the tablet and wherein the expense will be.

Mr. Ham—The inscription on the tablet will be similar to those on the monuments already erected; that is, this is to mark the place where the lanterns were hung to give notice to the minutemen when the troops moved in the Revolution.

Mr. Richardson of Ward 10—There is still another question. I should like to ask of the committee whether there has been any public hearing at which historians, scholars or any other persons interested in such subjects were invited to bring in evidence as to whether the lanterns which are generally called Paul Revere's signals were hung from that church, or from the North Church. I ask this question because I understand there has been a diversity of opinion among men who are learned in this matter, and a very great doubt; and some gentlemen who have examined it with a great deal of care have given it as their opinion that this is not the church. Many of us can see that a mistake in that matter would cause chagrin and disgrace to us, and entirely defeat the very good and worthy object which it is intended to accomplish, and, so far as historical facts are concerned, make confusion worse confounded. I hold in my hand a letter which I found on my desk this afternoon, which was written by a gentleman whom I know, and whose opinion is entitled to confidence; and as a part of my remarks, I should like to read it, in order to show one phase of this question.

“Mr. Richardson—It is proposed that the city of Boston expend \$1000 for a tablet for Christ Church. What inscription is to be placed thereon I know not, but I have been told that probably it would be something like this: ‘From the steeple of this church was shown the lantern which gave warning of the march to Lexington.’ Fifty dollars would be a large expenditure for a modest tablet, such as ought to satisfy the advocates of any tablet. But why should the city spend anything for this purpose? I am told that our best historians not only have grave doubts about the matter of the signals—commonly called ‘Paul Revere's Signals’—but they are agreed that they were not displayed from Christ Church. Hon. Richard Frothingham and Mr. J. Wingate Thornton may be named as students of our local

history who say this. In favor of Christ Church there is no *historic evidence* whatever, and opposed to Christ Church there is abundant evidence. Under this state of belief, why should the city make itself ridiculous by putting up any tablet?"

I only asked this question and said what I have, that we may not make a mistake here which would make us ridiculous. It seems to me this question is capable of proof; and if this committee have not had public hearings to which historians and scholars have been invited, and unless such gentlemen have given their evidence and this committee are satisfied about it, before we take a step to put up a tablet of that sort, and attempt to make history, I hope we shall arrive at the truth about it.

Mr. Felt of Ward 18—I know nothing about this matter, but it is my impression that the committee gave a hearing, that a careful inquiry was made, and that they came to the conclusion that Christ Church was the church. Now in regard to the suggestion in the letter to my friend from Ward 10, that \$50 ought to cover the expense of such a tablet, my opinion is that it would not cover the cost of the staging. I suppose the committee reported \$1000 as the outside estimate, though I know nothing about it.

Mr. Fraser of Ward 6—As a member of the Committee on Historical Monuments, I don't know whether Christ Church is the church or not, and no other man that breathes does know. The doubt was raised when this matter was before the Council the last time. The committee had two or three meetings, and at two of them many of the great historians of Boston—Mr. Frothingham, Mr. Drake and others—were present. Mr. Frothingham believed that the church now known as Christ Church was not known as the North Church previous to 1775, and he believed that the lanterns were hung out from the church that now stands in North square. But the trustees of Christ Church proved to the satisfaction of the committee that in 1768 a pastor who accepted a call to the church accepted it as the North Church, and that part of Mr. Frothingham's evidence fell to the ground, because it was known as the North previous to 1775. Another eminent historian claimed that they were not hung from that church, but from the new North Church on Hanover street, where the present Methodist Episcopal church stands. The committee gave those gentlemen every opportunity to explain their different ideas, and in answer to a direct question Mr. Frothingham said he did not know, and had not in his possession any facts to prove that it was not Christ Church. Another strong circumstance connected with it is that two men lay claim to being descendants of the man who hung those lanterns, and those men agree that it was Christ Church, or what was known as the North Church previous to 1775. Not one bit of evidence was brought before the committee to prove that it was not Christ Church. It is only supposition. There is not a historian in Boston today that can locate the ferry to Charlestown in that day. They make it on their plans, but they don't know that that is the spot. I admit that no man living can tell where those signals were hung. No man knows today, except by tradition and history, that George Washington was on earth; and every tradition and history we had pointed to Christ Church. The natural son of the man supposed to have hung out those lanterns had it from his sisters and his relatives that Christ Church was the place. I don't know whether five hundred dollars is too much for the tablet or not, but I have no doubt Christ Church is the church where those lanterns were hung.

Mr. Pratt of Ward 21—We are very well aware that this is a vexed historical question, and are ready to think just now that we are trying to perform a solemn act for the future, which will be a guide for thousands, yes, for fifty thousand, years to come. The city of Boston is trying to solve an historical fact just now, and thousands of years from now an order of this City Council, based upon evidence taken in our time will be looked upon as a warrant for saying where those lanterns were hung up. I think we shall do well to refer this matter back to the committee with instructions to report in print the evidence upon which they base their opinion, and also that they report the manner in which they propose to mark the spot, and upon what part of the building—to give us details enough to know what is to be done, and why. I

make this suggestion because I think that such a report of the committee placed upon the files of this City Government will be a valuable historical document; and, without enlarging upon the idea, I think the gentlemen of the Council will comprehend sufficiently the reasons for pressing this motion. I therefore move, in accordance with my suggestion, that the report be referred back to the committee with instructions to report in print the evidence upon which they base their conclusion that Christ Church was the church upon which the lanterns were hung; also a description of the tablet they propose to erect, and the part of the church upon which they propose to erect it, and an estimate of the expense of doing so.

Mr. Thompson of Ward 9—I hope that motion will not prevail. I don't think any one here will deny the fact that the lanterns were hung out from some church in the town, and also the fact that Christ Church is the only church now standing that stood in that part of the city at the time the lanterns were hung out; and if we are to be so very particular about getting the exact spot we will not have any historical monument at all. If the same spirit had actuated those who located the historical monuments abroad, Europe would not be so rich in historical associations as it now is. I believe in having some place marked, and in saying that that is the place where the lanterns were hung out for Paul Revere. I believe in having some monument of this kind. This motion to refer means that it will go over to next year and be put into the hands of another committee, and that nothing will be done. Historical students are something like the Kilkenny cats; so long as there is anything to fight about they will fight. I don't know who the gentleman is who writes this letter; he may have a great interest in Boston; but if he has made up his mind on this question, no evidence that we can now gather will change it. The committee had two hearings, and I remember the impression I had when I walked into one of those hearings one afternoon and saw several gentlemen with white cravats who seemed deeply interested in settling something. A thousand dollars for putting up such a tablet strikes me as rather large; but if it is not all spent the remainder will go into the balances of unexpended appropriations. I think we had better pass the order to-night.

Mr. Richardson of Ward 10—I think we should do great harm to ourselves and posterity, and defeat the object we had in view if we make a mistake. Now it seems to me that this matter is capable of proof and determination. I don't know when these meetings were held, and have no recollection of any public hearings on the subject; but I think that is what ought to have been or ought to be held in a matter of this sort. The reason I asked the question is because I did not know whether the attention of historians and others had been called to this question. I am glad to hear the remarks of the gentleman on the committee. I have no feeling upon this question one way or the other, as I never was in one of those churches. But, I say, if we are going to set up a landmark and make history, let us have it right, if possible; and if it is necessary to wait three months to have it right, that is a matter of no consequence. In regard to the cost, I think that is of minor importance, and care very little about it; but the fact of having this monument upon the right place is of the utmost importance. We not only defeat the object of it, as I said, but we make ourselves, the place and the time ridiculous for a long time to come, if we don't get it right. I believe the fact can be demonstrated by historians. I cannot agree with the suggestion of my friend from Ward 9 that it is of little account whether the tablet is placed on the exact spot where the lanterns were hung or not. If that was not the church, I should be chagrined to find out that I had been instrumental in putting a tablet there, although it is the only church that was standing in that part of the city where the lanterns when hung out. If the church where the tablets were hung is gone, let us have no tablets. Don't let us hang out a lie to go down to coming generations. What I should like would be to refer it back to the committee, who should give notice of a public hearing to gentlemen who are known to be interested in these affairs, and, if possible, we should determine the truth. If we cannot determine the truth about it, I should be in great doubt about putting up a tablet. I don't want to lie about it. If we cannot find out the

truth about it, I should be in favor of referring it to the next City Government. I hope it will be referred back to the committee to give a public hearing, to see if this question of the locality of the hanging out of those signals cannot be shown to the satisfaction of intelligent men.

Mr. Thompson of Ward 9—The gentleman from Ward 10 misconstrues the idea which I attempted to put forward. What I meant to say was this, that there has been a dispute between historians for a long time with regard to the identity of the spot where these lights were hung out; this question has been before a committee of this City Government, and after, at least, two public hearings, they have made up their minds that this is the church from whence the lights were hung out; and whether, upon that evidence, it is n't feasible for us to decide now that we will mark this church as a monument for all time to come. My first remarks were rather in reply to the gentleman from Ward 21, who was remarking upon the solemnity of the step we are about to take, and I did n't feel that it was quite so solemn a matter, or that it was to be a judicial proceeding which was to be felt by millions yet unborn; but that it was proper for us to erect some monument to keep alive the memory of an historical event which certainly took place, and which, so far as we can judge now, was performed at this particular locality.

Mr. Spenceley of Ward 19—It seems to me that the gentleman from Ward 10 is correct in this matter, and that we should n't put a tablet on Christ Church, and say this is the church; and every time we went by to have a feeling of doubt in our minds whether it is the church, would n't be just the thing. The gentleman from Ward 9 intimates that we had as well put it there as anywhere, which reminds me of a story I read the other day: A man was fishing on the wharf, one day, and said, "Fish, I wish you would bite that hook; it is fish or nothing at my house today." It seems to me we ought to find out surely whether this was the church or not. It is a matter of history that the lanterns were hung out somewhere; but whether that was the church, or whether it was on some other church, we had better find out before we put a tablet there.

Mr. Pratt—I think we shall all go a little further than the gentleman from Ward 9, and say that before we put the tablet up we want to know that this is the spot and why it is, not only for the benefit of millions yet unborn, but for thousands yet living. You and I cannot go up to the Historical Society's rooms and look over all the histories and pamphlets and letters written by learned men who have studied this question, and wade through all the facts and theories, any more than can the large number of men who will pass by the church and see the tablet. A great many people are bothered by this question, which is quite a vexed question among historians. We want to fix not only the fact that this was the church, but we want the proof and the reasons for the fact on file here. It would be an interesting memorial to have even the evidence upon which the committee came to their conclusion. I have no doubt the gentleman who has spoken for the committee has spoken the truth, and that they came to a wise conclusion. But all I know is that a committee of the City Government has looked into it some, and come to the conclusion that that was the spot. If a man should ask me why that tablet was put up there in 1877, when I was a member of the City Government, I should say I don't know, but that some members of the City Government got together and came to the conclusion that that was the spot. I want to be able to state that that was a fact. The gentleman from Ward 9 stated that the motion meant the carrying of the matter over to next year. That certainly cannot be true. If they have not preserved their memoranda, they can call another meeting; and I should say a fortnight was ample time to call the committee together and pre-evidence and make up such a document. The report can be made and the order passed this year, and we can have the pleasure of ordering it to be done, whether it is completed or not. But I do think, as a matter of common sense, that we should appreciate the force of the remark that, for the benefit of those people who have a doubt, the committee ought to consult these savans and learned men and compare their testimony, for it would be a great satisfaction to them to have some document to refer to which would have the weight of official sanction, and which would set forth the facts upon which that tradition rests;

and we shall all know where the spot was and why it was the spot; and although gentlemen may smile at the suggestion that it may be a matter of evidence for thousands of years to come, I do not hesitate to repeat it. The history of long-past events rests largely upon official records, and the city of Boston has taken this matter in hand and proposes to set up a monument and make a record which will be handed down as long as Boston stands; and the official act of the city of Boston fixing that fact will be looked at by every coming historian and every writer of a Fourth-of-July oration, and they will want to see the facts upon which the judgment of the committee was based. It would be a rare chance for immortality for the committee, and I should think they would be the first to favor it.

Mr. Fraser—I hope this will not be referred back to the committee, for I believe they have given it about as careful attention as they possibly could. The committee had no money to employ a shorthand reporter, and I am very sorry that the opinions and reasons and historical facts given before the committee are not in such shape that they could be given to this Council. Mr. Frothingham, Mr. Lewis, Mr. Drake, Rev. Henry Burroughs, Dr. Ellis and many others were before the committee. The committee were in no hurry; they gave them all the time they required. If the wardens and vestry of Christ Church were not perfectly satisfied by their own records that that was the place, no money or honor could induce them to allow it to be placed there. If there was the semblance of a doubt that that was not the place, they would n't have it there; consequently they will allow it to be placed there. It is a well-known fact that when those lanterns were put up, people were not in the habit of making memorandums, as they might fall into the hands of some one and make it uncomfortable for them. The records of the church are incomplete for a few years after that time; but every circumstance connected with it satisfies them that that is the place. Mr. Drake, the historian, is satisfied beyond a doubt, in his own mind, that that was the place. He says that one of the strongest circumstances is, that while it is claimed that two men hung up the lanterns, their descendants both agree that that is the place. Mr. Frothingham claimed that it was the church in North square, and Mr. Lewis claimed it was the church in Hanover street, and no two gentlemen who appeared before the committee agreed upon the same place. The great point seemed to be that it was the North Church, and it was proof to the minds of the committee that a minister accepting a call to a church would be very apt to know the name of the church; and in 1768 a minister did accept a call to Christ Church, calling it the North Church. I should be happy to have it go back to the committee again if there was anything that they could do. The committee sent to every man to come and give his historical intelligence; they devoted two whole days to it, and after they were through Mr. Frothingham said he had no knowledge or facts to prove that that was not the church. No man living can stand up and say that that is not the church, because no man has seen it; but there is a tradition in the family of Paul Revere. A letter was read from the last living relative of Paul Revere, stating that it was a tradition handed down in his family that that was the church. The names of the Revere family appear upon the books where they have been baptized in that church. I hope it will not be referred back to the committee, but that the Council will dispose of it.

Mr. Howes of Ward 18—I believe it is a matter of fact that there are only two townships in the State of New Jersey that do not contain a headquarters of Washington; and it seems to me that this question is something like that. It is not only doubtful that Paul Revere hung the lanterns out at this church, but it is doubtful whether he hung the lanterns at all. That is a matter of opinion; and it is also a matter of opinion whether it may be wise for the City Government to go on erecting monuments, if they are not going to succeed better than they have done. Any one who will go to South Boston and see the monument erected to the memory of the gallant Washington for driving the British troops from Boston, will come to the conclusion that that is the only one the city should erect. That was very expensive; the whole thing is an abortion and fraud; it don't amount

to anything at all, and is a disgrace to the place where it is erected. If the city is going on erecting such monuments, I think it is a waste of money.

Mr. Beeching of Ward 1—I think we have had all the facts we can possibly obtain upon this subject, and I move the previous question.

The affirmative of the question was taken.

Mr. Pratt asked if ordering the main question would cut off the motion to recommit, and the President said it would.

Mr. Pratt asked Mr. Beeching to withdraw the motion.

Mr. Beeching said that was his object, as he thought \$1000 enough to spend.

Mr. Flynn of Ward 13 raised the point that no debate was in order, and the President ruled the point well taken.

Mr. Flynn called for the special assignment, which was taken up, viz.: Order for loan for widening Commercial street.

After the disposal of the Commercial-street matter, the discussion on the order in regard to the tablet on Christ Christ was resumed.

Mr. Beeching withdrew the call for the previous question.

A motion to lay on the table, by Mr. Crocker of Ward 9, was lost.

The order was recommitted to the committee, by a division—30 for, 23 against. Sent up.

#### COMMERCIAL STREET.

On motion of Mr. Flynn of Ward 13, the Council took up the special assignment for 8 P. M., viz.: Order for a loan of \$800,000 for widening, grading and repaving Commercial street, between Eastern avenue and Charles River Bridge, and for paying damages occasioned thereby. The question was upon the passage of the order.

Mr. Thompson of Ward 9—Before the final vote is taken upon that order I wish to clearly define my position upon it. I believe that a judicious expenditure of money might be made upon Commercial street, and that it is desirable that it should be so expended; but I believe that it is not proper for us to appropriate the large sum of money asked for in this order without some limitation as to its expenditure. The proper course is for the Street Commissioners to decide upon and submit to us a plan, so that we can say whether we will appropriate the money for that particular purpose. We are asked to appropriate \$800,000 for what? For the widening on the land or water side? We don't know. If it is to be widened on the land side, I should oppose it bitterly, because I believe it would be an extravagant expenditure of the city's money. Furthermore, I do not believe this sum would be sufficient, because, while it might pay for the land taken to widen the street, in my opinion it would not be sufficient to pay for the grade damages. Gentlemen here must be familiar with the condition of the hill, and must know to widen this street on the land side would probably necessitate the removal of Copp's Hill, and an entire change of grade of the side streets, coming from the hill into Commercial street. The houses on the side streets will be practically ruined, and all the property adjoining the street on the land side would have to be taken and paid for by the city. And the total expense would be unjustifiably great as compared with the benefit desired. Then, as to the probability of our getting back anything from betterments, I wish to call attention to the fact that the Street Commissioners would not dare to lay out that street under the betterment act, as the result would be to have all the property thrown upon the city. People who own it would be only too glad to surrender it and take the chance of getting back their money from the city. Therefore, I hope the Council will vote down the order for the loan.

Mr. Richardson of Ward 10—I don't feel that I can ask the Council for any indulgence after the time used by me in discussing this question. In addition to what I said then, I wish to state that I agree with the gentleman from Ward —. All the arguments in favor of widening the street at all are in favor of widening it upon the water side. What I did not speak of the other evening was the indefiniteness and uncertainty in and about this order. I do not feel like voting away large or small sums of money, unless I know something about how they are to be expended. To vote a million or eight hundred thousand dollars for this object without knowing whether it is to be laid out upon one side, where a

part of it can be recovered in betterments, or partly upon the other side, or without some plan to guide us, it seems to me would be voting too much at random, and too loosely for any man who has an appreciation of his duties in regard to the expenditure of moneys intrusted to him. I am willing to say, as I stated before, that I think money might be judiciously expended in the improvement of this street; but I cannot vote for the order as it now stands.

Mr. Flynn of Ward 13—I am sorry that the gentleman has not informed himself upon this matter. He has certainly had time enough to do it. He says he does not know how he is going to know on which side this street is to be widened, and that the commissioners have not laid it out upon one side or the other. During the last six months the gentleman has had an opportunity to inform himself upon this matter. He has also been invited to go down upon that street and see the necessity for widening it; whether he has done that or not I don't know. I think it out of place for him to argue that this appropriation is wrong, for I think the members of the Council are as competent to decide that as he is, for they have had an opportunity for the last two or three months to consult the interests of the city and the public generally in this matter.

Mr. Richardson of Ward 10—Can the gentleman from Ward 13 tell me upon which side the commissioners propose to widen it?

Mr. Flynn of Ward 13—On both; on both. If the gentleman had studied it, he would have learned that fact; but it appears he is ignorant now as he was when it was first proposed to the Council.

Mr. Richardson of Ward 10—Then if the commissioners propose to widen the street and cut off the buildings upon both sides, it is a most extravagant and ridiculous measure. I take him at his word and say, suppose they intend to widen it upon both sides from one end of the street to—

Mr. Flynn—No, sir, but where it will be for the best interest of the city.

Mr. Richardson—And to be determined by whom?

Mr. Flynn—By the Street Commissioners.

Mr. Richardson—Have they determined it?

Mr. Flynn—I think they have partially. They have submitted the plan to the Council, and if he had studied it, instead of coming here and opposing it without studying anything about it, perhaps it would be more for the interest of himself than for any knowledge which he might give to the Council in this matter.

Mr. Richardson—I claim to have devoted my time to my public duties. I have been upon Commercial street, and I don't want to raise any personal issue with the gentleman in regard to that. The plan submitted here a few weeks ago was made in the office of the Street Commissioners, and brought here at my suggestion; it was not made by the commissioners, but by Mr. Talbot, and is not the plan which the commissioners propose, or did propose, to widen by, and I assert now that there is no plan fixed or determined upon definitely upon which side they will widen it; and the gentleman has the frankness to say that he don't know what the plan is. I say it is a large sum to vote for something that has not been determined upon, and I cannot do it.

Mr. Thompson—In order that there may be no misunderstanding about this, I would state that the Street Commissioners have not made a definite plan, for the reason that they gave in their report to the City Council last February, that they did not feel justified in going ahead and making an accurate survey until the City Council had determined upon the expediency of the appropriation. In fact, there are two or three plans in the office of the Street Commissioners, upon which there is a difference of opinion. The fact is, if we make this appropriation, the subject then goes to the Street Commissioners, who will make accurate surveys, adopt a plan for the widening, and send it to the City Council, and we will have to assent to it by a majority vote. The point I wish to make is this: Whereas, it now requires a two-thirds vote to pass this appropriation, after it is made the Street Commissioners can make any expensive plan they please, and it can be passed here by a majority vote. I should vote for the plan made by Mr. Talbot, which is now upon file; but I object to putting a large sum into the hands of those three gentlemen, without some definite information as to the general plan they will carry out.

Mr. Fraser of Ward 6—This matter having been so well ventilated, I was in hopes it would n't be necessary for me to say anything. The widening of Commercial street was laid out some years ago. I don't know whether this plan was laid out by the Street Commissioners or not; but I do know that when a part of the City Council visited Commercial street. Mr. Talbot went down with us and explained the plan that the commissioners propose to widen it by. They went along the whole line of Commercial street, and at every corner Mr. Talbot himself expressly explained where and how and at what place they intended to widen it. As to the necessity for the widening, I don't believe there is a gentleman here but believes it should be done. The interests of commerce and the future prosperity of Boston demand it. Furthermore, from a sanitary standpoint, it is the greatest improvement needed in Boston for twenty-five years. It is the first time I ever heard that they had not a plan. To widen it on the land side would be better than on the water side. It would do away with a great many buildings that are of no use at present; and, furthermore, I don't believe that four estates on the line would be surrendered at the price they are assessed at.

Mr. Mowry of Ward 11—It seems to me that gentlemen are not meeting this question squarely. We are discussing which plan is the more feasible, when we should consider whether Commercial street should be widened. I do not consider that the necessities of business demand it, or that it is politic, or necessary for public convenience; and I shall squarely vote against it.

Mr. Kelley of Ward 3—I believe it is necessary to widen Commercial street, that it will be for the benefit of the city, and therefore I shall vote for it. Here is a narrow street with a railroad in it within two feet of the curbstone, in the most densely-populated part of the city. The engine puffs steam right into the houses, and the street should be widened as a sanitary matter. Gentlemen consider the expense, but they did n't consider the expense when they voted to buy land for a park at \$500\* an acre, for which no real-estate agent would pay \$3000. This improvement is needed for the commerce of Boston, and I don't see where it is going to cost so much. The street should be widened on both sides. Take it from Lewis wharf, run the line on the land side to Lime alley, and then take it on the water side from the gas house till you come to the bridge, and you have a straight, broad avenue from Charlestown almost out to Boston Highlands. I think it would be for the interest of the city, and as a sanitary matter, to widen it. Take those poor men who go home to dinner from the wharves. They sit in their poor houses, and while at dinner the train comes along and puffs steam and gas into the houses. I should like to know how many members of this Council would put up with it. It should be done for the interests of the city and the safety of the little children. The lives of the children there are in danger if they fall on the sidewalks.

Mr. Clarke of Ward 23—I was quite interested in the arguments of the gentleman last up; but I don't agree with him that that street should be widened for sanitary purposes. I do believe that our commercial and business interests require that the street should be widened. The day we went down with the committee, we had the City Engineer and also some of the Street Commissioners with us, and they pointed out just where it was proposed to widen it; and I was sorry that the whole Council did n't go, instead of a very few. They propose to widen it on the land side for a short distance, and then cross over on to the water side at Lewis wharf, taking in some old rookeries and junk stores, and then taking it on the land side to the hill, where they propose to cross on to the water side and widen to where the gas house now is. I think the Street Commissioners understand what would be the most economical and for the best interest of the city, and consequently I am satisfied to leave it to their judgment and that of the City Engineer; and I hope the order will pass.

The question on the passage of the order was taken by yeas and nays, and was rejected—yeas 40, nays 22—two-thirds being necessary.

Yeas—Messrs. Barry, Beeching, Brintnall, Burke, Cannon, Clarke, Crocker, Cross, Day, Dee, Doherty, Duggan, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClusky, McDonald, McGaragle,

Mullane, Nugent, O'Connor, O'Donnell, Pearl, Perham, Roach, Roberts, Ruffin, Sibley, Souther, Spenceley, Thorndike, Upham, Vose, Warren, E. R. Webster—40.

Nays—Messrs. Barnard, Blanchard, Brown, Coe, Fagan, Felt, Fernald, Hibbard, Howes, Morrill, Mowry, O. H. Pierce, Pope, Pratt, J. B. Richardson, M. W. Richardson, Sampson, Smardon, Stone, Thompson, G. B. Webster, Wolcott—22.

Absent or not voting—Blodgett, Cox, Danforth, Hiscock, Loughlin, J. H. Pierce, Reed, Shepard, Wilbur.

[For later action see latter part of report.]

#### STONY BROOK.

On motion of Mr. Flynn of Ward 13, the rule was suspended and the order for a special committee to take charge of the improvement of Stony Brook, the estimated cost of improvement not to exceed \$133,000 (City Document No. 86); and also an order for a loan of \$133,000—all money received for betterments or otherwise to be used for the redemption and cancellation of said loan.

The question was upon the passage of the order.

Mr. Pratt of Ward 21—The reasons for the passage of this order were very fully stated at a preceding meeting by the gentleman from Ward 23 [Mr. Brown], who is chairman of the special committee on this subject, and who made a very convincing argument upon it. I do not propose to go into any extended argument this evening; I simply wish to call the attention of the Council to the fact that the Board of Street Commissioners, the Board of Health repeatedly, the Board of Aldermen, and the special committee appointed this year to take this subject under consideration, have all unanimously, every time, reported in favor of making this improvement; that the question comes before us under those circumstances and is entitled to our favorable consideration. Such unanimous and repeated reports and presentments almost do away with the necessity of making any argument upon the matter whatever. I can only say that not long since, after a very heavy rain, I had occasion to go out to Canterbury street and other places along the line of Stony Brook; and I wished at the time, I have wished since, that the gentlemen comprising this Council, who do not live in that vicinity, could have had an opportunity of seeing the territory drained and flooded by Stony Brook under the circumstances which it presents after a heavy rain. When the bridge recently constructed by the city on Williams street was raised and rendered impassable for persons going to and from the depot every day; when the houses in the vicinity were flooded above the surface, so as to make every cellar a pond; when the whole district is rendered for days and even weeks after such a flood a pestilence and breeder of disease, causing not only inconvenience to residents and depreciation of property,—gentlemen will see that not only pecuniary interests are involved in this case, but that it is a question affecting the health of a large section of the city. But as I said, I do not intend to go into extended remarks upon the subject, but simply to arrest the question long enough to make these few observations.

Mr. Felt of Ward 24—What are the chances for betterments in this case? There is something of this kind in the report, but it is not very satisfactory.

Mr. Pratt—The committee examined into that matter very thoroughly, and consulted with the boards and heads of departments, who had special knowledge upon that subject. They came to the conclusion that the betterments to be recovered under the act for this improvement would nearly or quite wipe out the cost of it. The gentleman from Ward 23 very correctly presented some of the facts bearing upon that question. A large part of the improvement and the principal part of the draining of the channel have been done. Very little additional land will have to be taken, and the only opportunity for any grave action for damages likely to arise is the location of the Belting Company. A subcommittee visited this spot and after various examinations and conferences came to the conclusion that such action might be taken, at small additional expense, so as to entirely avoid the liabilities for damages there. The statute allows betterments to be assessed for the whole amount of the improvement, and the amount of land to be benefited by this improvement is very large, and the betterments would be very considerable. The amount named in the report as the possible expense was understood to be largely in excess of the probable cost of making

the improvement, and no account was made of the returns from betterments; but it was returned at a large sum under which the cost would fall.

Mr. Mowry of Ward 11—Is it not the opinion of the Street Commissioners that a small portion of the amount called for will be received from betterments?

Mr. Pratt—I understand it to be the opinion of the Street Commissioners, and every gentleman who has taken special pains to examine into it, that nearly, if not quite, all this expense will be recovered in betterments. I understand that the Street Commissioners have expressed that opinion.

The question upon the passage of the order was taken by yeas and nays, and the order was rejected—yeas 40, nays 20, two-thirds being necessary:

Yeas—Messrs. Barnard, Barry, Blanchard, Brown, Clarke, Coe, Crocker, Cross, Day, Dee, Duggan, Felt, D. A. Flynn, J. J. Flynn, Hibbard, Howes, Morrill, Mowry, Mullane, Nugent, Pearl, Perham, O. H. Pierce, Pope, Pratt, J. B. Richardson, M. W. Richardson, Roberts, Sampson, Sibley, Smardon, Spenceley, Stone, Thompson, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wolcott—40.

Nays—Messrs. Brintnall, Burke, Cannon, Doherty, Fagan, Fernald, Fraser, Ham, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClusky, McDonald, McGaragle, O'Connor, O'Donnell, Roach, Ruffin, Thorndike—20.

Absent or not voting—Beeching, Blodgett, Cox, Danforth, Loughlin, J. H. Pierce, Reed, Shepard, Souther, Wilbur.

#### INVESTIGATION OF COMMON AND PUBLIC GROUNDS.

Mr. Ruffin of Ward 9 moved to suspend the rule so as to take from the table the report on the investigation of the Department of Common and Public Grounds.

Mr. Flynn of Ward 13 said there were several important measures on the calendar, and he thought they should be disposed of first.

The Council refused to suspend the rule.  
[For further action see later in the report.]

#### PAY OF EMPLOYEES ON FIRE BOAT.

The order to increase the pay of the officers and men of the fire boat, \$100 each per annum from the date of the passage of this order, was considered under unfinished business.

Mr. Thompson of Ward 9 stated that since the last meeting he had visited the fire boat and examined with some care whether there is any reason for increasing the pay of the men. The amount is not large, yet the principle involved is of importance, as the firemen on shore might ask for an increase if this is passed. The men on the boat receive a pay corresponding with that of the men on shore; the latter are on duty twenty-one hours a day, and have three hours at meals, but have to answer alarms during the off hours, and they also perform patrol duty. They have hard duty and are kept busy at the engine houses. The men on the boat have no patrol duty, there is no mechanical work for them, and they do not have the three hours a day off that the land men do. The men on land have to live within a mile of the engine house, which is often inconvenient, and have to answer alarms while at meals. To make up for the difference in time allowed the land men, the men on the boat have one day off in each week, whereas the land men have only one day in fifteen. In that respect they are nearly equals. The men on the boat have to purchase their own rations, but the city furnishes the fuel and hires the steward. The present Assistant Engineer on the fire boat had a choice between going with steamer 25 or the fire boat, and chose the latter. The greater part of the duty on the fire boat is waiting, and while they are waiting they have nothing to do. The service is confining and disagreeable, and they should have a fair salary. Mr. Thompson read from a statement made by Mr. Winsor, the agent of most of the tug boats in the harbor, to the effect that engineers on such boats are paid \$65 to \$100 per month, and have no assistants; deck hands, \$40; stoker, \$40; steward, \$45; captain, \$100 to \$110. The tug boats that go down the harbor looking for business board the men; those that do not go down the harbor looking for business do not board them. The pilots on the East Boston ferries get \$1080 a year, engineers \$1020, firemen \$780, deck hands \$744. The captain and pilot on the police boat get \$1260; engineer, \$1200. The deck hands on the fire boat are competent to do fire duty and one of them acts as steward. Looking at all the advantages and disadvantages

of the two positions, he could not see any necessity for making the change and giving them an allowance for rations, although he thought the men on the fire boat good and efficient.

Mr. Spenceley said the men on land were relieved by patrol duty and work in the repair shops, and the disagreeable duty and confinement on the fire-boat was a good argument for more pay. It is because of the privileges they do not have that they ought to be paid more for their services. The men must all be at their post and remain there. They have been allowed rations for two or three years past, and is it right to cut them off and decrease their salaries besides? This is unanimately recommended by the committee. He moved to amend so that the order should take effect from the date it was originally introduced.

The President ruled the amendment out of order unless the amendment, to have the order take effect on its passage, was reconsidered, and Mr. Spenceley moved to reconsider that vote.

Mr. Burke of Ward 2 said the figures given by Mr. Thompson were as good as he would give. It was fair to presume that a good engineer on an ocean steamer will get \$125 a month and found. He corrected an error in the report of his remarks at the last meeting, which said that engineers of the Bradlee and on the ferries had \$125 a month; what he said was, they received that before they came into the employ of the city. Three-fourths of the boats in the harbor feed their men, with the exception of a few who do towing around the wharves, and they are small boats. If good, first-class men outside get \$100 and \$125 a month and found, for about twelve hours duty, these men should get \$100.

Mr. Richardson of Ward 10 repeated his previously expressed objection to the principle involved, claiming that it was a contract which the men had entered into with the city. When a salary is fixed and a man enters upon the duties, he accepts the office, which would be sufficient in any court of law to bind him to the contract.

Mr. Thompson of Ward 9 raised the point that this whole matter was out of order. The order repeals or annuls the ordinance allowing the fire commissioners to fix the salaries of all employees in the department, and not being in the form of an ordinance is in direct violation of section 14 of the joint rules.

The President ruled the point well taken.

Mr. McGaragle respectfully appealed from the decision, and Mr. Stone raising the point that the appeal was not seconded, it was not entertained.

Mr. Sibley said the City Solicitor had decided that an order does repeal an ordinance.

Mr. Thompson said the answer to that was that if the order passed before the point was raised it took effect; but in this case the order had been ruled out of order.

A motion to adjourn, by Mr. Felt, was lost.

#### MANAGEMENT OF COMMON AND PUBLIC GROUNDS.

Mr. Thompson moved to take from the table the order to consider the expediency of placing the care of the Common and public grounds in the hands of the park commissioners. He said it was important to have it considered this year.

Mr. Ruffin said that subject was discussed in the report on the investigation, and this order should not be acted on until that report is disposed of. He thought a disposition had been manifested to choke off a consideration of the report.

Mr. Thompson said the committee could confer with the commissioners and ascertain whether they would be willing to take such a responsibility without compensation.

Mr. Flynn of Ward 13 said his only object for opposing consideration of the report of the investigating committee was, that other matters which had been pending some time might be disposed of.

The motion to take from the table was lost.

Mr. Ruffin moved to suspend the rule in order to take from the table the report on the investigation of the Common, etc., which prevailed, and the matter was taken up and specially assigned to 8½ P. M. next Thursday.

#### COMMERCIAL STREET.

Mr. Fraser moved a reconsideration of the vote by which the order for a loan to widen Commercial street was rejected.

Carried by a division—33 for, 13 against.

Mr. Howes moved to assign it to Jan. 3, at 4½ P. M.

Adjourned, on motion of Mr. Flynn of Ward 13.





## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

DECEMBER 17, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Thirty-two traverse jurors were drawn for the January term of the Superior Court, Second Session, and thirty for the same court, First Session.

## EXECUTIVE APPOINTMENTS.

Police Officers Without Pay—T. Hugh Boorman, George Dee, Isaac S. Mullen, Arnold A. Rand, for duty at the Old South fair; and Adolph Wengeroth. Confirmed.

Police Officers—Frank E. Hall, Joseph M'Henry, Cornelius F. McCarty, William B. Watts, James Lyons and James Sullivan. Referred to Committee on Police.

Constables—Joseph Rowe, Christopher F. Sweeney. Confirmed.

## PETITIONS REFERRED.

To the Committee on Health on the part of the Board. Petitions for leave to occupy stables, as follows: City of Boston, new wooden, one horse, Canterbury street; Metropolitan Railroad Company, new wooden, forty-seven horses, Border street; Freeman Smith, new wooden, two horses, Abbott street; E. E. Varney, old wooden, one horse, Western avenue.

To the Joint Committee on Survey and Inspection of Buildings. Pierce Canterbury, for leave to enlarge a wooden building on Chelsea street, near Curtis street, Ward 1; Metropolitan Railroad Company, for leave to erect a wooden building on Border street.

## HEARING.

A hearing was had on petition of the Highland Street Railway Company for construction of a curved track on which to enter their car house on Northampton street. No objections, and recommended to the Committee on Paving.

## PAPERS FROM THE COMMON COUNCIL.

The order for an expenditure of \$1000 for a tablet for Christ Church, Salem street, came up recommended to the committee on that subject, with directions to report the evidence in print and also the cost of the project. Concurred.

Order to charge expense of extra clerk hire for registration of votes to the appropriation for that department, instead of the appropriation for Incidentals. Passed in concurrence.

Report and order to pay Charles Brooks, a fireman, \$300 for personal injuries received in the discharge of his duty. Passed in concurrence.

## LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses as follows:

Pawnbroker Licensed—Louis Latz, 96 Merrimac street.

Wagon License Granted—F. C. Matthews, 75 Kilby street.

Victuallers Licensed—J. I. Gurney, 473 Tremont street; Thorne & Harrington, 14 Oak street.

Hack License Refused—Thomas Penney, 11 Eliot street.

Billiard License Granted—Edward A. Piron, 40 Essex street.

Auctioneer Licensed—Edward H. Osborn, 76 Devonshire street.

Wagon License Granted—John Lythgoe, 46 North Bennet street.

Dealers in Second Hand Articles Licensed—John Laverty, junk, 488 Main street; Joseph Goldstein, second-hand clothing, 23 Endicott street.

Severally accepted.

Order that the license to deal in second-hand articles, granted June 19, 1877, to Henry Fall at 305 Federal street be revoked for cause. Read twice and passed.

## LAND RELEASED.

Alderman Thompson, from the Joint Committee on Streets, submitted an order—That the Mayor be authorized to release to the devisees under the will of John Donahoe such title as the city has acquired in the estate numbered 111 Warrenton street, by the sale of the same for collection of a betterment assessment thereon on account of the widening of Eliot street, upon the

payment to the city of the sum of \$1300. Read twice and passed. Sent down.

## ASSESSORS' DEPARTMENT.

Alderman Wilder submitted the following from the Joint Committee on the Assessors' Department:

Report and order—That the tax amounting to \$50.80, assessed in 1876 upon Isaac L. Rich, assignee of the estate of James Knowlton, be and the same is hereby remitted. Order read twice and passed. Sent down.

Ordered, That there be allowed and paid to D. H. Morrissey the sum of \$200 as compensation for extra clerical services rendered by him in the office of the Board of Assessors; to be charged to the appropriation for Assessors' Department. Read twice and passed. Sent down.

Ordered, That there be allowed and paid to Benjamin Cushing the sum of \$500, as compensation for services rendered by him in the capacity of secretary of the Board of Assessors; to be charged to the appropriation for Assessors' Department. Read twice and passed. Sent down.

## PROJECTING SIGNS.

Alderman Robinson submitted the following from the Committee on Police:

Reports that leave be granted Thomas J. West to project a lantern in front of 758 Washington street, and Darius Cobb to project a banner sign in front of Studio Building for three months; James M. Ham, to project a lantern in front of 254 Tremont street; James R. Merrow, to project a lantern at 50 Shawmut avenue.

Report of leave to withdraw on petition of Stewart & Macomber to project a flag in front of 26 Portland street.

Severally accepted.

## POLICE RULES AND REGULATIONS.

Alderman Robinson submitted the following:

The Committee on Police, to whom were recommended the rules and regulations for the government of the Boston police, having considered the subject, respectfully recommend that the rules be adopted as printed with this amendment—In section 15 strike out all after the word "committee," in the seventh line on page 14, and insert the following in place thereof: "When, in the opinion of the committee, the evidence is sufficient to warrant the removal of an officer, they shall report the fact to the Mayor."

Report accepted. The rules and regulations were laid over till next meeting, on motion of Alderman Fitzgerald.

## PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Ordered, That the street from Green to Merrimac street, heretofore known as Gouch street, be hereafter called and known as "Norman street." Read twice and passed.

Ordered, That the assessment of \$8.96, levied upon Henry McLevin for furnishing and setting edgestones on Boylston avenue, be and the same is hereby abated; and that said sum be assessed on Henry McAlvey, who is the owner of the estate for which said edgestones were furnished. Read twice and passed.

Report recommending reference to the Committee on Streets on the part of the Board of Aldermen of petition of R. W. Ames *et al.*, for grade and land damages on Ruggles street. Accepted and referred accordingly.

Report recommending reference to the Committee on Common on the part of the Board of petition of Reuben S. Hobart *et al.*, for removal of a tree and stone posts in front of 27 Arch street. Accepted and referred accordingly.

Report that leave be granted W. R. Cavanagh to remove a wooden building from Adams street to Sheldon street, Ward 24, and to John Cavanagh to move a building from St. James to Exeter street. Accepted.

## JOURDAIN'S MUSEUM OF ANATOMY.

Alderman Fitzgerald submitted the following from the Committee on Licenses:

The Committee on Licenses, to whom was referred the petition of L. J. Jourdain for leave to open and maintain a gallery of anatomy in this city, and also the remonstrances of Theodore Lyman and other citizens; of Henry W. Williams and fifty other physicians and surgeons; of the Boston Society of Natural History, the Boston Society of Medical Observation, the Boston Young Men's Christian Union, and the Boston Society of Medical Inspection against the issue of any

such license, have given a long and careful consideration to the subject, have allowed the petitioner and the remonstrants a hearing; and the committee are unanimously of the opinion that it is inexpedient to grant the prayer of the petitioner, for the reasons stated by the remonstrants, that such museums as proposed are only suitable for the inspection of physicians or for students of medicine and anatomy. That there are connected with the museums of natural history and of the several medical colleges in this city quite extensive collections accessible to students and professors of surgery and medicine. In view of the foregoing facts, your committee report that the petitioner have leave to withdraw.

For the committee,  
JOHN E. FITZGERALD,  
Chairman.

Accepted.

#### PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Report and order to cancel bond No. 73, for \$4360, given by James L. Simonds Dec. 23, 1871, for land on Chapman street, in Suffolk-street district, upon his surrendering the agreement of the city to convey said land, and for a new agreement to be issued to said Simonds, with all conditions of previous agreement, upon his giving a bond for \$4621.60, payable in ten annual instalments of \$462.16, with six per cent. interest from Dec. 23, 1877. Order read twice and passed. Sent down.

Report of leave to withdraw on petition of John Corcoran, for conveyance of land on corner of Fellows street and Colony place. Accepted. Sent down.

Report and order for the Collector to receive for the year 1878 upon the lease as given by Thomas W. Carter, dated Jan. 1, 1874, the sum of \$2000, payable in quarterly instalments of \$500 each, upon condition that said Carter shall pay to the Collector the sum of \$2187.50 on the first day of January, 1878, or within ten days thereof. Order read twice and passed. Sent down.

#### STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted to occupy stables by John C. O'Callahan, Columbia street; Caleb Ellis, 56 Cove street; Metropolitan Railroad Company, Draper street; Alpheus M. Stetson, Vicksburg place; Charles E. Paige, Fifth street, between K and H streets; William Blaney, for one horse, rear Vale street.

Reports of leave to withdraw on petitions for leave to occupy stables by Mrs. T. Connelly, 1732 Tremont street; Lynch Brothers, Sixth street, between D and E streets; Michael Sheehan, corner Warwick street and Cabot street; James O'Brien, 606 Parker street; Eliza G. Mulvey, 88 Heath street; R. T. Paine, Jr., Dartmouth street; Dominico Ferrino, lessee, near 124 North street; Erdman Hemman, Beach street, near Poplar street, Ward 23; Sarah Whitney, 1064 and 1066 Tremont street; Maurice Curry, Gold street; Henry Dudley, Elm street, Ward 23. Severally accepted.

#### NUISANCE IN CHARLESTOWN.

Alderman Viles presented the following:

*To the Honorable the City Council of Boston:*  
Gentlemen—In answer to the order of the City Council, which "instructed the Committee on Health to report an order for relief upon the petition of citizens of the Fourth Ward for the abatement of a nuisance," and referred to the Board of Health, we beg to state that the opinion of the City Council given to the Board of Health upon the question of abating this nuisance reached this Board the second week in October; whereupon soundings and estimates for work, which must precede filling, were procured, and much exertion made to have work commence this season. It was not thought advisable, however, to commence the building of bulkheads and the extension of the sewer this fall, which we were advised could not be finished before cold weather.

The Board of Health proposes to begin the work at the earliest practicable day and forward the work as fast as possible.

Respectfully submitted,  
S. H. DURGIN, Chairman.

The Mayor—What action is it the pleasure of the Board to take upon this report?

Alderman Thompson—I don't quite understand the nature of the report. It refers to the building of sewers. What we want is the abatement of the nuisance by filling the flats.

Alderman Viles—That is the report of the Board of Health which was handed to me a few moments ago. They inform me that the sewer will have to be extended and a great many piles driven upon which to extend it; and that it will take some time longer than this fall will allow to complete it. Bulkheads will have to be built out there to do it. They also inform me that the Fitchburg and Eastern railroads will commence this work at the earliest opportunity, but not before spring.

Alderman Thompson—One cause of the difficulty is in consequence of the city of Somerville allowing their sewage to be deposited in this pond at this place, and it seems to me it will also be necessary for the Board of Health to make some arrangement with the Health Committee of Somerville before the nuisance can be fully abated. I don't know whether the Board have considered that or not.

Alderman Viles—When the Committee on Health visited this location last summer the Board of Health called our attention particularly to the sewage which Somerville discharged into this canal. They have the matter under consideration, and will probably notify them to take it out. The report was accepted. Sent down.

#### HIGHLAND MUNICIPAL COURT BUILDING.

Alderman Fitzgerald submitted the following: The Committee on Public Buildings beg leave to represent that they have before them a claim presented by W. R. Huston for ownership in a strip of land enclosed and occupied within the lot upon which stands the old Washington Schoolhouse, Roxbury street, and now occupied by the Municipal Court, and the City Surveyor's branch office. Your committee have taken measures to ascertain the validity of the claim of said Huston, and are of the opinion that his title to the land in question is a good one; the difference being caused by the city of Roxbury in erecting a bank wall on the rear or southerly line of its land purchased for a schoolhouse encroached upon the land owned by Huston. There is about one hundred and fifty feet of land contained in the lot in question, and the city can purchase the title to the same of Huston for the sum of \$200. Your committee would recommend its purchase, as it is much needed by the officers of the court now in the building for the proper protection and care of prisoners upon their arrival and departure from the building. They would recommend the passage of the following order:

Ordered, That the Committee on Public Buildings be authorized to purchase of W. R. Huston his right and title in 150 feet of land, more or less, enclosed within the Washington Schoolhouse lot, Roxbury street, at an expense not to exceed the sum of \$200; said W. R. Huston to give a deed of the same satisfactory to the City Solicitor, and the expense therefor to be charged to the appropriation for Public Buildings.

Alderman Fitzgerald—The explanation of that is that some years ago a man called Thomas H. Perkins owned some land in Roxbury extending from Washington street to Dudley street. In 1840, or thereabouts, the town of Roxbury bought the northerly portion of the land of Perkins fronting on Washington street. In 1857 the other part of the land fronting on and running into Dudley street was bought of Mr. Huston. The town of Roxbury built a retaining wall on the southerly portion of their land, and on it built a schoolhouse, which has since been changed into the Municipal County Court House for the Roxbury District, and Mr. Huston claims that a portion of that wall is built on land which belongs to him. It is for that land he puts in his claim. He says that the wall is built on his land, and that he, some twelve years ago, put up a board fence, which has since been torn down, as evidence of his protest against its public occupancy, or to show that there is no adverse possession by anybody else. The matter came before us, and Mr. Carret has examined the title, and the surveyor at the Roxbury branch has surveyed this piece of land, and he says he has no doubt at all that this wall is built upon the portion of the land which belongs to Mr. Huston; and the question is whether he is to be paid for this piece of land or not. As to whether he put up this fence as a protestation or not, the evidence is as strong for Mr. Huston as against him. There is no evidence that it was n't put there. He is willing to settle the matter by the sale of this land for a hundred and fifty dollars, and on that we report the order.

On motion of Alderman Fitzgerald, the order took its second reading and was passed. Sent down.

ELECTION RETURNS.

Alderman Viles submitted the following:  
The committee appointed to examine the returns of votes cast in the several wards of this city on the 11th inst. for municipal officers, have attended to that duty, and report that said returns appear to be properly made, and the results are correctly recorded in the book kept for that purpose.

Your committee having received petitions, duly signed, for the recount of the ballots cast for Mayor and Aldermen in Wards 12, 15 and 16, have examined the ballots cast for Mayor in said wards, in order to see how they compare with the returns, and the results were as follows:

WARD 12.		
Mayor.	Returns.	Recount.
Henry L. Pierce had.....	430	438
Frederick O. Prince had.....	1410	1521
WARD 15.		
Henry L. Pierce.....	896	992
Frederick O. Prince.....	886	893
WARD 16.		
Henry L. Pierce.....	803	804
Frederick O. Prince.....	925	925

In view of the fact that the difference in the number of votes received for any person elected as an Alderman and the highest number returned for any person who was not chosen were nearly 1000, the committee did not think it worth while, unless this Board should otherwise direct, to expend the time necessary to count all the ballots for Aldermen in these wards, inasmuch as the general result could not possibly be affected thereby. The committee also received petitions for the recount of the original ballots cast for warden and clerk in Ward 20, and for all the ward officers in Wards 15 and 16, and they ask for further time in which to report on these officers. The results of the election, so far as this Board has power to determine them, are as follows:

The persons hereafter named, having a plurality of votes, appear to have been duly elected to their respective offices for the ensuing municipal year:

- Mayor—Henry L. Pierce.
- Aldermen—Charles R. McLean, Solomon B. Stebbins, Thomas B. Harris, Clinton Viles, Thomas J. Whidden, Lucius Slade, Lewis C. Whiton, Samuel C. Perkins, Curtis Guild, George B. Faunce, Charles Hayden, Josiah S. Robinson.
- Street Commissioner—(For 3 years) Isaac S. Burrell.

School Committee—(For 3 years) William H. Learnard, Jr., Lucia M. Peabody, Nahum Chapin, Warren Fletcher, William T. Adams, George H. Plummer, William C. Collar, Abram E. Cutter.

The committee recommend that the City Clerk be directed to notify the foregoing persons of their election to their respective offices.

CLINTON VILES. }  
LUCIUS SLADE. } Committee.  
C. H. B. BRECK. }

Accepted.

TREE REMOVED.

Alderman Slade submitted a report from the Committee on Common on the part of the Board, that Catherine Kelleher have leave to remove a tree from 246 Cabot street at her own expense, under the direction of the Superintendent of Public Grounds. Accepted.

NUISANCE ABATED.

Alderman Viles submitted a report on petition of Edward D. Rice *et al.*, for abatement of certain nuisance on Williams farm, that said nuisance having been abated, no further action is required. Accepted and sent down.

INDUSTRIAL SCHOOLS.

The Board took up the special assignment for 4½ o'clock P. M., viz., order to transfer from Reserved Fund \$15,000 for establishment of an industrial school.

The question was upon the passage of the order.

Alderman Slade—I am sorry to be obliged to differ with my friend opposite who offered this order. This Board have readily taken hold of almost every project that has come before us, among them many reports that have been laid over from year to year and have come upon our shoulders; and it seems to me that we have carried so many of those matters through that we ought not to take hold of this affair at the present time. For my part, I cannot see a great deal of merit in it. If I could I would n't hesitate to vote for it. It is true the sum is not very much, but the chances are that, before we get through with it, it must

take a very large sum to make it a success, and I doubt if the people are willing to take hold of it. Therefore I shall be obliged to vote against it. I have given it a great deal of thought and attention. I cannot see what good will come from it. To make it a success there must be workhouses in different sections of the city, which can only be done at great expense. No boy can go into such a shop and handle tools, and it is n't possible for any boy to learn any sort of a trade there. I cannot see any good to come from it; it seems to me it will be a failure, and I am not ready to take hold of it.

Alderman Fitzgerald—I thoroughly agree with the Alderman opposite that this Board of Aldermen have performed their fair share in responding to the various petitions presented to them for the expenditure of money, but don't place this in the same category with the other matters that have come before us. Though I voted against a great many of the others to which he refers, yet I am heartily in favor of something of this kind. In 1872 the Legislature was petitioned for the passage of an act to enable cities and towns in this Commonwealth to establish industrial schools. They had a long and patient hearing before the Legislature, and many persons interested in education came before them. The result was the passage of an act, the substance of which was, that—

“The City Council of any city, and any town, may establish and maintain one or more industrial schools and raise and appropriate the money necessary to render them efficient. Such schools shall be under the superintendence of the Board of School Committee of the city or town wherein they are established, and such board shall employ the teachers, prescribe the arts, trades and occupations to be taught in such schools, and shall have the general control and management thereof; provided, that in no case shall the expense of any such school exceed the appropriation specifically made therefor; and provided that nothing in this act contained shall authorize the School Committee of any city or town to compel any scholar to study any trade, art or occupation without the consent of the parent or guardian of such scholar, and that attendance upon any such school shall not take the place of the attendance upon public schools required by law.”

That act empowered cities and towns in this Commonwealth to establish industrial schools, and gave the executive control of these schools to the various school committees of cities. For years there has been a growing feeling among educators throughout the country that our system of education is defective, in that while it educates the brain or head, it does nothing to bring forth or draw out of the boy or girl the peculiar study in life, or occupation, or trade, or taste, for which that boy or girl is fitted. The establishment of drawing in our public schools is nothing less than the establishment of a peculiar course of industrial education. It was a want which was felt to be in our public schools in the United States. of mechanical drawing, and the application of the sciences to practical purposes. We have drawing schools established in this city at a large expense; the teachers alone cost some fourteen or fifteen thousand dollars in salaries. The industrial teachers cost some fourteen or fifteen thousand dollars a year; and nobody will deny that it is money well expended. We have a professor here to whom we pay a very large salary, and his assistants get a very large salary. This question has been before the School Board for six or seven years. Every year they have a committee appointed upon industrial education, and some of their reports are very interesting. Mr. Philbrick made a special report last year on industrial education. The subject has occupied the attention of all the educators in this country. I remember reading an extract in Mr. Philbrick's report from a letter from Mr. M'Allister of Milwaukee, and also one from Mr. Harris of St. Louis. Mr. M'Allister said that industrial education was a problem which sooner or later must be grappled with. Years ago only people went to school who could afford to go into the professions; Latin came to be taught in the public schools, and by and by commercial people went to school more and more, and the aim and object of the education was to fit a boy for commercial pursuits. Now education has become universal. All, high and low, go to school. Education has become compulsory. No matter how poor a parent may be, he is compelled to send his child to school for a certain time, because the

statute wisely considers that without educated people our republic will become a failure. The more the masses go into the schools, the more educators see the necessity of combining the practical with the theoretical. Take our girls—I venture to say that the education given in our high schools tends to make them unhappy during the remainder of their lives. Their aspirations are raised so high that they won't go into certain spheres of life, and the consequence is that they become unfit for the duties of the sphere in which they live and their after lives become misery. It seems to me that is one of the problems that our educators will have to solve, and that is to combine with the education of our girls the means of obtaining a livelihood. And so it is with our boys. We send them to the primary and grammar schools, to the high schools, and after cramming them with all the lore of Greece and Rome, send them out into the world. Some of them don't want to become tradesmen, because their aspirations are higher, and the consequence is that their lives are failures. Hence, the problem that educators are trying to solve is, how to make education practical and useful to the boys and girls, to make them use their hands and eyes. That the head shall direct both the hands and the eyes, in gaining a livelihood, because that, after all, is the aim and object of education; besides making them decent citizens. In that our system of education fails. Our school superintendent says this. He said that something should be done for the class of children who cannot go into the country during the summer, and he asks that industrial schools be established. Statistics show that the great mischief with all our men who run into crime is that they have nothing to do. They have no business, no trade, no profession; and I saw an account some time ago that in seventeen prisons over eight per cent. of those who were sent to the State prison had no particular trade, calling or profession. Those persons who came before the committee were men who are educated in the practical education of youth—Dr. Ellis, Mr. Ruggles, who has devoted his whole life to this business, and one lady who represented another philanthropic lady in New York who has devoted half a million dollars to carrying out this system of industrial education—they ask that some such system be inaugurated here. It is a sad commentary upon our institutions that the only place where there is an industrial school for children is in our prisons. We have something of that kind at Deer Island, and there is one at Lancaster for children that have fallen into crime. Why, this ought to begin in our public schools. Why is it in our prisons? Because those who have the control of our prisons and public institutions see that the chief causes of crime are the lack of any fixed occupation or trade in those who are criminals; they float around and about and have nothing to do, and they are tempted to do something to gain a livelihood, and they steal rather than work, because they have no trade or profession. Those gentlemen have represented something of this kind to us. Mr. Ruggles is willing to give some ten or twelve thousand dollars' worth of materials which he has to the city of Boston, and is willing to give his whole time to the city for the instruction of youth, which is worth a great deal, because, as an inventor, he has amassed a fortune and a competency by this business, and he is willing to devote a great deal of it to the city. It is said that it will cost a great deal. I grant you that it will cost something. I don't want to put it into a school, but I want to see it put beside the school. I have no doubt it will cost something; but I have no doubt the city of Boston will reap more from it. If something of this kind in the shape of industrial education were provided where our boys could go and see the various ways in which trade is performed, where their tastes could be developed, and where they could select for themselves, it would save a large amount to the city of Boston in deterring many from going to our high schools throughout the city where they simply get an education which cannot be applied to any practical purposes, because some of them are too poor to go any further. I have no doubt in that way the city of Boston will be amply compensated. It is simply a question of time when this industrial education will be incorporated as part and parcel of our educational system. It is no objection to this that no city or town in this Commonwealth has adopted it, because I fancy that the city of Boston is not in the habit of copying from other towns as other cities

and towns are accustomed to copy from the city of Boston. We have spent \$200,000 in drawing, and I say that \$15,000 is a small amount to ask with which to try this experiment. The ways and manner in which this shall be done is for the School Board to determine. After the City Council decides that it may be done, the details are left to the School Committee. It is for us to legalize it, and it is for the brains of the School Board to determine how it shall be carried out. We don't require that they shall decide upon the teachers, because we consider that they are amply competent to take care of that. Therefore I shall content myself with showing the necessity for the establishment of something of this kind. The necessity for educating the hand and the eye as well as the head and the brain, and of making education more practical than it has been, is what I shall endeavor to show. The introduction of drawing is one step in that direction. We have introduced botany, chemistry and other studies into the girls' high schools, and that is another step toward making the education of the pupils more practical, so that when they get out of school they can turn it to some practical use, besides making them ladies and gentlemen—for that is not the whole intent of education—but it is to make them intelligent citizens, so that they will be producers of something. That is the reason why educators are trying to find something to make education more practical. I know the great objection is that it will cost an enormous sum of money, and that by and by, instead of fifteen thousand dollars, it will be thirty thousand a year. I am willing to acknowledge that it may cost thirty or fifty thousand dollars a year; but I ask, isn't it better to be given for education in our schools, when children are uncontaminated, and to direct their minds, and hands, and heads to some practical purpose in life, then to allow their hands and eyes to be uneducated, so that they will go out into the world with no object and aim in life, groping around in the dark, and placed in our prisons, where we would then reform them by giving them a trade? Isn't it better to give them a trade when they go to school? The committee were unanimous in reporting this order. Whether this Board will consider it sufficient to go any further than this, is for the Board to determine. The Alderman referred to the orders for immense expenditures which have been passed through this Board, and said it is time for us to stop. I say that the money spent for making more practical the education of the forty thousand children in this city will be well spent, and will not be grudged by the citizens of Boston, because I think the two million dollars spent in education will give the greatest return back to the citizens. I think that no order which has passed the City Council this year will meet with more general approbation than this for the establishment of an industrial school.

Alderman Slade—The Alderman refers to persons going to the State prison and learning a trade. Now it simply amounts to learning to run a machine in the State prison. There is hardly a good squarely-educated mechanic in the city of Boston today, or even in the State of Massachusetts. As we all know, almost everything is done by machinery. You cannot shoe a horse by machinery, but the nails for the shoes are made by machinery. In building a house the doors, blinds and sashes, and a large part of the work is done by machinery, and the man who learns to run a machine to make one part knows nothing about the manufacture of the article. You go to Lynn, where the principal article manufactured is boots and shoes, and you can hardly find a man there who can make a boot or a shoe; but they all can run a machine that makes some part of it. And so it is with almost every mechanical trade. And that is one reason why so many men are out of employment today. Suppose you learn a large part of these boys a trade—the most useful trade there is,—which we know they cannot learn. Now the trade they ought to learn is farming. Learning a trade does not produce anything, but everything has got to come from the ground or the sea. But still we cannot do that in the city of Boston. But I do not believe that the city is willing, Boston is willing, to take the responsibility of the business education off the hands of the parents. It seems to me that it will be opening the door so that parents will be shirking the education of their children. I agree with the Alderman that our high schools are doing our girls a good deal of harm. I don't

see what good Latin and Greek are going to do them. I cannot see that the boys and girls who leave school today are any more practical or better fitted for taking care of themselves than they were thirty years ago. I will take any of the boys in the city of Boston that leave school at fifteen years old and take them up into New Hampshire, and the boys there will beat them to death in any study that they have. I believe we are stuffing and cramming them too far. They put a book into a child's hands, and in a year it is thrown away, and by the time he gets through school he has forgotten the books he had the first year, and I ask, How is any child to know the studies he has gone over without having perhaps a month's time before they can call anything to mind? And then they cannot do it very well. I don't like the system of education that is followed now. I think the time will come when they will have to go back thirty years or more and adopt the system they had then. I don't care much about the fifteen thousand dollars if I could see any good to come from it. A boy may go into Mr. Ruggles's shop and see and inquire. Mr. Ruggles is probably one of the greatest inventors we have; and there is not probably one boy in a thousand that will fill his place. You cannot give boys brains of the particular cast that he has. I cannot see what good it is going to do. I cannot see what practical knowledge a boy is going to get by going to Mr. Ruggles's shop and looking at the tools there while he explains them. That is my idea, and I don't feel like adopting this system.

Alderman Robinsou—I heartily agree with the Alderman on my left that this idea of industrial education is something outside of the general education of the youth in our schools. Suppose a boy is brought into a school that wants to learn a watchmaker's trade. What in the name of common sense does the teacher know about it? You have got to employ a watchmaker to teach him the trade; and it will take him five or six years to learn it. Suppose a boy wants to learn a carpenter's trade; what does the teacher know about that trade? It employs a variety of machinery, and you have got to employ a carpenter to teach him the trade. Suppose a boy takes a notion to be a boot and shoe maker; what in the name of common sense does a teacher know about making boots or shoes? We have got to employ a boot and shoe maker to teach him. Suppose he takes a notion to manufacture carpets; what in the name of common sense does the teacher know about manufacturing carpets? That is a trade which is diversified in all its departments; each person knows how his particular kind of business is done, and one person knows very little about the work done by another. It is all done by machinery. I always supposed that what was to be done in our schools was the education of the brain. Now the establishment of a school of design is one thing, but the teaching of a trade for practical use in life is another thing, and it is entirely different. Now what does any young man go to school month after month—studying bookkeeping, as I have done, and knew nothing more about it than I did at first? Now, in my opinion those industrial schools will only prevent boys from becoming good mechanics. They will not be willing to go into all the minute details necessary to learn a trade thoroughly and surely and properly, as they would if they were apprenticed.

Alderman O'Brien in the chair.

Alderman Fitzgerald—It is very evident that the Alderman from Dorchester does not understand the order as reported by the committee. He seems to think that the masters of our schools should be shoemakers and tinkers and cauldstick makers, in addition to being skilled in mathematics and the higher branches of the study of Latin and Greek and the classics. The order does not contemplate that trade shall be taught in our schools today. It contemplates that an industrial school shall be placed side by side of the other public schools as they exist today, and not interwoven with them. It is not that the teachers shall be shoemakers, but that an industrial school shall be established. We will allow the cobbler to stick to his awl in that school as he does elsewhere; he shall not teach mathematics, and neither shall the teacher of mathematics teach cobbling. It is intended to establish schools where a boy shall see the work in operation and have an opportunity to develop his peculiar taste. Today half of our boys go through life and don't know their peculiar vocation, and they keep on until it is too late to re-

trace their steps. The object of industrial education is to draw out of a boy the peculiar education—or whatever you may call it—for which he is fitted. It may be shoemaking; but the object is to draw out from the child his peculiar talents and give him an opportunity to see and determine for himself that for which he has a peculiar taste. The Alderman opposite speaks of our educational system. Unfortunately we cannot send all our boys to New Hampshire to be educated. It is rather strange that all our educators should be forty years behind the log schoolhouses of New Hampshire. The difference is this, that this system, instead of trying to put into a boy's head nothing but reading, writing, arithmetic and geography, it is trying to impart to them a knowledge of the things around them; and that is really education. It is not simply to be able to tell what islands are south of Hindostan. That is not education. It is not to be able to do a sum in compound interest with a trick at fractions, and many other things, as they did in the old arithmetics. That is not education. Education is the drawing out of a boy's perceptive faculties to distinguish objects around him in earth, air and sea, and to know the objects for which they are made, and not merely to understand abstract questions, or to do long sums such as were given when I was a boy; and I suppose they were still longer when the Alderman was a boy. It is a surface smattering of things; it is but the a, b, c of our education. A girl in our high school, or a boy fresh from Harvard College, can answer questions quicker and better than the ablest professor in our schools; but no one will say they are better educated. Hence, I say, our schools are making greater progress every year, and there is greater progress to be made. The Alderman from Dorchester spoke about the manufacture of carpets; why, England and France had to teach us how to make carpets, but since we have introduced industrial drawing in our public schools we are able to supply men for the work. By and by industrial education will grasp more and more every year, and it is only a question of time when it will go hand in hand with the system of education as it prevails today. Both will go together. I don't imagine that this order is going to pass, as it requires a two-thirds vote, and as one of the gentlemen, a member of the committee, who is in favor of it [Alderman Clark], is absent, I shall ask that it be referred to the next City Government.

Alderman Thompson—I hope this Board will not now begin to refer matters to the next City Government. I think we had better settle all the matters that come before us. I hope we shall take a vote upon this matter rather than refer it to the next City Government.

The motion to refer was lost.

The order for the transfer of \$15,000 was rejected—yeas 4, nays 7.

Yeas—Aldermen Dunbar, Fitzgerald, O'Brien, Wilder—4.

Nays—Aldermen Breck, Burnham, Gibsou, Robinson, Slade, Thompson, Viles—7.

Absent—Alderman Clark.

#### INTERCEPTING SEWERAGE.

Alderman Burnham offered an order—That the City Engineer be authorized to erect a temporary shelter for a steam pump on Berkeley street, between Marlborough and Beacon streets, for the purpose of making investigation in connection with the system of improved sewerage.

On motion of Alderman Burnham the order was read a second time and put upon its passage.

Alderman Thompson asked for some explanation.

Alderman Burnham—It is a very slight matter indeed. In pursuance of the investigations as to the height of the water-flow, and whether it will be affected by the intercepting sewerage, it becomes necessary for a while to pump in certain places, in order to take the gauge of the water in the live, and the probability is that there will be inclement weather, which will prevent it. It will occupy some twenty or thirty days. The statute law forbids the putting up of any structure in the streets, and therefore it becomes necessary to act in this way. It is to put up some temporary shelter during the pursuance of this investigation. The Inspector of Buildings has been consulted, and he sees no objection. The cost will be very trifling—almost nothing.

The order was passed. Sent down.

## THE GAS SUPPLY.

The Board took up the special assignment for five o'clock, viz., consideration of report, "leave to withdraw," on petition of R. M. C. Graham for leave to lay down gas pipes in this city. (Doc. 96.)

The question was on the acceptance of the report.

Alderman Robinsou—I have received a communication which, in justice to the gentlemen who have made this proposition, I wish to have read.

The Chair read the following:

*Bellevue Hospital Medical College.*

NEW YORK, March 2, 1877.

*Chas. G. Francklyn, Esq., President of the Municipal Gas Light Company:* Dear Sir—Having been informed that parties are circulating reports that the gas furnished by your company is particularly poisonous, and having been requested to express an opinion on this subject, I beg leave to state that the trivial variations in the gases made by different processes is of no importance in regard to health, excepting as to the products of their combustion. *In this respect your gas is superior to all others, as it does not contain impurities existing in gas manufactured from bituminous coal.* I have the honor to remain,

Your obedient servant,

R. OGDEN DOREMUS, M. D., LL. D.,

Prof. Chemistry and Toxicology, Bellevue Hosp. Med. Coll.

Alderman Fitzgerald—This is a very important report, and I should like to hear from the Committee on Lamps. It involves not only leave to withdraw, but a condemnation of the gas which the petitioners propose to furnish to the city of Boston; and I should like to hear from the chairman of the committee who make the report.

Alderman Thompson—I don't know what particular part of this report, or what question connected with it, the Alderman desires me to be heard upon. I would call his attention to page four, in the document, to the statement of Professor Heury Morton, of the Stevens Institute, who has analyzed this identical article that it is proposed to introduce here. The report is quite lengthy and touches upon almost every subject. I don't know that I can say much more to enlighten the Alderman upon any particular point.

Alderman Fitzgerald—The Alderman and his committee have visited New York on this special subject, and I presume they visited it for the purpose not only of seeing the gas consumed there and manufactured by the petitioners, but also to ascertain the relative cost of the gas furnished there and here. I should like to ask the Alderman about the cost of this process in New York. I have seen the light made by this gas, and it is very brilliant. I think it is used in the Brunswick and Fifth-avenue hotels, and I am not sure but it is also used in Delmonico's. The light is very bright, and I am surprised that the deleterious effects of this gas—which, from the report here, would seem to cause instantaneous death—have not been found out at the Fifth-avenue and Brunswick, two of the most important hotels in the city of New York. Did the committee receive this analysis from Professor Morton, or how did they receive it?

Alderman Thompson—The Committee on Lamps did visit New York to investigate this subject of gas. Before they visited New York they were apprised of the pattern from which this gas was manufactured that was proposed to be introduced here. They ascertained that the city of New York itself was receiving gas nominally at a lower price than the city of Boston was paying, but in reality at a higher price. They also ascertained that consumers in New York were paying \$2.50 per thousand feet, while the consumers in Boston were paying \$2.25. They also visited the private consumers of this gas, among them the proprietors of the different hotels, and they saw the light, which the Alderman referred to, which this gas made. Nobody can deny but that the light is a very excellent quality. At the time the committee were in New York the large hotels were using this gas. Some particular inducement was given to them to use this gas, as was made to the same hotels some three or four years ago, when another company proposed to come to Boston and introduce petroleum gas. They used petroleum gas, and the gas made by the Citizens' Gas Light Company, until this new company got a location and applied to them for the privilege of introducing it into their hotels. They found that petroleum gas was very smoky, and they desired to make a change. The

particular inducement offered to them the committee could not find out, as it was a private agreement between the companies and the proprietors of the hotels. When the committee were in New York, such hotels as the Brunswick, the Buckingham and Delmonico's were using this gas. Within the last six weeks the Brunswick and the Buckingham have gone back to the use of the old-fashioned gas made from coal. And for good and substantial reasons. Now, in regard to the quality of this gas, it is a fact that the inventor introduced this gas into the city of Paris some years ago, and at that time it was analyzed and found to contain a certain amount of carbonic oxide, and for that reason it was prohibited. At the last session of the New Jersey Legislature they passed an act that no gas should be manufactured in that State that contained more than two per cent. of carbonic oxide. Now the Alderman desires to know how this report of Professor Morton came to be here. The committee desired to be thoroughly posted as to the introduction of a gas here which might be dangerous. They desired to obtain from the company the result of a chemical analysis of this gas, and they ascertained that one had been made in June last, which is given here.

Alderman Fitzgerald—How and from whom was it received? It is given here as an official document. I should like to know how it was received, where and from whom.

Alderman Thompson—The committee have seen this report verified by the signature of a notary public in the city of New York. If the gentleman wishes any further information, I would state that the treasurer of the company which I happen to be connected with was about to visit New York, and at my particular request he obtained the report of this particular analysis, and he gave me the notary's certificate of the correctness of the report. There is no question about its being a genuine thing. I would also state that the committee were of the opinion that it was too important a matter for them to recommend to the City Council of Boston the introduction of the gas of another company unless there were good and sufficient reasons why it should be recommended. If this company is to come here and furnish gas to the citizens of Boston of equal quality for a cheaper rate, that was a matter to be considered; but if it was merely for the sake of giving another company an opportunity to come in here and levy contributions upon the old companies, that was also a matter for them to consider. Now it is a fact that the owners of this patent claim that this gas is superior to the coal gas such as we are using here. But there seems to be a great doubt in the minds of most experienced gas engineers in the country. The Manhattan Company, which have the largest and most experienced officers in the country, and certainly one of the most perfect establishments in the country, with the exception of the Boston Gas Company, have informed us in regard to this water gas, that if they considered it cheaper and safer than the gas they were making they would consider that they had a perfect right to make it; but, so far as its cheapness and superiority were concerned, they were yet in doubt. Then, again, the fact should be taken into consideration that it would be impossible to manufacture it without so much use of this poisonous substance—twenty-six to thirty per cent.; whereas in this coal gas the carbonic oxide does not exceed six per cent. These parties have been to other places, and that is also a question for this Board to consider. Some parties endeavored to introduce this gas into the city of Troy. They went to Troy, and the result has been that in a short time the new concern was absorbed in the old one. They went to the city of Trenton, and I have here the Gas-light Journal, which shows that—

"The new gas company that has been operating in Trenton for some time, and selling gas made under the direction of Professor Lowe, has not exploded exactly, but the foundation of things seems to have dropped out; and at a recent stormy meeting of the management, enough stock was sold out, at fifty cents on the dollar, to place the company under the control of the old coal-gas company."

That may have undoubtedly been caused by the act of the Legislature prohibiting the manufacture of gas containing so much poisonous matter. This same paper, commenting on this same gas, goes on to say—

"Dollars and cents must determine the success or failure of all these processes ultimately. If they can be made to pay in any way they will probably continue to be used in spite of poison; and those interested will have great difficulty in being convinced of the poisonous and dangerous qualities of the gas. Doubtless those having charge of water gas works may say that it is not worse to be knocked over by water gas than by coal gas; but we feel confident that the men who have suffered from the knocking over would hardly coincide in opinion. In fact we are informed that in this city, within two years, some difficulty has been experienced in keeping men at work in trenches where an escape of water gas existed. This was perhaps ignorant prejudice. Some authorities, considered reliable, speak very distinctly with reference to the nature of carbonic oxide."

Now, it is a notorious fact that when this company were laying pipes, the escape of this carbonic oxide was so strong and of such a nature that the men immediately became insensible and had to be carried away, and were unable to get up for a long time. Then in regard to combustion; another company was introduced into Indianapolis, I think, and in consequence of the mixture of this carbonic oxide with the air an explosion took place and completely demolished the whole establishment. I have gone into a careful consideration of all the propositions made by this company, and I can explain to the Board that the city of Boston is doing a great deal better now than they can do by adopting the propositions of these parties who wish to introduce this gas. It is not necessary to do so, unless the Board desires to go into this hearing; but if they do, I have every proposition marked out here, by which it can be explained. There is one common-sense view which should be taken into consideration, and that is the amount of capital which is employed here and in New York.

"There is invested in the city of New York in gas capital and bonds the sum of \$20,750,000, or \$20.75 to each inhabitant on the basis of 1,000,000 population. With recent proposed additions, Brooklyn will have invested a capital of \$11,845,000, or \$23.69 to each inhabitant, estimating the population at half a million. In the large district supplied by the Boston companies, \$5,333,000 is invested, or \$15.24 to each inhabitant, on the basis of 350,000 population."

Now, it could be easily seen that if more capital is to be introduced here, a higher price must be charged to the consumers outside. But with a gas company the first thing is to interest the corporations and the city authorities, and when they are interested and the company gets a location, if there is any deficiency in the price the private consumers are expected to make it up.

Alderman Robinson—The chairman of the Committee on Lamps has stated that we gave this matter a full, free and mature consideration; and I for one still remain fully impressed with the brilliancy of the gas made by the Municipal Company of New York. We saw it at the different hotels, and there was a steady brilliancy of light that I have not seen in any other gas. Fully impressed with that, we went to the works, and were very politely shown and had explained everything, even to the price which it cost, and I think I can give some general idea of the whole process of manufacturing this gas. Imagine, Mr. Chairman, a steam boiler, six to ten feet in diameter—the size depending upon the proportion of steam you wish to generate. Beside this is a furnace about the same diameter and height, filled with anthracite coal, which is heated to a white heat, and the steam in passing from the boiler passes through this white heat, which superheats the steam, separate the oxide from the gas, and the nitrous oxide passes off—which is that blue flame you sometimes see upon the top of a coal fire in the furnace—and that passes away out of sight. The other portion passes through a cooler and bubbles up and is there passed into a pipe. In another building a short distance off is a boiler with an inside tank, with a space between the inside and outside tank, which is filled with water. The inside tank is filled with naphtha and the water is heated between the two tanks so that the vapors unite with a portion of the water, which, after being superheated, passed into a retort. The naphtha gives the illuminating power. After that the process is pretty much the same as any other company's process. Although more expensive, I do not think it is a better establishment than the Boston Gas Light Company's, which

has also the means and facilities for making all the experiments with this gas, if they feel so disposed. But we had to think of that in some measure in regard to the proposition made by Mr. Graham, and had to base our reflections somewhat upon that. If the permission asked for is granted, it would not be "operative until the said petitioners shall have signified their assent to the conditions and their acceptance of the permission, giving good and sufficient security for the faithful performance of the contract, to the satisfaction of the proper officers of the city." This implies that if this City Government shall grant permission to lay pipes, they will not serve the public until the former companies build gas works and take time to introduce it into this city. Again, there is another provision that the said petitioners "shall not be compelled to expend in the laying down of mains a yearly sum exceeding \$10,000. Now, ten thousand dollars in laying mains would not furnish a very large portion of the lights of the city. The streets would have to be torn up; and that was a consideration that the committee had to take. So far as we could learn, all the companies were striving to furnish the city of Boston with as good gas as they can. Another matter is that "the gas furnished shall be of the best power of illuminating gas, of an illuminating power of not less than sixteen candles when tested at a distance of more than one mile from the place of manufacture." They also agree to furnish to street lamps for \$25 per annum, for lamps burning three feet of gas per hour of sixteen-candle power. If I am correctly informed, the lamps of the city of Boston burn four feet an hour; consequently the same amount of gas at \$25 for three feet an hour would amount to \$33.33, and there would have to be four lamps where there are now three. Again, they only furnish gas of sixteen-candle power, while the gas furnished by the photometer was of nineteen-candle power; so that, taking sixteen-candle gas at three feet an hour, and the other, nineteen-candle gas, at four feet an hour, and there seems to be no reason why we should go into this matter of changing gas companies. I asked the Mayor of New York and another gentleman in charge of the works, and I could not find out any particular objection to the safety of this gas. That is my belief. But I believe that, when our own citizens have expended millions of dollars, and have pipes all over the city, if any improvement is to be made it should be made by the present companies, which obviates all necessity for any change in the streets, or any question of royalty. If this gas can be furnished for what they represent, and if it is as safe as coal gas, it is as much for the interest of the Boston gas companies to furnish it as any other; and as those companies are composed of intelligent men, I believe they will do it as soon as it can be done. One question about this illuminating power is difficult to settle, whether it will be dangerous in our gas works. Coal costs somewhat more in Boston than in New York; but if they manufacture gas of naphtha in one place it can be done in another, and the only question is, whether it can be done as well here as elsewhere. As far as any loss to the gas companies, by the introduction of this gas, I could not see myself where there was any particular objection to that, after the retorts burn out, for I believe the works for purifying are about the same. The committee don't profess to be chemists or experts, but they take the view of business men whether it would be beneficial to allow another company to establish works when it would be years and years before gas could be made any cheaper. That is one reason why I signed the report.

Alderman Fitzgerald—I am glad we have such an exhaustive account of the various gaslight companies, and of this company especially; but I am very sorry that this committee should depend upon the treasurer of a company in the city of Boston, with which this company is competing, and take his report as the basis of their official decision upon the quality of the gas to be introduced in the city of Boston. Just imagine a judge sitting on the bench to decide between the relative merits of a case between a petitioner and a respondent, and in making up his decision should go to the remonstrant and ask him to give him his opinion of the other man's petition, and make up his decision on that. That is precisely the case with this. A member of this committee who is himself interested in gas, asked the treasurer

of his company to give him an analysis of a certain gas, the owner of which petitions to be allowed to use in the city of Boston; the treasurer furnishes the analysis and it is made part and parcel of an official report, showing the condition of this gas. It may be all right; but I submit in all fairness that it is not the way to make an official report upon which to come to an intelligent conclusion as to the quality of this gas. You have Professor Doremus on one side and Professor Morton on the other. It is admitted that the lighting power of this gas is excellent. I saw it in New York at the Brunswick, and took particular notice of it. It is very powerful and lightsome. It is very strange to me if it contains so much of this poisonous substance and is not altogether excluded from such a café as the Brunswick or Delmonico's. I understand it is furnished at a very low price. We pay \$375,000 in the city of Boston for gas; but I don't know whether it is at a cheap price or not. Of course gas must be a monopoly more than anything else. Railroads were more like gas companies than anything else in this respect; but the passage of the general railroad law has done away with so much of that monopoly; and now under the corporation laws any gas company can be formed and lay down pipes in the streets after they obtain permission from the Board of Aldermen. I do not intend any reflection upon the Boston Gas-light Company, as the gentleman who is at the head of it is a sufficient guarantee that it is well conducted. If the Alderman had gone further in the able report of the Gas Commissioners, he would have read that it is their opinion that we ought to manufacture our own gas. That is a consideration for the City Government of Boston. With \$375,000 paid every year to the gas corporations of Boston, I think it is a question for the city to consider whether it should not supply gas to itself and its citizens. The question will come in about the stockholders who invested their money in it when nobody else would. What I object to in this report is not that they deny the right to lay pipes in the city of Boston, and think that perhaps such a course would lead in a very short time to a movement for the city to manufacture its own gas, but they also report that this gas is so dangerous to life, and poisonous, that that would utterly preclude its consideration altogether. In order to give a fair statement of the condition of this gas, the chemical analysis of it should be in a more official and disinterested way than in coming to the committee from the treasurer of a company who is himself one of the opponents of the introduction of this gas in the city.

Alderman Thompson—The Alderman criticises my action in ascertaining information upon a matter intrusted to me. He must consider that, being connected with gas people, if I want any information in regard to its manufacture, I naturally go to gas people. I would not go to mechanics or lawyers for such information, but where I thought I could get the most correct information. I had seen in a pamphlet that this process had been discarded in France, where this invention was made. When the committee were in New York they asked this corporation to give them a copy of an analysis that they had, but could get none. What were they going to do? They were not authorized to employ a professor to analyze this gas, and they did not think it was necessary, if they could get the information. On inquiry they found that one had been made, and in order to get it the most natural thing in the world was for

them to go to the gas authorities. I say that is perfectly justifiable, and I am sure no member of this Board can object to getting it from a party that is disinterested, as the Charles-town Gas Company would not come in competition with this company. The result of the examination was brought to me with a certificate sworn to before a notary public of New York, that I might know that it was genuine. Why don't the Alderman state that he doubts its genuineness? This report has been before the Board two weeks, and if there had been any doubt about this report of Professor Morton it could have been ascertained. Now in regard to the recommendations of the Gas Commissioners; it is a very intelligent report; the commissioners went through this subject very thoroughly, and they say—

In regard to the admission of another gas company into Boston to compete with the Boston Gas Light Company, we are firmly of the opinion that no such competition should be permitted, unless the competing company be owned and managed by the city of Boston itself; and this opinion has been formed from a study of numerous cases of unsuccessful competition in supplying gas to cities in both the United States and Europe. By unsuccessful we mean, that the competition has not succeeded in permanently lowering the price of gas to the citizens. It has invariably resulted in a compromise as to price or district, except in the case of Detroit, where the battle is still raging. In New York the city is divided between the New York, Manhattan and Metropolitan companies, each supplying a separate district, and the New York Mutual Company is allowed to lay its pipes anywhere in the city and compete with the other three. The result of this is that the citizens are obliged to pay twenty-five cents more per 1000 cubic feet than in Boston; whereas, the price should, if anything, be lower than in Boston. The citizens are in each district, therefore, obliged to pay the interest on two capitals instead of one. The same is true of Brooklyn, N. Y., where there are six companies,—the Brooklyn, Citizens', Nassau, Metropolitan, People's and Williamsburg. Here the compromise has been effected by dividing the district, and raising the price to fifty cents per 1000 cubic feet more than is paid in Boston.

There is only one city in the Union that manufactures gas, Philadelphia, and in the report of their expenses I was struck with an item of \$2700 for matches, when undoubtedly the money was spent for other things, perhaps for several thousand drinks about election time. I don't think it is for the interest of Boston to establish gas works, for I don't think they can manufacture it as cheaply as private corporations can. The reason the commissioners recommended the city to petition the Legislature for authority to establish gas works was because the Boston Gas Company were not under the control of the Legislature; but that company have relinquished all such advantage they ever had over the new companies, and since then one of the commissioners told me he would not now recommend the city to manufacture its own gas.

Alderman Fitzgerald read from the commissioners' report to show that the Philadelphia experiment had been financially successful, and reiterated his previously expressed objections to the reflections of the committee upon the petitioners.

The report was accepted.

A motion to reconsider, by Alderman Thompson, hoping it would not prevail, was lost.

Adjourned, on motion of Alderman Wilder.





## CITY OF BOSTON.

## Proceedings of the Common Council,

DECEMBER 20, 1877.

Regular meeting at 7½ o'clock P. M., Benjamin Pope, President, in the chair.

The roll was called, with the following result:

Present—Messrs. Barnard, Beeching, Blanchard, Brintnall, Brown, Burke, Clarke, Coe, Crocker, Cross, Danforth, Felt, J. J. Flynn, Fraser, Ham, Hibbard, Hiscock, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McClinsky, McDonald, Morrill, Mowry, Nugent, Pearl, Perham, O. H. Pierce, Pratt, Reed, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Sampson, Sibley, Sardon, Spenceley, Thompson, Thorndike, Upham, Warren, Wilbur, Wolcott—45.

Absent—Messrs. Barry, Blodgett, Cannon, Cox, Day, Dee, Doherty, Duggan, Fagan, Fernald, D. A. Flynn, Howes, Loughlin, McGaragle, Mullane, O'Connor, O'Donnell, J. H. Pierce, Pope, Roach, Shepard, Souther, Stone, Vose, E. R. Webster, G. B. Webster—26.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions, etc., were referred in concurrence.

Report (leave to withdraw) on the petition of John Corcoran for conveyance of land corner of Fellows street and Colony place.

Report (no further action required) on petition of E. D. Rice *et al*, for abatement of a nuisance on Williams Farm, Roxbury.

Report that it is proposed to begin the work of abating the Mill Pond nuisance at the earliest practicable time, and prosecute the same as fast as possible.

Report and order to remit a tax assessed upon Isaac L. Rich for 1876—\$50.80. Order passed to a second reading.

Order to release title to estate 111 Warrenton street to devisees under will of John Donahoe, by sale of said estate for collection of a betterment assessment, on payment of \$1300. Read twice and passed in concurrence.

Report and order to receive for 1878, upon a lease given to Thomas W. Carter, \$2000, on the terms and conditions therein set forth.

Mr. McGaragle asked for an explanation, and Mr. Crocker replied that the gentleman was found to be unable to pay his rent and that the Committee on Public Lands thought it desirable for the interest of the city to reduce the rent.

Mr. McGaragle called attention to an order early in the year, reducing the rent of the same party, and thought that if they kept on, the city would soon have to pay him a bonus for occupying the property.

Mr. Clarke of Ward 22 explained that this party had a lease of the wharf for five years or more at about \$3800. Wharf property in that vicinity has depreciated, and other wharves can be procured at much less rent than he was paying for this one. He said he was unable to pay the rent, and would have to give it up. Last year the committee made the amount he should pay \$2000 for the year, but declined to cancel the lease for the reason that if business improved he could pay the rent to the full amount of the lease. He has been unfortunate the past year, and stated that he was unable to occupy the wharf at the rate of \$3800 a year, but that he would pay \$2000. Back rent to the amount of \$2100 is now due. The order provides that if he will pay this back rent of \$2100 he may continue on next year at the rate of \$2000, and after that he will have to pay the full amount of the lease. If the city had to take the wharf it would not probably be able to get more than fifteen hundred dollars a year for it. This will encourage him to go on, and give the city a chance to secure this rent.

Mr. Spenceley—How much was the rent last year?

Mr. Clarke—Two thousand dollars.

Mr. Spenceley—And he is \$2100 behindhand. In April we deducted \$1250, and now he owes about \$2100. If we keep on in this way, probably the wharf will do as well to lie idle.

Mr. Crocker said the rent last year was two thousand, or about that. This is not an additional reduction on the amount he has paid last year, but for another year, and is keeping his rent

down. It was thought better times might come, and the rent would then be about fair. The proposition is to reduce it the first year, and is made conditional upon his paying all he owes.

Mr. Clarke said a part of the \$2100 is included as a part of what he owed last spring, and he pays the \$1500 abated under that order. The committee thought the city would get what he owed and two thousand next year.

Mr. Mowry asked if the lessee is responsible.

Mr. Clarke said the abatement was in consideration that he shall pay \$2100. The committee had some doubts as to his responsibility.

The order was passed to a second reading.

Report and order to cancel bond of J. L. Simonds for land on Chapman street, and for issue of a new agreement, as therein set forth. Passed in concurrence.

Report and order to purchase of W. R. Huston his right and title to about 150 feet of land enclosed in Washington Schoolhouse lot, at not exceeding \$200. Ordered passed to a second reading.

Order to erect temporary shelter for a steam pump on Berkeley street for purpose of investigations regarding improved system of sewerage. Read twice and passed.

Order to pay Benjamin Cushing \$500 for services in capacity of secretary of Board of Assessors. Ordered to a second reading.

Order to pay D. H. Morrissey \$200 for extra clerical services in the Assessors' office. Passed to a second reading.

Mr. Fraser of Ward 6 moved a suspension of the rule that it might take its second reading.

The rule was suspended and the order was read a second time and put upon its passage.

Mr. McGaragle asked if this order had been before any committee of the Government.

Mr. Pope of Ward 14 said it had been discussed in the Committee on Assessors' Department, and it was unanimously agreed that \$200 for extra services to Mr. Morrissey, and \$500 to Mr. Cushing, should be paid on account of the extra labor performed by both parties both at night and on Sundays. Mr. Cushing had had a great deal of additional work to do as secretary of the Board of Assessors.

Mr. McGaragle called to mind the request of the License Commissioners for more salary, and that the legal minds of the Council raised the point that it was a contract, and he wanted the same legal minds to be brought to bear upon this question. These parties were under a contract to perform the duties of their offices, and they were as much under a contract as the License Commissioners.

Mr. Pope explained again that the compensation was for extra services.

Mr. Spenceley of Ward 19 said these men were not in the Fire Department, and therefore when they did anything outside of their regular duty they should be paid for it. They have regular hours, and when they work extra they of course should be paid.

Mr. Morrill of Ward 21—It has been suggested that some of the work has been performed on the Sabbath. I should like to know how many hours' work was performed on that day.

Mr. Burke of Ward 2 had intended to make inquiries about the matter, if it was laid upon the table. The secretary of the Assessors receives \$3000 a year, and he could not see how the City Council could increase this salary and refuse to increase the salaries of those who are earning more than they receive.

Mr. Clarke explained that the clerk in the Assessors' office has had an unusual amount of work to do, especially during the recent election campaign, in making duplicate copies of the tax bills, and he has had to work at night to keep up his regular work.

The order relating to Mr. Morrissey was passed in concurrence.

Mr. Fraser moved to suspend the rule so that the order relating to Mr. Cushing could take its second reading.

The rule was suspended, and the order was read a second time and put upon its passage.

Mr. McGaragle again alluded to the fact that Mr. Cushing had a stated salary, year in and year out, and he did not see why there was not as much of a contract on his part as there was with the License Commissioners.

Mr. Pratt of Ward 21 explained that there are contracts made specifically, and contracts made for certain things which are fair and reasonable. Mr. Cushing gets a salary for his services as Asses-

sor, and for his services as secretary to the Board of Assessors the contract implied that he should receive fair and reasonable compensation.

Mr. McGaragle thought that according to the same ratio the chairman of the board would be worth about \$1000. The duties of the secretary are to keep the records of the Dooming Board, and to him this looked like beating the city out of \$500 for imaginary services.

Mr. Richardson of Ward 11 said the evidence before the committee was that if any one else had done the extra work Mr. Cushing did, it would have cost a great deal more than \$500.

Mr. Mowry of Ward 11 thought the compensation reasonable for work which required Mr. Cushing to remain at the hall night after night until midnight.

Mr. Fraser of Ward 6 said this was no new appropriation; only authority to spend money appropriated which it had been expected to pay.

Mr. Burke said it was virtually paying Mr. Cushing two salaries, and there were plenty of clerks in City Hall and young men in the city who could perform the duties.

Mr. Fraser said the work was very peculiar, and while there were many worthy young men who might learn to do the work, no new man could do it as well as Mr. Cushing.

The order was passed in concurrence.

#### COMMERCIAL STREET.

The order for a loan of \$800,000 for widening, grading and repaving Commercial street, between Eastern avenue and Charles-river Bridge, and for paying damages occasioned thereby, was considered under unfinished business, the question being on its passage.

Mr. Thompson of Ward 9—I propose to move to amend the order as follows:

Amend by changing the amount from \$800,000 to \$500,000, and by adding the words, "Provided, that said street be widened mainly on the water side, and to a width not to exceed eighty feet; and, provided further, that if the estimate of the Street Commissioners for the expense of widening, grading and repaving said street shall exceed said sum of \$500,000, no part of said sum shall be expended until the abutters, corporations and persons interested in said street widening shall agree to contribute such sums of money as will with said appropriation of \$500,000 be sufficient to cover said expense."

Mr. Sampson of Ward 17—I am decidedly opposed to the amendment, which is but an entering wedge to the job, and I trust we shall vote it down. Before entering upon this I hope the Council will consider that within a few years we have spent \$23,000,000 for street widenings, and that in this time of depression every business man is struggling in consequence of the high taxes and heavy loads he has to carry. The Finance Committee were unanimous that it was unwise to pass this measure in the present financial condition of the city. We should consider the condition of the taxpayers and make their burdens as light as possible, rather than increase them.

Mr. Richardson of Ward 10—The amendment relieves the original order from very many objectionable features and partly imposes upon the interested parties the corresponding burdens of it, which is just and equitable. I am not quite ready to say I shall not vote for the amendment, although I have opposed the original order. I hope further time will be given to consider it, and move that it be assigned until a week from this evening, at 8½ o'clock.

Mr. Fraser—While I favor widening Commercial street to a width of a hundred feet, I suppose that half a loaf is better than no bread. It is very late in the season, and I hope it will not be assigned, as several gentlemen want to express their views upon it.

Mr. Spenceley of Ward 19—Would the gentleman from Ward 9 be satisfied to vote for the amendment?

Mr. Thompson—I would not offer an amendment which I would not vote for.

Mr. Spenceley—Then I hope it will not be assigned, for I am afraid that before next Thursday the gentleman will have another order. He reminds me of the man who asked his clerk how much money would make him happy; he said \$200; the man gave it to him, and the clerk said he wished he had asked for \$300. The gentleman offered one amendment to make the amount \$800,000, and now has another for \$500,000; and I am afraid that if it is assigned he will offer one for

\$300,000. If there is anything in it, let us discuss it and pass it, and if not, get rid of it.

Mr. Thompson—My amendment was for \$800,000, and made it obligatory upon the corporations to pay a part of the expense; and tonight I put it in another form. I would cheerfully vote a fair sum to widen Commercial street, if we can compel the corporations and others interested to contribute a portion of the expense.

Mr. Danforth of Ward 10—A large part of the benefit of this widening will accrue to the railroads. In the original charter for the Marginal Freight Railway, there was a provision that if the street were widened, the railroad should pay for it. The present road is owned by the Old Colony and Providence railroads, who were sharp enough to get that provision repealed, although they are able to pay for it. I hope no order to widen Commercial street will pass unless there is some provision that the cost will come upon the railroad corporations or abutters.

Mr. Morrill of Ward 20—This matter has been before the Council for some weeks, and the gentleman [Mr. Flynn of Ward 13] who has been prominent in this scheme is absent. I should be very happy to vote in favor of the matter under certain circumstances, but as it stands now I would move that it be referred to the next City Government.

The motion to specially assign, which the President ruled took precedence, was lost, and the question then came upon Mr. Thompson's amendment.

Mr. Crocker of Ward 9—The amendment will put this widening into an economical shape as we can hope to find it in, and if it is effected in this way it will be done as economically as we can hope to have it. Commercial street should be widened within a few years, and the city will not allow this Atlantic avenue, 100 feet wide, to terminate in a little street of 30 feet width. It seems to me that the connection between Charlestown and the westerly part of the city must be made larger than it is. It has seemed to me that this was an expense that is sure to be incurred before long; and I have thought that if it was to be incurred we might as well have it done now and get the benefit of it. I have therefore voted for the order twice, though with great doubt in my own mind, with the necessity for economy at the present time. Still, the original order has great objections; it left the matter very loose, called for a great deal more money than is necessary, and made it a greater width than is needed. I had made up my mind that I should not vote for the order as it stood originally; but with the modified amendment it seems to me if we can get the necessary widening at the cost which that amendment contemplates, it is a desirable thing to do. I hope the order will be amended in the manner proposed, and if it is not amended I hope it will be rejected.

Mr. Day of Ward 4—I am opposed to the amendment that it states definitely on which side the street will be widened. The Street Commissioners have no plan; they simply ask for the money, and when they get it they will make their estimate and submit their plan to the Council. Instead of making a positive statement on which side the street shall be widened, I think it better to leave it to the Street Commissioners.

The amendment of Mr. Thompson was declared lost. Mr. Thompson doubted the vote, and on his motion the yeas and nays were ordered. The amendment was adopted—yeas 37, nays 23:

Yeas—Messrs. Barry, Beeching, Brintnall, Brown, Cannon, Clarke, Coe, Crocker, Cross, Doherty, Duggan, D. A. Flynn, Fraser, Ham, Hibbard, Hiscock, Kelley (Ward 3), Kelley (Ward 6), Kidney, McDonald, Mullane, O'Donnell, Pearl, Perham, Pope, Roach, Roberts, Ruffin, Sibley, Thompson, Thorndike, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—37.

Nays—Messrs. Barnard, Blanchard, Burke, Danforth, Day, Dee, Fagan, Felt, Howes, McClusky, McGaragle, Morrill, Mowry, Nugent, O. H. Pierce, Pratt, Reed, M. W. Richardson, Sampson, Smardon, Spenceley, Stone, Upham—23.

Absent or not voting—Messrs. Blodgett, Cox, Cross, Fernald, J. J. Flynn, Jackson, Loughlin, O'Connor, J. H. Pierce, J. B. Richardson, Shepard—11.

On motion of Mr. Fraser, the subject was specially assigned to the next meeting at eight o'clock.

#### PUBLIC PARKS.

The order for a transfer of \$3000 from Reserved Fund to appropriation for Park Department was considered under unfinished business. It was

passed in concurrence—yeas 53, nays 3—Messrs. McGaragle, Morrill and Stone voting nay.

Mr. Thompson of Ward 9—I am going to move to suspend the rule, that I may offer an order; and in view of the present condition of business I will state my reason for making the motion. The Park Commissioners have been engaged in bonding land on the Back Bay in compliance with the order passed some time ago. They have practically succeeded in bonding all the land except one piece of an acre; but owing to the difficulties in looking up the titles, and in making several conveyances at one time, they wish to have an order passed by which they can take lots separately. The order provided for taking not less than 100 acres. The City Solicitor decided that under that order they must take the entire 100 acres and make one draft covering the entire purchase. The City Solicitor has drawn an order which will cover the point.

Mr. Sampson of Ward 17 objected to further remarks, as there was no motion pending.

Mr. Thompson thanked Mr. Sampson for his courtesy and moved to suspend the rule that he might offer the following:

Whereas, The Park Commissioners were authorized by an order of the City Council, approved by the Mayor on the 23d day of July, 1877, to purchase not less than one hundred acres of land or flats on the Back Bay, in the city of Boston, as appears by said order; and

Whereas, The tract of land selected by the Park Commissioners is owned in parcels by a large number of persons and corporations, and it is found impracticable to complete the examinations of the titles, and pass the deeds, and complete the purchase of all said lands simultaneously; it is hereby

Ordered, That the Park Commissioners be and they are hereby authorized to complete the purchase of any part or parts of the said tract upon the terms provided in the said order, at such times as they shall deem expedient.

Mr. Sampson hoped the rule would not be suspended, as it had already delayed the large amount of business on the programme.

Mr. Thompson said Mr. Sampson attended the meeting of the Park Commissioners and committee and knew the importance of the order.

Mr. Sampson had no objection to the order, but desired the regular order of business to go on.

Mr. Sibley opposed a suspension of the rule. The Council refused to suspend the rule. [The order was disposed of later in the session.]

#### ROXBURY CANAL.

The order for a loan of \$392,000 for Roxbury Canal improvement, all moneys received to be applied for redemption, etc., of said loan, was considered under unfinished business, and was, on motion of Mr. Sibley, specially assigned to the next meeting at nine o'clock.

#### STONY BROOK.

Mr. Perham of Ward 23 moved to reconsider the vote whereby was rejected the order for a loan of \$133,000 for improvement of Stony Brook; said order having connected with it an order for a special committee to take charge of said improvement, as therein set forth. (City Doc. No. 86.)

The reconsideration prevailed, and the question was upon the passage of the order.

Mr. Fraser of Ward 6—When this subject was before the Council I did not have light enough to vote upon it understandingly. I have since had occasion to go out there and see how the houses may be flooded during heavy rains, and shall take pleasure in voting for the order.

The order for the loan was passed in concurrence—yeas 56, nays 4:

Yeas—Messrs. Barnard, Barry, Beeching, Blanchard, Brintnall, Brown, Caunon, Clarke, Coe, Crocker, Cross, Danforth, Day, Dee, Doherty, Dugau, Fagan, Felt, D. A. Flynn, Fraser, Ham, Hibbard, Hiscock, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), Kidney, McDonald, Mowry, Mullane, Nugent, Pearl, Perham, O. H. Pierce, Pope, Pratt, Reed, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Sampson, Sibley, Smardon, Spenceley, Stone, Thompson, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—56.

Nays—Messrs. McClusky, McGaragle, Morrill, Roach—4.

Absent or not voting—Messrs. Blodgett, Burke, Cox, Feruad, J. J. Flynn, Loughlin, O'Connor, O'Donnell, J. H. Pierce, Souther—10.

The order for the appointment of the committee to make the improvement was passed in con-

currence, and the President appointed Messrs. Brown of Ward 23, Flynn of Ward 13, Pratt of Ward 21, Wilbur of Ward 20 and Thorndike of Ward 1 on said committee.

#### COMMON INVESTIGATION.

Mr. Howes of Ward 18 called for the special assignment, which was the consideration of the report of the joint special committee appointed to investigate and report whether or not any neglect of duty has occurred in the department of Common and Public Grounds.

The President read the proposed ordinance and amendment to the joint rules and resolution appended to the report, as follows:

Be it ordained, etc.:

When trees, plants, shrubs, flowers or evergreens are required to be used on the Common and public grounds, exceeding in value \$500, the Committee on Common and Public Grounds shall advertise in two or more newspapers, during the autumn preceding the spring that they may be required, for sealed proposals for furnishing such trees, plants, shrubs, flowers or evergreens, describing as particularly as may be the quantity and quality, and the times and places of delivery. Such proposals shall be opened at a meeting of the Committee on Common and Public Grounds, and the contract shall be awarded the lowest bidder. Rule 5 of the Joint Rules and Orders of the City Council is hereby amended, by adding the following:

"And at all meetings of committees the records of the previous meeting shall be read," so that it shall read, "The joint standing committee shall cause the records of their proceedings to be kept in books provided for that purpose, and at all meetings of committees the records of the previous meeting shall be read."

Resolved, That a proper performance of the city work requires that the Superintendent of Common and Public Grounds should hire the laborers employed in his department free from the interference or suggestion of members of the City Council.

The President—These proposed orders have been read once, and it will be necessary to consider each separately. The question is first upon giving the ordinance a second reading.

Mr. Crocker of Ward 9—I would like to know if the report has been accepted.

The President—The report has not been accepted.

Mr. Crocker of Ward 9—Does not that come before the passage of the orders?

The President—It has been customary where a committee has made a report with recommendations to take action immediately upon the recommendations. If the gentleman wishes the question put upon the acceptance of the report, the Chair will put the question.

Mr. Howes of Ward 18—I trust that the question will be taken upon the acceptance of the report. The matter covers quite a large extent of ground, and by merely acting upon these several orders the committee have offered, the general discussion of the report of the committee is not admitted, and I certainly hope it may be entered into.

The President—The question, then, will be upon the acceptance of the report. Is the Council ready for the question?

Mr. Howes of Ward 18—I have understood from the chairman of the committee on the part of the Common Council that it is not his intention to do anything more than to offer this report, and therefore I have not waited for him to offer any remarks upon this subject. As I understand it, the report submitted by this committee covers four distinct points, or censures, I might say, the committee or some one in four distinct particulars; one is on the purchase of rhododendrons; another is on the hiring of laborers in a promiscuous manner; another is on not receiving a sufficient quantity of gravel, loam and other things that were supposed to be delivered around the Soldiers' and Sailors' Monument; and another is on the action of the committee in not asking for an appropriation in advance of the work that they did at that point. Now, Mr. President, on three of these points the committee have failed to make any censure. The plants and rhododendrons were bought by a sub-committee, and of course as far as the entire committee is concerned they may hold themselves blameless, as the entire authority was given to the sub-committee. In the matter of employing laborers and the matter of receiving the loam and other things

around the monument, these were in the hands of the superintendent, and on these particular points the committee also pass over without censure of any kind. When, however, it comes to the matter of doing the work around the Soldiers' and Sailors' Monument, and not asking for an appropriation in advance, the committee are very explicit and make a singular exception in finding fault with the whole committee in that particular. It may be well to read the brief note in which they find fault. It is on page seven of their report, and is as follows:

"From the above it appears that the Committee on Common and Public Grounds have expended more money than the City Council appropriated for that department for this year. This is a serious mistake; the committee had no legal or moral right to do it, and from any standpoint it was clearly and inexcusably wrong. The joint rule of the City Council requires that—"

And the joint rule is given.

"We have already adverted to the probable manner in which the Committee on Common and Public Grounds were led into the commission of this mistake; but it was no less a mistake, and a grave one, to say the least; the blunder was in passing the limitless vote they did, 'that the Superintendent be authorized to have the necessary grading done near the grounds of the Army and Navy Monument.' Under this authorization it is fortunate that the deficiency in the appropriation is as small as it is. The only manner in which the expenditure of money could have been controlled under this vote, and kept within the bounds of the intention of the committee, was by a personal oversight, on the part of the committee, of the work being done.

"If it be answered that this was impossible, or asking too much of the committee, the reply is, then, that they should not have passed such a vote. With the limited information which the committee possessed as to the amount of grading required, they may have thought it their duty to pass the vote; but, having passed it, they should have taken the precaution to protect the city's interest by seeing to it that the amount expended did not exceed their intentions; and when it became apparent that it would require a very much larger amount of money to complete the grading around the monument than was originally contemplated, the committee should have immediately reported the fact to the City Council, and asked for an additional appropriation."

In that statement there is a reflection, as clear and distinct as it can be, upon the entire committee. Now very briefly I propose to show that from the evidence the committee must have had before them at the time they made that report, the conclusions they have arrived at are erroneous and are not sustained by the facts they have had at their command. It is not necessary for me to enter into a general statement of the case. It is pretty well known that the Committee on Common and Public Grounds held a meeting on the 28th of August and passed this vote which I have just read. At that meeting the chairman of the committee and the Superintendent, Mr. Galvin, were present. Mr. Galvin states that he thinks he was not there. In that his recollection differed from members of the committee and also from that of the Clerk of Committees, Mr. Lee, who, in this particular instance, remembers nothing that occurred except when the vote took place. Then his attention was called to the fact that a vote was being passed, and he stopped all work and waited until the vote was passed, and the recollection of that single event is photographed, as it were, upon his mind. Now, sir, in his evidence on page 233, he states, in answer to a question which I asked him, "Do you know who were present at the time?" He says, "I think the chairman, Alderman Slade, yourself, Mr. Dee and the Superintendent." That agrees with the recollection of several members of the committee. Having heard that vote passed, and having received, as it were, the instructions of the committee, Mr. Galvin went to work around the Soldiers' and Sailors' Monument. He had not proceeded very far in that work before he found it necessary to enlarge on the first estimate that he had made. In his evidence on page 237 he states in answer to a question by Mr. Clark. Mr. Clark says—

"I want the committee to understand that when he came to do the work that was necessary to grade the ground around the Monument he found the whole grade of the hill had to be changed.

He has so stated, and has so stated to me before. Of course that involved a greater outlay."

"Mr. Galvin—Nobody could give any idea of the cost if he had not taken the grades before the work was commenced."

Then on the next page he says, in answer to a question put by Mr. Wilbur—

"Q.—You mean to say that after commencing the work one thing developed another, and then you could see the necessity of making this extensive grading?"

A.—That is the idea exactly; when we get twenty feet graded, where we commenced twenty feet from the monument, it was three feet lower than the walk is now. That had to be filled with rocks and gravel; and you see the grounds were in a bad condition otherwise. It would have to be done either this season or next year, and you cannot avoid it."

That shows very clearly that after Mr. Galvin had begun the work about the monument, it came over him from the small amount of work that he had done that a much larger outlay was required than he or the committee had any idea of before. Mr. Galvin admits that the highest amount that he heard mentioned by the committee was \$2500, and that was withdrawn; there was no vote taken on that subject. Now Mr. Galvin, it must be conceded, by this report, knew that he was entering upon a work which the committee had not contemplated when the vote was passed. He, however, goes back to the vote and sees that he is authorized to do the necessary grading. The chairman of the committee is in precisely the same position. On page 162 of the report he says, in answer to a question by Mr. Ruffin—

"Q.—Well, was it not the general impression of a majority of the committee that it would not cost a very large sum?"

A.—Why, I have no doubt, sir, that the committee supposed that for from \$500 to \$1000 they could level up there and get rid of the slivers and chips; but when they got to work it was an utter impossibility, and if the members of the committee had attended to their duty as I did, they would have known what was being done, and that the labor would cost more than \$500, or \$1000, or \$2000."

Then lower down on the page he is asked—

"Q.—\* \* \* At some time you had the impression, generally, that it would not cost a very large sum. That general impression was changed, and you thought it would cost more. When and how was that impression changed? Was it by the action of some other committee?"

A.—No, sir. After they had commenced to do the work there, it was found that the work necessary even for the celebration could not be accomplished for anything like \$500. The grading was commenced, and, if we stopped at an expenditure of \$500, it would have left the grounds in a dangerous condition, even for the celebration.

"Q.—There was no discussion upon the amount to be expended after this in any committee meeting, was there?"

A.—No, sir.

"Q.—(By the Chairman). As chairman of the committee, did you keep the run of this work during its progress?"

A.—I did, sir.

"Q.—And gave directions?"

A.—I had a general knowledge of what was going on, sir; the directions were left to the Superintendent."

"Again on page 168 Mr. Clark says—

"I should say it was not contemplated at that time (that is, when the work was first begun) to spend so much money as has been spent."

Again at the top of page 169—

"Mr. Bryant—I wish to ask, Mr. Chairman, through you, if, after that instruction or vote, it became apparent that the expense was very largely exceeding what any member of the committee contemplated?"

"Alderman Clark—I do not hesitate to say that in all human probability, as I stated in the Board of Aldermen, the proper course to have taken would have been to have gone to the City Council and asked for the appropriation to do this grading before it was done; but when we had commenced to get the grounds in a safe condition, it would have caused a delay of a fortnight or three weeks before we could have got the appropriation, and I deemed it advisable to go on and complete the work and have it done. This delay would have cost the city at least a thousand dollars."

Still further on he states, on page 175—

"It was my intention to make this a very attractive spot."

Now it is pretty apparent there that both the Superintendent and the chairman of the committee were aware after the work had gone on a short time that it was going to cost more than the committee had intended to be spent there. What would ordinarily have been their duty under the circumstances, to my mind, clearly would have been to call the committee together, explain the case to them and ask for an additional appropriation, or for some definite appropriation on that subject. The Investigating Committee says, with a great deal of coolness, Yes; but the members of the committee should have gone out there and protested and stopped the work. Now that is just what the members of the committee did. They did go up there and protest against the work, and this also appears in the evidence that the Investigating Committee has gathered. Now on page 220 of the report in the statement made by Mr. Pope he says—

"I can state that shortly after (Aug. 28)—within a week—that vote was passed, I went to the committee, and saw what was done, and remonstrated with the Superintendent for the amount of work which was going on there. I saw there was a very large expense incurred. I asked him what business he had to do it, and he told me he was authorized to do it by a member of the committee. I went and saw the chairman of the committee, Mr. Clark, and remonstrated with him, and he told me he could get an appropriation through easy enough, when it was necessary to meet the expense. I told him I did not think it was a proper way; that the expense was being incurred without any appropriation; and I spoke of the motion which I made, which was not entertained, asking for two thousand five hundred dollars, as that was not necessary."

Now, the chairman of the committee, on the 5th of September at least, must have known that in the opinion of certain members of the committee, he and the Superintendent, by authorizing that work to be done around the monument, were transcending the power given by that vote. There was no question about it; and his reply on that occasion was that he could secure appropriations easily enough. Now, that was only one instance. On the 15th of September, only fifteen days later, as will appear by evidence on the same page, Mr. Pope and myself both went to Mr. Galvin, and remonstrated with him and to the chairman of the committee, and remonstrated with him on that expenditure. We also stated that Mr. Slade, who with us two constituted a majority of the committee that passed that vote, deemed that the vote had been entirely exceeded by the Superintendent in carrying out the work as he did. Mr. Clark replied at that time, just as he did before, that there was no difficulty in getting an appropriation. Now, having made this statement, it comes with very poor grace from the chairman of the committee, when asked about or charged with this fact, to lie down on the committee, as it were, and say, Here is your vote; we did nothing more than your vote authorized us to do; Mr. Galvin was perfectly right in doing just what he did. Mr. Galvin also admits on page 336 that these same remonstrances were made. The question is—

"Q.—Did you hear any of the committee remonstrate about it?"

"A.—Mr. Pope remonstrated, as he said we would have hard work getting the appropriation; and I think Mr. Howes objected at one time.

"Mr. Howes—That was after it was through.

'Alderman Clark—He made no objection until after it was through?"

"Mr. Howes—I did n't see Mr. Galvin until about the 15th of September, when it was completed.

"Mr. Galvin—It was about half completed, and you found fault, and thought the committee would have hard work getting the appropriation.

"Mr. Brown—Have you done any work there since the 17th?"

"A.—Yes, sir; a large quantity of it."

Mr. Howes's time having expired under the rule, it was extended, on motion of Mr. Beeching of Ward 1.

Mr. Howes of Ward 18—At that time, on the 15th of September, it was two days before the Soldiers' and Sailors' Monument was dedicated, and I must say that I supposed the work was completely done. The men had stopped work up there, temporarily probably, and the staging was built around in such a way as to preclude any definite idea of what the work was. I did not suppose that further work would be done after the remonstrance that had been

made. However, at the next meeting of the committee that was not held until the latter part of the month of September, when the committee came together at that time I made a motion that the expenses of the department be cut down to \$500 per month, and that all men necessary to be discharged to curtail expenses to that amount be discharged. That vote failed to pass, and the committee with the exception of myself voted to ask for an appropriation. I merely bring this fact up to show that the committee, or certain members of the committee, did attempt to stop that work and did attempt to have the chairman ask for an appropriation before the appropriation was asked for, before the work was completed, before the work had gone to any very large extent, and probably before more than a thousand or twelve hundred dollars had been spent. It is on that account that I find fault with the report of the Investigating Committee, when they have the evidence directly before them, in making a report which includes a sweeping condemnation of the entire committee, when to my mind the entire committee are by no means to blame; and, if the blame is to fall on any one, I desire it shall fall on the shoulders where it belongs, and not in a general way upon every one in general and upon no one in particular. I do not know that I have anything more to say on this subject. There is no very good reason why the report should not be accepted, though I do not believe in this particular feature of it, and I certainly should not want it to be accepted without entering my protest on that particular point.

The chairman of the committee, Mr. Clark, on one or two occasions has seen fit to advert somewhat severely upon the want of back bone on the part of certain members of the committee—for instance, on page 162 he says that he thinks it was charged by some members of the committee not having pluck enough to go to the Common Council and ask for an additional appropriation. Now, Mr. Clark, the chairman of the committee, may go ahead and do work just as he pleases. He may go ahead and ask for an appropriation afterwards. That may be his style of doing business, but it has not been mine since I have been on the committee, and I do not wish to be included in the condemnation which charges the committee with any such fault. Probably gentlemen may know that in times past and possibly for a certain portion of this year it has been the case that the chairman of the Committee on Common and Public Grounds has run this committee. When the committee first came together this year we had a vote passed that all bills and accounts should be left with the chairman of the committee to receive his signature and be paid. But certain members of the committee found that by that vote they voted themselves out of all power; and after the first of May, when the new appropriation came in, they reconsidered that vote, and the bills were then to be approved by the committee. Since that time the chairman of the committee has taken exception, I imagine, to the action of its members in doubting, possibly, his ability to do this work; and in this particular fact in authorizing by his presence and also by the fact that he would not call a meeting of the committee or hear the protests of the members, he has taken things into his own hands, to the exclusion of the rest of the committee; and if there is any fault in this matter I would like to have it charged to the one to whom it belongs.

Mr. Crocker of Ward 9—The gentleman from Ward 18, it seems to me, has pointed out very clearly some defects in this report, but I wish to draw attention to one other matter in which it seems to me the committee did not do as I think they should have done—with regard to the loam which the city paid for and did not get. It appears that the city paid for 1863 loads of loam (page 9 of the report) at fifty cents per load, that they, so far as can be found, did not get, making due allowance for settling. Thus some 1800 loads out of 6500, somewhat more than one-quarter of the loam the city paid for, is missing. This matter does not seem to be followed up by the committee, and no suggestion is made whether they tried to find out how it happened that this nine hundred and odd dollars' worth of loam was paid for which the city did not get. It seems to me that it is a matter that might have been followed up further. I have been making some inquiries about it myself, and I find that the probable explanation of it, which I will give for the benefit

of those who are interested, is that this loam being sent in there at night by cartloads, the carts were not full, but were about three-quarters full. In any other department of the City Government, when they are buying dirt they usually put a man on from the City Engineer's office to measure each load and see if it is a twenty-foot load, and in that way they make sure of getting what they pay for. But it seems, as far as I can learn, in this case the officials in charge of this matter—whether the Superintendent of the Common, or the chairman of the committee, or the committee, whoever it was,—did not take the ordinary precautions that are taken in such cases, and the loads were run in there, a great many of them, all through the night, and perhaps there was not much in a cart, and on the average the carts were not quite three-quarters full. That, it seems to me, is the explanation of that leakage, and it is one which, it seems to me, the committee ought to have looked into. Perhaps they might have found out who the man was that got the money for loam that he did not deliver to the city. I do not know as it is possible to find out who it was. It may have been mere carelessness on the part of the contractor, as well as on the part of the city. It certainly was carelessness on the part of the city not to take the precaution taken in other departments to see that the loads, which we pay fifty cents per load for, on the supposition that they contain twenty feet, did really contain that amount.

Mr. Thompson of Ward 9—Mr. President, the report of this committee in certain parts affects only the Committee on Common and Squares. They are perfectly capable of answering for themselves, and I think have answered pretty well tonight. But there are certain findings in this report which affect the public inasmuch as they refer to the present system under which the Common is managed, and generally approve of that system. I wish to call attention tonight to some of the evidence upon which these findings have been made; so that the public may be able to judge whether these findings are correct or not. It is a matter of public importance that our Common and squares should be managed on the best possible system. I think a very large portion of the public are of the opinion that the present system is not a good one. Now, so far as this finding of facts can have any weight in the community, they do sustain that system, and I am now going to call your attention to several points which I think the committee might and should, on the evidence, have found differently from what they did.

In the first place, in reference to the Public Garden. On page 4 of the report it is stated that—

"It is estimated that to replant the Public Garden properly, with different and finer flowers and plants, would cost not less than \$50,000, and that it would require \$30,000 per annum to keep and maintain it. Under the present system it costs now in the neighborhood of \$20,000 per annum to carry it on."

Thus assuring us and the public that the changes proposed are in the direction of greater expense than those now in use. Now that finding in regard to the cost of replanting is based upon the evidence of Mr. Harris, the gardener of Mr. Hunnewell. To show how that idea got into the minds of the committee, on page 109 you will find the following testimony:

"Mr. Ruffin—Did you say that it costs about thirty thousand dollars a year to keep Mr. Hunnewell's place going?"

"A.—Yes, sir.

"Q.—What would it cost to put the Public Garden in the same condition that you find Mr. Hunnewell's estate in today; with the same qualities of evergreens?"

"A.—It would be almost impossible to make even a rough guess.

"Q.—A large sum of money?"

"A.—But to plant it out with the large quantity of stuff we have it would cost \$50,000."

There then is the idea on which they make the finding that it would cost \$50,000 to replant the Public Garden. By going a little farther back, however, in the evidence of Mr. Harris upon the same page it is asked, "How extensive is Mr. Hunnewell's flower garden?" and the answer is, "We have about forty acres improved, and we have a large collection of plants that are very expensive." Now the Public Garden, so much of it as is in plants, is less than twenty acres. There are twenty-two acres in all, and part of it is covered by a pond; and so far as this statement is concerned it is that if

you attempt to grow on this twenty acres the same expensive varieties of flowers which are grown on Mr. Hunnewell's forty acres, it would cost \$50,000 to replant it and \$30,000 to carry it on.

On page 99, Mr. French, in giving his testimony, read a letter from Professor Sargent, who, referring to the Public Garden, said—

"In my opinion the Garden should be laid out on an entirely different plan; and if planted as I suggest, six men in summer and one in winter would keep it in perfect order, and \$200 would buy all the plants required."

Going further, Mr. French says—

"One of the committee asked me what I thought it would cost to make a complete change in the Public Garden, and I didn't feel that I was able to state the cost; but Mr. Sargent says that \$10,000 would make all the change that is necessary in the garden.

"Alderman Clark—Mr. French, who is Professor Sargent?"

"A.—He is the professor at the Buzzey Institute, and has charge of the Harvard Arboretum."

This was the evidence before the committee of Professor Sargent, a man qualified in every way to judge, and he thought it would cost \$10,000 to replant the Public Garden, and afterward it could be maintained at an annual expense of \$4500. On the other hand, Mr. Harris stated that it would cost \$50,000 to plant and replace the choice variety of flowers now upon the forty acres owned by Mr. Hunnewell; and he also stated it cost Mr. Hunnewell \$30,000 a year to maintain his place, saying in regard to that, however, in his exact words on page 107—

"A.—Yes, sir; I have the management of the entire thing, except building the houses. I should judge it costs Mr. Hunnewell \$30,000 a year to run it.

"Q.—To run his flower garden?"

"A.—Yes, sir."

Then he goes on about the extent of the garden and says, "We have a large collection of plants that are very expensive." On this evidence the committee feel justified in making the above finding. I cannot agree with them. Then the committee go on to say, "Whether the results obtained from this outlay are adequate was not made very clear by the evidence. The only comparison as to cost made was between the Public Garden and private estates. It is plain that this could be no true test." I will say that the want of evidence on this point was the fault of the committee themselves; it was ruled out.

On page 56, in the evidence of Mr. Bowditch he says—

"The point I wanted to get at is this: that although the cost of this work is high, it is no more so than a quantity of other work done on Boston Common since 1867.

"Mr. Vose—I object to the gentleman going on in this rambling style.

"The Chairman—I was just going to call the gentleman's attention to the order. The scope of the investigation is confined to the past year.

Witness—I understand from some of the testimony in the early part of the evening, and from reading the reports in the papers, that it covered several previous years. Am I wrong in that, sir?"

"The Chairman—Yes, sir. We are merely investigating the doings of the present City Government.

"Witness—I beg your pardon. Then perhaps I can condense my figures."

I can state of my own knowledge that he had with him at that time the very information that the committee now deplore they did not have before them. So pass on to another point and refer to the rhododendrons. I don't think the question of the rhododendrons was of so much importance, but still, on the evidence before them I am surprised at the finding they made. They say this, referring to rhododendrons:

"They were bought, in the usual course of business, from respectable business persons, and at no unreasonable price."

The evidence was that they paid for these plants \$1.54 each, and the evidence before them was that that was an excessive price. The evidence of Mr. Francis Parkman, the president of the Agricultural Society, was that he had examined these rhododendrons and that they were of a cheap variety. I suppose that the readers of the Boston Daily Advertiser noticed in an edition of a day or two ago a letter from Professor Sargent, who had taken the shortest means of showing exactly what these rhododendrons were

worth. I hold in my hand the letter published in that paper, and as all of you have not read it I will read it.

*F. W. Kelsey and the Boston Rhododendrons.*

To the Editors of the Boston Daily Advertiser: Recent letters from Mr. Waterer of the Knapp Hill nurseries, England, the grower of the rhododendrons furnished the city, enable me to give more exact information in regard to Mr. Kelsey's transactions in this matter, that the public investigation on the management of the public grounds has brought to light. For the 600 rhododendrons and azaleas sold to the city, Mr. Kelsey paid, including the six packing cases, £53 10s, which, on April 14 (the day the plants arrived), was worth \$278.73, exchange on that day being 488 $\frac{1}{4}$ , and gold 106 $\frac{3}{4}$ . Freight and duty to the amount of \$91.60 were paid, and for the premium on gold used to pay the duty, custom-house charges, wharfage and cartage, \$12.96, making the total cost of the plants \$383.29. For this lot of plants, which cost him only \$383.29, Mr. Kelsey received from the city \$921, or, in other words, plants for which he paid sixty-four cents, he sold to the city for \$1.54, thus making a profit of 140 per cent.

The statement so often repeated by Mr. Kelsey and his friends, that these rhododendrons were all fine, hardy, named varieties, is as impertinent as the price charged for them is exorbitant, for among them, as any one can see who knows rhododendrons, are a great many cheap, unnamed seedlings, which may or may not prove hardy, as well as several named kinds which have not yet been tested in this climate in the open ground. It would, perhaps, hardly be worth while at this late day to bring this matter up again, were it not that Mr. Kelsey has managed to obtain the indorsement of several gentlemen whose recommendations have great weight with the horticultural public, and by the aid of which he may succeed in victimizing some other simple and confident city officials.

C. S. SARGENT.

*Brookline, Dec. 17, 1877.*

Now, the evidence before that committee was practically to the same effect as that letter. In the face of that I do not see how they could make the finding they did. The evidence of Mr. Galvin himself was that he advised the committee not to buy of Mr. Kelsey, for they could import them cheaper from England.

Another point is their finding in regard to greenhouses, which is as follows:

"This brings us to the consideration of the question, Whether it would be wise for the city to build a greenhouse? We are compelled to say from the evidence it would not be wise. In the first place, the city has no proper place to build three greenhouses. It was shown that it would require three to raise thirty thousand plants, the quantity used by the city; and secondly, and more important, the kind and variety of plants used on the Public Garden are not worth being housed and cared for during the fall and winter months. It would be cheaper to give away or destroy the flowers after the 1st of November, than to take them up and put them away in greenhouses." Now, I say the evidence of every expert who testified, including that of John Galvin, was right to the contrary, and Mr. Galvin—and it was confirmed by the chairman of the committee—always advised them to have a greenhouse. He pulled down the old greenhouse for the very purpose of putting up a proper one. Mr. Ernest Bowditch, before the committee, stated that no more wasteful system could be adopted than to buy seven or eight thousand plants a year and destroy them every fall. He stated in his evidence on page 66—he had given some facts in regard to greenhouses, and he gives an answer at the bottom of the page:

"I can tell you what it cost to run the greenhouses for Fairmount Park, and those are very large. It cost—if you will let me look at my list here, I will tell you what it cost [referring to papers.] The maintenance of the greenhouses for propagating and preserving plants through the winter is about \$2000 a year, and \$3000 more for planting and maintaining flower beds; \$1000 to \$1500 for the maintenance of a nursery for young trees. That is sufficient for all their parks."

And they have parks of two or three thousand acres. The city paid some \$8500 for plants this year, which is more than the cost for running the greenhouses and the nursery for all the public parks in the city of Philadelphia. Mr. Harris, the gardener for Mr. Hunnewell, who was called by Mr. Galvin, also

testified, and testified strongly, in favor of maintaining a greenhouse, in the following testimony:

"Q.—How large and expensive a greenhouse would be required to supply the public grounds of Boston with flowers?"

"A.—You would want three greenhouses—one large one for growing this large stuff.

"Q.—How much would it cost?"

"Alderman Clark—To grow such stuff as we have?"

"Mr. Harris—I should think it would require two or three houses one hundred feet long and eleven feet wide, to grow all the stuff you want.

"Alderman Clark—We have the Public Garden, and the parks in Charlestown, South Boston and the South End.

"A.—Anybody can easily calculate what it will cost if you put out the quantity that can be raised in a greenhouse one hundred feet long by eleven feet wide.

"Mr. Galvin—If you double that quantity?"

"Alderman Clark—How much would you want for double that quantity?"

"A.—Double the amount of houses.

"Q.—How much would the houses cost?"

"A.—Such houses could be built for eight hundred dollars apiece, and three thousand two hundred dollars for one large house. I should prefer one good large house for large plants, such as foliage plants, ficuses, lantannæ, as they give effect to a place at once, and add greatly to its beauty."

Mr. Thompson's time having expired under the rule, it was extended, on motion of Mr. Mowry of Ward 11.

Mr. Thompson of Ward 9—That would make the total cost of the houses \$4800. It was accepted by all the persons present that three houses sufficient for growing all the plants that the city of Boston would require, including a large number which the city cannot now grow, fine large plants such as might be used for educational purposes; and these houses, including all the machinery, would cost about \$12,000. Now the committee find that the city has no place to put these houses. If I am right, the city has a farm—the Austin Farm in Dorchester—which would afford space for a great many greenhouses, and the Park Commissioners have already recommended that it should be used as a nursery for young trees. At Philadelphia, as appears from Mr. Bowditch's testimony, such a nursery is maintained in connection with the greenhouses which supply all the parks of that city with flowers; and the total expense—greenhouses, nursery and all—is less than the amount paid this year for flowers for the Public Garden. See page 66. Certainly, in this instance, the finding is contrary to the facts.

Now, then, there is one other finding, and that finding, I am happy to say, I believe to be thoroughly right, and it is, by the way, a finding which does not affect the City Forester, but does affect the City Council. "The manner in which laborers are procured to work on the Common and Public Garden (through the 'influence' or by the recommendation of members of the City Council) is an unqualified nuisance, and wrong." I believe that, every word of it. As a specimen of that system of employing men, I may say that after considerable trouble and digging in the monthly pay rolls of the City Forester, I prepared a table showing the manner of the employment of laborers during the present year. Now, as a matter of fact, the committee by vote restrained Mr. Galvin in the employment of men to a maximum number of 145. From April 21 to May 20 he employed an average of 166 men; from May 21 to June 20 he employed an average of 185 men. During these two months he did far exceed the maximum number allowed him by the committee. He did that, I think, unknowingly, for he came before the committee and said he was so pressed by Councilmen for employment for men that he did not know how many men he had employed, and it was probable he had exceeded the number allowed. I made a further examination of the average length of time these men were employed. By the way, he kept two forms of pay roll—a regular pay roll which contains the names of men paid off on the regular pay day. These men, during the six months I investigated, had an average employment of 181 $\frac{1}{2}$  days. He had also a discharge pay-roll for men paid off during the month for such time as they were employed. They had an average of ten days, and that was made up,



as I am informed, by the men being discharged and again taken on. They were paid \$1.75 per day, and the evidence of the committee and of the City Forester himself was that a very large proportion of them were totally incompetent to perform the work. Mr. Galvin said the expense to the city was largely caused by his being obliged to employ incompetent men. He said he employed men in his own greenhouse and paid them \$1.25 per day, and you may be sure they were men competent to do his work. The city of Boston employed this great raft of men, and paid them \$1.75 per day, and got no real service from them.

One further point I wish to refer to, and that is, what is stated in regard to putting the care of the Common and public grounds into the hands of the Park Commissioners. They say, "The time will come, doubtless, when the Common and Public Garden will be under the custody and care of the Park Commissioners, and that time may not be very distant."

And they go on to say that "under chapter 185, Statutes of 1875, and the City Charter, section 39, the commission have no legal right to the custody and care of the Common; nor can the City Council give them the right until the Legislature gives them the power."

I don't see how by any construction of law the committee make that finding. In section 39 of the City Charter, to which they refer, the only reference made to the Common is that the City Council shall not sell or lease it. Well, putting it under the care of the Park Commissioners would be neither selling nor leasing it. Then they refer to the Statutes of 1875, under which the present Park Commission was appointed; that act does not say the Jail Commissioners shall *not* have charge of the Common and squares, and the question is, Can the City Council, in selecting the agent who is to take care of the Common and squares, select the Park Commissioners? There is nothing in the charter or in the Statutes of 1875 to prevent it, and I believe it to be merely a question of discretion on our part. All we have to do is to amend the present ordinance on parks and substitute for "joint standing committee" the words "Park Commissioners," and the thing is done. Then they have referred to the equity of putting it upon the present commission because they are unpaid. As a matter of fact the joint committee is also unpaid. The present Park Commission is composed of very public-spirited gentlemen, who are willing to give their time and attention to beautifying and adorning the city, and I think I am justified in saying that the present Park Commissioners are willing to assume the responsibility if the City Council see fit to give it to them, and if it is given to them they will do their best to do the city justice. The City Forester himself, when he was asked if he thought it would be better to have the department in the hands of a commission instead of being left with a constantly-changing committee, said he believed it was better that there should be a general system than that the whole thing should be changed with every committee that came in.

I must apologize to the Council for my lengthy remarks, but I have made them for this reason, that this committee has taken occasion to refer to the system under which the Common and squares are now managed, and with the one exception of the employment of labor they approve of it. As a general thing, they give us to understand that, leaving out the employment of labor, the management is just about as good as anybody can give us. I do not think the evidence those gentlemen had before them justified them in making that report. As a matter of courtesy to the committee I hope the report will be accepted, but after it is accepted I hope the Common and squares will be taken out of the hands of the committee and put into the hands of the Park Commissioners, believing that they will do better than has been done for the city in the past.

Mr. Ruffin of Ward 9—An investigation into the conduct of others is a disagreeable undertaking. The investigation into the conduct of gentlemen who sit in this chamber, whom we meet in our daily walks, and regard as friends and acquaintances, is especially disagreeable. To do one's duty under such circumstances—to do your duty to your friend and yourself—requires courage, patience, firmness. I believe that this committee of investigation came to the work with minds free from prejudice; that they came with a determination to find the truth

wherever it may be, and to speak the truth whatever it was. It was a specially disagreeable subject to inquire into, and it came at a bad time. We all like to do pleasant things for our neighbors when we can; but to investigate a matter wherein the public, and probably gentlemen in this chamber, expected revelations of a disagreeable kind, and after serious charges were made on this floor against the head of a department and a certain committee, was a duty from which I should have shrunk. The Chair chose to assign me as one of the members of the committee, and I went to the work with the idea of searching for the facts as best I knew how, finding them, and reporting them to the City Council. The suspicions were not confined to this chamber. The chief witness came fresh from the market house, and said the Department of Common and Squares was more corrupt than anything in this country; more corrupt than anything in New York; that persons paid by the city worked for private individuals; and he asked for more time to make his revelations. All this prepared the committee for startling revelations. We had to go into this matter as squarely as we could. The first thing the committee did was to give a public hearing. We advertised in the newspapers that everybody who had information to give could come; and we held meetings as long as people would come and testify of anything that they knew. On the one side, the gentlemen of the committee will claim that we do them injustice; on the other, gentlemen outside will say it is a whitewashing report, and that we attempted to sustain those whom we ought not to sustain. Hence you will see that it was a difficult duty to perform. The committee did not know anything to which they could direct attention, except these vague suspicions and remarks, just as we have said, of the man who came fresh from the market. We invited that man to come again and bear out those facts and assertions. Strange to say he never came again. Hence Mr. Daniel O'Brien's testimony went for naught; and that is the way with a great deal of the testimony in the newspapers and on the streets. I won't indulge in stating what the committee did, but will come to some remarks made here tonight. The first is, that the committee in saying that the prices paid for azaleas and rhododendrons were not unreasonable, is not borne out by the facts. Now, we had to decide this case upon the testimony. None of us knew anything about arboriculture or floriculture. We had these witnesses, and from the testimony before us—and everybody had an opportunity to come—and so we had to decide the case. The chief testimony showing that this was an exorbitant price came from Professor Parkman, who said he had walked across the Public Garden at times and saw the rhododendrons there; that they were of a mixed quality and of an inferior grade. He did not see all the rhododendrons. Somebody asked him if he had seen those planted around the Old Elm, and he said no, but he had seen those on the Public Garden, and they were of an inferior quality. Although Professor Parkman is a scientific man, on his cross-examination he said he had not bought any for two or three or four years. Mr. Bowditch, a landscape gardener, came to sustain a different proposition. To show that we were paying too much for gravel and loam, and that the cost of running the Public Garden for the past five years had been exorbitant. He had tabular statements on that point, but we thought that under the order we had not authority to go into any neglect for the past five years, as there are gentlemen who have not been on the committee before this year, and were not responsible for any previous neglect. We said, if he had anything to say against the committee of this year, we should be happy to hear him. Mr. Bowditch only claimed to be a landscape gardener, and we did not think him a competent witness on the point he came to establish. He did not know how much the price of loam and chips differed here in Boston. He made a statement that chips and gravel cost about the same, while other witnesses showed that stone chips cost twice as much as gravel. Mr. French, who is a fancy gardener up in New Hampshire—and the chairman of the Committee on Common attempted to show that he had a milk farm—showed that he bought rhododendrons for eighty cents apiece. Now, opposed to these was Mr. Taylor, who is in the flower business and is a thoroughly competent man from all appearances. His testimony was—

"Mr. Taylor—As I have a nursery, and import a great many rhododendrons, I would like to ask Mr. French what kind those were that he could sell for eighty cents each—if they had flower buds on them?"

"Mr. French—I am not in the business and cannot—"

"Mr. Taylor—Did they have flower buds on them?"

"Mr. French—Yes, sir."

"Mr. Taylor—Did you pay duty on them?"

"Mr. French—Yes, sir; and it was outrageous; twenty per cent."

"Mr. Taylor—And you say five or six buds were on each plant?"

"Mr. French—I did n't calculate them. Some might have three or four, and some five or six."

"Mr. Taylor—I should doubt your word."

"Mr. French—I don't know but you would; most of the plants had buds on them, and some might have had five or six."

"Mr. Taylor—They were not such plants as I could sell to my customers."

He was questioned as to the price.

"Q.—You say you have been in the habit of importing rhododendrons?"

"A.—Yes, sir."

"Q.—What do they cost you to import them?"

"A.—They cost me hard on to \$1 each, and I take the risk at that. Such plants as I saw on the Common cost about \$1.50. I saw some of those plants on the Common, and I thought they were good plants."

That is the substance of his testimony. He amplified that, but it is not necessary to read any more. He said he had imported a great many rhododendrons. He was a thoroughly competent, practical man, and that is his testimony. Then Mr. Dee, a member of the committee, was called. He is interested in the flower business. He was not on the committee on rhododendrons, as I understand. His testimony was:

"Q.—You saw the rhododendrons on the Public Garden?"

"A.—Yes, sir."

"Q.—Was the price paid a fair one?"

"A.—I have sold rhododendrons such as these, and paid more for them; I have seen plants sold at Covent Garden for five shillings apiece that would n't compare with these. I have asked other gentlemen in the business, and they thought they were cheap enough."

Then Mr. Harris said—

Mr. Smardon of Ward 10—I would like to interrupt the gentleman. Mr. Dee was on the sub-committee on rhododendrons.

Mr. Ruffin—I stand corrected. I had forgotten that fact. Then Mr. Harris, who has charge of Mr. Hunnewell's estate, who seemed to know the subject from beginning to end, testified—Mr. French had previously testified that he paid eighty cents for rhododendrons—

"Q.—What do you think of rhododendrons at eighty cents apiece?"

"A.—A miscellaneous lot can be bought for that price; but if you are to have choice named varieties, with scarlet blossoms, you have got to pay high as from two-and-sixpence to five-and-sixpence a plant for them."

He has testified at other times that the price of flowers of that class is about five shillings. Then Mr. Kelsey himself was called, and he made a statement as to what he sold the city.

"Q.—What varieties were there?"

"A.—The Everestianum, Charles Dickens, Album Grande de Florum, the Album Elegans, I think, and I think the Roseam Elegans and Roseam Superbum. I could not give the names of all without referring to the memorandum; my impression is that these eight or nine of the best named varieties, I believe there were [turning to Mr. Galvin]."

And Mr. Galvin said that was correct. Now Mr. Kelsey brought his catalogue of prices with him. While I am on this point I will say that it was unanimously admitted before the committee that Mr. Kelsey was a respectable business man; the gentleman from Ward 18 thinks that himself. He has a large business and sells to Mr. Hunnewell, and to the cemeteries in large cities, and he came with letters of recommendation from the best citizens in and around Boston. In his catalogue he describes the prices set forth:

"The named varieties, from one and a half to two and a half feet, are twenty dollars a dozen and one hundred and fifty dollars per hundred. Seedlings are down at six dollars a dozen and fifty

dollars a hundred. Specimen plants are three dollars each and upward."

He stated that the rhododendrons which he sold the city were from two and a half to three feet high, and had ten to twelve buds upon them. Upon that state of facts before the committee we had to find just what we did. In the report of the committee we have said that the city could and ought hereafter to import these plants direct, and save the premium; but we did not believe that the city paid an unreasonable price.

Mr. Ruffin's time having expired, on motion of Mr. Pratt it was extended.

Mr. Ruffin—I believe the city paid fully enough for these rhododendrons, as it does for every article it buys. If we get a man to whitewash the basement of this building, the city will pay more than a private individual would. I believe it a rule that when a man does anything for the city he will get the full market price. I believe Mr. Kelsey got the full market price. It was shown that the same kind of articles were purchased from persons in this neighborhood for the same price; but I will not dwell long upon that point. I was going to say something about the remarks made by the gentleman from Ward 18 about the grading around the monument. In arriving at the conclusion we did about the grading around the monument we had to observe the same rule. Of course we did n't count our witnesses; we weighed them. But I believe we reported them correctly. No one except Councilman Pope—excuse me for calling his name—said positively they did not pass any vote such as we find recorded. The gentleman from Ward 18 himself, although he put it in an equivocal way, did not deny squarely that that vote was passed. This is Mr. Howes's testimony:

"Q.—Do you remember what vote was passed at that meeting?"

"A.—I would n't swear that any vote was passed at all."

"Q.—Do you say this record of the vote is incorrect?"

"A.—I say it embodies only a portion of the fact."

"Q.—It is incorrect to that extent?"

"A.—Yes, sir."

"Q.—What other portion was there to it?"

"A.—The other portion was that the expense was to be about five hundred dollars."

"Q.—Was there a vote to that effect?"

"A.—I don't know that there was a vote to that effect."

"Q.—Was there a vote to any effect as to grading in and around the monument?"

"A.—I am not prepared to say that there was; but it is the natural inference that there was a vote to that effect."

"Q.—Not an inference; but what was voted?"

"A.—I don't remember the taking of the vote at all, but I think likely a vote was taken."

That is the testimony of the gentleman from Ward 18. Mr. Slade was probably in the same state of mind that the gentleman from Ward 18 was. Here are three witnesses, Alderman Slade, Mr. Pope and the gentleman from Ward 18, who seem to think that this vote was not passed. Opposed to them is the positive statement of Alderman Clark, who ought to know what he had in his own mind. Councilman Dee was also positive about it. Mr. Lee the clerk of committees remembered it; he was not in his official capacity at that time, but overheard the conversation when the vote passed. When you add to that the assistant clerk himself, who took the minutes at the time, the evidence is overwhelming on that point. Here is the positive testimony of four gentlemen against the partial denial made by three. It is claimed that we are too severe upon one point, the spending of more money than was appropriated. I felt that that was the gravest thing in the whole matter. Individually I considered that that was the important matter before the committee. I considered it a gross offence, a matter that should be carefully guarded. For a committee to spend more money than they have, and exceed their appropriation, is doing something they have no right to do. Once admit that a committee has license to spend more money than they have a right to spend, and what is the use of having a Government? What is the use of passing an appropriation bill? When gentlemen on a committee take it upon themselves to exceed an appropriation without authority, we should take action to rebuke it, and it should be condemned in the

severest terms. That is the reason so much time and space is given to that part of the subject. The gentleman from Ward 9 has said something about replanting the Public Garden, and the mistake the committee have made in saying it will cost the amount of money which they state. There were two classes of gentlemen before the committee. There was a scientific class—theorists probably, and gentlemen of fine taste—and another of ordinary practical people of not such refined taste. When Mr. French came before the committee he clearly had in his mind the idea that the Public Garden should be replanted; and when he said replanted he meant reorganization of the whole thing. He said it looked as if the flowers had been planted in the dark by the light of a lantern, and it looked as if it had been planted on top of a tombstone; that the principle was wrong; that it wanted to have a complete revolution; he wanted something of a winter garden, with evergreens, and something that would be pleasant to the eye even in winter. Mr. Bowditch's idea, as I understood, was that the plants on the Public Garden were of a cheap kind; that they were not worthy of Boston. I could see that they wanted an entire revolution; they had in their minds other estates, comparing it with Mr. Hunnewell's and others. It is a different system. I put the question to Mr. Harris—Mr. Hunnewell's gardener—what it would cost to put the Public Garden in the same condition that Mr. Hunnewell's estate is, and he said \$50,000 would not do it. I put the question in his mouth and he said it could not be done.

Mr. Thompson—Will the gentleman read on page 159?

Mr. Ruffin (reading)—

“Q.—What would it cost to put the Public Garden in the same condition that you find Mr. Hunnewell's estate in today, with the same qualities of evergreens?”

“A.—It would be almost impossible to make even a rough guess.

“Q.—A large sum of money?”

“A.—But to plant it out with the large quantity of stuff we have it would cost \$50,000.

“Q.—Would \$50,000 do it?”

“A.—It would not give you the varieties of evergreens and rhododendrons we have.

It is necessary to recollect that Mr. Hunnewell has a large place of several hundred acres, and that the Public Garden is only a small place. It does not make any difference about the size of a place. Mr. Harris went on to state that to buy some rhododendrons might cost two guineas apiece. It is not the size of a shop on Washington street, but the quality of goods in it. A man might put thousands of dollars in his vest pocket in diamonds. You might put thousands of dollars' worth of plants in a small plot on the Public Garden. It is not the size of the place, but the quality of the plants; and I think the committee were right in stating that point. If you want to get rid of what is now called the rubbish on the Public Garden, if you want tropical and other expensive plants, you can make it as expensive as you want to, and spend a great deal more than has been mentioned here tonight. The committee were supported by Mr. Harris, who is competent authority, in stating that it will cost more than \$50,000 to make the change; but whether it will cost \$30,000 to keep it up or not, I am not so positive from the manner in which Mr. Harris put it; but you might spend \$30,000 annually if it was laid out as these gentlemen would have it. The Public Garden may not be laid out to meet the taste of some gentlemen; but it meets the wants of the average citizen. We did not find that it cost more to keep it up than it ought to. We had no power to force witnesses before us. The criticism was made in the Globe this morning that we had been paying too much for this cheaper grade of flowers bought of Galvin Brothers; that we had not made any comparison of prices, and did not determine whether we were paying too much or too little. We did all we could. We opened our doors and asked witnesses to come in and testify about those things. If they had chosen to come they could have done so; but they did not. I will, however, tell the gentlemen what we did. The other members of the committee and myself felt the necessity of getting more information about the cost of cheap flowers. When Mr. Kelsey had gone to his dinner, I said to the committee, “Let us get more information upon this point.” We sent the City Messenger to two prominent florists, Mr. Spooner,

who keeps under the Tremont House, and Mr. Calder, at the Hotel Boylston. One of them said he was in the business himself; it was a delicate point, and he did not think it right for him to come; the other said he had very many friends on the committee, and he did not know whether he knew anything which would be of any service to them. We could not get them to come, and we had to close our report with just the information we had. We could not make up our report on the statements of gentlemen who might have been there; but we had to make it up on the evidence before us. In regard to the greenhouse, I think the point is clearly established that it would not pay for us to have a greenhouse. If we are going to carry on the Public Garden on the same principle that Mr. Hunnewell and other gentlemen carry on their estates, we ought to have a greenhouse; but if we are going to have a cheap thing, it would not pay to go to the expense of having a place for housing 30,000 plants. If we want fine tropical plants, if we want large evergreens, we must have a greenhouse. But the testimony before us clearly showed that upon the system on which the Public Garden is carried on now it is better and cheaper for the city to give the flowers away to the boys after November and buy new ones in the spring than to build greenhouses to keep them in over winter; the cheaper variety of flowers are not worth the keeping. We have made a recommendation to remedy the difficulty, and that is in regard to the purchasing of plants. It was shown in the evidence that there was only one firm in this vicinity who could furnish as many plants as the city wants in the spring, strange to say. The reason was they did not know that anybody would want to buy that number. The committee recommend that the florists shall have due warning, so that more than one firm shall have a chance to sell to the city; that you shall say in the fall how many flowers you want in the spring. Then we shall have competition. We say that is the practical remedy for this. The flowers were bought from Galvin Bros., sons of the Superintendent. All the testimony we could get was, that the price paid was not an unreasonable price, and we had to say so. On the point of putting the Public Garden under the care of the Park Commission, it is not a matter of great consequence. I am in favor of it, and hope it will soon be done; but I still see the same difficulty I did when the report was drafted. I don't believe we can delegate any more power to the Park Commissioners than is delegated in the act. The power now exercised by the Committee on Common is the power of the City Government. I hope the time will come when the Park Commissioners will have this department under their charge. But we make another recommendation. We believe that for some years much trouble can be obviated by letting out the keeping of some of these parks. It has worked very well. Union Park is put out at \$1500 a year, and is well taken care of. We think that system might be carried still further, and further experiments made until we have further legislation. We do not say there are no wrongs to be righted, or that everything has gone smoothly. Even in the matter of loam, what more could we have said than we have? We have found the fact, and cannot say anything more. The city has paid for an article that has not been delivered; but how, or why, we cannot say. We could not push the inquiry any further. We probed the witnesses as far as we could. My opinion is the same as that of the gentleman from Ward 9, that the carts were not full. We could not report in any other way. We have attempted to gloss over nothing; but I believe we have reported the finds correctly, and I don't see how the committee could have found anything else. We ask your attention to the passage of the order proposed; to the reference of the proposed ordinance to the committee, and to the amendment to the joint rules. We think that will remedy some of the defects. In the matter of hiring the laborers we have spoken in a pronounced manner. Some revelations were made which we have not reported. We had before us the books of the superintendent, in which he had charged every member of the City Government with the men employed on the public grounds. We found all the names of the members of the City Government. At first it was thought best to publish all of that, but I thought otherwise, and we finally concluded it would only excite public curiosity. We condemn the system,

and say the best thing is to abolish it, and let the man who is to use the men, and has control of them, have the hiring of them, and be directly responsible for them, for we think the city will get better men and better work.

Mr. Howes—How could the Investigating Committee hold the Committee on Common responsible for the expenditure around the monument, when the evidence was that members of the committee protested against it?

Mr. Ruffin It was impossible for us to inquire into the individual action of members of the committee. We took the action of the committee as a whole, as we found it. We found they passed a vote which was very irregular. We found it on the books, and under it this expenditure was made. We could make no distinction between the members of the committee. Some of the members of the committee remonstrated; but it was the 15th of September, the money had been spent, and the great celebration was to be two days after. It seems to me that any intelligent action to stop this expenditure of money ought to have taken place before that. But the point is that the committee passed a vote, and under it the amount was spent. It appears that Mr. Howes was in the country some of the time; that was his misfortune. We must take the action of the committee as a whole.

Mr. Pope of Ward 14—The remonstrance was made on the 5th of September, when I asked Mr. Galvin that question, and he said it was less than a week after the work began. It was four or five days after the vote was passed, and I contend that it was not right for the Investigating Committee to find fault with the whole committee when the chairman does not see fit to call them together.

Mr. Howes—The evidence stated by the last gentleman is in print on page 220. He stated that he remonstrated within a week of the time that vote was passed.

Mr. Thompson.—It is important that the fact in regard to the cost of replanting the Public Garden be made to appear clearly. The chairman has stated that there were two classes of witnesses; that he weighed the witnesses, but did not count them. He spoke of one class as theorists, and another as practical men. He referred to a statement of Professor Sargent, and in reply to a question, Mr. Harris, one of the practical men alluded to, said—

"In reply to that remark of yours I think that few young men in this country have done so much in this matter as Mr. Charles Sargent. His place has been wonderfully improved since he returned from Europe, no doubt; I am satisfied that this young man has done wonders. Mr. Hunnewell and myself were talking with Mr. Tailby a very short time ago, and he said there were few men that were closer observers of things generally than Mr. Sargent; whenever he entered a house, or whenever he entered grounds, his eye caught everything at a glance; and when a man is possessed of such a wonderful faculty as that he certainly must possess an extraordinary amount of genius."

That was the opinion of one very practical man, who recommended the relaying out of the Public Garden. That this was the idea of Mr. Harris himself will be found by looking at page 117. In reply to a question by Mr. Wilbur—

Q.—In the first part of your remarks you stated that the Garden ought to be laid out anew.

A.—Yes, sir.

Q.—What change would you recommend?

A.—Well, sir, that would be a subject that would be almost exhaustless for me to try to go into.

Mr. Ruffin—He says it would cost \$50,000.

Mr. Harris—It is not, today, what is considered the modern style of gardening. You want more grass there, a great deal, than you have, I think.

Q.—(By Mr. Wilbur)—Do you think there are too many plants?

A.—I think there are too many shrubs. You want more grass, and some grand terraces, twenty feet in width, for a ladies' promenade, with a ribbon from end to end, made probably not less than ten or fifteen feet in width; then you would have something to look at.

Now this idea of \$50,000 in the mind of Mr. Harris was connected with something entirely different from what the gentleman refers to, and I want to call your attention to page 109 of the report, where, in a discussion with Mr. Ruffin, he said it would cost \$50,000:

A.—It would not give you the varieties of evergreens and rhododendrons we have. You must be

aware that we have evergreens and rhododendrons in that place fifteen to twenty feet, and \$1000 would not buy them."

Then he adds, "You can buy little plants for about one dollar each plant, a foot high. But when you come to take them eight feet through and ten feet high, you can imagine what such plants would be worth, and we have any quantity of such plants on the grounds."

The idea in his mind was that if you were going to transfer Mr. Hunnewell's grounds to the Public Garden, and not to make simply a change.

At the suggestion of Mr. Fraser the roll was called to see if a quorum was present, with the following result.

Present—Messrs. Barnard, Beeching, Blodgett, Brintuall, Brown, Burke, Clarke, Coe, Crocker, Danforth, Day, Doherty, Felt, D. A. Flynn, Fraser, Ham, Howes, Jackson, Kelley (Ward 3), Kelley (Ward 6), McClusky, McDonald, Morrill, Mowry, O. H. Pierce, Pratt, Reed, J. B. Richardson, Roberts, Ruffin, Sampson, Sibley, Smardon, Spenceley, Thompson, Thorndike, Upham, Vose, G. B. Webster, Wilbur, Wolcott—41.

Absent—Mes-srs. Barry, Blanchard, Cannon, Cox, Cross, Dee, Duggan, Fagan, Fernald, J. J. Flynn, Hibbard, Hiscock, Kidney, Loughlin, McGaragle, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Perham, J. H. Pierce, Pope, M. W. Richard-sou, Roach, Shepard, Souther, Stone, Warren, E. R. Webster—30.

Mr. Webster of Ward 3—I should like to say a word, perhaps, in the way of personal explanation. As I had the honor to offer the order for this investigation, it might be expected that I would take some part in the criticism. The reason I did not do so is that Mr. Galvin and myself had quite a serious misunderstanding, and it is quite well known that we are not friends; and any remarks I might make might be construed as resulting from personal feeling. Feeling that that might have a semblance of truth, I think it advisable and in good taste not to take part in the discussion.

The proposed ordinance was referred to the Committee on Ordinances; the order to amend the Committee on Joint Rules, and the resolve, was read a second time and passed. Sent up.

#### PUBLIC PARKS.

Mr. Thompson of Ward 9 submitted, as a report from the Joint Special Committee on Parks, the order read by him earlier in the session.

Mr. Stone of Ward 3 said he received at two o'clock a notice of this meeting at three, but having a previous committee engagement to visit the smallpox hospital he could not attend. He moved to lay on the table, that they all may obtain full information.

Mr. Thompson said the special meeting was called at the request of the Mayor and the Park Commissioners. He received his notice about 2.30, and made it convenient to give up other business to attend. The Mayor and the commissioners explained the necessity for passing the order at once; and the words of the order explain the City Solicitor's opinion better than the speaker could. The commissioners are buying from a great many different parties, and the titles are difficult to search on account of the vagueness with which some of them are given. The period in which all the deeds could be actually passed may extend over some length of time, but in most cases it can be done at once, and under the strict construction of the order given by the City Solicitor, the commissioners would have to wait until all the titles were passed. They have not only obtained the land at ten cents a foot, but they have induced the Boston Water Power Company to give the land for the extension of Commonwealth avenue and Boylston street, which the Street Commissioners expected to take and pay for; and the same deed which conveys the land for the park will convey the land for Commonwealth avenue and Boylston street, and the lands through which a portion of the great sewer will pass, and without the city paying a cent for it. The Park Commissioners have managed it with great zeal and ability, and they say, Take off those restrictions and we will do the business for you.

Mr. Stone said there seemed to be a desire to rush the thing through, and as a week's time would not hurt it, he hoped it would lie over.

Mr. Thompson said the reason for hurry is that the Solicitor's opinion was obtained today; the Water Power Company had come up prepared to

pass the deeds, when the question was raised and decided by the City Solicitor that they could not pay them until they go through with the other questions that they have to settle.

Mr. McGaragle of Ward 8 thought that as they had to get all the land, whether the Commissioners did not want to commit the city to an eighty-acre park at ten cents a foot, and the rest at more than that.

Mr. Sampson said he was well known to be opposed to parks. The Committee on Improved Sewerage had met the commissioners, and Mr. Thompson's explanation is correct. There can be no objection to the order.

Mr. McGaragle said his point was that the commissioners must get control of 100 acres before they can use any of this money, and they may commit the city to an eighty-acre park where 100 acres were intended.

The motion to table was lost. The order was read a second time and passed.

#### PUBLIC LANDS.

Mr. Clarke of Ward 22 submitted a report from the Joint Committee on Public Lands that there has been an execution against the city paid by the City Treasurer, amounting to \$10,638.84, rendered in the Superior Court for land damages on the Northampton-street District, and there is a deficiency in the appropriation to meet the same. To pay said sum and to provide for the necessary expenses on said district, an appropriation of \$12,000 is required.

Referred to Committee on Finance. Sent down.

#### ORDINANCES.

Mr. Crocker of Ward 9 submitted the following from the Joint Committee on Ordinances:

*Storage of Ashes.* Report on the order in relation to the regulation that the storage of ashes by the Health Department be transferred to the Health Department—that the order appears to have originated in the idea that the enforcement of the regulations relative to the storage of ashes was exclusively the duty of the Health Department; but the committee consider that the section is classified in the ordinances under the head of "Health" merely as a matter of convenience, and that any department or any citizen may properly enter complaint for its non-observance. They are therefore of the opinion that it is inexpedient to amend the section. Accepted. Sent down.

*Examination of Bills, Records, etc.* Report on proposed amendment to ordinance in relation to finance, recommending the passage of the following:

#### An Ordinance

In relation to the Records of Public Institutions and Departments.

Be it ordained, etc.

Section 1. The records and vouchers and files of the various departments and institutions of the City Government shall at all times, during business hours, be open to public inspection and examination, and any citizen may take copies thereof; provided, however, that the records of committees of the City Government and the medical records of the City Hospital, shall not be open to such inspection and examination unless by vote of the City Council, or in case of the records of a committee, by vote of the committee.

Sect. 2. The ordinance in relation to the records of public institutions and departments, printed on page 659 of the Revised Ordinances of the year 1876, is hereby repealed.

Ordered to a second reading.

*Location of Telegraph Wires.* Report on order proposing to require all telegraph wires stretched across streets shall be placed in such a manner as will not interfere with the elevation of ladders in case of fire. That in their opinion the subject is not a proper one to be regulated by ordinance, for the reason that the Board of Aldermen, under the provisions of section 2, chapter 457, acts of 1867, has the power to make such regulations in regard to telegraph wires as may be made by law, and that no further action is necessary. Accepted. Sent up.

#### SOLDIERS' MONUMENT.

Mr. Sampson of Ward 17 submitted the following:

The Committee on Claims, to whom was referred the petition of Martin Milmore to be paid for extra labor performed and materials furnished in the erection of the Soldiers' and Sailors' Monument, having considered the subject, beg leave to submit the following report:

The principal items of Mr. Milmore's claim are based upon the fact that certain changes were made in the monument after the contract was executed, by reason of which he was put to considerable extra expense. These changes were made with the consent and approval of the committee which, for the time being, had charge of the erection of the monument.

The contract with Mr. Milmore left it, in a great measure, discretionary with him to carry out the details of the work. The general plan was outlined, but, in a work of art, like the Soldiers' and Sailors' Monument, it was impossible to specify the details with that strictness and accuracy which would be followed were a building to be erected, and, therefore, much was necessarily left to the taste and judgment of the artist. Mr. Milmore appears to have interpreted his contract in the broadest spirit possible, and, while adhering to the general plan, which was indicated when the contract was made, to have felt it a duty to incorporate such new ideas and improvements as might suggest themselves as the work progressed, sparing nothing which would add to the beauty or durability of the monument, and leaving the matter of compensation for future consideration. An important and expensive change was made in the material for the statues and basso-relievos; but, at an early stage of the work, Mr. Milmore became convinced that neither granite nor marble would be satisfactory, and therefore asked permission to substitute bronze. By the advice of competent judges permission was granted, and the change is admitted to have added greatly to the beauty and durability of the monument. The difference in expense was considerable and forms one of the principal items of Mr. Milmore's claim. It also appears that Mr. Milmore was subjected to considerable extra expense in laying the corner stone, and in erecting certain portions of the monument before he was prepared to carry the work forward to completion. This was done at the solicitation of the committees in charge of the work, although not called for by the contract. In order to do it portions of the stone work were placed in position in an incomplete condition, and had to be finished on the ground, at a considerable greater expense than would have been the case if the work had been done at the quarry.

The foundation, which was built before the contract was made with Mr. Milmore, was found to be insufficient, and he was compelled to rebuild parts of it in order to properly support the monument. This was not known to be necessary at the time the contract was made. In the opinion of the committee Mr. Milmore has delivered to the city a monument which is superior in many respects to what was contemplated when the contract was executed, and they consider that he is justly entitled to be compensated for the extra work which he has performed. They would, therefore, respectfully recommend the passage of the following order.

For the Committee,

EUGENE H. SAMPSON.

Ordered, That there be allowed and paid to Martin Milmore the sum of \$3100 in compensation for extra work performed and materials furnished in the erection of the Soldiers' and Sailors' Monument.

Ordered to a second reading.

#### THE COMMAND AT FIRES.

The Committee on Ordinances, to whom was referred a proposed ordinance to amend an ordinance in relation to the Fire Department, having examined the subject, would report as follows:

The proposed amendment was explained by its mover as intended to do away with a supposed conflict in the statutes and ordinances as to the officer or officers of the Fire Department upon whom rests the supreme authority and control during the progress of a fire.

The committee has been unable to discover that any such conflict exists.

The City Council of Boston is empowered by statute to establish a Fire Department in such manner as they deem proper, and in general to make such regulations in regard to the management and conduct of fires and persons attending at fires as they shall deem expedient. [Acts of 1850, chap. 262.] This power has been exercised by the City Council, and by ordinance the Board of Fire Commissioners are required to make rules for the government of all other officers and members of

the department, and the duty of extinguishing fires and protecting life and property in case of fire is intrusted to the said Board of Commissioners. From this it is evident that, save in one particular to be noticed below, the power and authority of the commissioners are supreme during the progress of a fire as at other times (see opinion of the City Solicitor, Record of Proceedings of City Council, 1877, page 408). By act passed April 16, 1873, it was provided that the Engineer of a fire department in command at a fire shall, to the exclusion of all other persons, have the power to direct the pulling down or demolishing houses, etc., in order to prevent the further spreading of the fire. This act, having been accepted by the City Council, appears to constitute an exception, and the only exception, to the otherwise supreme authority of the commissioners. The wisdom of placing even this limit to the power of the commissioners is not apparent, and may be doubted. To restrict their authority still further appears to the committee injudicious. That the authority of the commissioners, at other times supreme and unquestioned, should cease on the first stroke of the alarm bell—and that, during the progress of a fire, however great the emergency, or however incompetent or disabled might be their subordinates, they, the heads of the department, must look on without issuing an order—appears to the committee an absurdity. In such a case, division of authority generally leads to division of responsibility, and in this department it is especially desirable that the responsibility for any failure or neglect should be directly and clearly traceable to its source. The presence at a fire of the commissioners, and their assumption of command, would probably be of rare occurrence, and only in cases of great emergency. In their absence the Chief Engineer alone is responsible, and his power is supreme; but the moment that the heads of the department appear upon the scene, and assume command, the responsibility for what is done shifts to them.

Even were the proposed change deemed desirable, it is the opinion of the committee that the verbal amendment proposed would be inoperative; "To provide for the extinguishing of fires, etc.," would certainly not exclude issuing orders upon the spot during the progress of a fire. To accomplish the end intended by this amendment would require a more full and explicit form of words. As, however, this object is not recommended, no substitute for the proposed amendment is here offered. The committee would respectfully report that in their opinion the proposed amendment ought not to pass.

For the committee,

ROGER WOLCOTT.

Accepted. Sent up.

PARK ON MT. BELLEVUE.

Mr. Thompson submitted the following:

The Joint Special Committee on Parks to whom was referred the offer of William B. Blakemore to deed to the city of Boston a tract of land situated on Mt. Bellevue for the purpose of a public park, having considered the subject and examined the lot in question, respectfully recommend the passage of the accompanying orders:

Ordered, That the offer of William B. Blakemore to deed to the city of Boston a tract of land situated on Mt. Bellevue in the West Roxbury District, and containing 27,772 square feet, for the purpose of a public park, be and the same is hereby accepted.

Ordered, That the thanks of the City Council be and the same are hereby tendered to William B. Blakemore, Esq., for his public spirit and generosity in donating to the city of Boston a lot of land for a public park.

In reply to questions by Mr. Clarke, Mr. Thompson said there was a public way leading up to the hill to the park.

Mr. Crocker said there may be a question about the generosity of this gentleman, who, having already laid out a park, might have given it to the city to avoid spending money upon it himself.

Mr. Thompson thought the criticism hardly a fair one. It has always been an understanding with his neighbors that this land shall be kept open to the public. People go there to view the surrounding country. The view is superb. When he sold the land it was with the idea that this should be given to the city.

The orders were read twice and passed. Sent up.

THE ANNUAL DINNER OF THE COUNCIL.

Mr. Crocker of Ward 9 offered the following:

Resolved, That it is advisable to omit the annual dinner of the Common Council at the close of the present year.

Mr. Crocker—I thought I would say just a few words in explanation of my purposes in offering this order. Considering the public feeling this year in relation to junketing, and the manner in which all expenses incurred for such purposes have been found fault with, I think it is expedient for us to omit the public dinner which we have had for years past. I have attended the dinners of previous years. Perhaps I might have been wiser to have stayed away. Last year the expense of the dinner was some \$700, and in these days economy even in small matters is to be regarded. I think we shall save credit for ourselves and money for the city by passing this resolve.

Mr. Pratt of Ward 21—It is pretty well understood that I, as often as any one, have this year opposed unnecessary expenses for refreshments. But I fail to see the propriety of passing the resolution. Very many of us will soon turn our unwilling steps away from this hall to the more quiet and private walks of life. I think it would be mutually grateful to each one of us to have one occasion when we shall not be oppressed by the demands of public business; when we might meet and be social in a generous and friendly meeting before we separate for the year. Although this custom may have been abused sometimes in the past, it is honored by long use, and is more in the nature of a privilege to the President of this Council than anything else. Considering that this Council has not been very extravagant in the matter of excursions and expenditures for the mutual pleasure and comfort of its members, I see no reason why we should now take away from our President the usual and customary privilege of inviting us to a dinner. I do not think it is necessary, and I am certainly not prepared to make any extended remarks to the spirit of the resolve, to which I have no opposition. I hope the gentleman will not press it. It is a matter which should be left to the judgment of the President of the Council. While I do not propose to take any back tracks in regard to extravagant eating and drinking, I shall vote against the resolve.

Mr. Danforth of Ward 10—While I should certainly dislike to deprive the President of any privileges, I hope the resolution will pass. I think we can save the money of the city by it.

Mr. Crocker—I can only say, in reply to the gentleman from Ward 21—who suggests that this is abridging the privileges of the President,—that the resolve is offered in no spirit of that sort. The President was notified of my intention to offer the resolution and expressed his wish that the Council should state whether they desired the supper or not; that it was a discretion he did not wish to take the responsibility of, and he hoped the Council would express its wishes on the subject. My idea is that we should express our desire not to have it.

Mr. Wolcott of Ward 11—The only excuse for eating at the city's expense is during the period of actual service of the city. It is a reward for actual service; it is that the service has been of such value that we deserve this dinner. This rests upon an entirely different basis. During this year it was voted to take an excursion, which was very good; but it was voted that those who participated should pay the entire expense. But it appears that none went. This annual banquet should stand on the same basis—either be done away with altogether, or partaken of at the expense of those who participate. I hope the resolve will prevail.

Mr. Clarke of Ward 22—I agree with the remarks of the gentleman from the Roxbury District, that this has been a time-honored custom, and I see no reason why we should deviate from the course we have pursued in previous years. I have from the Auditor's office the expenditures for this annual dinner for the last ten years, and I find that they amount to about the same every year. In 1867, under Mayor Norcross, it was \$684; in 1868, under Mayor Shurtleff, it was \$550; in 1869, \$831; in 1870, \$439. These last three years were under Mayor Shurtleff. In 1872-3, under Mayor Gaston, \$600; in 1871, \$572; under Mayor Pierce in 1873, \$536; under Mayor Cobb in 1874, \$609; in 1875, \$681; in 1876, \$675—the last

three years under Mayor Cobb. Those were all economical Mayors. It seems to have been a custom which the members of the Council adopted in parting from those who were not to remain here another year. It is a social gathering. It is known that during the year trifles often come up, and during debate warm words come up, which might break the friendship of members; and the annual dinner is a sort of settling up of what has occurred during the year, and each member leaves the Council in a happy manner. I am surprised that the gentleman who presented this matter, and who is usually very fair, should spring it upon the Council when there is hardly a quorum present. I think it would be more satisfactory when there are more present, and I move that it be specially assigned to the next meeting at 9½ o'clock.

Mr. Crocker—As I don't wish to get the opinion of a fraction of the Council, and would like to get a good vote upon it, I hope it will be assigned as the gentleman proposes.

The motion to assign prevailed.

#### HEALTH DEPARTMENT.

Mr. Sibley of Ward 5 submitted the following from the Committee on Health:

Ordered, That the City Collector be and he hereby is authorized to receive of J. J. Haley, assignee of J. F. Paul, in bankruptcy, the sum of \$53.38, in full settlement of bills amounting to \$3229.75, rendered by the Superintendent of Health, dated Jan. 1 and July 1, 1876, for ashes and street dirt sold to J. F. Paul & Son.

Ordered, That bills of the Board of Health and the Superintendent of Health amounting to \$1262.94, as shown by schedule annexed, be cancelled, the same having been certified by the City Solicitor as uncollectable.

Ordered, That the Committee on Health be and they are hereby authorized to contract with R. B. Carter for the collection and removal of house offal from East Boston for the term of three years from Jan. 1, 1878, at the rate of \$2000 per annum; to be charged to the appropriation for Health.

The rule was suspended, and the orders were severally read twice and passed. Sent up.

#### SURVEYORS OF HIGHWAYS.

Mr. Brintnall of Ward 5 offered an order—That his Honor the Mayor be requested to petition the Legislature of 1878 to change section 41, city charter, which now reads, "The Board of Aldermen shall be surveyors of highways for said city," to read, "The City Council shall be surveyors of highways for said city."

Mr. Brintnall said this had been tried several times, and always failed; but now he believed it would pass the Board of Aldermen, and give the Mayor a chance to petition the next Legislature.

Mr. Richardson of Ward 10 was not prepared to vote upon it, and moved its reference to the Committee on Legislative Matters.

Mr. Webster of Ward 3 said that he understood from a discussion in the Board of Aldermen some time ago that they were entitled to free passes on all the railroads. If this would give free passes he would vote for it.

Mr. Kelley of Ward 3 believed the Paving Committee should be a joint committee, as then there would be a mechanic on it; this year there is not. He commented severely on the Paving Committee on the part of the Council having only a few

minutes to look over the estimates for an appropriation of a million dollars.

Mr. Mowry was not prepared to vote on such an important matter, contemplating a radical change in the City Government.

The order was referred to the Committee on Legislative Matters. Sent up.

#### VENDERS OF OLD LEAD PIPE.

Mr. Clarke of Ward 22 offered an order—That the Committee on Ordinances be requested to consider the expediency of reporting an ordinance providing that a permit from the Superintendent of Pawnbrokerage shall be required from all persons offering old lead pipe for sale, and that a proper record of each case shall be kept by said Superintendent.

#### STONY BROOK.

A motion to reconsider the vote by which the order was passed for a committee on the Stony Brook improvement, made by Mr. Coe, hoping it would not prevail, was lost.

#### VEGETABLE MARKET.

Mr. Howes moved to take from the table the order for a loan for the purchase of the Mercantile-wharf property for a vegetable market, giving notice that he should move to indefinitely postpone it.

Two attempts were made to take the sense of the Council, but no quorum voted.

On motion of Mr. Stone, the yeas and nays were ordered, with the following result—yeas 22, nays 16:

Yeas—Messrs. Barnard, Brintnall, Clarke, Cross, Day, D. A. Flynn, Howes, Kelley (Ward 3), Morrill, Mowry, Nugent, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Roberts, Sampson, Sibley, Smardon, Stone, Thompson, Wolcott—22.

Nays—Messrs. Brown, Coe, Crocker, Danforth, Hibbard, Jackson, Kelley (Ward 6), Kidney, McClusky, McDonald, McGaragle, Spenceley, Upham, Vose, G. B. Webster, Wilbur—16.

Absent or not voting—Messrs. Barry, Beeching, Blanchard, Blodgett, Burke, Cannon, Cox, Dee, Doherty, Duggan, Fagan, Felt, Fernald, J. J. Flynn, Fraser, Ham, Hiscock, Loughlin, Mullane, O'Connor, O'Donnell, Pearl, Perham, J. H. Pierce, Pope, Reed, Roach, Ruffin, Shepard, Souther, Thorndike, Warren, E. R. Webster—33.

And the order was taken from the table.

Mr. Howes moved to indefinitely postpone, which the President ruled out of order.

On motion of Mr. Stoue the roll was called.

Present—Messrs. Barnard, Brintnall, Clarke, Crocker, Cross, Danforth, Day, D. A. Flynn, Hibbard, Howes, Jackson, Kidney, McClusky, McDonald, McGaragle, Morrill, Mowry, Nugent, O. H. Pierce, Pratt, J. B. Richardson, M. W. Richardson, Roberts, Sampson, Sibley, Smardon, Spenceley, Stone, Thompson, Upham, Vose, G. B. Webster, Wilbur, Wolcott—34.

Absent—Messrs. Barry, Beeching, Blanchard, Blodgett, Brown, Burke, Cannon, Coe, Cox, Dee, Doherty, Duggan, Fagan, Felt, Fernald, J. J. Flynn, Fraser, Ham, Hiscock, Kelley (Ward 3), Kelley (Ward 6), Loughlin, Mullane, O'Connor, O'Donnell, Pearl, Perham, J. H. Pierce, Pope, Reed, Roach, Ruffin, Shepard, Souther, Thorndike, Warren, E. R. Webster—37.

There being no quorum present the President declared the Council adjourned.







## CITY OF BOSTON.

## Proceedings of the Common Council,

DECEMBER 24, 1877.

Special meeting at 2½ o'clock P. M., Benjamin Pope, President, in the chair.

The President read the following:

BOSTON, Dec. 21, 1877.

*Benjamin Pope, Esq., President of the Common Council:* Dear Sir—I have deemed it expedient to call a special meeting of the Common Council for Saturday, Dec. 22, at 2.30 o'clock P. M. for the purpose of taking action upon a notice for reconsideration of the vote whereby was passed a preamble and order to authorize the Park Commissioners to complete the purchase of any part or parts of the tract of land therein referred to, upon the terms provided and at such times as they shall deem expedient.

Very respectfully your obedient servant,  
FREDERICK O. PRINCE, Mayor.

Mr. Stone of Ward 3 asked the President to read the notice he had filed with the Clerk of the Common Council, and the President read the following:

BOSTON, Dec. 21, 1877.

I hereby give you notice that at the *next regular meeting* of the Common Council, I shall move a reconsideration of the vote by which was passed a preamble and order to authorize the Park Commissioners to complete the purchase of any part or parts of the tract of land therein referred to, upon the terms provided, and at such times as they shall deem expedient.

Very respectfully,

P. J. STONE, JR.

To W. P. Gregg, Esq., Clerk Common Council.

Mr. Stone—As therein stated and clearly set forth (you will notice that "the next regular meeting" is underlined), I intend to make the motion at the next regular meeting, and do not intend to do anything of the kind today.

Mr. Thompson of Ward 3—As the gentleman from Ward 9 is so anxious to delay business, I will now make a motion to reconsider the order as passed, hoping it will not prevail.

Mr. Stone—I rise to a point of order. I believe I am the only party entitled to move a reconsideration in this matter. I don't wish to delay business, and I think I was unfairly treated in the matter of the committee meeting.

Mr. Crocker of Ward 9—I think my colleague is mistaken in moving a reconsideration. The rule is that any member may move a reconsideration at the same meeting, or give notice within twenty-four hours of his intention to do so at the next meeting, at which such motion shall be in order in the regular course of business. It seems to me that as the gentleman from Ward 3 gave the notice of a motion to reconsider, he can only make it when it is in order in the regular course of business. This being the next meeting, and no other business being in order, he must make it now, or it will not be in order at any other time.

Mr. Stone—Having stated specifically that I intended to make it at the next regular meeting, I think that I have a right to make it then.

Mr. Thompson—In order that this question may be settled I move to suspend the rule, that I may make the motion to reconsider today; and in order that the Council may understand why this order should be passed today, I will briefly state the facts. The Park Commissioners have practically completed the bounding of all of the land, and made arrangements for passing the deeds; but at the last moment, by the ruling of the City Solicitor, that found they were not authorized to purchase the land for the park in different parcels, but must take the hundred acres in one transfer. They were dealing with a large number of parties, and this ruling necessitated a great deal of delay. They did not learn of the City Solicitor's ruling until Thursday, and at once requested the chairman of the Joint Special Committee on Parks to call a meeting of that committee, every member of which was warned of the meeting some time before the hour appointed. Every notice was given that could be given; and the gentleman from Ward 3, who makes this factious opposition, received his notice, but did not come. The Mayor and the

Park Commissioners came before the committee and explained the reasons why this order should be passed immediately. It is a matter of importance; a great many interests are involved, and it is of importance to the Park Commissioners themselves. The chairman of the Joint Special Committee on Improved Sewerage was present a portion of the time, as the purchase involves a portion of the land through which the intercepting sewer passes. Night before last the Common Council passed this order by a large vote, and I intended, in the regular order of business, to move a reconsideration, hoping it would not prevail, but was not able to do so. The gentleman from Ward 3 took advantage of his right to give notice of intention to move a reconsideration, which would cause delay. He was applied to for his reasons, and explanations were given to him; but he declined to withdraw the notice, and the Mayor, in the exercise of his power, has called this meeting to act upon this particular motion. Now the gentleman wishes to take advantage of a technicality, and cut off the power of the Mayor to facilitate business. This meeting is just as regularly called as any other. I therefore move to suspend the rule, and will then move to reconsider, hoping it will not prevail. I think the course of the gentleman from Ward 3 should not be approved by the Council. It delays business. The order would be carried over to next Thursday and would be still further delayed until the following Tuesday before it could be carried out. It is also an inconvenience to the Park Commissioners who deserve every courtesy we can extend to them.

Mr. Stone—Mr. President—

Mr. Morrill of Ward 20—I move the Council do now adjourn.

The President—Mr. Stone has the floor.

Mr. Stone—I give way.

The Council refused to adjourn.

Mr. Stone—I did not give any reason for attempting to delay this matter, as the gentleman from Ward 9 said, because the question is not before us. But when it comes before us I shall give reasons.

The President—Under the rule the motion to reconsider is in the custody of the gentleman who gave the notice, and cannot be made by another gentleman without the consent of two-thirds of the Council. The question is upon suspending the rule.

On motion of Mr. Stone the yeas and nays were ordered, and the rule was suspended—yeas 43, nays 4, as follows:

Yeas—Messrs. Barry, Beeching, Blanchard, Blodgett, Brown, Clarke, Coe, Crocker, Danforth, Day, Doherty, Felt, Fraser, Hibbard, Hiscok, Jackson, Kelley (Ward 6), Kidney, McClusky, McDonald, Mowry, Nugent, Perham, O. H. Pierce, Pope, Pratt, Reed, J. B. Richardson, M. W. Richardson, Roach, Roberts, Ruffin, Sampson, Sibley, Thompson, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—43.

Nays—Messrs. Barnard, Ham, Morrill, Stone—4. Absent or not voting—Messrs. Burke, Cannon, Cox, Cross, Dee, Duggan, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Howes, Kelley (Ward 3), Loughlin, McGaragle, Mullane, O'Connor, O'Donnell, Pearl, J. H. Pierce, Shepard, Souther, Smardon, Spenceley—23.

Mr. Thompson—I move that the vote whereby the preamble and order giving the Park Commissioners the right to buy land for the Back Bay park in parcels be reconsidered, hoping it will not prevail.

Mr. Stone—My reason is that if they purchase the ten or fifty acres of the Boston Water Power the other parties are under no obligation to sell their land for ten cents a foot, and we are liable to pay one or two or three dollars a foot. While upon the floor, I raise the point of order that this motion for a reconsideration can only be made at a regular meeting, notwithstanding the suspension of the rule, this being a special meeting.

The President—The Council having suspended the rule, the motion is in order.

Mr. Mowry of Ward 11—I would ask the gentleman from Ward 3 if he has not understood that the land was all bonded except this fraction?

Mr. Stone—I may have used the term bonded, but I meant agreed to sell it.

Mr. Thompson—All the land is bonded except one acre and a half, which is owned by eight heirs, seven of whom live out of the State; but the managing heir has given a bond for his interest, and says a bond will be given for the rest. The

trustees of the Eliot School fund have not given a bond, but have voted to sell the land at ten cents a foot, and authorized their officers to convey it when the commissioners are ready to take it.

Mr. Stone—What is the great desire to rush this matter through? Why not take time to look into it, if all the gentleman says is true? As a member of the committee, I am entitled to know something about the matter.

Mr. Thompson—The gentleman has had every opportunity and plenty of time to learn everything he needed to learn, if he had been desirous of facilitating business. If he didn't choose to take the word of the committee, he could have gone to the Park Commissioners or the City Solicitor or the Mayor of the city, any one of whom is familiar with the facts, and could explain them to him. The importance of hurrying the matter is this: The Park Commissioners, believing they had a right to take a portion of the land, gave notice of their intention to do so. This action involved the interests of others besides the owners. There are attachments upon the land of the Water Power Company, and notice was given by them of their intention to settle the claims on a certain day. Now comes in the gentleman from Ward 3, half breathing a doubt of somebody's honesty, and asks for delay. It is one of those routine orders in regard to details that have come before us many times this year, and we have suspended the rule. The money has been appropriated to make this purchase, and the question is simply whether you will permit the commissioners to draw money enough in one draft to pay the Water Power Company, or must they wait until they can get deeds from all those parties, and draw the whole \$450,000 at once—

whether you will consult the convenience of the Park Commissioners or not. The gentleman from Ward 3 has done himself great injustice. If he has any solid objection, I would give him all the time he wanted. He has had plenty of time to ascertain all the facts if he had chosen to do so; and I think he is entirely to blame for his conduct in this matter.

Mr. Morrill—I think no one has cause to find any fault with our action in regard to the park matter this year; but before we enter upon this expenditure, we had better find out whether it is \$450,000 or \$2,000,000. Those familiar with that property well know that ten or twelve years ago it was a swamp. To my knowledge, piles have got to be driven down there to a great extent; and, for one, I protest against spending one dollar more there above that \$450,000.

On motion of Mr. Sibley the main question was ordered.

The motion to reconsider was lost.

Mr. Webster of Ward 3—This meeting has been a very enjoyable, sociable and delightful affair in every way, and we can say that we are indebted for it to my colleague from Ward 3. It has been a great benefit to me, as it comes upon me in the busiest part of the week before Christmas, and absence from business is like taking the meat out of a watermelon. I think the least we can do is to pass a vote of thanks to the gentleman; and I therefore move that the thanks of the Council be extended to Mr. Stone for his kindness and courtesy in calling us together.

Mr. Stone—I think the thanks are due to his Honor the Mayor, and not to me.

Adjourned, on motion of Mr. Morrill.



## CITY OF BOSTON.

Proceedings of the Board of Aldermen,  
DECEMBER 24, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Twenty-two grand jurors were drawn for the January term of the Superior Criminal Court.

## EXECUTIVE NOMINATIONS.

Public Weigher—William Peters. Confirmed.  
Police Officers without pay—Jeremiah Sullivan, John S. Nelson, Jacob W. Ezekiel, John S. Lynch. Confirmed.

Constable—George H. Phillips. Confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* R. W. Ames and Thomas S. Danforth, to be paid for grade damages on Ruggles street, near Auburn street; Cook & Handy, to be paid by city for sprinkling a portion of Dudley street; Bradley Fertilizer Company, for the removal of the wires of A. T. Stearns & Co. from the poles of the petitioners.

*To the Committee on Police.* Proprietors of Forest Hills Cemetery, to be paid for certain valuable birds destroyed by a dog in their premises.

*To the Committee on Harbor on the part of the Board.* Charles West, for leave to take gravel from the beach at Point Shirley.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables—By John Craig, new wooden, six horses, on a private way in Ward 25; George W. Bennett, old wooden, one horse, near 26 and 28 Trenton street.

*To the Committee on Streets on the part of the Board.* Bedelia Lecky, to be paid for damages occasioned by the taking of land on Western avenue.

## HORSE RAILROAD HEARINGS.

*Metropolitan Railroad.* A hearing was given on the petition of the Metropolitan Railroad Company for a change in location of track on Washington street, between Temple place and Summer street.

President Richards of the Metropolitan Railroad Company appeared for the petitioners and explained that a slight difficulty had arisen in regard to the location granted on Nov. 5th, on Washington street, which was a plan to relieve Tremont street, proposed by the Paving Committee and agreed to by the presidents of all the horse railroads. That location had been accepted and by far the larger portion of the tracks had been laid at an expense of twelve or fifteen thousand dollars, in all the streets except Washington street. They had been summoned into court, but were there told that it would be no contempt to go on and build the tracks. But he had never attempted to do anything in the face of great opposition. In making the plan the engineer had deflected a few feet from the centre of the street, in order to accommodate a curve. The order of location did not give the right to take up the old track, and they were forced to come before the Board again. This petition was to accomplish the purpose of the Paving Committee, and take up the old track. This will relieve the streets of the blockade. The company are endeavoring unselfishly and fairly to meet the views of the Paving Committee, at an expense of \$20,000.

Colouel Long presented a remonstrance against the laying of two tracks in Washington street, between the points named, signed by Jordan, Marsh & Co., and several other large firms. He contended that two tracks there would not relieve the blockade.

Mr. Richards said the remonstrance did not contain the names of nearly all the abutters, and it was almost a flash in the pan after all the trouble they had been to get up a remonstrance. He could have got up a petition fully as large as that from the abutters. The only objection to the original plan will be removed by granting the petition.

No one else desiring to be heard, the petition was recommitted to the Committee on Paving.

*Middlesex Railroad.* A hearing was given on the petition of the Middlesex Railroad Company for tracks in South and Kneeland streets, at the Old Colony Railroad station.

William G. Russell appeared for the petitioners, and said they asked for a confirmation of a location previously granted, which he thought would be best accomplished by the passage of an order—That the location heretofore granted to the Middlesex Railroad Company by an order passed Nov. 12, 1877, and shown upon the plan referred to in said order, be and the same is ratified and confirmed.

The company have long desired to complete their facilities for transporting passengers to and from the depots. The cause of the difficulty is that the turn-out track granted in Kneeland street extends about five feet into South street, which is not covered by the order, the only streets named being Beach, Lincoln and Kneeland. The petition is to make the location in accordance with the plan before the committee, as the committee intended.

P. A. Collins stated that he appeared for certain abutters who are remonstrants.

The Mayor read remonstrances of Isburgh & Walker and 108 others; Flynn, Amsden & Co. and 127 others; Hills & Brothers and seventy-five other firms, against the location.

Mr. Collins said the remonstrants objected to a depot there for any purpose, the street being thirty-three feet wide, and a standing car will be a great inconvenience to firms receiving and delivering goods. The order for this location was passed without any notice to the abutters, and they had no notice that the former location had been granted until the present order was issued.

In reply to a question by Alderman Fitzgerald, the City Clerk stated that the present order of notice was based upon the points contained in two previous petitions, and that no separate order had been given on this one.

Mr. Russell claimed that legal notice had been given the abutters in this case by the publication of the other notices on the previous petition, as the points contained in this petition were covered by the other petitions upon which notices had been given.

George O. Shattuck, counsel for the South Boston Railroad, said the original petition and notice covered a location in Cove street, and did not cover the location asked for in this petition.

The question of the sufficiency of the notice was informally discussed by Aldermen Fitzgerald, Thompson, Mr. Russell, Mr. Child and Mr. Shattuck, during which Alderman Thompson read from the minutes of Nov. 5, when the order was passed granting the South Boston Railroad a location in front of the Old Colony depot, and when he withdrew an amendment providing that any other corporation should have the right to use the track in case they had permission from the Old Colony Railroad, it being the understanding the South Boston Railroad would not oppose this location for the Middlesex.

Alderman O'Brien said the Board had nothing to do with the agreements of private corporations, and Alderman Thompson said he should have objected to the location if the South Boston road was to have any exclusive privileges there as opposed to any other corporation.

Mr. Shattuck said this company has a location; that there was a hearing on a petition. Yet the ground on which they ask it is that the Board has granted it. But the truth is the Board has not granted it, and they come here because the court will not recognize their right to lay this track, and they are afraid the court will not allow them to have what they have now finally made up their minds they desire. They have undertaken by a patchwork on two petitions to get a location on South street. It seemed to him they turned themselves out of court by asking to confirm what has been granted, when it has not been granted. It is an entirely new petition. They ask leave to shift horses in the worst crowded street in the city, when the shifting of horses has never been allowed in any place except Tremont street, and has been refused on Canal street where it would not have been a great inconvenience. If anybody should have such a location in South street, it should be the South Boston road, which had the original location at the Old Colony depot; and if any road was to have the location at the Boston & Maine depot it should be the Middlesex. The spur now asked for will interfere with the construction of the proposed turnout of the South Boston Railroad Company in front of the depot.

Alderman Thompson said the President of the South Boston Company had told him they would

not object to this spur if the South Boston Company were granted the location in front of the depot.

Mr. Collins called witnesses for the remonstrants.

R. J. Monks, trustee of estate of John P. Monks, said he had not objected to various locations which were in the interest of the public, even though it was some detriment to the estate he represented. He read a written remonstrance showing that the location would be a great inconvenience to the firms doing business there. A few days since there passed through the street from 7 A. M. to 6 P. M., 2027 vehicles—13 hand-carts, 1450 one-horse teams, 297 two-horse teams, and 261 hacks.

William S. Hills of Hills & Brother, storage and flour, South street, occupying six stores, said the street was thirty-four feet and one-half inch wide; frequently receive 1200 to 1500 barrels of flour and deliver 1500 to 2000 barrels a day; hardly a minute in the day but a team is backed up to the stores; the Old Colony baggage room is about sixty or eighty feet distant; very nearly all passengers to and from the Old Colony Railroad are received and delivered in South street. A large part of the flour over the Boston & Albany Railroad is delivered from No. 3 freight house, which is reached through South street. This location will be a serious inconvenience to their business and an obstruction to public travel, especially in the summer. [To Mr. Russell.] A one-horse team backed up to the sidewalk occupies sixteen feet; some of the caravans are eighteen feet long, without the horses.

Michael Doherty stated his objections, as previously given, that it would obstruct the business interests of that locality. They had been trammelled with horse railroads too much, and he believed citizens have some rights. The cars come there now, and go away with only two passengers. All the owners and abutters there are of the same opinion with him.

Mr. Fearing, of Fearing & Renfrew, teamsters, has a great deal of business with the No. 3 freight house; South street is usually crowded, and the effect of standing cars there would be a great obstruction to business and travel. Men in the teaming business agree with him.

Policeman David M. Foster, whose beat is on South, Kneeland and Federal streets, testified that South street is blocked up almost every day, and almost a constant block when business is brisk; the standing of cars there would be an aggravation of the blockade. There is no public necessity for cars to stand there. He had stood in the street four hours in August to keep the street clear for teams and carriages to go to and from the depot. He had seen them hold trains ten or fifteen minutes because the hacks could not get up to the baggage room.

Policeman James Foster said he had been stationed at the Old Colony depot for a year and half; know of no street in Boston so much crowded with teams. He corroborated the statements of the previous witness.

Mr. Russell read a notice issued by Hills & Bro., urging the abutters to do all they could to prevent the location, stating that they could accomplish a great deal by personal solicitation of the members of the Board of Aldermen, by their presence at the hearing and their testimony thereat.

Mr. Collins said he intended to show by the testimony of hackmen that the placing of a car on the proposed location would prevent carriages from driving up to the side entrance of the head house. He claimed to have shown that there was no necessity for it, and said there was nothing insulting in the circular, and was only urging citizens to use their endeavors as citizens.

Mr. Shattuck claimed that there was nothing in the circular that was disrespectful or insulting to the members of the Board, and that it was just what every citizen had a right to do, to protect his rights and his property. He thought the petitioners had not shown there was any necessity for the location, and claimed that there were sufficient cars there already to answer the purposes of the general public.

Mr. Russell, in closing the case for the petitioners, said every passenger on the Old Colony road would testify that this location is just what is needed for their accommodation; they can come out of the side of the depot and find a car there to take them down town. Every abutter or firm on a street has come in and said every street was crowded where it was desired to lay a railroad

track. The teams coming up to the depot are delayed because the Old Colony road has not force enough to take the baggage as fast as it comes. The car will occupy only thirty feet of 120. A car will do no more hurt there than two hacks. The Old Colony Railroad Company have asked the petitioners to come there and occupy the space now occupied by two or three private hacks. He contended that this location should be granted as an offset to the location granted to the South Boston in front of the Old Colony depot, and because it was intended to be covered by the original order, but was omitted in naming the streets, though plainly shown upon the plan. In regard to the circular of Hills & Brother, he thought it was a clear invitation to "button-holing," penned and paid for by the South Boston Railroad. He should like to know if the remonstrants are so reduced in wit and wisdom that they cannot write or print their own circulars.

The matter was recommitted to the Committee on Paving.

#### BONDS APPROVED.

The bonds of Christopher F. Sweeney and others, Constables, being presented duly certified, were approved by the Board.

#### LOCATIONS ACCEPTED.

A communication was received from the Metropolitan Railroad Company accepting the location granted by this Board on Dec. 10, 1877; also, from Union Freight Railroad Company, accepting the location granted on Dec. 22. Placed on file.

#### JAIL EXPENSES.

A requisition was received from the Sheriff of Suffolk County for \$1808.63, for expenses at the jail for December. Ordered paid.

#### SEWER ASSESSMENTS.

Schedules of the cost of constructing thirty-nine sewers were received from the Superintendent of Sewers and referred to the Committee on Sewers.

#### EAST BOSTON FERRIES.

A mandamus was received from the Supreme Judicial Court directing the city of Boston to continue to collect the tolls on the East Boston ferries, heretofore established, on and after Jan. 1, 1878, notwithstanding the order abolishing the same. Sent down.

#### PAPERS FROM THE COMMON COUNCIL.

Order for Committee on Health to contract with R. B. Carter for removal of house offal from East Boston for a term of three years from Jan. 1, 1878, at a price not exceeding \$2000 per annum. Passed in concurrence.

Order for Collector to receive from J. J. Haley, assignee of Joseph F. Paul, \$53.38 in full settlement of bills amounting to \$3229.75 for ashes and street dirt sold by city; also order to cancel certain other bills of Health Department against William Adams, Martin Milmore *et al.*, amounting to \$1262.94. Passed in concurrence.

Request of Committee on Public Lands for the sum of \$10,638.84 to satisfy an execution on Northampton-street District. Referred to Committee on Finance in concurrence.

An order for the Mayor to petition the Legislature for an alteration of the City Charter so that the City Council shall be Surveyors of Highways, came up referred to Committee on Legislative Matters. The order was indefinitely postponed, on motion of Alderman Thompson.

Order proposing an amendment of ordinance so as to require a previous permit from Superintendent of Pawnbrokers to enable persons to sell old lead pipe to any persons. Referred to Committee on Ordinances in concurrence.

Report that "no further action is necessary" on subject of contract, of private telegraph wires, etc. Accepted in concurrence.

Report and orders to accept the offer of a public park on Mt. Bellevue from W. E. Blakemore, and to tender the thanks of the City Council therefor. Orders read twice and passed.

Order "inexpedient to amend" the ordinance relating to health, on subject of storage of ashes, etc. Accepted in concurrence.

Report on investigation of Department of Common and Public Grounds (City Doc. No. 87), with reference of ordinance, on page x., to Committee on Ordinances; reference of amendment of joint rules to Committee on Joint Rules, etc.; and passage of the resolve, on page xi., respecting the employment of laborers on the Common, etc. Accepted in concurrence.

## PUBLIC PARKS.

An order came down to authorize the Park Commissioners to purchase any parcels of land for the Back Bay Park and settle for the same upon the terms set forth in said order.

The order was passed in concurrence, and Alderman Clark moved a reconsideration, hoping it would not prevail.

Alderman Thompson—I presume this Board, and I know for myself, know very little about this park matter, and I think this would be a proper time for some members of the Committee on Parks to give us some information in regard to the purchase of the land, if consistent with the public interest.

Alderman Clark—I think that a full report from the Park Commission will come in at the next meeting.

Alderman Gibson—Then I think it ought not to be pressed. It seems to me we ought to have that report in first.

Alderman O'Brien—This is a very simple matter. In trying to arrange for our one-hundred-acre park, the commissioners have found that they could not examine all the titles immediately, because the parties who hold the equity of certain small portions of land, are difficult to reach, and it will take a long time before all the titles can be finally adjusted and settled upon. The City Solicitor says they cannot take a portion of it; that one hundred acres must be settled for at once; and this order is merely to enable the Park Commissioners to do their business as they go along. They can take possession of eighty acres immediately, but there are several small lots which it may be six months before they can be reached and settled.

Alderman Thompson—Under the circumstances, it seems to me it might be well to introduce an amendment limiting the amount to eighty acres, if that is the amount already bonded.

Alderman Clark—The commissioners have bonds for the entire hundred and three acres, but there are some two or three acres the owners of which reside out of the city, and some in Europe, and one in the West. There are only a few acres to which the title cannot be obtained in a short time. All the titles are ready for the eighty acres, and also of several small lots of five or six acres. There is no question about obtaining the title to the entire property within a very short time. In order to make their right to purchase a part of the acres perfectly clear, it was thought advisable to pass this order. It was passed almost unanimously by the Common Council, was passed unanimously here, and the motion to reconsider is simply to expedite business and have it settled during the present Administration. It was thought advisable to move a reconsideration because of the experience in the Common Council, where the Mayor was compelled to call a special meeting, and then only four voted in favor of the reconsideration, and the balance opposed it.

Alderman Thompson—It was not my intention to oppose it if everything was as it should be, and that is what I desired to know. But if it is in such a position that the city can buy a few acres of land and take the deeds, and it is unable to purchase any quantity beyond that, and they expect to come before the City Council and propose to pay an additional price, I should object. But after the explanation of the gentlemen I should not favor the reconsideration.

The motion to reconsider was lost.

## POLICE NOMINATIONS CONFIRMED.

Alderman Robinson submitted a report from the Committee on Police, recommending the confirmation of the following executive appointments of police officers: Frank E. Hall, Joseph McHenry, Cornelius F. McCarty, William B. Watts, James Lyons and James Sullivan.

Alderman Thompson inquired in regard to the evidence the committee had of the fitness of the appointees, and Alderman Robinson said the evidence was all taken down by the Clerk of Committees, in whose office it could be found.

The report was accepted and the nominations were confirmed.

## POLICE STATION IN CHARLESTOWN.

Alderman Robinson submitted the following from the Committee on Police:

The Committee on Police respectfully request that additional accommodations be furnished for the use of the department in the old City Hall, Charlestown. A portion of the building is already

occupied by the officers of Station 15, but the rooms are inconveniently arranged, and no improvements can be made without the addition of another room. The addition of a room situated in the front of the building, and having an entrance from city square, to be used for a business office, would facilitate the transaction of business, and would enable such a disposition to be made of the rooms at present occupied by the department as would add greatly to the comfort and convenience of the officers attached to the station. There is now an unoccupied room which can be made available with but little expense, and the committee respectfully request that it be assigned to the use of the Police Department, and fitted up as a business office for Station 15. They would recommend the passage of the following order:

Ordered, That the vacant room situated on the first floor of the City Hall, Charlestown, be assigned to the use of the Police Department, and that the Committee on Public Buildings be requested to alter the said room into a business office for the Police Station No. 15.

Alderman Clark asked if any estimate had been made of the expense, and Alderman Robinson said that it would not cost much, as about the only item was the cutting of a door through. As the matter came under the province of the Committee on Public Buildings, it was, on motion of Alderman Fitzgerald, referred to that committee. Sent down.

## PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Report that leave be granted to M. Ellis & Co. to move a wooden building from Marginal street, Ward 2, to Decatur street, Ward 2, Accepted.

Order to pay George D. Howe, Samuel W. Swett and Samuel Johnson, trustees under the will of George Howe, \$1500 for grade damages at 174, 176 and 178 Washington street. Read twice and passed.

Ordered, That the street leading from Wyman street to Green street, Ward 23, a part of which has heretofore been known as Curtis street, and a part of which Chestnut street, be hereafter called and known as Chestnut avenue, and that the Superintendent of Streets be directed to erect street signs upon and renumber said avenue. Read twice and passed.

## METROPOLITAN RAILROAD LOCATION IN WASHINGTON STREET.

Alderman Robinson submitted the following from the Committee on Paving:

The Committee on Paving, to whom was recommended the petition of the Metropolitan Railroad Company for a change of location on Washington street, between Temple place and Summer street, respectfully recommend the passage of the accompanying order of location.

For the Committee,

R. W. ROBINSON, Chairman.

Ordered, That the Metropolitan Railroad Company be and it is hereby authorized and empowered to change the location and position of that part of its single track which lies in Washington street between Summer street and Temple place, and to lay down an additional track on said part of said street, so that it shall have and maintain two tracks on that part of Washington street which lies between Summer street and Temple place, as follows, viz.:

The most westerly of said tracks to commence at a point in the track of the Metropolitan Railroad as now laid down in said Washington street ten feet north of the northerly line of Summer street, and to extend to and connect with the track of said Metropolitan Railroad on Temple place. The most easterly track to commence at a point in the track of the South Boston Railroad as now laid down in said Washington street ten feet north of the northerly line of Summer street, and to extend to and connect with the track of the Metropolitan Railroad south of Temple place.

Said Metropolitan Railroad are also authorized and empowered to connect by means of curved tracks the most westerly track above mentioned with the tracks of the South Boston Railroad on Summer street, and the most easterly track with the track of the Metropolitan Railroad on Summer street; the tracks and connections described in this order being shown by red lines on a plan drawn by W. S. Barbour and A. Hodges, civil engineers, dated Dec. 21, 1877, and deposited in the office of the Superintendent of Streets, and said tracks are to be laid down in the position desig-

nated on said plan, the centre line of the two tracks on Washington street coinciding with centre line of said street, and the exterior rails of said respective tracks to be nine feet and five-hundredths from the sidewalks at a point near Summer street, and eight feet and seven-tenths from the sidewalks near Temple place, as laid down on said plan.

Said Metropolitan Railroad Company are hereby authorized and directed to take up and remove so much of the single track and its connections, now laid down on Washington street between Summer street and Temple place, as shall not be required by said company in the construction of tracks located by this order.

The right to lay down the tracks located by this order is upon the condition that the whole work of laying down the same, the form of rail to be used, and the kind and quality of material used in paving said tracks, shall be under the direction and to the satisfaction of the Committee on Paving and the Superintendent of Streets, and shall be approved by them. Also upon condition that said Metropolitan Railroad Company shall accept this order of location, and shall agree in writing to comply with the conditions therein contained, and shall file said acceptance and agreement with the City Clerk within thirty days of the date of the passage of this order; otherwise it shall be null and void.

On motion of Alderman Robinson, the order was read a second time and was put upon its passage.

Alderman Clark—I raise the point of order that there has been a public hearing given today and that parties have remonstrated against this location. The subject was recommitted back to the committee and they have had no meeting since the order was recommitted. The point I make is that this is not a fair treatment of the remonstrants against the location. This order was prepared by three o'clock this afternoon before the committee came into the Board and before they heard the remonstrants. Although the order will pass, still I think there is a fair way of doing business and of treating parties who come before this Board. I submit whether or not the point I raise is not well taken.

Alderman Robinson—The order for the location of that track was passed several weeks ago. It was fully discussed and taken into consideration by the Committee on Paving. The petition was for a double track from Dover street to Summer street, and the committee decided to give them a location from Summer street to Temple place. The matter which called forth this hearing was in consequence of a little quibble in the taking up of the track and laying it down again. The committee understood the whole thing, and so do all the members of the Board.

Alderman Clark—I submit that the gentleman is out of order. The question is whether the point of order I raised is well taken, and the question is not whether it is right or wrong to grant this location. It is simply that the committee have not had a meeting since the matter was recommitted to them.

Alderman Fitzgerald—I raise the point that Alderman Clark's point of order should have been taken when the report of the committee was made, and that it is too late now, when the order has been passed to a second reading and become the property of this Board. If the Chair decides otherwise, I shall move that this Board take a recess for one minute, so that the Committee on Paving may meet and make their report.

Alderman Clark—If that is the way the Committee on Paving do business, I submit that it is not a proper way.

The Mayor—The Chair rules that there is no point of order that can be taken as taken by the Alderman; that this is a matter before the Board of Aldermen for their consideration, and for them to take such action as they see fit. No parliamentary rule has been violated. It is not a question of order. The Aldermen can take such action as they see fit.

Alderman Clark—I accept the ruling of my Chair. And I should hope that the Board would not vote this evening upon a matter of such importance as this, because there has been no opportunity for the committee to investigate the subject; there has hardly been sufficient time for the Board of Aldermen to investigate the subject. This petition is for the location of tracks in Washington street, and some fifteen or twenty merchants on the line of the street have come here and remonstrated against the granting of this location. I should hope that the order will take its

regular course and be referred to the Committee on Paving, for them to report at the next meeting, and then for the Board to act upon it. It seems to me rather an unwise thing to act so suddenly upon such an important matter, and I hope it will not pass this evening.

Alderman Fitzgerald—Nobody knows better than the Alderman the subject involved in this order. Nobody has said more about it than he. He was so anxious that everybody should know all about it, that when I was absent in New York a few weeks ago, for my special convenience and without asking me, he had the kindness to move a reconsideration of the order, and it came up a second time before the Board, which confirmed its former decision. All that is asked for is a little change in the laying of the track. The principle is the same. The Committee on Paving is the same. The Committee on Paving and this Board have talked it over with all the presidents of the railroads, and everybody knows everything about it, and nobody knows more about it than the Alderman opposite, and so he is not taken unawares; and if anything is to be done it should be done at once. Our lives are very short, and we should not leave it to the next Government. The weather is favorable and the work will be done immediately, if the gentlemen don't get an injunction.

Alderman Clark—This is an entirely different subject from that considered while the Alderman was in New York. It is an entirely new location. Furthermore, the gentlemen doing business on the street have come here and opposed this location, and the subject is before the courts, and I think there is to be a hearing during this week before the Supreme Court as to whether they have the right to lay down the tracks and whether the tracks already laid down should not be ordered up. There is another reason why this Board of Aldermen should not be injudicious and not act upon it without giving it full consideration. It is an unheard-of thing for a committee, after a public hearing, without having had a meeting, to come in here with an order already prepared, and attempt to force it through as suddenly as this.

Alderman Fitzgerald—The honest indignation which my friend opposite puts on about this order would perhaps have a great deal more weight if he was addressing a large assembly who did not know anything about the facts. But it is amusing and ridiculous, his addressing twelve men who know his relation to the order, and how much he has slept over it, how much he has thought and spoken about it. We might lay it on the table for six months and his and my ideas would be the same as tonight. This is a better order than the other one. It does justice to both sides. It is a better order for Jordan, Marsh & Co. The objection that the Supreme Court are to have a hearing upon the other order has nothing to do with it. The notice is so drawn that there can be no quibble raised against it. The plan was recommended by the Committee on Paving, and agreed to by the horse railroads, that it would be one of the best things to abate this nuisance on Tremont street. There is no good reason for the virtuous indignation of my friend on the opposite side. He talks in a Pickwickian sense, and if his speech has any effect and his motion passes, he will think what fools we have been. He knows that the order is going to pass. Mr. Yerxa is quietly weighing his tea and coffee, and Messrs. Hogg, Brown & Taylor measuring their tape, and they have not come near us. The only individual frightened is the Alderman opposite.

Alderman Clark—Another reason why this order should not pass is that there has been a great deal of criticism on the injudicious action of this Board of Aldermen, and this is a subject that there should not be an opportunity to say we have acted upon injudiciously. The petition comes in and we have a hearing; there is a strong remonstrance, and the Committee on Paving have an order prepared and their minds made up, and therefore they are not competent to decide justly between the petitioners and the remonstrants. If we do pass this order we will lay ourselves open to the just criticism of acting injudiciously,—more injudicious than the passage of the order freeing the East Boston ferries or the attempt to widen Commercial street or purchase the Mercantile-wharf Market. Let us consider it a few days, and it may be that next Monday I shall be prepared to vote for it. But I don't propose to vote for an order that comes down here in the pocket of the Alderman at three o'clock, before the hearing on the subject took place.



Alderman Fitzgerald—I am not surprised that the Alderman should lay such stress upon what he deems hasty action. There was a hearing some years ago upon the stately elms which stood upon Tremont street, and he brought in an order that afternoon to cut them down. He says we should wait for the remonstrants. They are mere paper men. I am not surprised that the Alderman should lay such great stress upon this matter when he has been so grossly negligent in a similar matter, and after what he did in regard to the Paddock elms. I am not surprised that he is repenting.

Alderman Clark—The order cutting down the Paddock elms was not referred to the committee. It was heard before the Board and acted upon without any reference to the committee, and the Board voted to cut them down at once. Had it been referred to any committee it would have received their attention.

Alderman Fitzgerald—The Alderman introduced the order then and there, and did not give them any opportunity.

Alderman Viles—I am informed that the Supreme Court has appointed no day in which to give the parties a hearing in this case. While I am willing to give the members of the Board an opportunity to investigate any subject, I think the Alderman has obtained all the light he can on this subject.

Alderman Clark—Does the Alderman think the Committee on Paving have had time to consider this subject since it was referred to them?

Alderman Viles—I cannot speak for the committee, but for myself, and I think I understand it and can vote intelligently.

Alderman Robinson—The committee have worked about three months upon it.

The order was passed.  
A motion to reconsider by Alderman Fitzgerald, hoping it would not prevail, was lost.

Subsequently a communication was received from the Metropolitan Railroad accepting the location granted by the above order.

STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Reports that leave be granted to occupy stables by E. M. Steimle, Parker street; Freeman Smith, Abbott street; City of Boston, Canterbury street; W. W. Blaney, rear Vale street. Severally accepted.

Reports of leave to withdraw on petitions for leave to occupy stables by F. Bemis, 17 and 19 Corey street; Henry Dudley, Elm street, Ward 23; Bridget Burke, rear 42 Simmons street. Severally accepted.

HEALTH DEPARTMENT.

Alderman Viles submitted the following, from the Joint Committee on Health:

Report on petition of Jane Burrill for aid from the city—That she have leave to withdraw, the city not having authority to grant the same. Accepted. Sent down.

Report on petition of Owen Harrington, for leave to open a burial lot in St. Joseph's Cemetery, Roxbury—That in consideration of representations of said Harrington that he is the owner of a partially-occupied lot, that said lot is not a grave, but built of brick and cement, and further that it is his only desire to place two more of the family now deceased in said lot, leave be granted. Accepted, and order granting the permit passed. Sent down.

THE MUNICIPAL ELECTION.

Alderman Viles submitted the following: The committee appointed to examine the returns of votes for municipal officers have, in accordance with petitions presented, recounted the ballots cast for a clerk and warden in Ward 20, and for ward officers in Wards 15 and 16, and found the results were as follows:

Ward 20.

For Warden.  
Frederick M. Briggs.....1146 and is elected.  
Edward W. Dolan.....1117  
All others..... 1

For Clerk.  
C. H. Snow.....1140 and is elected.  
John H. Danahy.....1114  
All others..... 2

Ward 15.

For Warden.  
William E. Bartlett..... 956 and is elected.  
Henry Orchard..... 874  
William E. Bartlett..... 39  
All others..... 2

For Clerk.  
John T. O'Connor.....1006 and is elected.  
Austin R. Adams..... 870

For Inspectors.  
George N. Parker.....1004 }  
George A. Wheeler.....1004 } and are elected.  
Henry P. Muldoon..... 998 }  
William F. Allen..... 880 }  
William F. Marlow..... 873 }  
Charles A. Green..... 867 }  
All others..... 4

Ward 16.

For Warden.  
Abraham J. Lamb..... 932 and is elected.  
James F. Marston..... 785

For Clerk.  
John H. Lynch..... 937 and is elected.  
William M. Bell..... 783

For Inspectors.  
Charles J. O'Brien..... 936 }  
Charles J. Barton..... 897 } and are elected.  
Josiah Van Buren..... 892 }  
Randall G. Burrell..... 782 }  
Thaddeus Page..... 780 }  
George H. Prince..... 780 }  
J. Otto Hageczky..... 40 }  
William Utz..... 44 }

The persons above chosen are the same that were certified as elected by the ward officers of said wards. After the examination of the ballots for warden and clerk in Ward 20, the committee were struck with the great discrepancy between the whole number of ballots cast in said ward and the number returned by the ward officers for Lucius Slade, whose name was borne on all the tickets for Aldermen. They therefore counted the ballots cast for Alderman Slade in this ward, and found that he actually received 2235, while the ward officers only returned for him 1637, thus making a difference of 598 votes, and increasing the total number of ballots received by him to 46,319. In closing this report the committee desire to say that, though the duties of ward officers are sometimes onerous, yet they are highly important and responsible, and too much care cannot be exercised in selecting capable, honest and intelligent persons for these positions.

For the Committee,  
CLINTON VILES, Chairman.

Accepted.

PUBLIC BATHS.

Alderman Viles submitted the annual report of the Committee on Bathing (City Doc. 100).

The committee asked for an appropriation of \$25,000, to cover the expenses of the department for the financial year 1877-78, which was granted by the City Council.

In October, 1876, an order was passed by the City Council, placing the Cabot-street double bath-house (formerly comprising Nos. 13 and 14) in the charge of the Committee of Public Buildings, and it is now used as a wardroom and for evening-school purposes; consequently the number of bath-houses used this season was reduced from twenty to eighteen.

Since the close of the bathing season two old bath-houses (Nos. 15 and 18) have been sold, with the approval of the committee, by the general superintendent, and the proceeds, aggregating \$140, have been paid into the city treasury. Two new houses, to take the places of the above, are in process of construction, under the direction of the general superintendent.

The several houses were opened on the 1st of June.

The following statements show the expense of maintaining each establishment during the municipal year, and the number of bathers of each class:

Bathhouse No.	Expenses.	Bathers.
1.....	\$535.97	97,861
2.....	1,000.00	231,622
3.....	517.35	68,241
4.....	443.78	29,023
5.....	709.47	72,580
6.....	709.48	65,189
7.....	568.29	57,427
8.....	555.50	61,704
9.....	642.95	92,306
10.....	834.86	131,300
11.....	655.47	122,160
12.....	655.47	25,031
15.....	1,035.53	37,331
16.....	358.75	8,404
17.....	644.17	34,958
18.....	720.31	37,323
19.....	1,114.19	19,879
20.....	836.06	57,358
General expenses for the twelve months.....	10,128.88	.....

Total.....\$22,666.48 1,249,697

The following statement shows the expenses of maintaining the public baths during the last eight municipal years:

	Total expenses.	Average expense per bath.
1877.....	\$22,666.48	.018 plus.
1876.....	24,643.12	.017 "
1875.....	21,440.87	.019 "
1874.....	28,881.50	.020 "
1873.....	37,299.43	.026 "
1872.....	40,464.91	.026 "
1871.....	38,997.06	.026 "
1870.....	21,284.66	.015 "
	1877.	1876.
Whole number men bathers.....	283,689	345,122
" " boy ".....	720,533	764,286
" " women ".....	74,836	94,010
" " girl ".....	170,639	233,895
	1,249,697	1,437,313
Decrease, 1877.....		187,616

Sent down.

CLAIMS.

Alderman O'Brien submitted a report from the Joint Committee on Claims of leave to withdraw, on the petition of John O'Connell, for medical services rendered to the city at the request of the police. Accepted. Sent down.

IMPROVED SEWERAGE ROOMS.

Alderman Burnham, from the Joint Special Committee on Improved Sewerage, submitted the following:

Ordered, That his Honor the Mayor be authorized to execute a lease of the rooms in the building No. 74 Tremont street, hired of T. O. H. P. Burnham, at the rate of \$1400 per annum, for the accommodation of the branch of the City Engineer's Department employed on the improved system of sewerage; the rent paid under said lease to be charged to the appropriation for Improved Sewerage.

Read twice and passed. Sent down.

CITY SOLICITOR'S ROOMS.

Alderman Fitzgerald, from the Committee on Public Buildings, submitted an order—That the clause of the lease executed by the city of Boston with F. Gordon Dexter, for rooms at No. 2 Pemberton square, by the Committee on Public Buildings under the authority of an order of the City Council approved Oct. 29, 1877, providing that the city pay a proportionate part of the expense for heating, attendance and care of said rooms, be and the same is hereby repealed.

Read twice and passed. Sent down.

LICENSES.

Alderman Viles submitted the following from the Committee on Licenses:

Wagon License Granted—Joseph P. Taylor, Central wharf; Charles E. Batchelder, 34 Court square.

Auctioneers Licensed—Baldwin & Howard, 2 Court square.

Amusement Licenses Granted—Morris Brothers' Minstrels, to exhibit at Beethoven Hall for two weeks, commencing Dec. 24; William Edwards, to give an athletic exhibition at Beethoven Hall on Jan. 7, 1878; A. P. Peck, to give an exhibition of wrestling at Music Hall on Dec. 31.

Billiard License Granted—F. A. Goell & Co., 3 Palmer street.

Hack Licenses Granted—William Sweeney, 191 Commonwealth avenue; Reuben E. Savage, corner Marlborough and Fairfield streets.

Hack License Refused—Edward Fleming, corner Clarendon and Newbury streets.

Severally accepted.

Ordered, That the license granted on April 30, 1877, to James G. Pierce, at 25 Howard street, as a pawnbroker and a dealer in second-hand articles, and also the license granted the same day to Thomas Hulk to deal in second-hand articles at 136 Ninth street, be revoked for cause. Read twice and passed.

Ordered, That his Honor the Mayor be requested to petition the Legislature at its next session for the passage of an act authorizing the Board of Aldermen to grant permission to worthy persons in necessitous circumstances to occupy temporarily portions of the public streets for the sale of fruits, with consent of the proprietors or occupants of the estates in front of which such stands may be placed. Read twice and passed. Sent down.

SUPERINTENDENT OF PAWN BROKERS.

Alderman Fitzgerald presented the annual report of the Superintendent of Pawnbrokers, for the past nine months, April to Dec. 15, 1877:

Stolen property recovered.....	\$5,081.50
Property awaiting settlement.....	200.00
Fees collected for licenses and paid to the City Clerk.....	792.00
Pawnbrokers licensed and doing business..	84
Second-hand dealers licensed and doing business.....	378
Pawnbrokers' licenses cancelled.....	4
Complaints against pawnbrokers investigated.....	220
Complaints in court for violation of ordinances.....	3
Complaints against junk dealers investigated.....	84
Cases in court against junk dealers for violation of the ordinances.....	3
Important case in court awaiting trial, for property stolen July 30, amounting to.....	\$900.00
Second-hand dealer's license revoked.....	1

I would suggest to the committee the importance of amending the ordinance in relation to pawnbrokers, making it compulsory to keep jewelry, watches, musical instruments, opera glasses, and all articles not of a perishable nature, for six months after the time for which the article was pawued. I find a great deal of trouble arising from the fact that there is no law compelling the brokers to keep the goods a specified time before selling. (In New York the time is one year.)

The rate of interest, also, is very much higher here than in New York, Philadelphia or San Francisco. In New York the rate made by law is twenty-five per cent. per annum on loans not exceeding \$25, and ten per cent. on loans exceeding \$25, under penalty of \$100 for each offence.

In Boston the custom is for the brokers to charge five per cent. per week; but I find many that charge twenty per cent. per week, and a few make terms at a less rate than five per cent. per week. It seems to me that something should be done to make an ordinance regulating this important matter. I would recommend that 2½ per cent. per week be the maximum on all articles up to \$20, under the penalty of \$100 for each offence.

The fee in Boston is only \$2 for each license issued for pawnbrokerage, and in New York the sum of \$50 is charged, and a great many brokers in this city are willing to pay \$100 for a license, in order that the business may be conducted by proper parties, and in a fair and honest manner; and they should be made to give two sureties, in the sum of \$500, conditioned for the due observance of all such ordinances made or in force respecting pawnbrokers, during the continuance of such license. By this means we can have a better class of men engaged in the brokerage business, and it will have the effect of driving out the bad ones, and bringing the pawnbrokerage business up to a proper business standard. As it is now, there are some very fine men in this business, but it seems to me that there are now altogether too many small shops in the pawnbroker's business in this city for the good of the city of Boston.

I would recommend that the pawnbrokers be compelled to close their places of business at 8 P. M. in summer and 7 P. M. in winter, under a penalty of \$50 for each offence.

And in relation to dealers in second-hand clothing, I respectfully suggest a new form of license to govern their purchases and sales. I would recommend a new form of license for the dealers in second-hand clothing, confining them to purchases of all kinds of clothing, boots, shoes, etc., but preventing them from dealing in jewelry of any kind, such as watches, chains, silver or gold, opera glasses, firearms, etc., etc., and requiring them to close at 7 P. M. in winter and 8 P. M. in summer.

JAS. K. CROWLEY, Supt. Pawnbrokers.

Placed on file.

SWETT STREET.

Alderman Clark offered an order—That the City Collector be and he is hereby authorized to receive the respective amounts subscribed by the various parties for the laying out of Swett street as full payment of the betterment assessed upon their several estates for said laying out. Read twice and passed. Sent down.

COMMERCIAL-POINT BRIDGE.

Alderman Clark offered an order—That his Honor the Mayor be requested to petition the State Legislature at its next session for such legislation as will enable the city of Boston, the county of Suffolk and the town of Quincy to connect said city of Boston at Commercial Point with the town of Quincy by a bridge to Squantum, the expense of building and maintaining the same to be apportioned among the several parties as the Legislature may direct. Read twice and passed. Sent down.

ORDINANCES.

Alderman Breck submitted the following from the Committee on Ordinances:

Report on the order to examine the ordinance in relation to finance and report such an amendment as will make the same conform to the statutes of this Commonwealth—that by the amendment to the ordinance in relation to finance, passed on the 27th of March, 1877, and the 10th of April, the supposed points of difference between the statutes and ordinances were removed, and therefore no further action is necessary on the part of the City Council. Read and accepted. Sent down.

Report on the order to consider the expediency of reporting an ordinance requiring all salaried city officials, except the License Commissioners, to devote their time to the city, and not engage in active business—that in their opinion it would be inexpedient to adopt such an ordinance. Accepted. Sent down.

STREETS.

Alderman Clark, from the Committee on Streets on the part of the Board, submitted the following:

Order to pay the Boston Society of Redemptorist Fathers \$440, for land taken and all damages occasioned by the widening of Tremont street. Read twice and passed.

Order to quit on Shelby street forthwith. Passed.

MARKET.

Alderman Slade submitted the following from the Committee on Market:

Report in favor of approval of the transfer of lease of stalls Nos. 9 and 11 Faneuil Hall Market to William Prior, Jr., and Benjamin Jackson, by G. W. Hollis. Accepted.

Ordered, That from the first day of January, 1878, the rent to be paid to the city by Charles E. Morrison, for his occupation of a portion of cellar No. 14 Faneuil Hall Market, shall be at the rate of \$882.00 per annum, payable quarterly; and the rent to be paid by Severance & Haley, for their occupation of a portion of said cellar, shall be at the rate of \$258.00 per annum, payable quarterly.

TREES TO BE REMOVED.

Alderman Clark offered an order—That the Superintendent of the Common, etc., be directed to remove the tree standing on Washington street near Newcomb street, and the tree standing in the sidewalk of 27 Arch street, Ward 12; said trees being deemed obstructions to the public travel. Read twice and passed.

POLICE RULES AND REGULATIONS.

On motion of Alderman Breck, the police rules and regulations were taken from the table and specially assigned for consideration at the next meeting at five o'clock.

CLAIM OF JOHN RADDIN.

On motion of Alderman Dunbar, the report of leave to withdraw on petition of John Raddin for compensation for a set of wheels furnished for Engine No. 7, was taken from the table.

Alderman Slade said the matter was laid upon the table on his motion, but he knew nothing about the case. The wheels are attached to some engine and Mr. Raddin claims that he is entitled to some compensation for them. He asked for an explanation from the Committee on Claims.

Alderman O'Brien—The Committee on Claims gave Mr. Raddin a patient hearing. They ascertained that he had furnished these wheels to the city of Boston, and had never received pay for them. His claim had previously been referred to the Fire Department, and they could find no agreement whatever with Mr. Raddin. We inquired from all who could give us any information upon the subject. The following is a letter from Mr. Damrell, which I will read:

BOSTON, July 3, 1877.

To the Chairman and Committee on Claims: Gentlemen—Not being able to be present at a hearing on Thursday last in the matter of Mr. Raddin, I felt my duty to write you as to the facts in the case. In 1866 Mr. Raddin asked permission to apply his patent to a set of wheels which had been set aside as unsafe, he agreeing to put the wheels in perfect repair with his patent applied if the department would agree to give them a fair and honorable test. The wheels were placed on Engine No. 7, the engine being one of the heaviest in the department; the test was a severe one, and the wheels proved equal to every emergency. Letters of indorsement and approval were given to Mr. Raddin, to enable him to introduce his patent into the several department,

as well as Eastern Railroad. If the department had applied his patent to any other set of wheels than those described, there would have been an agreement made as to cost, including the royalty; but there being but two sets of iron wheels in the department, including the ones fitted up as an experiment, the committee did not deem it best to apply the patent to the other set, and so the matter dropped, Mr. Raddin expressing entire satisfaction with the testimonials presented as to their utility, etc. I therefore cannot understand how Mr. Raddin can consistently present a claim against the city for that which he solicited, namely, a privilege to apply his patent to enable him to show its merits, that he might be better able to introduce it into the market.

I have the honor to be yours, gentlemen, with respect,  
JOHN S. DAMRELL.

I would say also that Mr. Raddin impressed me as a very simple-minded man. He was so anxious to introduce his wheels to the notice of the public that he overlooked almost everything about money matters, and he only thought some years afterwards that the Eastern Railroad and the city of Boston owed him some money. He evidently furnished these wheels to the city of Boston. They did some good service in the Water Department, and they are still used by the city of Boston. But his claim is outlawed and he has no legal claim against the city, and therefore the Committee on Claims deemed it best to give him leave to withdraw. He certainly has some equitable claim against the city, if his advertisement is not an offset for his wheels.

Alderman Dunbar—Mr. Raddin claims, I believe, the amount of money paid out for labor and materials, and nothing more. The city has used these wheels and benefited by them, and received a good many more times the worth of the money he has paid. It seems to me he ought to be paid.

Alderman Slade—How much is Mr. Raddin's bill?

Alderman O'Brien—\$315.76.

Alderman Clark—The chairman of the Committee on Claims admits that Mr. Raddin has a claim in equity, and if it is outlawed it is our duty to pay that claim just as much as if he had a legal claim. If he has furnished a car wheel of the value of \$315, and the city accepted it, and it is in service now, he ought to be paid for it.

Alderman O'Brien—I merely spoke for myself when I considered that Mr. Raddin had an equitable claim. The report of the committee was leave to withdraw. As I said before, Mr. Raddin overlooked money matters. He was comparatively well off then, and considerably poor now.

Alderman Gibson—While the committee report leave to withdraw, I don't see, unless we have some additional evidence, why we should vote \$315 out of the city treasury to pay this claim.

Alderman Clark—The chairman of the committee admits that he has an equitable claim. When was it done?

Aldermen O'Brien—In 1866. I would again call attention to the letter of Mr. Damrell. [The Alderman read the letter again.] The wheels were put on engine 7, one of the heaviest in the department. The test was a severe one and they proved equal to every emergency. They certainly did good service.

Alderman Clark—I would like to read the bill of items:

"LYNN, May 8, 1866.

Cash paid and expense in remodelling the wheels on Fire Engine No. 7, Boston:

Cash paid George T. McLauthlin for pattern..	\$23.20
"    to Amoskeag Manufacturing Company, iron spokes.....	120.70
"    to Draper Brothers for castings....	54.36
"    to C. M. Clapp & Co., rubbers.....	37.50
"    to Breed, for teaming out and back wheels.....	12.00
To 170 hours' labor, with power, at 40c.....	68.00

\$315.76

"The above does not include expenses in fitting up to do the work."

I move that the matter be recommitted to the Committee on Claims, with a request that they report at the next meeting.

Alderman O'Brien—I think it would be useless to recommit it. We may possibly have one more meeting, and I have my doubts whether the committee would reconsider and recommend any different action.

Alderman Viles—If the bill had n't been outlawed, would the committee have considered that he had a legal claim?

Alderman O'Brien—One other argument against Mr. Raddin was that he put them on as an experiment, and if they were not satisfactory to the city of Boston he was to remove them. It was supposed that the indorsement of the city of Boston would be sufficient remuneration and enable him to sell his wheels to other parties.

Alderman Clark—I move as a substitute that the bill be paid.

Alderman Thompson—This matter was before the Committee on Claims, and they realized the fact that if there was a claim against the city, somebody must have contracted it. They endeavored to have Mr. Damrell present on both occasions, but he was unable to appear at the time they met; but that letter came, and I think it had a great deal of influence upon the minds of the committee. It seems to me it would be wise to recommit it to the committee; they will come to some conclusion, and after they report the Board can act. The whole matter will be fresh in their minds, and they can explain it to the Board. But I do not approve of going back upon the report of the committee without giving some reason for so doing. I don't object to Mr. Raddin being paid if the price is right. There must have been some understanding between Mr. Raddin and Mr. Damrell.

Alderman O'Brien—There is no evidence of any agreement in City Hall where any party negotiated with Mr. Raddin. The only evidence was that the wheels have been used.

Alderman Thompson—Mr. Damrell knows about

the price, whether or not it is right; and I don't object to the city paying him if it is the right price.

Alderman Clark withdrew the substitute, and on his motion the report was recommitted to the Committee on Claims. Sent down.

#### REPORTS CALLED FOR.

Alderman Clark called for a report from the Committee on Paving on the petition of the Union Railway for leave to run their cars to Milk street, and Alderman Robinson said he believed that the committee had reported upon it already, giving them leave to withdraw, but it appeared that he was mistaken, and on motion of Alderman Clark the committee were requested to report thereon at the next meeting of the Board.

Alderman Clark called for a report from the Committee on Police on the order introduced by him to compel tramps to work for the lodgings furnished by the city at the station houses.

Alderman Thompson said there was also a petition from citizens of Charlestown, asking for the paving of Main street, and he desired a report on that subject.

#### STABLE ON DARTMOUTH STREET.

On motion of Alderman Viles, the vote of the Board giving Robert Treat Paine, Jr., leave to withdraw on petition for leave to occupy a stable on Dartmouth street was reconsidered and re-committed to the Committee on Health on the part of the Board.

Adjourned, on motion of Alderman O'Brien.



## CITY OF BOSTON.

Proceedings of the Common Council,  
DECEMBER 27, 1877.

Regular meeting at 7½ P. M., Benjamin Pope, President, in the chair.

On motion of Mr. Sampson of Ward 17, the roll was called, with the following result:

Present—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Brown, Burke, Cannon, Clarke, Coe, Cox, Danforth, Doherty, Dugan, Felt, Fernald, Fraser, Ham, Hibbard, Howes, Jackson, Kelley of Ward 3, Kidney, McClusky, McDonald, McGaragle, Morrill, Mowry, Mullaney, Nugent, O'Connor, Pearl, Perham, O. H. Pierce, Reed, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Sampson, Sihley, Smardon, Spenceley, Thompson, Thorndike, Upham, Warren, E. R. Webster, Wilbur, Wolcott.

Absent—Messrs. Crocker, Cross, Day, Dee, Fagan, D. A. Flynn, J. J. Flynn, Hiscock, Kelley of Ward 6, Loughlin, O'Donnell, J. H. Pierce, B. Pope, R. Pope, Pratt, Roach, Shepard, Souther, Stoue, Vose, G. B. Webster.

## PAPERS FROM THE BOARD OF ALDERMEN.

Mandamus from Supreme Judicial Court for continuance of tolls on East Boston Ferries. Placed on file.

Reference to Committee on Public Buildings of an order to assign to Police Department a room in City Hall, Charlestown, and to alter the same for a business office for Station 15. Concurred.

Report leave to withdraw on petition of John O'Connell, to be paid for services rendered by request of police. Accepted in concurrence.

Report no further action necessary on subject of ordinances on finance conforming to statutes. Accepted in concurrence.

Report of Committee on Bathing. (City Doc. No. 100.) Accepted in concurrence.

Report and order to allow Owen Harrington to inter two bodies in his lot in St. Joseph's Cemetery. Order read twice and passed.

Order to receive the amounts subscribed as full payment of betterment for laying out Swett street.

Mr. Sampson of Ward 17 requested an explanation of the order, but as none was given he moved to lay it on the table, which was carried.

Order to ratify a clause in lease of rooms 3 Pemberton square, so that the city shall pay a portion of expense for heating, attendance and care.

Mr. Mowry of Ward 11 asked for an explanation of the order and Mr. Spenceley of Ward 19 replied that the same arrangement had been made verbally for the past ten years, and that Mr. Dexter desired to have it continued in the lease. If the order is not passed the city would have to put in a heating apparatus.

On motion of Mr. Spenceley, the rule was suspended and the order was read twice and passed in concurrence.

Order for Mayor to execute lease of rooms 74 Tremont street, at \$1400 per year, as a branch of City Engineer's office on subject of improved sewerage. Ordered to a second reading.

## THE CLAIM OF JOHN RADDIN.

A report of leave to withdraw on petition of John Raddin to be paid for a set of wheels furnished for Steam Fire Engine 7 came down committed to the Joint Committee on Claims.

Mr. Sampson of Ward 17—I hope the Council will non-concur. The Committee on Claims had two patient hearings, and this is evidently a claim that cannot be entertained. The circumstances are stated in a letter by Mr. Damrell, the Chief Engineer at the time these wheels were in use. The claim is for wheels placed upon Fire Engine No. 7 in 1866. The agreement was made with Mr. Bird, who was Chief Engineer then, that they would be furnished free to the city, and if they proved to be satisfactory, the Chief Engineer was to give a certificate to that effect, so that Mr. Raddin could refer to the city as having found the wheels satisfactory. Mr. Damrell was unable to come before the committee, but he sent a letter, which I will now read for the information of the Council.

Mr. Sampson read the letter from Mr. Damrell,

which was read to the Board of Aldermen last Monday by Alderman O'Brien, and continued—

There is no question but that this gentleman put those wheels on in 1866, but until this year—eleven years subsequent—he has never made any claim for compensation. It seems to me to be useless to refer it back to the committee at the close of this year, and I trust the Council will non-concur.

Mr. McGaragle of Ward 8—Before the gentleman's motion to non-concur is put, it is due to one of my most worthy constituents that I should make a statement of the facts in his case. Mr. E. W. James has taken upon himself the settlement of this estate since the death of Mr. Raddin. As everybody knows, he is a philanthropist, ready to lend a helping hand to any one. The Fire Department has reported in many cases that those wheels were of immense value to the city of Boston. I cannot state the case exactly as I would like to, as I had to take his word for it. His statement is that the city of Boston agreed to let him furnish those wheels for the heaviest engine in use; that they were used for seven years, and the agreement was that they were to be paid for to the amount of \$350. That, I believe, is what Mr. James says. The city has never paid for them, and all he asks now is the actual expenditure of money he made in applying them to the engine—about \$315. I don't know anything about Mr. Raddin, but I believe he has been dead some time. Mr. James told me that the original Raddin was dead, and that he was settling up the estate, and that he had also a similar claim against the Eastern Railroad. It hope this matter will not be non-concurred in, but laid upon the table, and I will endeavor to post myself upon the facts by the next meeting. The gentleman who has charge of the estate is a worthy constituent of mine, and I feel in duty bound to defend his case, as I know he is always right.

Mr. Mowry—I understand that the identical Mr. Raddin has been before the committee more than once. Has any gentleman seen any agreement in writing for the use of these wheels?

Mr. McGaragle—I intended to say that I had not. I got all the information I have from the party prosecuting this claim.

Mr. Howes of Ward 18—This man has appeared before the committee twice; he certainly was not dead at that time, but appeared to be unaccountably lively. In regard to the use of those wheels, it was entirely an accommodation on the part of the Fire Department that he put them on at all. The engine was thoroughly supplied with wheels which were taken off to allow him to put these on as a test for his accommodation and their recommendation. The point is just the same as if a man should ask to paint your house free of cost with some new sort of paint he wanted to advertise; you might not want to have your house painted, but would say go ahead; and then when he found that his paint did not sell very well would come to you and want you to pay for it. The case has been able set forth before the committee on two occasions by Mr. James, and the committee were unanimously of the opinion that the claim should not be entertained, and I trust it will not now.

Mr. Ruffin of Ward 9—I look upon this recommitment as very harmless. No harm will come to the city by referring it to the committee again. I understand there is some newly-discovered evidence that those parties propose to bring before the committee. Inasmuch as the chief witness for Mr. Raddin was not before the committee, and inasmuch as there is material evidence which he may produce, I cannot see any harm in allowing him to present his case. If he has no case, the committee can so report. Possibly it may be of some benefit to the city. Having had leave to withdraw, he may bring an action against the city; and if it can be disposed of amicably I think it would be better to give him another hearing.

Mr. Sampson of Ward 17—I am somewhat surprised at the remarks of the last speaker, who is a lawyer; for this claim is outlawed. There is no newly-discovered evidence except that of Mr. Bird, who says there was no agreement—and he so stated distinctly. With the evidence before them the committee unanimously gave him leave to withdraw. The reason I object to its reference to the Committee on Claims is that there are several more cases waiting to be heard this year. I trust the Council will non-concur.

The Council refused to concur in the recommitment—17 for, 34 against. Sent up.

## DUTIES OF CITY OFFICERS.

A report came down that it is inexpedient to adopt an ordinance to require salaried officers to devote their whole time to the city and not actively engage in other business. The question was upon the acceptance of the report.

Mr. Howes of Ward 18—I believe I introduced the order referring this subject to the committee, and it seems to me the treatment of it by the committee is unusually short and indefinite. I should like the committee to state why officers receiving high salaries should be allowed to neglect city work and take up other work of their own.

Mr. Crocker of Ward 9—I will endeavor to state in a few words the reasons which led the committee to make this report. They were instructed to consider the expediency of reporting an ordinance requiring all salaried officers to devote their time exclusively to the city. There are some salaried officers to whom the rule might well be applied; there are others to whom it would be inexpedient to apply the rule. For instance, school teachers; they may have time to attend to other things besides teaching in the public schools without detriment to the public service. There are no doubt other people receiving salaries from the city in whose cases it would be plainly inexpedient to require them to abstain from services other than those they render the city. It seems that for these reasons it is impossible to make a general rule, and the committee did not feel called upon to make a rule for special cases.

Mr. Clarke of Ward 22—Have the City Council anything to do with school teachers so far as their time of service is concerned?

Mr. Crocker—I believe the salaries of the school teachers are fixed by the School Committee; but whether a general ordinance of the city might not reach them, I should think would be a matter of considerable doubt. At any rate, I merely mention them as one class of persons receiving salaries from the city to whom it would not be well to apply this rule. The Committee on Ordinances did not feel called upon to pick out the particular officers to whom they thought it would be desirable to apply the rule, and therefore they reported back that it was inexpedient to apply the general rule proposed.

Mr. Howes of Ward 18—I had hoped that the committee would do just the work the gentleman says they did not feel like doing. They had had the subject under consideration for several months, and, it seems to me, they might have picked out those departments standing upon that basis. To illustrate, the Fire Department are required to give their time exclusively to the city; the Health Commissioners give such time to the city as they please, and give such time as they please to work outside; both men are paid equal salaries and are supposed to be of about equal ability. There is no reason why one set of men should receive such large licenses and another set none. I think it is unjust. Now, the gentleman states the case of the school teachers. It is currently reported that one of the supervisors, who gets a high salary, devotes most of his time to giving private lessons to young men, preparing them for college; that is something which the School Board can look after if they please. But there are a number of instances here in City Hall which should be corrected, it seems to me, and in introducing that order and having it referred to the committee, I hoped that they would do something in that line. But they seem to have egregiously failed. They state that some wrong does exist, but they do nothing about it. I trust that the report will not be accepted, but that the matter will be referred to the next City Government.

At the request of Mr. Crocker the President read the original order referring the subject to the committee.

Mr. Crocker—The order, as proposed by the gentleman, was to consider the expediency of passing an ordinance requiring all salaried officers to devote their entire time to the city. If the gentleman intended that the committee should find out what he says he intended, he was very unfortunate in expressing himself. The committee could not be expected to know what the gentleman intended, unless he stated it. They considered what the gentleman proposed, but they did not consider what he now says he had in his mind, but did not state in his order.

Mr. Howes—Members of the Council will see that in order to be as specific as the gentleman thinks I should be, I would have been required to designate each office in which some correction

should be made. That was just the duty which the committee should do. I might be biased by personal feeling; but the committee could examine it unbiased. The original order was to consider the expediency of requiring such salaried officer to devote his entire time to the city; then, at the suggestion of some one, it was inserted that the License Commissioners be excepted, as it was evident they were not paid a sufficient amount to put such an obligation upon them. But the whole tenor of the debate showed the committee what the intention of the Council was. I trust the report will not be accepted, but that the matter will go over to next year.

Mr. Wolcott of Ward 11—I think the committee considered the real question at issue was not whether certain officers devote their whole time to the work, but whether they do the work, and we thought that was rather for the committee which has the oversight of the department to look into. For instance, if the officers in one department ask for further assistance, then the question properly comes up, Are you giving your whole time to the duty? and then the committee would make such report as they see fit. If it became evident to the committee that more officers were employed than is necessary, they can report to the City Government. The difficulty in most departments is that the work is very great in one part of the year, and then it decreases; and it is very hard to say that men should give their whole time to the duty when it is not necessary. The committee found this practical difficulty, and thought that in most cases the committees on the various departments might make such recommendation as are necessary.

On motion of Mr. Howes, the subject was referred to the next City Government. Sent up.

## BRIDGE TO SQUANTUM.

An order came down to petition the Legislature for authority for the city of Boston, the county of Norfolk and the town of Quincy to connect said city with said town by a bridge to Squantum.

Mr. Richardson of Ward 10 said no petitions had been presented for this bridge, and desired an explanation, he being under the impression that it was a scheme to promote the sale of house lots in Squantum.

Mr. Clarke of Ward 22 said a petition had been presented and referred to the Street Commissioners, who conferred with the Norfolk County Commissioners and found they had no authority to build a bridge there. There is an act allowing a private corporation to do so, but the City Solicitor says they cannot build under that act. Before he went to Europe the City Engineer told Mr. Clarke that if the improved sewerage works were located at Moon Island a bridge would be necessary at the point named, but as it was needed by Norfolk County, Boston should not pay the entire expense. The cost will be fifteen or twenty thousand dollars, and the question is, whether the city shall pay the entire expense or not?

On motion of Mr. Richardson of Ward 10, the order was referred to the next City Government. Sent up.

## CURBSTONE FRUIT-VENDERS.

An order came down for a petition to the Legislature for an act authorizing the Board of Aldermen to grant permits to worthy and needy persons to temporarily occupy portions of the streets for the sale of fruit, with the consent of the proprietors of estates in front of which stands may be placed.

Mr. Webster of Ward 3—This question has been hanging along for some time in a very indefinite manner, and it is about time it was settled beyond the prospect of any adverse decision. It is very short-sighted policy to spend millions in street improvements, and then allow the sidewalks to be obstructed with fruit stands. It is gross injustice to real-estate owners and fruit dealers in particular. It is well said that competition is the life of trade; but no branch of business can compete with gentlemen having better stands and paying no rent or taxes. This order is a failure, because it is notorious that most of the people who have stands are able to earn an honest living in some other way. However honest the intention of the Board of Aldermen to grant licenses only to poor people, many have obtained these permits who have money in bank, and might just as well engage in some other occupation. I don't see how any person

who gives the matter five or ten minutes' thought can fail to see that the thing is wrong and a very great evil. I move that the order be indefinitely postponed.

Mr. Flynn of Ward 13—I hope the order will not be indefinitely postponed, but that it will be sent to the Legislature for them to act upon. I believe it to be the best order ever introduced here, and that it is for the best interests of the poor people, who can buy fruit at least ten per cent. cheaper than in any market and stores generally. The day before Christmas Malaga grapes were selling at twenty cents a pound at a Summer-street stand, and at a store on Essex street they were thirty-five cents. I hope we shall concur in the petition for the act.

Mr. Webster of Ward 3—It is all very well, theoretically, to buy goods cheap; but why not have our dry goods cheap? Why should fruit dealers alone be subjected to this class of competition? We can close up all the fruit stands and give the store keepers the same chance the dry-goods dealers have. Every argument used for this class of trade is equally applicable to every branch of trade.

Mr. Flynn—Another argument is that it gives employment to hundreds of poor people who earn a living, and if they are deprived of this opportunity the city would have to feed them. If they can make a living by peddling on the street, and save the city from aiding them, the Council ought to be the last to stop them.

Mr. Pierce of Ward 21—If the argument of the gentleman from Ward 3 is carried out, we should close up Quincy Market, and do away with any idea of taking Mercantile wharf, or giving any facilities for distributing provisions at low rates. I agree with the gentleman from Ward 13 that we should do what we can to promote the sale of a large supply of fruit in the city. It is one of the most healthy articles of diet, and if it is freely sent into the families of the poor, I believe it will be a benefit to the general health of the city. I believe they cause no obstruction. The gentleman must have seen that, if there is any danger of a collision, the owner of the stand gets out of the way.

Mr. McGaragle of Ward 8—I hope we shall concur. While I do not think it good policy to widen streets for the special benefit of horse railroads, while I think the peddlers have some rights, I do not think the sidewalks should be obstructed by any kind of business. You won't have to travel a great distance from the corner of Elm and Washington streets to find a sidewalk very much obstructed. The gentleman says, "Why not get law cheap?" Those who have sat here this year have got theirs pretty cheap; and as the gentleman is reelected, I think that about the time he gets through next year he will have his belly full.

The motion to indefinitely postpone was lost.

Mr. Webster of Ward 3—If this is really so great a benefit to poor people, as I am as philanthropic as any one I will move to amend by adding the word "groceries," as they are as important as fruit.

Mr. Flynn of Ward 13—The amendment is too absurd for any gentleman to offer. If the gentleman wants to kill this order, let him do it man fashion, and not attempt to load it with that amendment.

Mr. Webster of Ward 3—I think the gentleman last up should be the last to speak about killing anything man fashion.

Mr. Webster's amendment was lost, and the order was read a second time and passed in concurrence.

#### UNFINISHED BUSINESS.

Order to remit a tax assessed upon Isaac L. Rich for 1876—\$50.80. Read twice and passed in concurrence.

Order to receive for 1878, upon a lease given to Thomas W. Carter, \$2000, on the terms and conditions therein set forth. Amended on motion of Mr. Brintnall of Ward 5, by making the amount payable in monthly instalments of \$166.67, and as amended passed. Sent up.

An ordinance in relation to the records of public institutions and departments. Passed. Sent up.

Order to purchase of W. R. Huston his right and title to about 150 feet of land enclosed in Washington Schoolhouse lot, at not exceeding \$200.

Mr. Spenceley of Ward 19 offered an amendment—And with the restriction that said land shall never be built upon, and that said Huston, his heirs and assigns shall have the right to use said land in common with the city of Boston, and

its assigns, for a driveway, and with the reservation that all parts of the buildings of said Huston shall be allowed to project over said land in the same manner and to the same extent that they may project over the same.

The amendment was adopted, after an explanation by Mr. Spenceley of Ward 19, and the order, as amended, passed. Sent up.

#### COMMERCIAL STREET.

On motion of Mr. Flynn of Ward 13, the Council took up the special assignment for eight o'clock P. M., viz.:

Order as amended for a loan of \$500,000 for widening, grading and repaving Commercial street, between Eastern avenue and Charles River Bridge, and for paying damages occasioned thereby.

Mr. Richardson of Ward 10—One single point in the amendment adopted at the last meeting has been called to my attention. It provides that no part of said sum shall be expended until the abutters, corporations and other persons interested in said widening shall agree to contribute such sums as will with the said \$500,000 be sufficient to cover said expense. Criticism has been made upon this amendment, and I want to ask the mover if he has considered the point, whether, if this amendment is left in this order, any part of that \$500,000 could be recovered by the city by way of betterments; whether the effect of the agreement on the part of the abutters who pay all sums over \$500,000 is not in law a release from paying any part of the \$500,000, and if it will not defeat the object of the mover that persons benefited by this widening should bear the proportional burdens of it? If the amendment is attached to the order the attitude of the city is something like this: We appropriate \$500,000 to widen the street provided they will make up the deficiency, if any. We will suppose the deficiency is \$100,000; they agree to pay that. The city then goes on and widens the street, and parties are called upon to pay \$100,000, and they do so. The question then comes up, when they pay what they have agreed to, can we assess betterments upon them to help pay the \$500,000. I had not much time to confer with gentlemen familiar with the betterment law, but this is something that ought to be considered, because if the abutters and parties interested are not going to contribute to this expense even of the \$500,000 in the ordinary usual and equitable method in which streets are now widened, by imposing the burdens upon those who receive the largest benefit, I should be against it.

Mr. Thompson of Ward 9—I had not considered the question proposed by the gentleman from Ward 10 from just the point of view from which he looks at it; but it seems to me that the answer to his question is this: The practical thing we are striving to attain in passing this amendment is to force certain persons, who cannot be touched by any betterment law now in existence, to come in and contribute a portion of this expense—that is the railroad corporations who own the tracks of the Union Railway and are interested in having the street widened. This amendment does touch them, because if they are really desirous of having the street widened they will put their hands into their pockets and pay for it. It has been a mooted question whether this street should be widened, and there are many arguments for and against it. I say the best persons to determine this are those who use the street and run cars through it; and if it is to be a benefit to them, they will agree to pay a reasonable portion of the expense. If the Street Commissioners find that \$500,000 are not sufficient, then the corporations and others must make up the difference. If the Street Commissioners think best to widen under the betterment act they will go ahead; but I cannot see that because a person voluntarily agrees to contribute, that that takes him out of the law. He merely says he is willing to contribute a little more. It might rest in equity with the City Council to say that it might not be just to force him to pay more than he agreed to. It is not important that the city should assess a betterment; but I should say that the Street Commissioners could assess a betterment upon a man after he has voluntarily contributed.

Mr. Flynn of Ward 13—I don't understand that the street is to be laid out under the betterment law; and it certainly cannot be under this amendment. If laid out under the betterment law, with these restrictions, I should oppose it; because it



would be better to appropriate one million dollars and assess betterments than to compel the commissioners to widen on the water side, for every corporation and land owner would surrender his estate and involve the city in an expenditure of more than a million dollars. It is to be widened under the offset law, so that the commissioners can receive quite a large portion of the expense, as the parties have agreed to pay. I should have opposed the amendment had I been present at the last meeting; but, as a gentleman has said, half a loaf is better than no bread, and I shall vote for it.

Mr. Crocker of Ward 9—I agree with the gentleman from Ward 13 that it is unadvisable to widen this street under the betterment law, because, if parties surrender their lands to the city under present circumstances, it would be dangerous for the city to render itself liable by such surrender. If these parties agree to pay the excess over \$500,000, my idea is that it would not prevent any betterment from being assessed them, though they might fairly claim that the amount assessed upon them should be accounted as a part of what they agreed to pay. For instance, if a man agreed to pay \$10,000 in all, and a betterment of \$5000 should be assessed, that would leave him \$5000 to pay. The theory of my colleague's amendment is that the city shall not have to pay more than \$500,000, less what betterments or offsets the city may get from other parties by agreement. I should like to suggest an amendment that instead of the parties "agreeing to pay," they shall "give bonds for the payment" of the excess.

Mr. Thompson—If there is no objection I accept the amendment. I might call the attention of the gentleman from Ward 10 to the order in regard to Swett street, which is to allow the receipt of the money subscribed, and where the betterment was probably less than the subscription.

Mr. Richardson of Ward 10—Swett street was widened under the betterment law.

Mr. Thompson—I agree that this street should not be laid out under the betterment law, because any small amount of betterment we might collect from the side streets would not offset the large damage that would have to be paid.

Mr. Flynn of Ward 13—Swett street was laid out under the betterment law, and parties living at a great distance subscribed amounts to pay for it.

Mr. Richardson of Ward 10—I understand that that order is to settle lawsuits. Some of the parties refused to pay, and suits were brought. The City Solicitor told me that some had failed and some had very little money, and that some will pay if they can be released from betterments.

Mr. Flynn—Is n't there a lien upon the estate until the betterment is paid?

Mr. Richardson—There is, if a street is laid out under the betterment law; but there can be no lien where the betterment law don't apply, which is to be the case in Commercial street.

Mr. Pierce of Ward 24—There is a decided objection to the amendment which has not been alluded to. Suppose the estimate of the Street Commissioners should be \$490,000, and it is found that the expense will be \$1,000,000, what can we expect to get from the parties? We should be tied up to pay the whole expense, whatever it might be. I am not willing to let the whole thing go upon the estimate of the Street Commissioners, as our experience shows that their estimates are often under rather than over the expense.

Mr. Richardson of Ward 10—Suppose you lay it out under the offset law, and the Commissioners estimate \$450,000, and it turns out that the cost is \$1,000,000. You have not started out under the betterment law and therefore cannot assess betterments; and consequently you will be a great deal worse off than you were before.

Mr. Thompson—The City Government must trust to the experience of the Street Commissioners to some extent. They should have brought in a plan. But this matter will come back to us next year with estimates, and the City Council must have wisdom to detect any estimate for \$490,000 when the cost will be \$1,000,000. If there is anything wrong they can reject it at the last moment before a dollar is spent.

Mr. Crocker's amendment requiring those interested to give bonds was adopted. The order as amended was rejected—yeas 46, nays 21—two-thirds being necessary:

Yeas—Messrs. Barry, Becching, Brintnall, Brown, Burke, Cannon, Clarke, Cox, Crocker, Cross, Dee, Doherty, Duggan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley

(Ward 3), Kelley (Ward 6), Kidney, McDonald, Morrill, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Perham, Roach, Roberts, Ruffin, Shepard, Sibley, Smardon, Souther, Spenceley, Thompson, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur—46.

Nays—Messrs. Barnard, Blanchard, Blodgett, Coe, Danforth, Day, Fagan, Felt, Hibbard, Howes, McClusky, McGaragle, Mowry, J. H. Pierce, O. H. Pierce, Pratt, Reed, J. B. Richardson, M. W. Richardson, Sampson, Wolcott—21.

Absent or not voting—Messrs. Hiscock, Loughlin, Pope, Stone—4.

Later in the session the following action was taken:

Mr. Flynn of Ward 13 moved to suspend the rule in order that he might make a motion to reconsider the vote whereby the order for the widening and laying out of Commercial street was rejected.

Mr. Howes of Ward 18—I rise to a point of order, that the order has been once reconsidered and rejected and is now no longer entertainable by the Council.

The President—The Chair is of the opinion that the original order was so changed by reducing the amount to \$500,000, and also by adding that corporations and abutters interested should bear a portion of the expense, that it is a different proposition from what it was originally, and therefore it would be in order to reconsider.

Mr. Howes of Ward 18—I appeal from the decision of the Chair.

The President—The question is, shall the opinion of the Chair stand as the judgment of the Council? The Chair will call attention to the fact that the original order was to appropriate \$800,000 as a special appropriation for the widening of Commercial street between Eastern avenue and Charles River Bridge, mainly on the water side. This was amended by changing the amount from \$800,000 to \$500,000, and by adding, provided that said street shall be widened mainly on the water side to a width not exceeding eighty feet, and provided further that if in the opinion of the Street Commissioners the cost of this improvement will exceed \$500,000, no part of said sum shall be expended until the persons interested shall agree to give satisfactory bonds to add such sums of money as will with the appropriation of \$500,000 be sufficient to cover said expense. The Chair is of the opinion that this amendment changes the original proposition.

Mr. Howes of Ward 18—I should like to state the reason for making the motion that I did to appeal from the decision of the Chair. It is this: To my mind the motion is one and indivisible; that is, the widening of Commercial street at an expense. The expense is merely a collateral part of the motion. If this ruling is sustained it will be possible to reconsider motions indefinitely. It would be possible to introduce an order for an expenditure of \$100,000, and if it failed a reconsideration could be had on a motion to appropriate \$99,999; and that failing, the amount could be reduced by a dollar, and so on through the list. I think the decision of the Chair in this matter is fallacious. I think that we have voted upon the matter of widening Commercial street, no matter whether it costs \$500,000, \$600,000, \$700,000 or \$800,000; and that the matter would have to come up as entirely new business in some other phase in order to be entertainable at this time.

Mr. Thompson of Ward 9—I think the gentleman upon reflection will remember that the question before the Council is not, shall Commercial street be widened? but, shall a certain sum of money be appropriated? The question whether Commercial street shall be laid out must come before another Council when the Street Commissioners send it before them. But the question before this Council is, shall we now appropriate \$500,000 on certain conditions? The question which was formerly before the Council and which was reconsidered was, shall this Council appropriate \$800,000? Evidently the main question was entirely different.

At the request of Mr. Sampson of Ward 17, the Chair read the orders.

Mr. Crocker of Ward 9—I will simply say that since I have been in the Council, it has been ruled several times that when a motion had been materially amended, it was in order to move a second reconsideration of the amended motion after the original motion had been once reconsidered. It seems to me that this belongs under that rule. We have once reconsidered our action upon one proposition, and here is a new proposi-

tion materially different, upon which we are at liberty to reconsider our action. I would suggest that this point of order is not well taken for another reason; that now the question is upon suspending the rule, that the gentleman may make a motion to reconsider; and even if it was contrary to our rules to reconsider, we might suspend the rule to give the gentleman a chance to make the motion.

The decision of the Chair was sustained, the rule was suspended, and the motion to reconsider prevailed. The order was then passed—48 to 19, as follows:

Yeas—Messrs. Barry, Beeching, Brintnall, Brown, Burke, Cannon, Clarke, Cox, Crocker, Closs, Day, Dee, Doherty, Duggan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley of Ward 3, Kelley of Ward 6, Kidney, McClusky, McDonald, Morrill, Mullane, Nugent, O'Connor, O'Donnell, Pearl, Perham, Roach, Roberts, Ruffin, Shepard, Sibley, Smardon, Souther, Spenceley, Thompson, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster, Wilbur—48.

Nays—Messrs. Barnard, Blanchard, Blodgett, Coe, Danforth, Fagan, Felt, Hibbard, Howes, McGaragle, Mowry, J. H. Pierce, O. H. Pierce, Pratt, Reed, J. B. Richardson, M. W. Richardson, Sampson, Wolcott—19.

#### ROXBURY CANAL.

On motion of Mr. Sibley of Ward 5 the special assignment for nine o'clock was taken up, viz.:

Order for a loan of \$392,000 for Roxbury Canal improvement, all moneys received to be applied for redemption, etc., of said loan, and preamble and order to take a certain parcel of land therein described for the abatement of the nuisance in and about Roxbury Canal. (City Doc. No. 92.)

Mr. Richardson of Ward 10—in all practical affairs it is much less difficult to correctly decide what ought to be done than it is to determine correctly how best to do it. In the matter before us, all agree that the evils arising from the present condition of this canal are no longer endurable, but how most expediently, and by what means most effectually, to put an end to them, are questions upon which all do not agree. Three plans are presented for it, each advocated by some whose opinions are entitled to consideration; and each is claimed to have some advantages over the others. One plan is to divert all sewage and drainage matter from the canal, dredge and clean it out thoroughly, permit thereafter no filth, poison or impurities to flow into it, thus removing and destroying the admitted cause of the nuisance, and you can then, it is said, allow the canal and dock to remain open for such commerce as may go there, with impunity; for it is stated, with truth, that the nuisance is not caused by the flow and ebb of the tides of the water of the ocean there, but is the result solely of the enormous amount of filth from the sewers and drains of 2755 houses poured into it, which the ebb tide is insufficient to carry out. In fine, if you should or can in any way remove this prolific cause of it, the nuisance itself, with its accompanying evils, will disappear. This plan would interfere with no one's wharf, water, or riparian privileges or rights, but would preserve and improve them, and all be accomplished at a mere trifling expense. No plan is or can be suggested which does not provide, as *the first step to be taken*, the diversion and exclusion of all sewage and drainage matter from the canal, and probably by carrying it into the new intercepting sewer ultimately. The objection made to this plan is, that the walls and land around the canal have become so saturated with the poison and filth, that a long time would elapse before they would be free from it; but it is said in answer to this that you could in no other way so quickly or effectually cleanse the dock or walls or extract from the land itself the poison and filth as by (after diverting from it all sewage and drainage) allowing the salt sea water to freely flow in and out with the tides, as it would, of course, twice each day. I suppose such large volumes of water and matter flow into the canal that the sea water now hardly ever reaches this end of the dock.

In the course of my investigations I have conferred with the Board of Health, and this afternoon I found on my desk the following:

BOSTON, Dec. 27, 1877.

J. B. Richardson, Esq.: Sir—In reply to yours of this date I will say, that if all the foul matter could be removed from the canal and no more be

allowed to flow into it, the nuisance would be abated.

There are difficulties, however, in the way of securing these things.

It would be a very difficult job to thoroughly clean out the canal, if it could be done at all. The sewers which now empty into it could be discharged down nearer the Dover-street Bridge, but until the proposed intercepting sewer is built and the sewage of the city turned into it, the nuisance in the canal would soon be renewed by deposit from the foul waters of its vicinity. The foul mud, which reaches for a considerable distance beyond the walls on either side of the canal, would also, for a long time, furnish a source of contamination to the canal.

It is a long and sluggish canal, with a blind end reaching into a thickly populated section, and well calculated to receive and settle foul or refuse material from a variety of sources.

In my opinion the proposed diverting of the sewers to a point lower down the channel and the practicable cleaning will largely mitigate the nuisance, but solid filling with gravel is the only *complete* method of cure.

Mr. Keith differs with me, and believes that the nuisance can be abated by diverting the sewers and cleaning out the canal.

Mr. Boardman indorses the above.

Respectfully yours,

S. H. DURGIN, Chairman.

Inasmuch as a trial of this plan will really cost nothing, I should say that at least it is worthy of consideration. Another plan is to fill the canal and dock with solid earth, after, of course, diverting the sewages and drainage elsewhere, and pay the damages. This was the plan decided upon at the first of this municipal year, and the power to carry out which was what the City Council asked of the General Court at its last session; why that power was not given to the city would be difficult to explain to those who do not know what strong influence a combination of men of means, able to employ eminent counsel, are able to bring to bear in such a place upon such a measure.

The cost or expense to the city of carrying out this last plan could not, it seems to me, in any event, be anywhere near as much as by the plan before us, under the act, which we now have; and if what the Alderman from Ward 18 stated at the time of the passage of the order in the other branch is true, the city would not be liable to the payment of damages for simply filling up the canal. He said—

"I mean to say that the fee of the canal is in the city of Boston; that the reservations in all the conveyances insure to the city of Boston the right to run its scows in there and fill it up tomorrow, without trespassing upon the rights of anybody, so far as the canal is concerned. The conclusion I have arrived at is that the canal is simply a public highway, in which nobody but the public has acquired any right. I believe that such will be the decision. I venture to show these facts to the committee that they may have the benefit of my week's labor to the committee.

By the annexation act, the city of Boston acquired, among other public property belonging to Roxbury, land or marsh bordering on the Roxbury Canal and Albany street, and by deeds dated March 23, 1872, and recorded in the Registry of Deeds, lib. 1098, fol. 300 to 301, conveyed to Morse & Remick, and by deed of same date. This deed contains, as do all the deeds that have been given by any parties, to Boston, the following reservation, namely:

"The right to fill up the canal at any time without any claim for damages by the grantees, their heirs or assigns."

I doubt if the Alderman was wholly correct, but he is in part, and to that extent it is quite plain why wharf owners opposed our petition for an act authorizing the city to fill the canal and pay any damages. It is damages that these gentlemen want! they desire the city shall do something to damage them; like the clown in the play, who would provoke a kick in order to have the luxury of a suit for damages! Mr. President, I cannot doubt but that, if the City Council should still be of opinion that the best way to abate this nuisance is to fill up this canal, if properly presented the General Court at its next session will give to the city the right to do that, and pay merely for all damages occasioned thereby.

This act, under which alone the canal can now be refilled, or any land taken, requires the city to take property which is not necessary to be taken.

For example, look at the twelve houses on the corner of East Chester park and Harrison avenue. It is not proposed to remove these houses or raise them; the lots on which they stand do not extend down to within many feet of the canal. Why should the city be compelled to take this property, borrow money to pay for it, and run the risk of selling it again, when, if ever, there should be found a market for it? But then it is claimed that the city can resell it. How do they know that?

Sell it for what? and when? I for one do not believe that we are in a condition to enter upon a speculation of that sort, upon borrowed capital. An expenditure for what we do not need, even if procured at an apparently cheap price, is the greatest extravagance. And a hope that the city can buy or take property, hiring money to pay for it with, and sell it again without much loss in many ways, is a delusion. The cost of filling up the canal, as estimated by the committee, is \$26,400. The value of the estates, that is, the land and buildings around the canal, included in the order, is \$305,000. The other expenses (of the sewer to take off the sewage, and the new wall, both, are \$59,000) are the same in either case. So that the difference in immediate outlay by these two plans, according to the committee, is \$274,000. *All of which as a present outlay can be avoided and saved, if the city own and have the right to fill the canal.*

What we need is more knowledge of the facts, of the title to the canal, the extent of riparian rights, if any, upon it, and the probable damages we should have to pay if we should, if we can get the power, fill up the canal, but of which no estimate has been furnished to each branch of the Council. I disclaim any desire to delay, but haste makes waste; and I hope that we shall delay long enough to obtain from the law department of the city some further information as to the title, and the rights of the city in this canal, so that we can act intelligently in a matter of this importance and magnitude. I move that it be referred to the next City Government.

Mr. Wolcott of Ward 11—Mr. President, I have listened with a great deal of interest to the remarks of the gentleman from Ward 9, and they appear to me to have very great weight. In regard to the citation which he has made upon the remarks of the Alderman from Ward 19, I think I will say I have had shown me today an abstract of a title which I have not been able to trace, but the truth of which I have no reason to doubt, by which it appears that in 1830 the city of Boston conveyed to one Winslow Lewis, Jr., a large tract of land nearly surrounding the head of this canal or dock. The conveyance contained the following conditions: Said dock to be always kept open and unobstructed to navigation within 130 feet of the end thereof, and reserving to the city the right to take any part of the above-described land for a road or canal, or both, whenever they deem it expedient. This same tract of land, in 1852 was conveyed by the same Winslow Lewis to one James B. Doe, and in 1853, April 4th, the city of Boston gave a conveyance of the whole lot of land to the same James B. Doe, and also released all right, title and interest of the said city in and to said land and dock, and especially all conditions, restrictions and reservations attached to said land and dock. By that conveyance it would appear that James B. Doe received this land released from all conditions and reservations, and it would appear that the city no longer does hold the title to the dock, as has been stated. That, of course, has some reference to a large part of the remarks which the gentleman has made. But he has noticed certain difficulties in the act of the Legislature which may perhaps be well founded, and which we might possibly have hoped to improve upon by another attempt. I am very fully convinced, as I presume every one is who is familiar with the locality, of the great importance of a radical improvement there. At the same time I am equally convinced of the importance of our doing it in the most economical way to the city, and as the matter is still—even if my explanation of a part of the territory is found to hold—involved in some doubt, I should very gladly concur in the reference proposed by the gentleman from Ward 3.

Mr. Richardson of Ward 10—I have just one word. I have today also, I suppose, seen the plans and the deeds to which the gentleman from Ward 11 refers; but the deeds to which I refer were since these. I am not certain about the estate to which he refers, whether it has rights in the canal; but I think I can say I know that some of

the parties who claim to have privileges upon the docks have no rights in the canal. As to that, I think the city has the right to fill it up.

Mr. Mowry of Ward 11—In corroboration of what the gentleman from Ward 10 says, I think it can be safely asserted that one-tenth part of the canal which it is proposed to fill, the city has the right to fill without incurring any damages. Certainly they have the right in connection with one-third, if not one-half, of the canal which it is proposed to fill. Now, I maintain that there has been no project before this City Council connected with which there has been so much doubt as regards the rights of the city. There are certainly grave and numerous doubts as to the rights which the city of Boston has in connection with this canal, especially as regards filling it, and certainly I think it is very necessary to have this matter in such a shape as to enable us to vote intelligently upon it. Therefore I must refuse to vote in favor of this order until it is presented in such a shape that I may know what are the rights of the city of Boston in connection with this canal, and what are their rights, especially in connection with the filling of the same.

Mr. Sibley of Ward 5—As the gentleman from Ward 10 has discussed this matter very ably, and as he always does, fairly, I admit that there are grave doubts, and have been before the committee in reference to what was the best and practical way. Every one admits that it is a most intolerable nuisance, but how to get out of it does not seem to be so clear. We have tried to arrive at the best and the cheapest way for the city. The act of the Legislature we are told is the best we could get. Parties claim that it is what the city asked for, and that the gentleman who represented the city before the Legislature was satisfied with it. That I know nothing about. We have had hearings, and many gentlemen have appeared. The Committee on Health were ready to admit every word they stated. There have been several projects talked of in regard to what could be done. The chairman of the Committee on Health on the part of the Aldermen consulted Mr. Bradlee a week, and I might say a month. During the month of November I was not at City Hall and I am not so well informed as I should be in all that transpired during that period. But I am as anxious as any one, believing strongly that something should be done, and that immediately; that the cheapest way it can be done and answer the purpose, we should arrive at. The act of the Legislature looked to me to be too sweeping; it seemed to take too much property. We have been over the ground and I have been over it alone, with no committeeman with me. I have tried to talk with parties and to get at what they valued their real estate at, but it was utterly impossible to get at any conclusion in that direction. Here it is, presented in this form before us. It is a large sum of money, and it is a question for the Council to decide, whether we can get a better act. All acknowledge something should be done, and that immediately; but what can be done is not so clear, nor which way will be the cheapest. I am strongly opposed to voting money out of the treasury for the pleasure of voting it out. Economy of all things at the present time we should practice. The gentleman from Ward 10 has enlightened me on some facts I have been unable to know before. It is a question for the Council to decide. Of course, I shall be satisfied to have it go over, hoping that we may get something better from the coming Legislature than we did from the last.

Mr. Howes of Ward 18—By one or two remarks made to me by members of the Council I see that some of my statements are misinterpreted, or my meaning was. I am heartily in favor of abating this nuisance; indeed, it would be very strange if I were not, having lived in its immediate vicinity for some fifteen years. But the point in my mind is this: that the city ought not to spend such an excessive amount of money in abating a nuisance which requires an actual expenditure of but a small sum. The city already has a very large tract of property upon the Northampton-street District, and it seems unnecessary to load the city down with any more. As to the act of the Legislature it seems to me that we could improve upon that a great deal in the coming year. It is very well known that interested parties were at the State House during the process of legislation upon this subject, and used their efforts to secure the passage of a bill which

sued their convenience. It seems to me that it would be very bad for the interests of the city to accept that legislation which comes from interested parties entirely. I think that in another attempt we could succeed in securing something far better, and I think we had better make that attempt.

Mr. Pratt of Ward 21—I have come to this, as I think we all do who have any knowledge of the locality, with an instinctive friendliness or disposition towards this question. I do not rise to offer any obstruction to the passage of the orders, but I noticed in looking over the report that the committee have taken pains to explain the smaller items in the statement of expense at sufficient length, perhaps, while they have passed over without any explanation or preparation of the mind for receiving it, the large item of \$305,900 which is at the foot of page 3 of their report. I supposed when I took up the bill that we were to fill up the Roxbury Canal and do certain other things which were intimated in the other three items, namely, cost of filling the canal, cost of sea wall, cost of intercepting sewer to the outlet opposite Brookline street. But I have looked in vain for any explanation of this sum of \$305,900, and I have listened in vain for it so far in this debate. I wish some member of the committee would kindly explain that matter to me.

The question was taken, and the motion to refer the order to the next City Government prevailed.

#### THE ANNUAL DINNER.

Mr. Beeching of Ward 1 called for the special assignment, which was the resolve that it is advisable to omit the annual dinner of this Council for the present year.

The question was on giving the resolve a second reading, and it was declared lost.

Mr. Crocker of Ward 9 asked that the vote be verified by a rising vote, and the order was refused a second reading—15 to 41.

Subsequently Mr. McGaragle moved a reconsideration, which was lost.

#### THE FIRE DEPARTMENT.

Mr. Spenceley of Ward 19 moved to reconsider the vote by which the Council accepted the report that the ordinance to amend the ordinance in relation to the Fire Department ought not to pass.

Mr. Spenceley of Ward 19—Mr. President, I will simply say I think there are a great many things in the statutes bearing on this matter which ought to be brought forth before this is laid aside as it has been. I know I am not in condition tonight to go into any argument about it, and therefore, if it is reconsidered, I will move to refer it to the next City Government, as the gentleman who has had charge of it will return here with the new Council.

The reconsideration prevailed, and the report was referred to the next City Government.

#### MERCANTILE WHARF.

The reference to Committee on Finance of the report and order to purchase from Mercantile-wharf Corporation the lot of land now leased for a produce market (80,000 square feet more or less), on Atlantic avenue, at not exceeding \$4 per foot, came up as unfinished business. The matter was referred to the next City Government, on motion of Mr. Hibbard of Ward 17. Sent up.

#### RELATION OF THE IMPROVED SEWERAGE TO THE BUILDINGS ON THE BACK BAY.

Mr. Danforth of Ward 10 submitted the following:

BOSTON, Dec. 26, 1877.

To the Mayor and Aldermen and Common Council of the City of Boston—The Boston Society of Architects respectfully represent to your honorable body that the Commissioners on the Sewerage of the city appointed under your order of Feb. 23 and March 1, 1875, in their report (City Doc. 3, 1876) take occasion in several places to state that the system which they recommend, and which, we understand, has been accepted and is now partly under contract, will lower the ground water on the Back Bay territory about two feet. (See pages 25 and 40.) We beg leave to enclose herewith, for your further information, a copy of a letter from E. S. Chesbrough, Esq., chairman of said commission, dated Dec. 4, 1877, in reply to a letter of inquiry addressed to him by order of the Executive Committee of the society. As most of the foundation piling on the Back Bay territory has been cut off at various grades above the grade 5, and some as

high as 7½ or 8; and as the commissioners expect to lower the ground water, at least over a part of this territory, as low as grade 5, the heads of much of such piling must remain unprotected by the water, if these expectations are fulfilled, and there must follow, in the course of a few years, serious and expensive dilapidations in the buildings erected in that district. As citizens, therefore, the members of this society respectfully represent to your honorable body the urgent necessity of obtaining accurate information as to the grades of the ground water in various parts of the territory, and the probable effect upon them of the establishment of the new system of sewerage, and, if necessary, to require such modifications and safeguards in the plans proposed and now in process of execution as shall secure private property from the serious damage which, it would seem, may reasonably be anticipated from this cause.

Respectfully submitted,

GEO. C. CABOT, President.

HENRY VAN BRUNT, Secretary.

[Copy.]

CHICAGO, Dec. 4, 1877.

Henry Van Brunt, Esq., Secretary of Boston Society of Architects: Dear Sir—Your letter of Nov. 22 has been received. With regard to the basis for the opinion expressed on pages 25 and 40 of the report of the Commission on the Sewerage of Boston (City Doc. 3, 1876) it is founded upon the belief that the system proposed would ordinarily keep the sewage constantly flowing towards the main outlet, and consequently the sewers would be free from back water at flood tides. As ordinary brick sewers, even when laid in cement throughout, do drain the soil through which they pass, down to near the average level of the water in them, such a result must be expected in this case, if nothing is done to prevent it. The surface of this ground water each way from a sewer is usually an inclined plane, more or less steep, according to the character of the soil. How much the ground water would be lowered at any point, or how much on an average, throughout the district to be drained, it is impossible to tell, and of course equally so to say what would be the effect upon foundation piles. On page 22 of the report of the commission it is said, "We propose that the main and branch intercepting sewers shall be so constructed that no water will leak into them through their bottoms or side walls; for by just the quantity that may be thus allowed to leak into them will their efficiency be diminished." Now, if this is done, dangerous lowering of the ground water near the main and branch intercepting sewers will be prevented. The interior of existing sewers, whenever desirable, could, I am satisfied, be effectually coated with cement so as to prevent leakage through them in most cases. Our experience here with catch-basins justifies this opinion. These and other precautions could be taken, but no doubt the City Engineer will have careful examinations made, before and after the construction of the sewers, and will suggest such measures as will prevent serious damage, should any be necessary.

Very respectfully,

E. S. CHESBROUGH.

Referred, on motion of Mr. Danforth, to the Joint Special Committee on Improved Sewerage. Sent up.

#### PETITIONS PRESENTED.

By Mr. Howes of Ward 18—Petition of William W. Wallace, for compensation for personal injuries. Referred to the Joint Committee on Claims. Sent up.

By Mr. Kelley of Ward 3—Petition of the Boston, Lowell & Nashua Railroad Company, for leave to erect a wooden building on Mystic wharf. Referred to the Joint Committee on the Survey and Inspection of Buildings. Sent up.

#### FREE MEDICAL ATTENDANCE FOR THE POOR.

The following was received from the Board of Health:

BOSTON, Dec. 27, 1877.

To the Honorable City Council: Gentlemen—In answer to your request of Sept. 10, that the Board of Health consider the expediency of employing physicians to visit the houses of the poor during the summer season, particularly tenement houses, and the crowded sections of the city, etc., we would state that the matter has been well considered, and we find that there already exists a most complete organization for providing for advice and medicine to every poor person within the

city, except in the recently annexed territory. Physicians selected for their good character and professional attainments are stationed in each district of the city, are well known to the residents thereof, and attend all calls from the sick poor. By this one organization 48,789 persons were furnished with advice and medicine free of charge last year. The Massachusetts General Hospital treated over 12,000 (with twenty-five cent charges) persons; the City Hospital treated 12,422, and the City Almshouse 1631 free of charge. There are many other dispensaries and charitable organizations in the city where large numbers of adults and children are treated without charge. It is safe to say that from 75,000 to 100,000 poor persons are so treated in Boston yearly without charge, and by first-class physicians. It would not be advisable to urge upon the sick poor the services of other physicians selected by the city, or to supersede or interfere with the present district physicians, who are now answering all demands. We would therefore respectfully suggest that it is inexpedient to make further provisions for the treatment of the sick poor by employing and sending provisions among the tenement houses and in the crowded sections of the city at the city's expense. Respectfully submitted.

S. H. DURGIN.

Sent up.

#### HISTORIC SITES.

Mr. Ham of Ward 14 submitted the following:

The Committee on Historical Monuments, to whom was recommended the order in relation to the tablet on Christ Church, with instructions to report the evidence identifying the said church as the one from which the lanterns were hung; and also to report a description of the tablet and the cost of the same, beg leave to submit the following report:

The evidence which was presented to the committee consisted principally of the statements of gentlemen who have given much time and attention to the subject. Considerable documentary evidence was also presented, but not in such a form as to render it intelligible unless accompanied by the oral statements of which it formed a part. These statements were not taken down at the hearings, and, therefore, the committee cannot report the same in print as directed. The proposed tablet is to be seven feet long, three feet high and ten inches thick, and is to be placed in the front wall of the building. It is to be made of Nova Scotia sandstone, and will bear the following inscription:

"The lanterns hung from this tower  
Signalled to Paul Revere  
The march of the British troops  
Upon Concord and Lexington."

It is estimated that the tablet will cost \$800.

The report was accepted and the order to place the tablet on Christ Church was passed in concurrence.

#### SMALLPOX HOSPITAL.

Mr. Reed of Ward 17 submitted the following: The joint special committee appointed to investigate the subject of the expenditures for a smallpox hospital, and the works connected therewith, having attended to the duty assigned them, beg leave to submit the following report: The Board of Health, having an appropriation of \$25,000 for the erection of a smallpox hospital, purchased a lot of land on Canterbury street, and applied to the City Architect for plans of the proposed building. The board was informed that it would take six weeks to prepare the plans, and being unwilling to wait that length of time, proceeded with the erection of the building, employing mechanics by the day and purchasing materials at the usual market prices, the work being performed under the general supervision of the City Architect. The board was led to believe that the building could be erected within the limits of the appropriation, but the information was not based upon plans and specifications, and was, therefore, unreliable. It was found necessary to do a large amount of work, such as grading, laying water pipes and fences, which was not contemplated in the beginning, and the board found that the expenditures were liable to exceed the appropriation. It therefore applied to the City Council for an additional amount, which was granted. It does not appear that the prices paid for materials and labor were unreasonable, or that any extravagance was exhibited in the construction of the building, and, although it is estimated to have cost \$1000 more than it would have if it had been erected by contract, it is ad-

mitted that the workmanship is better than is usual in contract buildings. The additional expense may be said to represent the profit on labor and materials which a contractor would have deducted in bidding for the job, but which would probably have been made up in some other manner. In the opinion of the committee the Board of Health erred in going on with the erection of the building without understanding fully the extent of the work, and without first obtaining suitable plans and estimates. In justice to the board, it should be stated that an outbreak of smallpox occurred at the time, which, in the opinion of the board, warranted it in proceeding as it did. Without presuming to judge of the exigencies of this particular case, your committee believe that, as a rule, no board or committee of the City Government should be allowed to proceed with any work involving so large an expenditure as the one in question without first obtaining careful estimates of the cost by public advertisement. They believe that this is the only way of protecting the interests of the city in this respect, and of preventing a favored few from monopolizing the construction of our public works. In the event of any exigency arising which would require a deviation from such a rule, the City Council could modify the rule to meet the particular case. The committee respectfully recommend the passage of the following order:

Ordered, That the Committee on Ordinances be requested to report an ordinance requiring that whenever any public work is to be executed which will involve an expenditure of more than \$1500, the board or committee having charge of the same shall cause suitable plans and specifications to be presented, and shall advertise for proposals for executing the same.

Ordered, That the Committee on Ordinances be requested to report an ordinance requiring that whenever any building belonging to the city is to be erected, altered or repaired, the work shall be performed under the direction of the Committee on Public Buildings, and shall be superintended by the Superintendent of Public Buildings and the City Architect.

On motion of Mr. Sampson the orders were amended so that the committee are to consider the expediency of reporting the ordinances, 35 for, 17 against, and as amended, passed. Sent up.

#### CLAIMS.

Mr. Sampson of Ward 17 submitted a report from the Joint Committee on Claims recommending the passage of an order—That there be allowed and paid to Patrick Horan, in compensation for personal injuries received by him on account of an alleged defect in Seventh street, the sum of one thousand dollars, upon his giving to the city a release and discharge satisfactory to the City Solicitor from all damages, costs and expenses incurred by him in consequence of the defective condition of said street; said sum to be charged to the appropriation for Incidentals. Order read twice, under a suspension of the rule, on motion of Mr. Sampson, and passed. Sent up.

#### SALARIES OF MEMBERS OF CITY GOVERNMENT.

The Council took up the ordinance to provide for the payment of members of the City Council for expenses incurred by them in the performance of their official duties. (Printed City Doc. No. 94.) Referred to the next City Government on motion of Mr. Richardson of Ward 10. Sent up.

#### HARBOR MASTER.

Mr. Clarke of Ward 22 offered the following:

Whereas, The Harbor Master being required to keep the channel of the harbor clear from obstructions, by the several provisions of chapter 234 of the acts of the Legislature of the year 1847, and the supplementary acts thereafter, and he being now provided by the city with a row boat to perform that duty in all conditions of the weather, and the same being inadequate to properly perform the duties required of him, and having been obliged the past year to hire tugboats to assist him during stormy weather; it is therefore

Ordered, That the Committee on Harbor consider the expediency of furnishing the Harbor Master with proper steam facilities to keep the navigation of the channel clear from vessels anchoring therein, and to facilitate the commerce of Boston in all weathers, and to keep the channel open and free from the obstructions of ice during the winter months.

Referred, on motion of Mr. Clarke, to the Joint Committee on Harbor. Sent up.

## THE FINAL MEETING.

Mr. Wilbur of Ward 20 offered an order—That when this Council adjourn it be to meet on Thursday next at 3 P. M. Read twice and passed.

## COLLECTOR'S DEPARTMENT.

Mr. Danforth of Ward 10 submitted the following:

Ordered, That there be allowed and paid to clerks in the Collector's Department, upon vouchers certified by the Collector, a sum not exceeding four hundred dollars, for services performed by said clerks after office hours; the same to be charged to the account of Real-Estate Advertising.

Ordered, That the Auditor of Accounts be authorized to allow for payment to the Collector's Department the cost of extra clerk hire in collecting license fees; said sum, not exceeding three hundred dollars, to be charged to Liquor Licenses.

Severally read twice under a suspension of the rule, on motion of Mr. Danforth, and passed. Sent up.

Subsequently a motion to reconsider by Mr. Wilbur was lost.

## INCIDENTALS AND CONTINGENT FUND.

Mr. Sampson of Ward 17 submitted the following from the Committee on Finance:

The Auditor of Accounts represents to this committee that the appropriation for Incidental Expenses, in consequence, principally of the large amount taken therefrom by the City Council for the dedication of the Army and Navy Monument, will not be sufficient to meet the expenses chargeable to said appropriation for the balance of the financial year, and that there will be needed an addition of \$10,000 to the same; that there will be a deficiency of \$15,000 in the appropriation for Registration of Voters and Election Expenses caused by the expenses attending the registration of voters for the late municipal election, by order of the City Council, and that a further appropriation of \$600 is needed for the Contingent Fund of the Board of Aldermen. Your committee would therefore report the accompanying order adding \$10,000 to the appropriation for Incidental Expenses and \$600 to the Contingent Fund of the Board of Aldermen:

Ordered, That the Auditor of Accounts be and he hereby is authorized to transfer from the Reserved Fund to the appropriation for Incidental Expenses the sum of ten thousand (\$10,000) dollars; the sum of fifteen hundred (\$1500) dollars from the Reserved Fund to the appropriation for Registration of Voters and Election Expenses, and the sum of six hundred (\$600) dollars from the Reserved Fund to the Contingent Fund of the Board of Aldermen.

Read twice and passed, under a suspension of the rule on motion of Mr. Sampson—yeas 55, nays 1—Mr. Pratt voting nay. Sent up.

## SOLDIERS' MONUMENT.

The order to allow and pay Martin Milmore \$8100, for extra work and materials for Soldiers' and Sailors' Monument—was considered under unfinished business.

Mr. Sampson—As there is not time for that order to go to the Finance Committee, I move to substitute the following:

Ordered, That there be allowed and paid to Martin Milmore \$8100, in full compensation for extra work performed and materials furnished in the erection of the Soldiers' and Sailors' Monument on Boston Common, and that the Auditor of Accounts be and he is hereby authorized to transfer to the appropriation for the erection of a memorial monument the sum of \$8100, to be specially applied to make the aforesaid payment.

Mr. Sampson—Mr. Milmore presented a claim of \$13,183 to the Committee on Claims, who went into the details very thoroughly and decided that the city should allow him \$8100. He claimed \$500 for extra expense in laying the corner stone of the monument in 1871; and the committee allowed \$100 for rigging the shears and taking them away. He claimed \$6000 as the difference between the cost of a granite statue and bronze one; the committee allowed \$5000. Under the contract Mr. Milmore was to furnish a granite statue. After going abroad to complete his models it was suggested to him by observations made there that granite would be rather bad material to make the statues of on account of the softness of the lines to be made, and on account of its liability to be defaced by storms in the course of time; and he wrote back to Boston to ask permission to change the

material to bronze. The chairman of the committee deemed it advisable that the change should be made, and wrote that if Mr. Milmore saw fit to do it he would do all he could to get the city to make up the difference. The Committee on Claims thought he was entitled to an allowance of \$5000. The same allowance was made on account of the bronze tablet, of \$1500. For extra expense in cutting the inscription on the monument the committee allowed him \$200. He also had an extra claim of \$5000 on the foundation, and the committee allowed \$1000.

Mr. Webster of Ward 3—Were the committee unanimous?

Mr. Sampson—They were unanimously in favor of this sum; some favored allowing a larger sum.

The substitute was adopted and the order was passed—yeas 66, nays 0. Sent up.

## NORTHAMPTON-STREET DISTRICT.

Mr. Sampson submitted a report from the Finance Committee, on request of the Committee on Public Lands, recommending the passage of an order—That the Auditor of Accounts be and he is hereby authorized to transfer from the Reserved Fund to the appropriation for Northampton-street District the sum of \$12,000. Read twice, under a suspension of the rule, and passed—yeas 65, nays 1. Sent up.

## REFRESHMENT BILLS FOR MONUMENT COMMITTEE.

Mr. Flynn of Ward 13 offered the following:

Ordered, That the Auditor of Accounts allow for payment the bill of H. D. Parker, for refreshments furnished to the Committee on Army and Navy Monument, amounting to four hundred and twenty-five seventy one-hundredths dollars; the said bill not having been presented at his office within three months of the date of contracting the same, as required by the twenty-first joint rule of the City Council, said amount to be charged to the special appropriation for Dedicating the Army and Navy Monument.

Mr. Crocker of Ward 9 called attention to the joint rules requiring all such bills to come before the Council, specifying in detail the names of members who partook of the refreshments, etc.

Mr. Flynn said the bill was in the hands of the Clerk of Committees or Auditor, and the names of the Monument Committee are on it.

Mr. Crocker said his point was that the bill was not before the Council.

Mr. Flynn said the bill might reach from one end of the room to the other. The committee held some eighty meetings and it would necessarily be a long bill.

Mr. Webster of Ward 3 asked why it had been delayed so long.

Mr. Flynn said he supposed Mr. Parker was not in a very great hurry. A great many people supposed it would be a couple of thousand dollars, and they thought they would keep them in hot water as long as they could.

The President ruled that the bill must be presented with the order.

## SUPERINTENDENT OF COMMON.

Mr. Vose of Ward 24 moved that the order to remove from office the Superintendent of Public Grounds be taken from the table, giving notice of a motion to indefinitely postpone.

Mr. Thompson of Ward 9—After carefully reading the evidence before the Investigating Committee, I do not believe there was any cause for the removal of the Superintendent. I believe he was exculpated from a large part of the blame in the transaction investigated. So far as blame could be imputed to him, it was for weakness in giving way to the pressure from members of the City Government. The greater part of the blame rests upon the system. As I offered the original motion, it is due to the City Forester that I make this statement. I hope it will be indefinitely postponed.

The order was taken from the table and indefinitely postponed.

## INDEFINITE POSTPONEMENTS.

On motion of Mr. Webster of Ward 3, the order in regard to the removal of the Inspector of Lime was taken from the table and indefinitely postponed.

On motion of Mr. Thompson of Ward 9, the order to appoint William T. McChesney a field-driver at South Boston was taken from the table and indefinitely postponed.

On motion of Mr. Barnard of Ward 24, the preamble and order for copies to be submitted in print of all bills for refreshments and carriage

hire incurred from Jan. 1, 1877 to the present time, was taken from the table and indefinitely postponed.

SALARIES OF LICENSE COMMISSIONERS.

Mr. Thompson of Ward 9 offered an order—That the salary of the License Commissioners be and it is hereby established at the rate of \$2500 a year from the passage of this order.

Mr. Thompson—At the beginning of the year I believed that the salaries of the License Commissioners were fixed at too low a point. They asked that their salaries might be increased from the beginning of the year, and I voted for an amendment something like this order. I say frankly that I believe there were political reasons both in fixing the salary and in refusing to increase it;

yet I believe the city cannot get proper men to do that duty for the salary now paid. I shall vote for \$2500 for the men next year; but I do not think it would be right to fix their salaries at \$2500 from the beginning of the present year.

Mr. Kelley of Ward 3—It is very queer of the gentleman to advocate paying the License Commissioners \$2500 a year, and the laboring men only \$1.75 a day. I voted for \$1000, and when they were willing to accept it they should be held to the contract. I believe in being consistent.

Mr. Thompson—I voted for the salary, which I believe to be right. I believe we are paying the laboring men more than they are worth, and the License Commissioners less.

Adjourned, on motion of Mr. Fraser of Ward 6, and stood adjourned to Thursday next, at 3 P. M.







## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

DECEMBER 31, 1877.

Regular meeting at four o'clock P. M., his Honor the Mayor presiding.

## JURORS DRAWN.

Thirty-six traverse jurors were drawn for the January term of the Superior Criminal Court.

## EXECUTIVE NOMINATIONS.

Constable—George C. Davis. Confirmed.

Police Officers without pay—Raphael Isaacson, Robert Kemp, Richard Flanders. Confirmed.

## PETITIONS REFERRED.

*To the Committee on Paving.* W. R. Cavanagh, for leave to move a wooden building from Park street, to Melville avenue, Ward 24.

J. D. Judge & Co. for leave to insert an advertising sign in sidewalk of No. 79 Beach street; W. Raymond Lee *et al.*, against the change of name of Curtis street to Chestnut avenue; H. C. Bellows *et al.*, for a plank walk on Yarmouth street.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables—By N. & G. D. Chamberlin, old wooden, thirty-four cows, North Harvard street; Nelson N. Farrar, new wooden, two horses, Quincy street; Charles Brooks, new wooden, five cows and one horse, Florence street.

*To the Committee on Police.* George Roemer, for leave to project a lantern in front of 200 Washington street; J. B. Marsh, for leave to project a wire banner at 82 Tremont street.

*To the Joint Committee on the Survey and Inspection of Buildings.* Thomas Mayo, for a modification of the conditions of an order for building a stable on Green street, Ward 24.

## METROPOLITAN RAILROAD.

The petition of the Metropolitan Railroad, for leave to extend their location by a track through Hereford street, or West Chester park, over the Milldam, to Brookline, came up for a hearing on an order of notice.

Alderman Robinson stated that there was not time for the Paving Committee to hear the petitioners and remonstrants, and as it would have to go before another committee, he moved that the matter be referred to the next Board of Aldermen.

In response to a question from the Mayor, Robert M. Thompson said that he appeared for the remonstrants, quite a number of whom were present.

Alderman Slade thought there would be no time for the committee to consider the matter, even if the hearing goes on, and he hoped that the matter would go over to the next Board.

Alderman Clark preferred to hear the reasons for and against the petition. There is a whole week left, and the Paving Committee are in the habit of acting rapidly upon petitions of the Metropolitan, and as this Board is just as competent to decide the question as the next Board will be, he hoped the hearing would go on.

Alderman Viles favored the reference, not thinking there was time to consider the question.

Alderman Robinson said that the matter referred to by Alderman Clark had been discussed in this Board for weeks, and it was brought up as a quibble to force this matter through.

Alderman Clark had no intention to force the matter, and did not know whether he should vote for or against the location. But he would like to vote upon it.

Alderman Robinson said the Paving Committee had a variety of business before them, and the subject could not be sufficiently considered by next Saturday.

Alderman Thompson objected to referring matters to the next City Government. This matter of importance should be considered by the present Board, and he would like to vote upon the question. If the Paving Committee are incompetent to decide the question, the full Board can do so without any report from them. He hoped the hearing would go on.

Alderman Wilder inquired if the Metropolitan Railroad was represented, and in response to a question by the Mayor, H. R. Harding said he appeared for the company, in the absence of Mr.

Richards, who had been compelled to go to New York.

Alderman Wilder favored going on, as both parties were present. This is no new matter, but has been before the people for fifteen years, he having petitioned the Legislature for some such accommodations as long ago as that. He should be glad to hear the reasons why the petition should not be granted.

Alderman Slade said that he favored postponement to avoid two hearings. The idea is to lay this track outside of the wall on the Milldam, which it is understood is not strong enough; and it had occurred to him that there would not be time enough for the committee to look over the ground.

Alderman Viles did not believe in forcing the matter upon the committee when they had so many other matters before them.

Alderman Thompson said too much attention should not be paid to the opinions of the committee. They have had several matters referred to them several months ago and have not reported upon them.

Alderman Robinson asked what the matters were.

Alderman Thompson referred to the repairing of Main street; and there have been several horse railroad matters upon which the public have been expecting reports.

Alderman Fitzgerald thought the discussion bid fair to take up as much time as the hearing, and if the Board desired the hearing and a vote before Saturday, in spite of the wishes of the committee, he should vote for the hearing.

Alderman O'Brien should vote for the hearing because the remonstrants had been invited to be present; and after hearing the evidence the Board could decide the question as well as the next Board could.

The motion to refer to the next Board of Aldermen was lost—yeas 4, nays 7:

Yeas—Aldermen Burnham, Robinson, Slade, Viles—4.

Nays—Aldermen Breck, Clark, Dunbar, Fitzgerald, O'Brien, Thompson, Wilder—7.

The hearing proceeded.

H. R. Harding, secretary of the Metropolitan Railroad, appeared for the petitioners, in the absence of the president. The company came urged by a series of petitions from residents in that vicinity. A large district of Brookline to the north of the Albany Railroad, and near Corey Hill, has never had proper facilities for reaching Boston. The population is large and thriving; they seek Boston every day, and some accommodations ought to be provided, if compatible with public interests. They have asked the Metropolitan road to furnish the same facilities furnished to other districts. The only way to reach the section is by a track on a part of Beacon street from the termination of the present track on Marlborough street. If there was any other avenue leading to Brookline, the company would ask for it in preference to this. In no place does the rail encroach more than three and a half or four feet on the roadway, which would leave thirty-two feet clear in the roadway, which ought to be ample for any travel that goes there. He had never seen a matter pressed so hard upon the company as this had been, and he would call a few Brookline gentlemen to state their reasons for coming to the company and the Board.

Charles U. Cotting had watched the effects of horse railroads for fifteen years, and was satisfied that this location would accommodate the greatest number. About five hundred houses now have no accommodations, and three hundred would be better accommodated than they are now. He did not believe the Metropolitan road would have petitioned for this location had it not been afraid some of its competitors would apply for it. He thought the cars would take off many teams which now go over the Milldam. [To Mr. Thompson]—An interested four times as much in Boston as in Brookline.

Mr. Harding read a long petition in favor of the location, signed by Jordan, Marsh & Co. and many others.

Mr. Wasson, of Wasson, Pierce & Co., a resident of Brookline, believed the location very desirable for the people there; it would accommodate 2500 or 3000 people, who have brought a tremendous pressure upon the company for the track.

Mr. Cotting, being recalled by Mr. Thompson, said that parties residing in Brookline and doing business in Boston have guaranteed the company \$25,000 for five years, without interest.

Mr. Bush thought the outer wheel of the car could be run over the wall, so that more than thirty-two feet in the clear would be left in the roadway. Reside on Beacon street. [To Mr. Thompson]—Am not interested in Brookline real estate.

Mr. Harding here rested the case for the petitioners, saying he would only cumulate testimony by calling more witnesses.

The Mayor read remonstrances signed by George B. Chase and others; John P. Barnard and others; John A. Winch and others; W. S. Houghton and others; Avery Plumer and others; W. E. Perkins *et al*; G. W. Calef *et al*; J. P. Marquand and others, and several other remonstrances.

Robert M. Thompson, in opening for the remonstrants, alluded to the character of the daily travel over Beacon street, which will be partially blocked up by the granting of the petition. The reason the whole space is not allowed for travel is that it is not safe to have the pounding of horses, teams and cars so near the edge of the wall. It is not pressed by citizens of Boston, and where it accommodates one person it will inconvenience a thousand. The first duty of the Board is to consider what will accommodate the greatest number of citizens of Boston.

Mr. Goddard, formerly a carriage maker, testified that one-third of the accidents to light carriages were caused by horse-railroad tracks, particularly where the track crosses a street diagonally, as it will in this case. He thought the track would be very dangerous to sleighs. He thought Boylston street would be a better avenue by which to reach Brookline. A track on Beacon street would be injurious to the vehicles and very dangerous to the drivers. One-half the axles broken by horse railroads are broken by diagonal tracks and more than that proportion of sleighs.

Henry Lee, a resident of Boston, said he was interested in Brookline property, and thought the present railroad accommodations sufficient; and whether they were or not, to narrow Beacon street would be an outrage. He fully agreed with Mr. Goddard. He thought horse railroad companies should pay for their tracks, as steam roads do.

George B. Chase said he was in the habit of driving over the Milldam when he kept a horse in town; for the last ten years the travel has constantly grown, but the street has not grown wider; it is frequently dangerous for ladies and children to walk there, and this would be increased by the track. Had known more than one thousand people pass over Beacon street in an hour, and the Board ought to consider how heavily the granting of the petition will bear upon a large number of citizens. It is but common justice that the city should have one avenue untouched by horse-railroad tracks. [To Alderman O'Brien]—The rush of travel made the street dangerous—the number of vehicles and the confusion. [To Mr. Harding]—There would be danger on Beacon street from the confusion and crowd, even without the fast driving. [To Mr. Thompson]—The cars would greatly detract from the pleasure of people who drive over the Milldam. [To Mr. Harding]—The greatest obstacle will be caused by the horse cars crossing the street.

Benjamin E. Cole believed the effect of horse cars would destroy the pleasure and diminish the safety of driving, and greatly increase the risk to the vehicles, as on a gravelled or macadamized road the rail must project above the level of the ground.

Mr. Shepard, of Shepard, Norwell & Co., a resident of Brookline, believed the petition was got up in the interest of a few landholders in the vicinity of Corey Hill, though he would favor it if it would accommodate the most people, and it would really discommode 1000 where it would accommodate 100. There used to be an omnibus run to that part of Brookline, but there were not people enough to support it.

Alderman Wilder, in asking Mr. Shepard some questions, said that to his knowledge the people in the vicinity had been clamoring for some such accommodation for fifteen years; and the patrons of the omnibus then averaged about seventy-five per day.

Mr. Lovering said it was a question whether the Board had a right to grant a petition to accommodate people out of the city when such grant would incommode a large proportion of the citizens of Boston.

Mr. Sears said there was formerly an omnibus line to Brookline which was stopped by the Metropolitan road because it did not pay.

Mr. Murray said he ran fifteen hacks, and this location would be ruinous to the stable business, as it is the only avenue for pleasure driving. Strangers frequently object to the city because of the tracks in the street. The Columbus-avenue tracks have been injurious to the stable business. A year ago last Christmas there were eleven accidents in one day by wheels catching in the tracks at the corner of Boylston and Berkeley streets. The use of salt on the proposed Beacon-street tracks would stop the sleighing there.

Mr. Thompson here rested his case.

E. W. James said the people of the West End wanted a proviso put on that the track should be built in one year, and the cars run to the Northern depots via North Charles. This petition will put more cars into Tremont street.

Mr. Cotting, being recalled, said the majority of the people this track would accommodate cannot reach the nearest depot in less than eight minutes, quick walking. Over three-quarters of the petitioners for the track live at or near Coolidge's Corner, and own their houses, and are within the eight-minute district.

Mr. Harding said the petitioners could have produced a cloud of witnesses if they had supposed the hearing would go on.

Mr. Thompson said the remonstrants did not summon any one.

Charles Faulkner, called by Mr. Thompson, said he almost daily rode out on the Milldam, and he felt that the public needed relief from the danger there now, and which the horse-railroad track would increase.

Mr. Clark, a resident of Maple avenue, Ward 22, said that there were 105 houses with 300 people in that section who would be accommodated by this road. His neighbors now have to walk a long distance to reach the horse cars. Do not think the track crossing a street is as objectionable as has been represented, as he had driven for twelve years and never had an accident.

In closing the case for remonstrants, Mr. Thompson said there were four points in the case:

1. Whether this Board has the right to grant this petition for the convenience of citizens of Brookline, when it inconveniences so many citizens of Boston?

2. Whether it is expedient to grant this petition and thus inconvenience one hundred citizens of Boston for every citizen of Brookline accommodated by the horse cars.

3. Whether, as it has not been deemed safe to allow driving on the edge of the wall, it will be expedient to allow horse cars there.

4. Whether, if a location should be granted, it should not be on the south side of the street, so as to avoid the unnecessary nuisance of the tracks crossing Beacon street twice.

Every real accommodation needed can be furnished by omnibuses, and thus save the infernal nuisance of horse-car tracks in a pleasure-driving avenue. By the action of the Park Commissioners the land for the Boylston-street extension has been given to the city, and that street will be extended in a year or two directly to the neighborhood intended to be accommodated by this accommodation. The street is reasonably safe to the many who drive there daily for their pleasure and health. The board were to consider whether they have a right to grant this petition in order to benefit the citizens of another town, and inconvenience citizens of Boston; that it would not be safe for the horse cars, and the traffic which passes over the Milldam; that there are various business interests bound up in horses and carriages, which would be injured by the location. He read in conclusion an extract from the report of the Park Commissioners, to show that the speedy completion of Boylston street or Commonwealth avenue would occur, and then another avenue would be opened for the connection of the part of Brookline referred to with the city by horse cars, if it was absolutely necessary.

Mr. S. J. Elder said he appeared for citizens of Boston near the avenues referred to and beyond all present railroad facilities, and who desire some better means of access to the city of Boston. He replied to the various objections made against granting the petition. He claimed that the real force and weight of the objection that it would interfere with pleasure-driving came from those who violate the law by fast driving on the Milldam.

Mr. Thompson read an item from the Traveller referring to the funeral of Mr. Chase, who it said was killed by an accident on the Milldam, which

he quoted to show the condition of the road today, etc. Mr. Clark said the accident happened at the cattle fair in Brighton, three miles from the Milldam, and had nothing to do with the horse cars. Mr. Thompson said the correction should be made to the editor of the paper.

Mr. Harding, in closing for the petitioners, alluded to the great increase of passengers on the horse cars within the last few years, and the necessity for horse-car accommodations between the centre of the city and the suburbs, and the result will be a great growth of population as has been the case in every section where horse cars have run. The view from Corey Hill is one of the most beautiful in the world; yet thousands of people in Boston have never seen it because they have no facilities for getting there. In his opinion the profit to the company will be from the summer travel of Boston people going to Corey Hill. The objections urged are the same that have been brought against every location asked for in the city. They propose to run this line at five-cent fare, for persons from all parts of the city. The Milldam is in a condition which it ought not to be in, more from fast driving than the number of vehicles. The racing, collisions, arrests and confusions occur late in the evening, when the fast teams are returning, and the cars would have a tendency to check the fast driving.

Alderman Wilder moved that the matter be referred to the Committee on Paving, with the request that they report at the next meeting.

Alderman Fitzgerald said that members had contended that the Board were amply competent to take care of the petition without any reference to the committee, and as the Board had disregarded the wishes of the committee in giving the hearing this afternoon, he moved that the subject be specially assigned to the next meeting of the Board.

Alderman Wilder withdrew the motion to refer.

Alderman Clark would vote to assign, but was ready to vote upon the main question.

Alderman Fitzgerald was surprised that Alderman Clark was so quick to make up his mind.

Alderman Clark said it did not take long to make up his mind when he had heard the evidence upon both sides.

Alderman Fitzgerald wished Alderman Clark had the same charity for the Paving Committee.

Alderman Clark said the difficulty with the committee was they had made up their minds before they had the hearing.

The matter was assigned to the next meeting of the Board.

#### BOND APPROVED.

The bond of C. A. McCaffrey, constable, being presented duly certified, was approved by the Board.

#### LOCATIONS ACCEPTED.

A communication was received from the South Boston Railroad accepting the location on Sixth street, between O and P streets, granted by this Board. Placed on file.

A communication was received from the Metropolitan Railroad confirming the action of its president in accepting the location granted by this Board at the last meeting, and formally accepting the same. Placed on file.

#### SEWER ASSESSMENTS.

Schedules of the cost of constructing sewers in Warren and Crawford streets; in private land from Blue Hill avenue to Warren street; in passageway between Canton and Brookline streets; in Jenkins and Tuckerman streets, were received from the Committee on Sewers, and severally referred to the Committee on Sewers.

#### COMMERCIAL STREET.

The order for a loan of \$1,000,000 for widening, grading and repaving Commercial street, between Eastern avenue and Charles River Bridge, and for paying damages occasioned thereby, came up amended, to make the expense \$500,000—that the widening shall be mainly on the water side and not exceed eighty feet wide, and that abutters and others shall contribute any amount exceeding said sum.

The question was upon concurrence in the passage of the substitute.

Alderman Fitzgerald—I should like some person to give us an explanation of this order. According to all parliamentary law it has no business before us. It was defeated in the other branch, reconsidered, amended, defeated again, and then again reconsidered, which was a total violation of all rules governing the Common Council and this

Board and all parliamentary bodies; and I should like some person interested in this scheme to give us an account of this order and the condition in which it stands now. It is rather an unusual way of making an appropriation to say that five hundred thousand dollars shall be appropriated for a certain improvement, and if that be insufficient some persons interested shall make up the difference between the five hundred thousand and the amount necessary to repave and widen the street. It is rather a strange way in which to do it, and it must have been put through under a most extraordinary emergency, when, in order to coax members of the Council to vote for it, it was absolutely necessary to put a certain amount down to be paid by the city, and another certain amount to be paid by somebody interested in this scheme, in order to widen and repave this street. I say it is a most extraordinary way, and could only have been introduced under most extraordinary circumstances, in order to get some persons to vote for an order which had no merit in itself. It was one million in the beginning; that was defeated; then reconsidered and changed to \$800,000; that was defeated and reconsidered, and then amended to \$500,000, with a proviso that interested parties should contribute what is necessary in addition to that amount; that was defeated and then reconsidered because the amendment had been tacked on to the original order, and then it was passed. If that is the way things are done in both branches of the City Government, in order to accomplish a result, then I say there is no end to reconsiderations before this Board and the other branch. This is rather a strange order for an improvement in a particular locality, which has been supposed to have some peculiar merit in it, and which is claimed to be absolutely necessary now. If it be of so much importance the city should assume the whole responsibility and lay it out under the betterment, or some other law. But to tack on an amendment that the city shall spend five hundred thousand dollars, and that persons interested shall pay the difference between the five hundred thousand dollars and the cost of the widening of that street, I say it is an improper way to widen a street, and must have been brought about by an immense pressure, which should not be needed in so great an improvement. It is doubtful if the Street Commissioners can do what is proposed in the order. It is fortunate that the street cannot be laid out without the concurrent vote of the Street Commissioners and the City Council. I doubt the propriety of passing this order until we can find out what the cost will be. We have no data by which we can find out what it will cost. It cannot be done until the abutters agree to pay a portion of the expense. If they give their estates it will be done; but if twenty or thirty-five owners of estates hold out and say they stand upon their legal rights, and you can do what you please, then the difficulty will begin, and the Street Commissioners will come and say they cannot do it under this order, and we will be obliged to appropriate three or four hundred thousand dollars more. You pass this order and it is for the Street Commissioners to work the amendment out. I venture to say the Street Commissioners cannot do it. Before they begin some interested parties will come up, and some will be willing to give their land and others will not, and the parties who are willing to give their land will come to the City Government and say you have appropriated so much for this street, and the Street Commissioners cannot accomplish what the order intended, and now you must appropriate two or three hundred thousand more in order that the improvement must go on. I say it was done to catch a few votes. If this has sufficient merit in it, should be passed as all other orders appropriating money for widening streets are passed. Of course, I offer these objections; but I stood alone in voting against the order, and will stand in that position now.

Alderman Clark—I don't know that I have anything special to say on the subject of Commercial street. I voted for the order when the appropriation was a million dollars. I supposed that a considerable amount might be returned to the city in betterments. I believe the improvement to be for the commercial interests of the city. The Council have amended the order cutting the amount from a million to five hundred thousand dollars, and I shall vote to concur in the amendment. In my opinion it is an improvement that the city ought to carry out. I believe it is the opinion of the Street Commis-

sioners that it can be carried out on the order as amended by the Council; that by the appropriation of half a million dollars, and with the amount which can be obtained from other parties in interest—the railroads and others—a sufficient amount can be obtained to make this improvement. If that is a fact, it can be done at a less expense in that way than it can under the betterment law. The Board understand the merits and demerits of this question just as well now as they would if it came here a year hence. I believe that the business interests of the city demand it; that it will be a good thing for the city in affording deep, water accommodation for the terminus of the great Hoosac Tunnel route of the Fitchburg Railroad, who propose to make that their depot for the shipment of grain which may come over that road, and for receiving foreign freight, which may be received here in vessels to go over that route to the West. As the subject is fully understood by the members of the Board, there is no occasion for any remarks to be made by me in favor of it, and I shall vote to concur in the amendment and in the passage of the order as amended.

Alderman Fitzgerald—Does the Alderman say he voted for this because he thought an immense amount of betterment could be obtained from the widening?

Alderman Clark—I said I thought a considerable amount of betterment could be obtained if it were laid out as is usual under the betterment law. But I believe this to be a more judicious course to pursue, and that a larger betterment will be received than if it were laid out in the usual way.

Alderman Fitzgerald—When a street is laid out sixty feet wide, don't the Street Commissioners think there is not so great a betterment as if the street were fifty feet?

Alderman Clark—It is a question with the Street Commissioners whether the street over sixty feet wide is any better than a street sixty feet. That is a question in the minds of the commissioners and the Committee on Streets. That is, the widening of Atlantic avenue to one hundred feet is not greater betterment to the residents on the avenue than if the width had been sixty feet. Neither were the abutters assessed any more than if the street had been widened to sixty feet.

Alderman Fitzgerald—After all I have heard, I am surprised to hear that the interested parties are not willing and able to pay all the bills. We have got so far that certain railroads and others will pay a portion; and after all the activity they have exhibited, I am surprised that, rather than have it defeated this year, they would not agree to pay all the bills. I am glad we have got so much; but it is a consolation that this cannot finally go through until the Street Commissioners bring in their report, and the City Council concur with them, and the City Council will have to pass upon the merits of the question.

The amendment was concurred in—yeas 9, nays 2; Aldermen Fitzgerald and Wilder voting nay; Alderman Gibson absent.

Subsequently a motion to reconsider by Alderman Viles, hoping it would not prevail, was lost.

#### MISCELLANEOUS PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Report of Committee on Historical Monuments—That the order to place a tablet on Christ Church ought to pass; and passage of said order. Report accepted, and order passed in concurrence.

Report and order to pay Patrick Horan \$1000, for personal injuries received from a defect in Seventh street. Order read twice and passed in concurrence.

Report of Board of Health that it is inexpedient to make special provision for medical attendance upon inmates of tenement houses. Accepted in concurrence.

Report of special committee on subject of erection of the smallpox hospital—with orders for Committee on Ordinances to consider the expediency of providing that proposals shall issue for construction of public buildings involving a cost of \$1500—and also that the Superintendent of Public Buildings and the City Architect shall oversee the work. Accepted, and orders passed in concurrence.

Votes referring to next City Council—1. An ordinance to provide for payment of members of the City Council while employed in public duties. 2. Report of Committee on Ordinances that it is inexpedient to amend section 4 of the ordinance

relating to the Fire Department as therein set forth. 3. Report inexpedient to adopt an ordinance to require salaried officers to devote their whole time to the city, and not actively engage in other business. Severally concurred.

Preamble and resolve in favor of providing steam facilities to aid the Harbor Master in the discharge of his duties. Referred to the Committee on the Harbor, in concurrence.

The order to receive for 1878, upon a lease given to Thomas W. Carter, \$2000, on the terms and conditions therein set forth, came up amended, so that said sum shall be payable in *monthly* instalments. Alderman O'Brien stated that there might be some difficulty about the amendment conflicting with the terms of the lease. The amendment was non-concurred in. Sent down.

The order to purchase of W. R. Huston his right and title to about 150 feet of land enclosed in Washington Schoolhouse lot, at not exceeding \$200, came up amended, so that said lot shall not be built upon, etc. Concurred.

Report and order to pay \$8100 to Martin Milmore for extra work and materials for Soldiers and Sailors' Monument—said sum to be transferred from the Reserved Fund. Order passed in concurrence—yeas 11, nays 0.

Non-concurrence in recommitment of report leave to withdraw on petition of John Raddin to be paid for a set of wheels furnished for Steam Fire Engine No. 7. Indefinitely postponed on motion of Alderman Fitzgerald.

Reports and orders to transfer from Reserved Fund to Northampton-street District \$12,000—to Incidental Expenses \$10,000, to Registration of Voters \$1500, Contingent Fund of Board of Aldermen \$600. Orders passed in concurrence—yeas 11, nays 0.

Orders to pay for extra clerk hire in Collector's office on account of liquor licenses \$300—and on account of extra work beyond office hours \$400. Passed in concurrence.

#### POLICE RULES AND REGULATIONS.

On motion of Alderman Breck, the Board took up the special assignment for five o'clock, viz.

Consideration of the new code of police rules and regulations, with amendment to section 15, as originally reported, as follows: "When in the opinion of the committee the evidence is sufficient to warrant the removal of an officer, they shall report the fact to the Mayor."

Alderman Fitzgerald inquired how the rules differed from the original rules as reported.

Alderman Robinson said they are substantially the same as the present rules of the department, the changes made being mostly verbal, to conform to the changes made in other departments by the establishment of commissions, etc.

Alderman Fitzgerald could see no necessity for adopting the new rules, if that is all the difference.

Alderman Breck said there had been no substantial alterations. They had left the power of the Mayor and the Board of Aldermen just where it has been.

Alderman Fitzgerald compared old section 15 with the proposed amendment, and thought the old one better, as it conformed to the city charter.

Alderman Clark thought it would not make a great deal of difference to this Board what rules were adopted, and he moved their reference to the next Board.

Alderman Fitzgerald said that action on the rules was due to the committee as a matter of courtesy. The amendment does not cure the difficulty, but the present rule would be better.

Alderman Robinson could see no substantial difference.

Alderman Clark withdrew the motion for reference. The amendment was adopted and the reported rules as thus amended were adopted.

#### INSPECTION OF BILLS IN AUDITOR'S OFFICE.

An ordinance in relation to the records of public institutions and departments, allowing them to be accessible to the public, came up for concurrence.

Alderman O'Brien said that it appeared to be a revival of the refreshment business which has occupied so much attention of the City Council and space in the papers this year. He moved that it be indefinitely postponed. The motion prevailed.

#### IMPROVED SEWERAGE.

A memorial of Boston Society of Architects upon the damage to buildings on Back Bay territory likely to result from adoption of existing plan of

improved sewerage came up to be referred to the committee on that subject.

Alderman Burnham—I do not rise to oppose the reference of the memorial to the Committee on Improved Sewerage; but as it seems to be an injustice to the committee and our Civil Engineer, I shall ask the Board to indulge me in saying that this request of the architects for investigation and explanation is certainly superfluous, for the subject has already been considered in all its bearings by the committee and the engineers for months past; and investigations have already been begun, the length and breadth of which I should be happy to explain where it not such a late hour. The architects were invited by the chairman and the engineer to suggest improvements in any manner, which they failed to do. The report of the commissioners, on which they base this memorial, has been in print two years, and it seems rather late for the architects to come to us; and it is rather reflecting upon the committee and the engineer. If the architects have been so reckless as to cut off piles in this region at a grade of  $7\frac{1}{2}$  feet, it seems to me there will be dilapidations any way, whether the intercepting sewerage lowers the ground water or not. But the committee and engineer have had no hasty action on this matter; but in all the investigation they have had this feeling in regard to the estates referred to: It were better that a few imperfectly-built houses, with no foundations under them, should be put in proper condition, at an expense of a few thousand dollars, than that the interests of our city should suffer and we deprived of this great sanitary improvement. It seemed to be due to the engineer and the committee that I should make this statement before the reference.

The memorial was referred in concurrence.

#### CITY SOLICITOR'S REPORT.

The semi-annual report of the City Solicitor was received and placed on file.

#### THE BACK BAY PARK.

The sixth report of the Park Commissioners (City Doc. 104) was received and sent down.

The board cite the order authorizing the purchase and say—

Acting under the special authority and instructions contained in the foregoing order, the commissioners proceeded to examine and survey the territory designated, and to open negotiations for the purchase of lands. It was evident that the whole of the region within the prescribed limits should be studied with reference to the economical use of the land for streets and building purposes, and the relation of the same to the park itself. The plotting of the adjoining territory, as shown by the accompanying map, has been done under the advice and with the encouragement of the Board of Street Commissioners, and, wherever the rights of the Commonwealth were concerned, after consultation with the State Board of Land Commissioners. These locations for streets are, nevertheless, only offered as suggestions, and are not binding upon any parties in interest. It is not assumed that this plan will prove to be the best that can be made, either in regard to the general requirements of the region or in its relation to the park, and it is not unlikely that changes and improvements may suggest themselves when the details shall receive attention from the department having them in charge. It was also necessary to consider what disposition should be made of the waters of Stony Brook and Muddy River, which now are discharged into the Back Bay. These streams should be diverted from their present courses and conducted into Charles River, but all sewage which they now receive should be otherwise provided for.

In relation to the former, the city of Boston, by annexation, acquired the rights which the city of Roxbury had by an indenture made the 28th day of December, 1864, by and between the said city of Roxbury and the Boston Water Power Company, and recorded with Suffolk Deeds, lib. 852, fol. 265, in which the Boston Water Power Company granted the right to lay out, construct, and maintain the necessary drainage through the lands of the said Boston Water Power Company from the Roxbury line to Charles River.

By act of the Legislature, chapter 267, of the year 1872, the town of Brookline and the city of Boston were empowered to divert the waters of Muddy River so as to make them flow in a more direct line to Charles River, through the lands of any person or corporation as they shall adjudge to

be necessary for the public convenience or the public health. It is for the interests of the town and city that united action should be taken at once, as authorized by the act.

Feasible routes to Charles River are indicated on the map, but the execution of the work belongs to another department of the government, more competent to decide upon the details than this. It is recommended that the subject receive early attention, both for sanitary reasons and to facilitate the improvement of the park and the adjacent territory.

The conditions contained in the order compelled the commissioners to proceed in the work of securing land in a peculiar manner. It could only be obtained by actual purchase at no higher price than ten cents per square foot. It was held by various owners, corporate and individual, some non-residents, in some instances by trustees and guardians, and in others the estates were involved in legal complications. The peculiar forms of many of the smaller estates increased the difficulty of adjusting the boundaries of a park to the common advantage of public and private interests. These difficulties could not be overcome unless the owners were prepared to cooperate in carrying out the scheme as proposed in the order. The commissioners are gratified to report that, with unimportant exceptions, such has been the case, and that the owners have met them in a liberal spirit. The requirements of the order have been complied with, so far as the work has progressed, with the addition of some features which will increase the value of the adjacent lands and the accessibility of the park, and the future sanitary condition of the city.

#### Entrances.

Beacon entrance, 300 feet wide, opens from Beacon street, near the sluiceways, 610 feet west of West Chester park; joins

Commonwealth avenue entrance, thence to and over the Boston & Albany Railroad by a bridge, into the park, a length from Beacon street to the park of 900 feet.

If the waters of Charles River should be used in the basin of the park, the route of the connecting canal will be through this entrance. The order does not authorize the extension of the Beacon entrance to Charles River, as contemplated in the commissioners' plan of 1876. It is recommended that this addition be made as a valuable part of the scheme.

Boylston entrances are by Boylston-street extended, which street crosses the park to Brookline avenue.

Westland entrance opens from Parker street, opposite a new street, eighty feet wide, leading from West Chester park, named Westland avenue, the lands for which, as the commissioners are advised, are given to the city in consideration of the location of this fine entrance, with a width of 300 feet on Parker street and increasing to 500 feet at the park boundary.

Huntington entrance is at the junction of Huntington avenue and Parker street; is 200 feet wide and 400 feet long.

Parker Hill entrance opens from Huntington avenue, opposite Bumstead lane; has an average width of 200 feet, and is 900 feet long.

Longwood entrance opens from Brookline avenue, opposite Maple avenue; is 200 feet wide and 950 feet long.

The road surrounding the park is laid out fifty feet wide, and will be, with its chief approaches, over  $2\frac{1}{2}$  miles long. Upon this road, at convenient intervals, the streets of the adjacent territory will open, or, in other words, these streets will radiate from the park. This road will supply a frontage for dwellings, with great varieties of exposure and park views, conditions which appear to be specially adapted to the tastes of the citizens of Boston.

#### The Park.

The park proper, as figured in the accompanying map, is located within the limits prescribed by the order. Beginning on the southerly side of the Boston & Albany Railroad, with a width of 400 feet, it widens thence at angles of about forty-five degrees to the eastern and western Boylston-street entrances, and at these points reaching its greatest width of 1450 feet. The eastern boundary extends southerly from Boylston street parallel to and distant from Parker street 216 feet, crossing the Westland entrance to Huntington entrance, 2400 feet; thence by a curved line of about 650 feet radius to Parker Hill entrance, 1500 feet; thence by a curved line of about 1700 feet

radius to Longwood entrance, 1300 feet; thence by a serpentine line to the western Boylston-street entrance, 2750 feet. The area within these lines is ninety acres. The longest straight line within the park and entrances is from Huntington avenue to the Boston & Albany Railroad, 4700 feet, or nearly one mile.

Commonwealth avenue has been completed during the past season to West Chester park. It will be observed that from this point the direction of the avenue has been changed from a straight line, as shown upon the joint plan of the State Board of Land Commissioners, the city of Boston and the Boston Water Power Company, dated Dec. 6, 1864, and is deflected to the point of junction of Beacon street with Brookline and Brighton avenues. An agreement to this change has been made by formal instruments, by the parties in interest above named, and approved by the Governor and Council.

By this change the avenue is brought into better relations with thoroughfares already existing, and can be continued as required, through Longwood, on the Beacon-street line. The expense of heavy filling and a costly bridge over the Boston & Albany Railroad will be avoided, and the contiguous lands more economically used for building purposes.

The volume of business traffic and pleasure driving now concentrated on the narrow mill-dam is a source of constant and increasing danger and inconvenience, and suggests the necessity of relief by the early completion of Commonwealth avenue.

The commissioners regret that they are not prepared to report the final completion of their work under the order at this time. The delay has occurred not from any insurmountable obstacles, but from the novelty of the negotiations; the intricacy of surveys of an unimproved region, much of it being under water, containing estates whose limits in many cases have never been accurately defined by permanent monuments, and from other temporary causes beyond the immediate control of parties in interest. The examination of titles has also proved to be an intricate and laborious task.

[The order recently passed to allow the purchase of the land in parcels is recited, and the report continues—]

Conformably to the above order, of the 106 115-1000 acres comprised in the park, the deeds have been passed and the money has been paid for 2,763,832 square feet, or 63 448-1000 acres. A deed has also been passed conveying about twenty acres to the city, which will be paid for when the examination of the title can be completed. The commissioners hold the owners' bonds for deeds for nineteen acres, and a recorded vote of the Trustees of the Eliot School Fund, agreeing to sell 2 353-1000 acres, making in all about 105 acres, leaving less than one acre, which is owned by eight persons, for seven-eighths of which no papers have yet been obtained, and one undivided sixth interest in another small parcel, which cannot be secured until a trustee is appointed.

Respectfully submitted.

CHARLES H. DALTON, }  
WM. GRAY, JR., } Commissioners.  
CHARLES S. STORROW, }

Boston, Dec. 29, 1877.

#### STABLES.

Alderman Viles submitted the following from the Committee on Health on the part of the Board:

Report that no action is required on petition of Jeremiah Sanborn to occupy stable on Hancock street, Ward 24.

Reports that leave be granted to occupy stables by George W. Bennett, rear 26 and 28 Trenton street; Derk Blybeven, Bills court; John Craig, on private way in Ward 25.

Severally accepted.

#### BILLS ALLOWED.

Alderman Clark, from the Committee on Accounts, offered an order—That the Auditor of Accounts allow for payment the following-named bills, the said bills not having been presented at his office within three months of the date of contracting the same, as required by the twenty-first joint rule of the City Council, the same having been duly approved: Hall & Whipple, being for refreshments chargeable to the appropriation for Public Buildings, \$39.05; Warren Stable, being for carriage hire, chargeable to the appropriation for Contingent Fund of the Joint Committees, \$5.75; Hall & Whipple, Committee on Public

Buildings, being for refreshments chargeable to appropriation for Public Buildings, \$37.20; Hall & Whipple, Committee on Public Buildings, being for refreshments chargeable to the appropriation for Public Buildings, \$3.85. Read twice and passed. Sent down. [The bills above mentioned accompanied the order.]

#### LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses, as follows:

Wagon Licenses Granted—Michael Haley, 9 P street; Frederick Nelson, 122 Kneeland street.

Hack Licenses Granted—Arthur Timmins, southeast corner Dartmouth and Newbury streets; Edward Fleming, northeast corner Fairfield and Beacon streets.

Victuallers Licensed—George W. Moody, 48 Green street; Lucian E. Stearns, 42 Harrison avenue.

Amusement License Granted—Thomas H. Perkins *et al.*, to give an athletic exhibition at Music Hall, Jan. 28, 1878.

Auctioneers' Licenses Renewed—H. C. Bird and George E. Hall and 39 others.

Severally accepted.

#### PAY FOR FOWLS KILLED BY DOGS.

Alderman Robinson submitted a report from the Committee on Police, with an order—That the Treasurer be authorized to pay the proprietors of Forest Hills Cemetery the sum of \$360 in compensation for the loss of certain fowls which were killed by dogs on the 30th day of November, 1877; said sum to be deducted from the amount received for dog licenses. Read twice and passed.

#### SALARY REFUSED.

Alderman Robinson submitted a report from the Committee on Police of leave to withdraw on the petition of M. C. O'Connell to be paid the salary of a policeman from Oct. 20, 1876, to the present time. Accepted.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Ordered, That the edgestone and sidewalk assessment against William Farrell, 101 Athens street, amounting to \$14.32, be and the same is hereby abated, he being unable to pay the same. Read twice and passed.

Ordered, That the edgestone assessment against the estate of Olive C. Haggood, 21 Alpine street, amounting to \$14.58, be and the same is hereby abated, she being unable to pay the same. Read twice and passed.

Schedules of cost of laying sundry sidewalks and edgestones, with orders for assessment, and collection of the same. Orders read twice and passed.

Order to pay J. L. English \$50 for grade damages on Eliot street, Ward 23. Read twice and passed.

Report of leave to withdraw on petition of Cook & Handy, to be paid for sprinkling a portion of Dudley street. Accepted.

#### STREETS.

Alderman Clark submitted the following from the Committee on Streets on the part of the Board:

Order to pay David A. Dunbar and J. D. N. Stulls \$162.40 on account of land taken and damages occasioned by the widening of Rockland street. Read twice and passed.

Ordered, That there be paid to James Dennie the sum of \$2250 in full compensation for all his services rendered the city of Boston during the present municipal year; said amount to be charged to the appropriation for Widening Streets. Read twice and passed.

#### PUBLIC LANDS.

Alderman O'Brien submitted the following from the Joint Committee on Public Lands:

Ordered, That the Collector be and he hereby is authorized to remit the tax for the year 1877 assessed upon the lot of land on High street, as shown upon a plan in the office of the City Surveyor, amounting to \$78.60, with interest thereon, and standing in the name of Freeborn F. Raymond; said lot of land having been forfeited to the city for breach of conditions of sale. Read twice and passed. Sent down.

Order to remit the taxes for 1873-74-75-76-77, amounting to \$731.18, and interests and costs thereon, on estate 945-50 Harrison avenue, in the Northampton-street district, and also the betterments assessed thereon, amounting to \$175, the

city having become the owner thereof. Read twice and passed. Sent down.

#### BONDS OF CITY OFFICERS.

Alderman Viles submitted a report from the joint special committee to make the annual examination of the bonds of city officers. That the City Solicitor has certified to the correctness as to form of the several bonds, and the committee find that the sureties are sufficient. Accepted. Sent down.

#### JAMAICA PLAIN BRANCH LIBRARY.

Alderman O'Brien submitted a report from the Committee on Printing, recommending the passage of the order to print the proceedings at the dedication of the West Roxbury Branch of the Public Library in a new draft, as follows: That the Trustees of the Public Library be authorized to cause to be printed an account of the proceedings at the dedication of the Jamaica Plain Branch Library on Dec. 5, 1877; the expense thereof, not exceeding \$200, to be charged to the appropriation for Public Library. Order read twice and passed. Sent down.

#### PERMITS FOR WOODEN BUILDINGS.

Alderman Wilder submitted reports from the Joint Committee on the Survey and Inspection of Buildings, recommending the passage of orders as follows: To authorize Boston, Lowell & Nashua Railroad Company to erect a wooden building on Mystic wharf, Ward 3; to authorize Messrs. Pierce and Canterbury to enlarge a wooden building on Chelsea street, Ward 1. Severally read twice and passed. Sent down.

#### FILLING UP BACK BAY PARK.

Alderman Viles offered an order—That the Joint Standing Committee on Health be requested to cause to be deposited upon the territory recently purchased for park purposes, at such places as the Park Commissioners may designate, all ashes and other materials suitable for filling which may be at the disposal of the Health Department. Read twice and passed. Sent down.

#### CLAIMS.

Alderman O'Brien submitted reports from the Committee on Claims of leave to withdraw on petition of J. A. Porter, to be compensated for extra expense by the closing of Chelsea Bridge; and of Margaret Sullivan, to be compensated for personal injuries by alleged defect in Warren street. Severally accepted. Sent down.

#### HORSE RAILROAD LOCATIONS.

Alderman Robinson submitted the following from the Committee on Paving:

Report of reference to the next City Government on the petition of the Cambridge Railroad for leave to run their cars through to Milk street.

Alderman Thompson did not like referring matters to the next Board, as this Board was competent to decide upon matters. He moved that the petitioners have leave to withdraw, as they could bring their petition fresh before the next Board.

The report was not accepted, and the motion that the petitioners have leave to withdraw substituted and passed.

Report of leave to withdraw on the petition of the Middlesex Railroad for leave to construct a turn-out track adjacent to the Old Colony Railroad station on South and Kneeland streets.

Alderman Thompson moved to lay the report on the table.

Alderman Fitzgerald said they made three reports, and when this Board hear them they will see that it is a wise report to make. Both roads are in a muddle. It is wrong to allow any horse railroad to have a turnout and track in such a place as that, and we have introduced orders revoking the orders granting the locations of those tracks. The Old Colony Railroad have withdrawn the permission to allow the use of their private land for the purposes for which the corporations want them, and have so notified them both.

Alderman Thompson said his motion was for a temporary purpose.

The report was laid upon the table.

Ordered, That the right granted to the Middlesex Railroad, Nov. 12, 1877, to construct a turn-out track on South street, near the westerly corner of the Old Colony Railroad station, and to connect the same by curved tracks with the tracks of the South Boston Railroad Company on Kneeland street, be and the same is hereby revoked, and the order granting said right rescinded.

Laid on the table, on motion of Alderman Thompson.

Ordered, That the right granted Nov. 5, 1877, to the South Boston Railroad Company, to lay down curved tracks to connect its track on Kneeland street with the turn-out track to be constructed by permission of the Old Colony Railroad Company on the premises of said company, lying between the southerly line of Kneeland street and the Old Colony station, be and the same is hereby revoked, and the order granting said right rescinded.

Alderman Burnham moved to lay on the table. Alderman Thompson hoped the order would pass.

Alderman Burnham withdrew the motion, and the order was passed.

On motion of Alderman Burnham, the order revoking the seventeenth location of the Middlesex Railroad was taken from the table and passed, and the same action was taken, on motion of the same Alderman, on the report of leave to withdraw on petition of the same road for turn-out track in South and Kneeland streets.

Alderman Thompson moved to reconsider the passage of the order revoking the South Boston Railroad location at Old Colony depot, hoping it would not prevail. Lost.

The same action was taken on the order revoking the location of the Middlesex Railroad, on motion of Alderman O'Brien.

#### TRANSPORTATION AND STORAGE OF EXPLOSIVE COMPOUNDS.

Alderman Breck submitted the following (City Doc. 83):

In compliance with the order of City Council, approved June 5, 1877, directing "that the Committee on Ordinances be requested to report such ordinances as are necessary to give effect to the statute of 1877, chapter 216, relating to the transportation and storage of explosive compounds within the city limits," your committee have the honor to report the ordinance hereto appended; and, as the question is one of importance, have added compilations of the English "Orders in Council," defining the several classes of explosive compounds—Appendix A; and the laws of the United States relating to the foreign transportation of explosive compounds—Appendix B; also the act of 1877, under which we are now acting—Appendix C.

The rules regulating the transportation of high explosives are in substance the same as those adopted by the Railroad Commissioners for use on the railroads in the State.

On examination of the St. of 1877, c. 216, it will be seen that gunpowder is expressly excepted from its operations.

The law and ordinances at present in force, viz., St. of 1833, c. 151; St. of 1837, c. 99; St. of 1841, c. 58; St. of 1850, c. 262; Gen. Sts., c. 49; Gen. Sts., c. 88; Ordinances of 1876; Fire Department, § 7,—leave the regulation of the sale, transportation and storage of gunpowder in the "Board of Engineers."

And this authority is derived directly from the State, and is independent of City Council.

The only authority possessed by City Council is given by Gen. Sts., c. 88, and is very limited, and probably can be exercised only by abolishing the Board of Engineers.

Further, the Board of Engineers have, by statute, exclusive authority to license and regulate—

1. Manufactories of chocolate.
2. The carrying or kindling of fires in the streets.
3. Sale and keeping of fireworks.
4. " " " " gunpowder.

And it is made the express duty of each and every engineer to inquire after and prosecute any person "who shall smoke, or have in his possession, any lighted pipe or cigar in any street, lane, or passageway, or on any wharf or in any rope-walk, barn, or stable in said city."

At the time when the statutes conferring the above-enumerated powers were passed, the "Board of Engineers" was the executive head of the Fire Department.

Under the existing ordinance by which that department was reorganized, the existence of the Board of Engineers, *as a Board*, was apparently continued only for the sake of preserving the statute powers granted to that board (see Ordinances, 1876; Fire Department, § 7); and, as a matter of fact, the board but rarely meets, and then only to grant licenses for the keeping or transportation of gunpowder, fireworks, petroleum, and burning fluid.



In the opinion of your committee it would be better that the authority to make rules regulating the traffic in all dangerous articles should rest primarily with the City Council, with the power to delegate that authority to such boards or persons as it might by ordinance select.

Your committee, therefore, in addition to the ordinance they were directed to report, have added an order requesting the Mayor to petition the General Court for a law giving the City Council as full power for regulating the transportation, sale and storage of gunpowder, fireworks, and the dangerous burning fluids, and of controlling the exercise of dangerous trades and the use of fire in the streets, as is given it by the statute of 1877, in regard to the explosive compounds therein referred to, and as is now intrusted to the Board of Engineers.

C. H. B. BRECK.  
HUGH O'BRIEN.  
CHOATE BURNHAM.  
URIEL H. CROCKER.  
ROBERT M. THOMPSON.  
JAMES B. RICHARDSON.  
ROGER WOLCOTT.  
OSCAR B. MOWRY.

Committee on Ordinances.

Be it ordained, etc.:

Section 1. By the words "explosive compound," as used in this ordinance, shall be understood gun-cotton, nitro-glycerine, or any compound of the same; any fulminate, and generally every substance, except gunpowder, intended to be used by exploding or igniting the same, to produce a force to propel missiles or to rend apart substances.

Sect. 2. No person, except on military duty in the public service of the United States or of this Commonwealth, shall keep, have, or possess, in any building, place, vehicle, ship or other vessel, within the limits of the city of Boston, any explosive compound in quantity exceeding one-fifth of a pound, unless thereunto licensed in the manner and form hereinafter set forth.

Sect. 3. Any person desiring to manufacture any explosive compound within the limits of the city of Boston shall make application in writing, for a license therefor, to the Board of Aldermen of said city, setting forth therein the exact location of the land and construction of the buildings where such manufacture is to be conducted, and a general description of the articles intended to be manufactured, the method of manufacturing, and the amount proposed to be manufactured. Such application shall be referred to the Board of Fire Commissioners and to the Chief of Police of said city, who shall cause an examination of the place or building described in such application to be made by suitable persons appointed for that purpose by each of said departments.

If the report of said examiners be in favor of granting said application, the Board of Aldermen shall grant a public hearing to all remonstrants thereto, after public notice of said hearing has been given, for two consecutive weeks, in at least three daily newspapers published in said city.

The Board of Aldermen after such notice and hearing may, by a two-thirds vote, and with the approval of the Mayor, grant a license to said applicant to manufacture the explosive compound at the place specified, with such limitations as to the quantity to be manufactured, and the mode of storing, keeping, or transporting the same, as may be prescribed by ordinance, or which the Board of Aldermen may in each case see fit to impose.

Sect. 4. No manufactory of explosive compounds shall be erected or maintained within the territory now contained within the limits of Wards 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18 and 19, of the city of Boston, according to the present boundaries of said wards.

Sect. 5. Any person desiring to keep for sale within said city any explosive compound may make application for a license therefor to the Board of Fire Commissioners of said city, or to such person or persons as may be charged with the duties now performed by said board. The Board of Fire Commissioners shall cause to be made, by a suitable person, an examination of the place where such explosive compound is to be kept for sale, and if satisfied that such place conforms to the requirements of this ordinance, and is not otherwise objectionable, may grant a license so to keep such explosive compound.

Sect. 6. The following shall be the maximum amounts of the following class of explosive compounds which may be kept for sale within the

said city, in any place within twenty feet of any building or construction regularly occupied any portion of the day or night:

Of nitro-glycerine and all compounds thereof, and gun-cotton, four ounces.

Of detonators or exploders for use with any explosive compound other than gunpowder, such number as contains in all one-half pound of the detonating compound employed.

Of any explosive compound, not otherwise provided for, such amount as the Board of Fire Commissioners may deem safe, not exceeding ten pounds.

In case the person so licensed to keep explosive compounds is also licensed to keep gunpowder in the same building, or within fifty yards of it, the maximum amount which he may keep of explosive compounds shall be one-half of the above named amounts.

Sect. 7. Every person licensed to keep explosive compounds for sale shall provide a suitable place for the storage of such compounds, as follows: each class of articles specified in section 6 shall be kept separate from every other class, by suitable divisions or partitions of brickwork. No compound of nitro-glycerine shall be kept in any receptacle constructed with any exposed iron or steel in the interior thereof.

Sect. 8. Licenses to establish magazines for the storage of explosive compounds, in quantities greater than those mentioned in section 6, may be granted to manufacturers or dealers, in the manner and on the conditions prescribed in sections 3 and 4 for the establishment of manufactories.

Sect. 9. No person shall keep explosive compounds for sale, as provided in sections 5 and 6, in any building or storehouse within three hundred feet of any schoolhouse, church, theatre, or hall licensed for public assemblies; nor within five hundred feet of the city hall, State House, court house or jail in said city.

No magazine, as provided in section 8, shall be allowed within six hundred feet of any dwelling house occupied by persons not engaged in the manufacture of said explosive, nor within one thousand five hundred feet of any of the buildings specified in the preceding lines of this section. All magazines to be surrounded by an earthen traverse ten feet thick at top and natural slope to bottom, and so high that a line drawn from the highest point of the explosive in store, and grazing to top of the parapet and wall passes above the highest of the surrounding houses.

Sect. 10. The transportation of explosive compounds in and over any highway, street, or way used by the public, not including any steam railway, within said city, shall be allowed only on the following conditions:

a. That nitro-glycerine, in any of its forms, shall be in a congealed state, and the packages in which said nitro-glycerine is contained shall during transportation be kept constantly packed in ice, and in the charge of a competent agent furnished by the forwarder, who shall, during the time such nitro-glycerine is being transported, travel in the vehicle in which the explosive is carried.

b. That all dry nitro-glycerine compounds shall be packed in wooden cases holding not more than one hundred pounds of such explosive, the explosive compound to be packed in dry sawdust when in bulk to the depth of at least three inches on all sides between such explosive and the inside surface of the case, and when in cartridges, each cartridge shall be surrounded on all sides and all interstices between such cartridges, and a space of at least one inch between the outside of each cartridge and the inside surface of the case should be filled with such sawdust.

c. That all gun-cotton shall be pulverized and in a compressed form and a moist state.

d. That all explosives of the fulminate class shall be wet, and contained in wooden water-tight kegs, which shall be packed in sawdust in wooden packages.

e. That all explosives of the nitrate-mixture class and chlorate-mixture class shall be subject to the same rules and regulations as are now in force or may hereafter be prescribed for the transportation of gunpowder.

f. That all packages containing explosive compounds shall be plainly marked on at least three sides with the name of its contents, and the words "Explosive—Dangerous" so as to be readily seen by those who are to handle them. The name and address of the manufacturer and forwarder shall also be plainly marked thereon.

g. No detonating or percussion fuses, caps, or

primers, or articles liable to cause fire or explosion, shall be packed in the case or barrel containing any explosive compound, nor carried in or upon any vehicle in which said compound is being transported.

h. That not more than one case or barrel shall be transported in any vehicle, unless the said vehicle has been suitably prepared by lining the same with wood, felting, tarpaulin, oiled cloth, or other material, exclusive of iron or steel, and is fitted with a close cover of the same. No matches, acids, petroleum, or other hazardous articles shall be carried in the same vehicle with explosive compounds, and not over one hundred pounds of such explosive compounds shall be carried in one vehicle.

i. No two vehicles containing explosive compounds shall be allowed to approach one another within one thousand yards, unless in charge of a qualified inspector detailed by the Fire Commissioners for that duty. Such inspector shall be detailed upon written application, and shall be paid for his services five dollars for each day or portion thereof, by the person transporting such explosive compound.

Sect. 11. The following officers and each of them may at any time enter the building or premises of any person or persons licensed to sell explosive compounds, to examine and ascertain if the laws, rules and regulations relating thereto are strictly observed, viz.: The members of the Board of Fire Commissioners, the Chief Engineer, and the assistant engineers of the Fire Department, the Chief of Police, the Deputy Chief, the captains, lieutenants and sergeants of police, and any other person duly empowered to make a special search of any particular building or buildings by written instructions signed by either of the Board of Fire Commissioners, by the Chief or Deputy Chief of Police, or by his Honor the Mayor. Provided, however, that all such written authorizations shall be recorded in the department by which they were granted, and shall not be in force for over forty-eight hours.

Any person deeming himself aggrieved by unnecessary and repeated examinations may apply for relief to the City Council, who shall forthwith examine into the alleged injury, and grant suitable relief, if it be deemed necessary.

Sect. 12. Every license granted in accordance with this ordinance shall be upon condition that the Board of Aldermen may suspend or revoke the same, with or without cause at any time. Any violation of the terms of the license by the person licensed shall work an immediate revocation of the same.

Sect. 13. Every person guilty of a breach of any of the above ordinances shall be liable to a penalty of not less than one dollar, nor more than fifty dollars. Prosecutions of all breaches of this ordinance shall be made by the Police Department in the manner prescribed by law; and all fines and penalties so collected shall be paid into the charitable fund of said department, as provided in sect. 12 of police ordinance as reestablished in 1876.

Ordered, That the Mayor be and he hereby is requested to petition the General Court for the passage of an act giving the City Council full powers for regulating the transportation, sale and storage of gunpowder, fireworks, and the dangerous burning fluids, and of controlling the exercise of dangerous trades, and the use of fire in the streets. Read twice and passed. Sent down.

#### MANAGEMENT OF HORSE RAILROADS.

Alderman Clark offered an order—That his Honor the Mayor be requested to petition the Legislature for an act to transfer to the Board of Railroad Commissioners all the powers now vested in the Board of Aldermen relating to the control of street railways.

Alderman Clark moved to lay on the table.

Alderman Fitzgerald hoped the Board would not for a moment entertain the idea of giving the control of the streets to any parties outside of Boston. He moved the indefinite postponement of the order.

Alderman Thompson fully agreed with Alderman Fitzgerald. If the people of Boston, through the Board, are not competent to take care of the streets, they certainly ought not to give it to a board appointed by the State. The city is required to pave and keep in repair the streets, and the horse railroads ought to be within its control.

Alderman Clark said the Board's experience had taught them the importance of putting the matter under some other control than that of the Board of Aldermen; whether to the Railroad Commissioners or the Supreme Court he was not fully determined. He introduced the order to lead to a determination of the subject. The interests of the city would best be served by putting them into the hands of an independent commission, paid for by the horse railroads.

Alderman Fitzgerald said Alderman Clark did not seem to realize that it involved the principle of municipal government. The Alderman should give reasons for it, and not the other members of the Board. The speaker believed that the matter should be in the hands of the people of Boston through their representatives. The Supreme Court would no doubt take care of its legitimate business, as it did in the matter of refusing to appoint the Inspectors of Elections.

Alderman O'Brien believed the matter should be in the hands of a joint committee of the City Council.

Alderman Thompson thought it would be as well to include the Common and squares as the horse railroads.

Alderman Clark was glad to see that others believed that the matter should be taken from the Paving Committee, and he had put in the order to bring the matter to the attention of the Government.

Alderman Fitzgerald said the statute placed it in the hands of the Board, and the reference to a committee was merely a form to have the orders drawn.

Alderman Slade said the Paving Committee had not had a very hard time, and probably would not have hereafter. They come here to work, and he was willing to do all that was necessary.

Alderman Clark said there were other reasons why the matter should be taken from the Board, which every member knows, but which it was no use discussing. Having accomplished his object he would withdraw the order.

Alderman Fitzgerald objected, and on his motion the order was indefinitely postponed.

Alderman Thompson moved to take from the table the nomination of James K. Fagin to be Superintendent of Lamps.

Adjourned to Saturday, Jan. 5, at 12 M., on motion of Alderman Fitzgerald.







## CITY OF BOSTON.

## Proceedings of the Common Council,

JANUARY 3, 1878.

Regular meeting at three o'clock P. M., pursuant to adjournment, Benjamin Pope, President, in the chair.

## PAPERS FROM THE BOARD OF ALDERMEN.

Petitions, etc., were referred in concurrence.

Reports of leave to withdraw on petitions of J. A. Porter to be paid for extra expense and damage caused by closing Chelsea Bridge; and of Margaret Sullivan to be paid for personal injuries from an alleged defect in Warrenton street. Severally accepted in concurrence.

Report that bonds of city officers are correct in form and the sureties sufficient. Accepted in concurrence.

On motion of Mr. Crocker of Ward 9 the rule prohibiting ordinances prescribing penalties and orders involving the expenditure of money from taking their first and second readings at the same meeting, was suspended for this session.

Reports and orders for permits to build to be issued to Boston, Lowell & Nashua Railroad on Mystic wharf, and to Pierce & Canterbury on Chelsea street. Orders read twice and passed in concurrence.

Order to remit tax for 1877 on a forfeited lot of land on High street, \$78.60, with interest. Read twice and passed in concurrence.

Order to remit the taxes for 1873-4-5-6-7, \$731.18, with interest and costs, on estate 948 and 950 Harrison avenue, Northampton-street district, and also the betterment, \$175, the city being now owner of said estate. Read twice and passed in concurrence.

Report and order (new draft) to print an account of the dedication of the Jamaica Plain Branch Library, at not exceeding \$200. Order read twice and passed in concurrence.

Non-concurrence in amendment to order concerning the lease to Thomas W. Carter for wharf on Albany street.

Mr. Crocker of Ward 9 said he understood that the reason why the Aldermen did not concur was that it was feared the amendment would affect the terms of the lease for the balance of the term, whereas the committee only intended to make the change apply to only one year.

On motion of Mr. Crocker the Council adhered to its former action and amended the order by adding the words "And shall execute an agreement with the city satisfactory to the City Solicitor, for the purpose of effecting said change in said lease."

Sent up.

Order for ashes and other suitable filling to be deposited at such places on the territory purchased for parks as the commissioners may designate. Read twice and passed in concurrence.

Report and ordinance on the transportation and storage of explosive compounds, and an order for the Mayor to petition for an act to give the City Council full powers for regulating the transportation, etc., of gunpowder and other dangerous articles, and controlling the exercise of dangerous trades and use of fire in streets. (City Doc. No. 83.) Ordinance read twice and passed in concurrence.

Sixth report of the Board of Commissioners of the Department of Parks for the City of Boston. (City Doc. No. 104.) Placed on file.

Order (with bills accompanying) for payment of bills of Hall & Whipple, for refreshments (Committee on Public Buildings), \$39.05, \$37.20, \$3.85; Warren Stable, for carriage hire (Contingent Fund of Common Council), \$8.00; H. D. Parker, for refreshments (Contingent Fund Joint Committees), \$5.75. Read twice and passed in concurrence.

## UNFINISHED BUSINESS.

Order for Mayor to execute lease of rooms 74 Tremont street at \$1400 per year, as a branch of City Engineer's Office on subject of improved sewerage. Passed in concurrence.

Order to establish salary of License Commissioners at rate of \$2500 each per annum from date of passage of this order. Declared lost. Mr. Clarke of Ward 22 doubted the vote, and on motion of Mr. Thompson of Ward 9 the yeas and nays were ordered. The order was rejected—yeas 24, nays 35.

Yeas—Messrs. Barry, Cannon, Clarke, Crocker, Danforth, Fagan, Felt, J. J. Flynn, Howes, Jackson, McClusky, Mullane, Nugent, O'Connor, J. H. Pierce, Pratt, J. B. Richardson, Roach, Sibley, Souther, Spenceley, Stone, Thompson, Wolcott—24.

Nays—Messrs. Barnard, Beeching, Blodgett, Brintnall, Burke, Coe, Cross, Day, Dee, Doherty, Fernald, D. A. Flynn, Fraser, Ham, Hiscock, Kelley (Ward 3), Kidney, McDonald, McGaragle, Morrill, Mowry, Pearl, Perham, O. H. Pierce, Reed, M. W. Richardson, Roberts, Shepard, Sardon, Thorndike, Upham, Vose, Warren, E. R. Webster, G. B. Webster—35.

Absent or not voting—Messrs. Blanchard, Brown, Cox, Duggan, Hibbard, Kelley (Ward 6), Loughlin, O'Donnell, Pope, Ruffin, Sampson, Wilbur—12.

## STREET STANDS FOR THE SALE OF FRUIT.

Mr. Webster of Ward 3 moved to reconsider the vote by which was passed the order, viz., To petition for an act authorizing the Board of Aldermen to grant permits to worthy and needy persons to temporarily occupy portions of the streets for sale of fruit, with consent of proprietors of estates in front of which stands may be placed.

Mr. Webster—This matter was discussed pretty thoroughly in the Board of Aldermen early in the session. A remonstrance against this system of vending on the curbstones was presented, and I should like to read a few of the names to show the class of men who oppose this system. [Mr. Webster read the names of the remonstrants, which have been published, comprising many heavy taxpayers and large firms.] In the Board of Aldermen three reasons were urged why the system should be continued: first, it affords employment to poor people; second, it affords facilities for the quick sale of perishable fruit, and increases the trade of Boston; third, it supplies poor people with fruit at low prices. In order to show how the matter was understood in the Board of Aldermen I will read a few extracts from the debate. Alderman Viles says—

"While I shall vote to remove the fruit stands from the streets, I will merely reply to one or two assertions made by the Alderman last up. He said the fruit stands make no difference in regard to the sale of fruit in the stores. That is not so. I have been in a grocery store for twenty years, and we used to keep all kinds of fruits in their seasons—Malaga grapes, oranges, strawberries, bananas, etc.; but for the last ten years I have not kept any of those articles, for the reason that people on the street undersold me, and our fruits rotted on our hands. I shall not vote to remove them, for it is pretty hard to prevent a poor man from getting a living. I know that the street stands are demoralizing to the fruit stores on our street, and it is so all over the city."

And Alderman Slade, who is in the commission and produce commission business, and understands the matter pretty thoroughly, said—

"If I understand it, the trouble about this is that this trade has got to be immense with people who pretend to be poor, and have stands upon the streets, but the same persons will employ a dozen or fifteen, more or less, at a certain price per day, get the stands, furnish them with fruits, and take the benefit of the profits. I think this order should go back to the committee, and let them look into the matter. I have understood that some of these individuals who have numerous stands will go down to the auction sales of fruits and purchase more than any dealer would dare to purchase; and that makes a competition in fruit, because they know they do not have to pay any rent, and can sell at much less than a dealer can, and therefore they can pay higher prices."

Then Alderman O'Brien said—

At the same time, the dealers in fruit who occupy stores and pay taxes have good reason to complain of the present state of affairs. If the business were confined exclusively to the poor, there would be very little or no objection to street stands; but it has become of such magnitude that capitalists are now in the business, and some of our street vendors are no longer mere retailers, but compete with our largest jobbers in the purchase of fruit, frequently buying from fifty to one hundred boxes of oranges at a time, and sometimes even a larger amount. With no rent and no taxes, they can afford to sell cheap, and unless this business is placed under more stringent regulations, stores devoted exclusively to the sale of fruit will have to be given up. Capitalists, who have no stores, who pay no taxes, who never in-

tend to become citizens, supply many of the prominent street corners with all the fruit that is sold, interfering with the business of the regular dealers, and these men ought to be reached if possible. No one person should be allowed more than one stand, and no one should be allowed to sell fruit on the street who has accumulated any considerable amount of money. These permits should be given only to the poor, and if this is done I believe there will be no complaint.

And Alderman Clark said—

"It seems to me that it is hardly necessary to refer this matter to the Committee on Licenses, because all licenses expire on the 1st of May. If the committee exercise their judgment, I think they will not allow permits to any speculative persons. I believe no permits should be granted to any but persons in necessitous circumstances. Many of the present occupants of stands are known to own their own houses and have money in bank; and in my opinion such persons should not have permits. So far as possible, the permits should be given only to citizens of the city."

In conclusion, Alderman Fitzgerald, the chairman of the Committee on Licenses, said—

"The committee should see to it that no persons except those poor men who have large families dependent upon them should receive licenses, and I, as chairman of the committee, and my colleagues, will scrutinize them so that nobody, except those poor people who are unable to go into business, shall get a license to sell these fruits."

In the entire debate it was admitted that they all realized the evil that was going along together too great an extent; that it was a great injury to real estate and injustice to the fruit dealers; and it was only allowed to go on upon the distinct understanding and pledge by the chairman of the committee that, when the permits expired on the 1st of May, they would be scrutinized very carefully, and none but the worthy poor should be allowed to occupy those stands. It was continued upon the distinct understanding that they did not want to interfere with poor people. Now, I wish to show very briefly how much consideration has been paid towards keeping only poor people on the stands. I have taken the trouble to collect a few facts about some of the occupants of stands near by us, and there are many more facts of a similar nature that can readily be obtained if any one has the time to do so; and for the substantial accuracy of the statements I shall make I am ready to stake my reputation: Dominick Malatesto, corner Summer and Washington streets; it is reported that he is well off, that his business is good for \$1500 profit per year. Augustus Lagino, at the corner of Court and Howard streets, owns real estate and is worth considerable money. Ellen Sullivan, corner of Milk and Washington streets, is reported on good authority to be worth \$20,000; owns real estate in South Boston, and rents a store for forty-five dollars per month. Mrs. Hickey, at the corner of State and Washington streets, is well off. Mrs. Harrington, on Winter street, owns real estate. Mr. J. Field, on Pemberton square, was taxed in 1866 for \$4800 and is said to be worth \$10,000. Mrs. Osgood is on Union street at the corner of North street; her husband has a store at the junction of Union and Washington streets; owns real estate, is well off and is taxed for \$1000. But perhaps the best illustration of the system is the Widow Hennessey, who has a stand on the corner of Tremont and Beacon streets; last summer she came down to City Hall barefoot, to obtain a permit; it turned out that she owed about \$4000, but it was ascertained that she had several thousand dollars in the bank; and after her creditors had got what she owed them she boasted that she still had \$6000. I understand that the gentleman from Ward 23 [Mr. Brown] was one of the creditors in this case, and I tender to him the sympathy of the entire Council.

Mr. McGaragle of Ward 8 raised the point of order that Mr. Wehster's time had expired, and, on motion of Mr. Howes of Ward 18, the rule was suspended.

Mr. Webster of Ward 3—The stand on the corner of Summer and Washington streets requires three men to run it; in peach season fifty baskets is a small sale for one day; it is reported that the proprietor has an offer of \$1000 bonus for his chance; he was able to obtain the services of first-class counsel when prosecuted recently, as, in fact, many others have done. It is reported on good authority that many of these dealers have

money in bank, but not in their own names, so that it is impossible to ascertain the amount. It is also somewhat interesting to consider the career of Captain Tobin in connection with this matter. He had charge of all these permits, and the Committee on Licenses intended, with his assistance, to do away with the entire system excepting so far as it related to poor people. In this connection I will take the liberty to read a few extracts from the Herald of a few days ago:

"Several days ago, in commenting upon the enrious manner in which the municipal system of licensing fruit dealers was conducted, we had occasion to intimate that Mr. P. H. Brady, one of the parties interested in these operations, was either a misunderstood philanthropist or a very dispicable rogue. Whatever doubts we may have had at that time have since been set at rest, for a thorough investigation of his case has developed such results as to make hesitancy as to his classification an impossibility. We have in our possession a huge mass of evidence comprising statements made by a large number of these small dealers with whom this man has had business. Some are comparatively well-to-do dealers; others are the poorest of the poor; but in each instance the same story is repeated, that hard-earned money was obtained under some specious device. Nor is this the worst feature. In several cases this illegal tax was levied on the ground of agreements on Brady's part to obtain certain concessions of privileges. These agreements were never fulfilled; but the money once put into Brady's pocket was lost past all recovery. Since the publication of our former criticism on these muddy transactions, Mr. Brady has had the assurance to print a note, stating that he has received money for acting as "broker in the procurement of permissions from abutters." There is a fine mercantile air about this assertion. It justly calls to one's mind the stock exchange, and large business operations, so extended, indeed, as to make it impossible for the first parties in the trade to meet and settle their own affairs. But a little reflection shows that this brokerage was unwillingly paid by Italian men and women. And for what? For Brady's assistance in appealing to neighboring property owners? We think it would be no difficult matter to show that money has been demanded and paid in cases where there was no pretence made of soliciting permission from abutters. Leaving Brady to the enjoyment of his commissions, we would ask, what action does the City Government propose to take in regard to the other party to these transactions? It is not necessary for us to cite the facts that are at our command, for within the past three weeks an official investigation has been made by the police, developing, as we understand, a close relationship between the "broker" and the Superintendent, Captain Tobin."

This investigation was perhaps the most secret one that ever was held in City Hall. The reporters were carefully excluded and the evidence is not readily accessible, as I could not obtain it. It was not intended that it should be fully reported, but it was testified to, to my certain knowledge, and admitted by Captain Tobin, that one party who refused to loan Captain Tobin \$300 on poor security, had his license revoked. There was so much testimony of that kind, that upon the Mayor perusing it, Captain Tobin was immediately removed. I only quote this to show that the cry that we should have to support these poor people in our public institutions, if the permits are not granted, is not founded on facts. A very large portion of them are not our own citizens; they are men who have no particular sympathy for our institutions, but are attracted here by the prospect of carrying hand-organs and peddling fruits. It can be demonstrated beyond a reasonable doubt that many of them return to Italy comparatively wealthy; and it can be shown that very few are paupers, and that many are far from requiring support from the city of Boston. The idea that granting the permits prevents them from going to the public institutions is a delusion. Now, in regard to the facilities for the quick distribution of fruit; it can be readily ascertained by inquiry that 1800 dealers, representing four millions of capital, who formerly engaged in the fruit business, only nominally keep fruit today, and have practically, as Aldermen Viles says, been obliged to give up the traffic. I submit that we should extend the same privileges to these 1800 dealers that we

do to these foreigners; that we should allow them to sell upon the curbstone, and that they should have the benefit of any liberal construction of the law which we give to the other class for the sale of perishable fruit. No dealer can have any connection with a curbstone stand; if he does he is hounded; but these outside parties who pay no rent or taxes, can completely control the sale of perishable fruit. If the law is to be construed loosely, and any one is to have the benefit of a doubt, our own taxpayers and citizens should have the preference. The second claim is, that it supplies poor people with fruit at a low price. Now, fruit is a luxury: there are many other articles just as good as fruit. We have no evidence that poor people had any trouble in getting fruit a few years ago. The fruit business can afford to compete on equal terms with other branches of trade, and pay rent and taxes. The idea that we should have one article furnished free of rent and taxes will not bear critical examination for a moment, in my judgment. For example, until within something less than a year there have been crockeryware stands upon Blackstone square and other places. I have always been poor, and believe that crockeryware was more necessary to obtain cheap than oranges and bananas. The fruit dealers have a common impression that by going to Alderman Clark, who is a crockery dealer, the stands were discontinued; and we have one crockery dealer in the Council who voted not to remove the stands. I don't want a hat stand near my store, for I could not compete with persons who pay no rent or taxes. A good many dealers in lager beer voted for stands; and if it is good for poor people, why should it not be sold on the streets? If whiskey punch is a good thing at ten cents, why not get it for five? Why do you pick out fruit and demand that it be furnished so cheap, and not undertake to carry out that principle, be consistent, and give the same chance to others? The arguments against this thing are that it is wrong in principle; that it is constantly increasing, a standing menace to the best interests of the city, and opens the door to bribery and corruption. The matter was thoroughly sifted by the License Committee this year, and the result shows an amount of bribery, intimidation and humbugging that would reflect credit upon New York in the palmiest days of Tweed. In many cases these dealers pay rent of \$3 to \$5 a week to the abutters for the privileges. We have no time to investigate this matter, but I propose to have it referred to the next City Council who will have time to investigate it. During the last season there have been twenty complaints, and the judge has ruled that it was not necessary to prove that the dealers were poor citizens; the fact that the stand was there was evidence of obstruction. These 1800 parties who formerly sold fruit now pay rent and taxes, but now do not clear \$25 on their fruit, in my judgment, on account of this system. From a mercantile standpoint I do not believe it is a disgrace to be a citizen and taxpayer, and I contend that we should not go out of our way to benefit those who are not. Competition should be fair and equal in all classes of trade, and every man should have a fair chance.

At the request of Mr. Brown of Ward 23, Mr. Webster repeated his allusion to Mrs. Hennessey, saying that he had been informed that since Mr. Brown had become a creditor he had apparently changed his mind in regard to the correctness of the system.

Mr. Brown of Ward 23—I understand it, and I stand before you, sir, and this Council, as neutral in this business; I have heard some things in connection with this matter that I did not know before, and all I have to reply to in the remark of the gentleman is in regard to Mrs. Hennessey. She owed \$1400 instead of several thousand, and we got our pay. The information he gives that Mrs. Hickey is well off is very important to me. Two years ago she owed us \$300 for oranges and lemons, and I gave the bill to the collector, telling him that we would give him half of it if he would collect it; I will sell the gentleman the other half for half a dollar. In relation to Mr. Dominick, on the corner of Summer street, I am gratified to inform the Council that we did trust him and took a dividend in 1877. Mr. Field occupies private property in Pemberton square, and has had a permit from the owner; he is well off. Mrs. Sullivan, the widow lady, at the corner of Milk and Washington streets, is,

I understand, well off. When the petition came before the City Government two years ago, the firm of which I happen to be senior member refused to sign it, and from that time to this we have stood at that base; but I can say to the Council that this street business has got to be a great nuisance. They have got to be too many, and they block the streets in a manner that is not necessary. There are a great many people who think it is necessary that these poor people should have these stands, but I believe there are really no storekeepers who would be offended or hurt by the poor women having stands on the streets. But I do believe there are too many rich Italians occupied with the street stands of Boston, and thus ends my neutrality.

The reconsideration was declared lost. Mr. Webster of Ward 3 doubted the vote, and on his motion the yeas and nays were ordered:

Yeas—Messrs. Beeching, Blanchard, Blodgett, Briutnall, Brown, Clarke, Coe, Crocker, Day, Felt, Hibbard, Hiscock, Howes, Pratt, J. B. Richardson, Roach, Roberts, Thompson, Thorndike, Upham, Warren, E. R. Webster, G. B. Webster, Wilbur, Wolcott—25.

Nays—Messrs. Barnard, Barry, Burke, Cannon, Cox, Cross, Danforth, Dee, Doherty, Fagan, Fernald, D. A. Flynn, J. J. Flynn, Fraser, Ham, Jackson, Kelley (Ward 3), Kidney, McClusky, McDouald, McGaragle, Morrill, Mowry, Mullane, Nugent, O'Connor, Pearl, J. H. Pierce, O. H. Pierce, Pope, Reed, M. W. Richardson, Sampson, Shepard, Sibley, Smardon, Souther, Spenceley, Stone, Vose—40.

Absent or not voting—Messrs. Duggan, Kelley (Ward 6), Loughlin, O'Donnell, Perham, Ruffin—6.

#### SQUANTUM BRIDGE.

Mr. Clarke of Ward 22 moved to reconsider the vote of reference to next City Council of order to petition Legislature for authority for the city of Boston, the county of Norfolk and the town of Quincy to connect said city with said town by a bridge to Squantum.

Mr. Clarke—I did not oppose the reference to the next City Government, but after the adjournment of the last meeting it occurred to me that this matter was not thoroughly understood. In order to get this matter properly before the town meeting in March, the articles must be made up in February, and as very little business is done in the City Government before that time, there would not be time to consider it. I have the petition for this bridge, signed by C. E. Folsom and 186 others, which was presented last August. [Mr. Clarke read the petition.] The petitioners reside near Harrison Square. In the summer they visit Squantum for the benefit of the beach air, and are dependent upon the town for the roadways, just as we of the north part of the city are dependent upon Revere for the drive to the beach. The petition was referred to the Street Commissioners, who reported. [Mr. Clarke read the report from page 698 of Minutes of 1877.] The commissioners recommended that authority be obtained to build the bridge, and to properly apportion the expense. The avenues leading to the bridge are private ways, which the owner offers to give for the construction of the bridge. There is a charter for a private company to build the bridge, but the Commissioners of Norfolk County and the Street Commissioners have decided that it cannot be done under that charter. Assistant Engineer Wightman says the bridge will cost about \$15,000, and Mr. Davis states that it will save about \$50,000 on the contract for the improved sewerage works at Moon Island on account of the distance saved in transportation. There can be no objection to obtaining the authority from the Legislature, as the expense will be apportioned between Boston and the towns.

Mr. Richardson of Ward 10 said the builder of the Eastern-avenue Bridge had said the Squantum Bridge would cost \$150,000.

Mr. Clark replied that such a bridge is not needed at Squantum. He had an estimate made two years ago, which was \$25,000.

On motion of Mr. Wilbur of Ward 20, the matter was laid on the table.

#### ROXBURY CANAL.

Mr. Flynn of Ward 13 moved to reconsider the vote of reference to next City Council of order for a loan of \$392,000 for Roxbury Canal improvement, and preamble and order to take a certain parcel of land therein described for the abatement



of the nuisance in and about said canal. (City Doc. No. 92.)

Mr. Flynn said he proposed to present a petition from Boston physicians in favor of the improvement.

Mr. Richardson of Ward 10 believed that no member of the City Government was in possession of sufficient facts to enable him to vote intelligently upon the question, and therefore he thought the proper disposition to be made of it was to refer it to the next City Government. Not body doubted the existence of the nuisance, but the objection was to spending so large a sum of money when it was unnecessary. He was perfectly aware that this measure had been lobbied since the last session. Many gentlemen had been to see him, but so far as his experience went they were not occupants of houses in the vicinity, but were owners of real estate who desired to sell their property. He could see no harm in the reference, as opportunity would be given to ascertain the facts.

Mr. Sibley of Ward 15 said he had followed the subject three years, and had known of no urging by land owners. The committee had tried to get the price of the land, but failed. The city owned a large property there which was depressed in value by the nuisance.

Mr. Mowry thought the question was not in regard to the nuisance, but what the city's rights there are, and whether the city would have to take all the land. They should not act until that question is decided.

Mr. Flynn said the City Solicitor had given an opinion that the city had no rights in the canal, so far as filling it up.

Mr. Thompson said that up to within twenty-four hours the City Solicitor had not facts enough upon which to form an opinion.

Northerly side. In 1830, Winslow Lewis bought land 240x100 feet to the canal; Lewis sold to Dow; in 1853 the city released to Dow all right to fee of canal. There are ninety feet in dispute between the Dow and Evans estate. Then there are eighty feet to the bridge, and seventy feet which are bonded to Rowe, with the right to fill. Then 130 feet belong to the city of Boston.

Southerly side—There are 100 feet belonging to Levi Morse, with no right to fill by the city; 290 feet to the executors of Winslow Lewis, no right to fill; 125 feet to J. Ham, no right; 50 feet to J. Ham, right to fill; 80 feet to the bridge; 30 feet of Morse's, right to fill; 300 feet to grammar school, no right.

Mr. Thompson desired the city to go to the Legislature and get an act that would be fair and just.

The reconsideration was declared lost. Mr. Flynn doubted the vote, and on his motion the yeas and nays were ordered and the motion was lost.

Yeas—Messrs. Brown, Burke, Cannon, Coe, Cox, Duggan, Fagan, D. A. Flynn, J. J. Flynn, Fraser, Hiscock, Jackson, Kidney, Morrill, Mullane, Nugent, O'Conuor, O'Donnell, Pearl, Perham, Pope, Sibley, Spenceley, Upham, Vose, E. R. Webster, Wilbur—27.

Nays—Messrs. Barnard, Barry, Beeching, Blanchard, Blodgett, Brintnall, Clarke, Crocker, Cross, Danforth, Day, Dee, Doherty, Felt, Fernald, Ham, Hibbard, Howes, Kelley (Ward 3), McClusky, McDonald, McGaragle, Mowry, J. H. Pierce, O. H. Pierce, Pratt, Reed, J. B. Richardson, M. W. Richardson, Roberts, Ruffin, Sampson, Shepard, Smardon, Stone, Thompson, Thorndike, Warren, G. B. Webster, Wolcott—40.

Absent or not voting—Messrs. Kelley (Ward 6), Loughlin, Roach, Souther—4.  
Sent up.

PETITIONS PRESENTED.

By Mr. Kelley of Ward 3—Petition of Samuel G. Reed for leave to erect a wooden building on Carlton street, near Crescent avenue, Ward 24. Referred to the Committee on Survey and Inspection of Buildings. Sent up.

By Mr. Howes of Ward 18—Petition of Francis J. Caswell, to be paid for repairs on a pump in the Charlestown District. Referred to the Committee on Claims. Sent up.

CHRIST CHURCH TABLET.

Mr. Ham of Ward 14 submitted the following:  
The joint special committee appointed to commemorate historical sites respectfully represent that they will be unable to make a contract for placing the proposed tablet on Christ Church before the close of the present municipal year, as the order giving the necessary authority was passed at so late a day that the City Architect has not as

yet had sufficient time to prepare the proper plans and specifications. As the general design of the inscription has been adopted by the City Council, your committee are of the opinion that the work should be proceeded with at once, and they therefore respectfully recommend the passage of the following order:

Ordered, That the City Architect be and he is hereby authorized to place a suitable tablet on Christ Church, Salem street, in accordance with the design adopted by the City Council; the expense to be charged to the special appropriation provided for that purpose.

Read twice and passed. Sent up.

BACK BAY STREETS AND AVENUES.

Mr. Sampson of Ward 17 submitted the following from the Committee on Finance:

The Auditor of Accounts respectfully represents to this committee that there is a deficiency in the appropriation for Back Bay streets and avenues of \$1426 over and above the balance of said appropriation of \$622.75, the total of both sums, viz., \$2048.75, being needed to pay for the land purchased under authority of an order of the City Council of March 6, 1876, for the abutments on the south side of the bridge built over the track of the Boston & Albany Railroad on West Chester park extended, the payment for which has been delayed until this time to perfect the title of said land. Your committee therefore respectfully recommend the passage of the accompanying order making the necessary transfer of appropriation of the same sum of \$1426.

Ordered, That the Auditor of Accounts be and he is hereby authorized to transfer from the Reserved Fund to the appropriation for Back Bay streets and avenues the sum of \$1426.

Read twice and passed—yeas 69, nays 1; Mr. Stone of Ward 3 voting nay. Sent up.

BILLS ALLOWED.

Mr. Flynn of Ward 13 offered an order—That the Auditor of Accounts allow for payment the bill of H. D. Parker, for refreshments furnished the Army and Navy Monument Committee, amounting to \$425.70, the said bill not having been presented at his office within three months of the date of the contracting the same, as required by the twenty-first joint rule of the City Council; said amount to be charged to the appropriation for Incidentals. Read twice and passed. Sent up.

CONCORD STREET IMPROVEMENT.

Mr. Flynn of Ward 13 offered an order—That the Joint Standing Committee on Streets be and they are hereby authorized to sell at private sale to the Tremont National Bank the strip of land belonging to the city at the corner of State and Congress streets, containing 365 square feet, for the sum of \$20,000.

Mr. Flynn explained that the matter had been held in abeyance for some time, and the only customers being the bank, who had made a definite offer, the committee felt it their duty to report it for the action of the City Council.

Mr. Thompson said it was too small to build upon, and if the bank offered a fair price it was for the interest of the city to take it.

Mr. Crocker was of the same opinion, and that it would lead to the erection of a good building and remove the blot upon the appearance of State street.

The order was read twice and passed.

Subsequently a motion by Mr. Day to reconsider was lost. Sent up.

IMPROVED SEWERAGE WORKS AT MOON ISLAND

Mr. Sampson of Ward 17 offered an order—That the Auditor of Accounts is hereby authorized to pay Oliver S. Sanford the sum of five thousand dollars upon his procuring and delivering to the city a deed of release of the Old Colony Wharf Company, and the releases of the several mortgages and the tax titles covering the land at Old Harbor Point, which he has agreed to sell to the city for the improved sewerage, and also upon his giving to the city a bond in the penal sum of ten thousand dollars satisfactory to the Committee on Improved Sewerage for the time being, to procure releases to the city from the heirs of Mrs. Ann Wheeler, or their assigns, of said land at Old Harbor Point, and assigning to the city the first mortgage covering said land, given by Samuel A. Wheelock to Joseph S. Hyde; and further ordered, that upon said Sanford procuring and delivering to the city such releases from the heirs of the said Wheeler, or their assigns, or in case such releases

cannot be procured, upon the barring of all claims which may arise from the taking of said land hereafter, the Mayor be authorized to execute a discharge of said bond and reassignment of said mortgage, and the said Auditor be authorized to deliver the same, and pay to said Sanford the further sum of ten thousand dollars, with interest from the day of payment of the aforesaid sum of five thousand dollars, all such deeds, bonds and releases to be satisfactory to the City Collector.

Mr. Thompson explained that Mr. Sanford was desirous of obtaining his money and was to assign the mortgage as collateral.

The order was read twice and passed. Sent up.

#### DOCUMENTS TO BE BOUND.

Mr. Smardon of Ward 10 offered an order—That the City Messenger cause to be bound a number of the city documents of the proceedings of the City Council for the year 1877 sufficient to furnish each member of the City Council and the heads of the principal departments of the City Government with a copy of each volume; the expense to be charged to the appropriation for Printing. Read twice and passed. Sent up.

#### CITY MESSENGER'S OFFICE.

Mr. Smardon offered an order—That there be allowed and paid to the City Messenger the sum of \$35, the same having been paid by him for extra assistance in his department during the present year; the expense to be charged to the appropriation for Salaries. Read twice and passed. Sent up.

#### UNFINISHED BUSINESS REFERRED.

Mr. Spenceley of Ward 19 offered an order—That all matters of an unfinished nature in the hands of the several joint standing committees of the City Council be referred to the next City Council. Read twice and passed. Sent up.

#### EAST BOSTON HIGH SCHOOL.

On motion of Mr. Beeching, the order to rescind so much of the order of Oct. 9 as provides that the expense of fitting up old Lyman School-house for a branch of English High School shall be charged to Schoolhouses, Public Buildings, and passage of an order for a transfer of \$2000 from Reserved Fund to pay therefore, was taken from the table and indefinitely postponed.

#### SWETT STREET.

On motion of Mr. Flynn, the order to receive the amounts subscribed as full payment of betterments for laying out Swett street was taken from the table and passed in concurrence, after an explanation by Mr. Flynn, that the betterments and the subscriptions were equal in amount.

#### THE CLOSING PROCEEDINGS.

Mr. Beeching of Ward 1 in the chair.

Mr. Flynn of Ward 13—It is my pleasing duty, as a retiring member, to offer the customary vote of thanks to our presiding officer; and I hope that when the motion is taken it will be by a standing vote, and that it will be unanimous.

Resolved, That the thanks of the Common Council of the city of Boston for 1877 are hereby tendered to Benjamin Pope, Esq., as a recognition of the urbanity, fidelity and ability with which he has discharged the duties of President of this board during the past year, and as a tribute of the hearty wishes of the members for his future health and prosperity.

The order was read twice and passed by a unanimous rising vote.

The President resumed the chair and said—

Gentlemen of the Common Council—When by your favor I was elected to the honorable position of President of this Common Council, personally unknown as I was to so many of you, I felt that you had reposed in me a confidence that invoked the exercise of my best endeavors. To discharge the duties of the office with fairness and impartiality between the members of this Council, and with a due regard to the public interests, has been my constant aim, and, while I have not been conscious at any time of having intentionally swerved from what seemed to me to be the strict line of duty, yet no one has been more sensible than I have myself of my own deficiencies, and how far I have fallen short of reaching my own ideal of a presiding officer. The duties which I have been called upon to perform have been more onerous, and at times more perplexing, than usually devolve upon the President of this Common Council. I perceived as the year progressed, as we were getting more and more acquainted, that I was continually receiving proofs of your confidence and friendly feeling toward

me, rendering my duties less and less burdensome.

The resolution which you have just passed will be treasured up by me with thankful remembrance as a token of your kindness and good will toward me, rather than as a measure of my own qualifications. In common with my predecessors, I am glad of this opportunity to acknowledge my indebtedness to Mr. Gregg, the faithful and efficient Clerk, for the valuable advice and assistance which he has always been ready to give with a kindness and cheerfulness that have made a pleasure of my necessities. And, so long as he may be spared with health and strength to perform the duties of his office, so long will his knowledge and experience be indispensable to whomsoever may occupy this chair.

This City Government entered upon the discharge of its duties at a time when the community was groaning under the burdens which it was called upon to bear in consequence of the business depression which spread like a pall over almost every interest in this country, and from which there seem even now to be few signs of emerging. The call for relief came to us from the people, the taxpayers for economy in municipal expenditures, the working men thronging the corridors of this City Hall for employment, which they had elsewhere sought in vain. Vast projects, involving great expenditures, having been to our predecessors subjects of anxious consideration, some not quite matured, some more than ripe but not gathered in, perhaps from a sense of the responsibility which they carried, came down to us as an inheritance from former City Governments.

To relieve the taxpayers, whose interests we were sent here to protect, seemed to be the first duty incumbent upon us. An impression was abroad in the community that there was no end to municipal extravagance. To do something toward removing this feeling, and thus in some degree to restore confidence, early engaged the attention of the City Council. A Joint Special Committee on the Retrenchment of Municipal Expenditures was appointed, and resulted in a large reduction of the salaries of those employed in every department of the city. It had been the usual custom to carry the unexpended balances of appropriations at the close of each financial year into the Sinking Fund established for the liquidation of the city debt. It was deemed advisable in lieu thereof to apply these balances toward defraying the expenses of the current year, so much reducing the amount to be raised by taxation.

The reductions made in the different departments, together with the disposition made of the unexpended balances, amounted to about one million of dollars, so that while the valuation by the Board of Assessors was largely reduced, the rate of taxation was not materially increased. It appears to me that so long as the city adheres to the policy of borrowing money for the purpose of carrying out improvements, creating debts which must inevitably be paid, together with interest amounting to two or three times the principal, so long will every effort in the direction of economy seem but puny and discouraging. When we consider that about thirty per cent. of the whole tax levy is consumed in the payment of the interest on the gross debt, it appears to me that the policy of making, or supposing we are making those who reap the benefits of present improvements pay for them in the distant future, when in the meantime several times the amount is frittered away in the payment of interest, is a fallacy. The two millions and a half of money that the people are annually taxed for interest would be sufficient to pay for all the vast improvements set on foot this year before they can possibly be completed.

The subject of an improved system of sewerage has been before the City Council for several years. Under authority of orders dated Feb. 23 and March 1, 1875, the Mayor appointed a commission skilled in engineering and sanitary science, to investigate the present system of sewerage and to devise a scheme which should provide an effectual system of sewerage sufficient for the future wants of the city. This commission reported in January, 1876, and the plan which was submitted was referred to a Joint Special Committee on Improved Sewerage. This committee reported June 12, 1876, in favor of adopting the plan of the commission. An appropriation was granted and authority given to make the preliminary surveys. These having been completed, the committee were enabled to present a report concerning them on July 12 of the current year. Their report was adopted, recommending a loan of \$3,713,000 for the

construction of an improved system of sewerage, having its outlet at Moon Island. If this plan should prove effectual—and that it will is the opinion of the best engineering and sanitary talent in the country—there is no reason why Boston should not, when the sewer is actually in operation, become the cleanest and healthiest of the large cities of the world. Those who have had special charge of this important subject, and who have so ably pressed it upon the attention of the City Council, will enjoy the satisfaction of having been instrumental in conferring upon their city a blessing which will be appreciated, and take rank with the introduction of Cochituate water. Some of the minor portions of the work are already in progress. Mr. Davis, the City Engineer, has been sent to Europe to make a personal inspection of similar works which have been constructed in the principal cities, that he may witness their operation before pushing forward the more important parts of the work at home.

On account of the sewage of the towns of Winchester, Woburn and Medford flowing into the Mystic River, thereby contaminating the source of supply of the Mystic Water Works, preliminary measures were taken in 1874, and in May, 1875, an act was passed in the Legislature authorizing the city of Boston to construct a sewer in the Mystic Valley. In February, 1876, an order was passed in the City Council providing for its construction. It was found to be inoperative on account of an error in the act, so that additional legislation was required. This was had in the early part of the session of 1877. The subject came before the City Council last May, and an order was passed authorizing a loan of \$200,000 for the construction of the sewer. This work is being carried on under the direction of the Boston Water Board, and it is expected that it will be completed next June.

The subject of public parks which had engrossed the attention of our predecessors for a number of years, has received patient and careful consideration at the hands of the present City Council. That the laying out of one hundred acres of the Back Bay territory and preparing it for the purposes of a public park would remedy a nuisance which, in the opinion of our most eminent medical men, is detrimental to the health of the inhabitants, seemed to be the conclusive argument which determined the minds of the members of this City Council in consenting to its purchase. An order was passed July 12 authorizing the Park Commissioners to make this purchase at a rate not exceeding ten cents per foot, and providing an appropriation of \$450,000, to be raised by a loan. The purchase of the larger portion of this territory was completed on the 29th ult.

The condition of Stony Brook has been a source of grievance to the inhabitants along its borders for many years. It is claimed that the cellars of 127 houses are subject to inundation, to the danger of the health of the occupants by the overflow of this stream after every heavy fall of rain and by the melting of the snow in winter and early spring. The City Council, after mature deliberation, agreed to a loan of \$133,000 for the purpose of abating this nuisance. It is asserted that 180 acres of meadow and low lands, covered at times by this overflow, will now be effectually drained and benefited to such an extent that the city will be entitled to receive back for betterments a large portion of the cost of this improvement.

The strenuous exertions of those interested in East Boston, put forth for several years, resulted on the 19th of July in the passage of an order by this City Council providing that on and after Jan. 1, 1878, the tolls on the East Boston ferries be abolished and the said ferries be run free to the public travel. This measure passed the Board of Aldermen by a unanimous vote and received a large majority in this branch. It seemed remarkable that a measure of so much importance, pressed by its friends with so much vigor, flooding this City Government with petitions and memorials in its favor, should have awakened no considerable opposition in the community until after the passage of the order, until final action had been taken. Its opponents caused it to be brought to the attention of the Supreme Judicial Court, who, on account of legal impediments to the order, issued a mandamus, which was presented at the last meeting of the Council, directing the city of Boston to continue to collect the tolls heretofore established, rendering the order inoperative.

The City Council appropriated in May \$350,000 for the erection of suitable buildings for the Eng-

lish High and Latin schools, on land purchased for that purpose in 1872, on Dartmouth and Montgomery streets and Warren avenue. The loan which is thus authorized is to be paid out of the proceeds of a sale at some future time of the present English High and Latin School building on Bedford street, the Bowditch School on South street, the Savage School on Harrison avenue, the Mayhew School on Hawkins street, and the old Franklin School on Washington street. The foundations of this building are nearly completed, and it is thought two years will be consumed in the erection of the superstructure.

The project of widening Commercial street, which has been so long agitated, found favorable action by the City Council at its late meetings, but in an essentially modified form from what was originally proposed. As it passed, provision was made for a loan of \$500,000, any excess of cost above said amount to be paid by the corporations and abutters who may be benefited thereby, the street to be eighty feet wide, and the widening to be mainly on the water side.

The subject of the proposed purchase of Mercantile wharf for the purpose of a vegetable market, as well as the plan for abating the nuisance in the Roxbury Canal, not having been fully considered by this City Council, have been properly referred to the next City Government. None of these projects originated with this City Council; most of them had received patient consideration by those who sat here before us. Concerning the utility of most of them there has been but little question, the principal opposition arising from a feeling of reluctance to large expenditures during the prevailing depression in business affairs, and that it would be better to postpone action till the taxpayers are better able to sustain the burden.

In addition to the regular business allotted to the City Council, several investigations have been instituted, among which were the inquiry into the causes of the unfortunate Blackstone-square accident on the 17th of September, the investigation into the Department of Common and Public Grounds, and into the Department of Health, in consequence of those departments incurring expenditures in excess of their appropriations. These inquiries, while they have brought to light no startling developments, will undoubtedly have the effect in the future to induce those who have responsible duties to perform to exercise care in directions where care was never thought necessary before, and warning boards and departments in charge of the public work that appropriations cannot be exceeded with impunity.

The resolution recommended by the committee on the investigation into the Department of Common and Public Grounds, and adopted by the City Council, that a proper performance of the city work requires that the superintendent should hire the laborers, etc., might with profit be extended to some other departments, and result in some more sensible way of hiring laborers than has obtained during the past year, thus maintaining discipline in the departments, relieving the members of the Council, and raising the morale of the laborer.

The most interesting occasion in which the City Council has participated during the last year was the dedication of the Army and Navy Monument, erected to the memory of those who lost their lives in the late civil war. To those who witnessed and took part in this pageant, perhaps the most splendid that ever took place in Boston, it will be a day of pleasant memories.

I have given a résumé of the more important matters that have engaged the attention of the City Council during the municipal year. With such projects before us, affecting as they do the comfort, the convenience, the health, the interest of our fellow citizens, requiring patient study, sound judgment and honest convictions, concerning which there are so widely differing shades of opinion and calling for full discussions; with the ordinary work of carrying on the Government, no wonder that the City Council of 1877 has lingered laboring at its post of duty till the old year laps upon the new, and the farewells of the departing mingle with the greetings of the year that has come. Our labors are now concluded and we are to lay down the trust which was confided to us by our fellow citizens.

It is pleasing to know that this session, with all its spirited debates, its sharp, decided differences of opinion, has not been marred by personalities. In conclusion, I once more return to you my sincere thanks for the honor you conferred upon me

in placing me in this chair, and I assure you that I shall always have a friendly greeting for every member of this Council. We are now to part, and we part friends; and our thanks are due to the Giver of every good and perfect gift that we have not been called upon to mourn the loss of any one among us, and now that we meet here together for the last time, that he has permitted us to assemble with undiminished numbers.

Mr. Burke of Ward 2 offered an order—That the President of this Council be requested to furnish a copy of his address, that the same may be printed and bound with the city documents. Read twice and passed, the question being put by the clerk.

Adjourned *sine die*, on motion of Mr. Howes of Ward 18.



## CITY OF BOSTON.

## Proceedings of the Board of Aldermen,

JANUARY 5, 1878.

Adjourned regular, and the final meeting of the municipal year 1877 at twelve o'clock M., his Honor the Mayor presiding.

## PETITIONS REFERRED.

*To the Committee on Health on the part of the Board.* Petitions for leave to occupy stables—Ellen M. Murphy, old wooden, two horses, Hyde street; George Ford, old brick, rear of 49 South street; James F. Cleary, old wooden, 744 Fourth street.

## PAPERS FROM THE COMMON COUNCIL.

Petitions were referred in concurrence.

Amended order in relation to lease of land to Thomas W. Carter. Concurred.

Order referring unfinished business in hands of joint committees to next City Council. Concurred.

Order to authorize certain moneys to be paid to owner of property at Old Harbor Point on certain conditions therein expressed, said land having been purchased for the improved sewerage works. Read twice and passed in concurrence.

Order to allow City Messenger \$35, paid for extra service in his department. Passed in concurrence.

Order to allow the refreshment bills of the Army and Navy Monument Committee. Passed in concurrence.

Order to bind documents for 1877. Passed in concurrence.

The order in relation to Roxbury Canal came up referred to the next City Council. Concurred.

Order for transfer of additional appropriation for Back Bay streets and avenues. Passed in concurrence—yeas 10, nays 0.

Order for City Architect to place tablet on Christ Church. Passed in concurrence.

Order to refer to next City Council all unfinished matters in the hands of the joint standing committees. Passed in concurrence.

## THE CONGRESS-STREET WIDENING.

An order came down for the Joint Committee on Streets to sell at private sale to the Tremont National Bank the 365 square feet of land on the corner of State and Congress streets for \$20,000.

The question was on the passage of the order in concurrence.

Alderman Thompson asked for some reason for the adoption of the order.

Alderman Viles in the chair.

Alderman Clark—It is well known that the city purchased the building of the New England Mutual Life Insurance Company for the widening of Congress street. The building was taken down, and the 365 feet of land remaining came into the care of the Joint Committee on Streets. It begins at nothing on State street, and runs back 125 feet to a width of five feet. It is of immense value to the Tremont Bank, as it is the key to light and air, should they wish to erect a building on the corner of State and Congress streets. Immediately after the building was taken down, the bank made a proposition to purchase this strip of land. The first proposition was made two years ago. The committee supposed that it would bring \$75 a foot, and we offered it to the bank for that; the bank declined, and the matter has been in this condition ever since. The committee have made various attempts to sell this land, but have never been able to obtain what we thought we would be justified in making a sale at. Three months ago the Tremont Bank appointed a sub-committee with full powers to purchase this land at such a price as they might deem for the interest of the bank. That sub-committee came before the Committee on Streets, and after a long hearing, and a strenuous attempt on our part to obtain \$60 a square foot, at which we offered it to them, and which would make the price \$21,900, the sub-committee declined that offer; but they left a proposition with the Committee on Streets to pay \$20,000, precisely the same amount they offered two years ago, which is a little over \$55 a foot, and they left that offer open for a month. We delayed accepting, believing that they would come to our terms, but they have not; and at the

very last moment I felt it my duty, as a member of the City Council, not to give them and the citizens an opportunity to say that the Committee on Streets had stood in the way of the improvement which the bank proposed to carry out. A majority of the directors of the bank are in favor of the purchase, and if the Board concur in passing this order, the purchase will be made immediately, and they will proceed forthwith to erect a new bank building on the entire land, and make other desirable improvements. I have felt, and still feel, that the price is too low; that the land is actually worth more to the bank than \$60 or \$75 a foot, and if they could not get it for less, it is worth \$100, because it will make them one of the finest estates in the city of Boston. But they know that it is not worth \$10,000 to anybody but the bank, and that nobody can afford to pay that for it and improve it in its present condition. The directors did not take the advantage which a close business institution might take, by offering \$10,000; but they offered what they believed a fair price, and have never varied from that offer, and in my opinion it is the most the city can get out of that bank this year or next. We have lost two years interest upon \$20,000 and the taxes upon the land, and upon the new building which they intended to erect had they purchased the strip. While I believe they ought to pay more than \$20,000, still I cannot help thinking that it is for the interest of the city to make the sale for the amount they offer. At all events, having tried for two years to obtain a higher price, I felt it my duty to place it before the City Council for them to take the responsibility, instead of having it rest upon the committee. There is nothing that my colleague on the committee can say in regard to the value of the land to the institution that I will not fully concur in. But it is an old saying that you can lead a horse to the water, but you cannot make him drink. That is the case here, and I am as fully convinced, as I am of my own existence, that \$20,000 is all the present directors of the bank will pay for the land. It may be said they paid no betterment; but we received a betterment by retaining the building two years ago and obtaining \$3000 rental for it, which the committee and the commissioners thought was a much larger sum than we would be able to get from betterments if the building were taken down and the improvement made within the time required by law. I have been frequently asked by merchants and business men why the Committee on Streets stood in the way of this improvement which the bank proposed to make, and have always said the committee were prepared to sell it at a less price than it ought to bring, because they desired to see the improvement made. It is presented to the Board to judge whether the land should be sold or held in the hope of getting a higher price in the future. I have the written assurance of the sub-committee that if this order is passed they shall adhere to their offer made three months ago; but I do not believe the bank would pay an increase of even \$150 on that price.

Alderman Thompson—I am opposed to the order, because the price is not the value of the property, and because it has not received that consideration from the Committee on Streets that so important a matter as this should receive. I was absent from the two committee meetings when it was considered, but I would have opposed it had I been present. The city paid \$375,000 for the property, on condition that the New England Life Insurance Company should occupy the building until they were able to obtain another location, and in consequence the city was unable to assess a betterment for the widening of Congress street, and by which the Tremont Bank escaped paying a betterment. The Street Commissioners state that had they been able to assess a betterment it would have amounted to \$5000. Last year the land came into the possession of the Committee on Streets by the taking down of the building, and Alderman Burrage, who was a member of the committee last year, thought that \$75 a foot was the lowest that the city ought to take for the estate. The committee have taken no steps to obtain an offer from any one else, and I say it is too important a matter for us to consider in the last moments of the year, and I move that he referred to the next City Government. I say it is a mistake for us to part with the land until we get nearer its value, simply because a new building is to be erected and a few

banking institutions want to go there. The fact is that veneering piece of land has got to be owned by the Tremont Bank. If the bank people had accepted the proposition of the committee last year they could have had the building up a year sooner than they can now, and the difference in the rental would be \$20,000. The difference in the prices fixed by the committee and myself is only \$5000, and if the bank hold off they will soon lose four or five times as much as the city of Boston, because this little strip will add twenty-five per cent to the value of their estate. I have conferred with the Assessors, and Mr. Hills tells me this land is worth \$100 a foot to the Tremont Bank; the Street Commissioners say the same. The Traveller Building, just across the street, is assessed at seventy dollars a foot, without the building. Is it for the interest of the city to depreciate that property by selling this piece so low? It is the key to the Tremont Bank estate, on a broad thoroughfare approaching Post Office square, where the moneyed interests of the city are concentrating. Why should not the city avail itself of this advantage? The great improvement is coming some enterprising individual will give \$65 or \$70 a foot for it, and hold it until the Tremont Bank wants it. That is my reason for objecting to sacrificing this land. The Traveller property is assessed at \$75 a foot, Brazer's property at \$70, and the little lot at the corner of State and Devonshire, owned by Mr. Galloupe, was taxed for \$70, and last year it was bid in at that. The Tremont Bank land adjoining this is assessed at \$65 a foot, and we propose to sell it for \$55. It will make very little difference whether the order passes today or not, as no improvement can take place until spring. Last year the bank said that the city must take the offer, or they would have to repair their building; but they have not repaired it, and it remains with no occupants. They cannot repair the building, and it must come down, for they cannot compete with the modern style of buildings. This strip will give them a beautiful front on Congress street, and \$70 a foot is a fair price for it. It is the key to the estate, and why should not the city avail itself of the advantage, the same as an individual would? I am glad it has been brought before the Board, that the public may know that this moneyed institution insists upon getting this land below its value.

Alderman Clark—This subject has been before the committee ever since the street was widened, and they have had no less than two or three meetings upon it every year. The committee meeting was called at 2 P. M., and we waited a half-hour for the Alderman, who did not put in an appearance; but it was the unanimous opinion of every other member of the committee that it was best for the city to make this sale, but they delayed bringing the matter before the City Council in the hope that the bank would accept the offer to sell for \$21,900. When Alderman Burrage was on the committee he thought we ought to get \$100 a foot, and I think so too; but during the year he said that if the bank would offer \$60 it would be for the interest of the city to sell it. The responsibility will rest with the Board and not with the old committee.

Alderman Breck—I fully agree with the Alderman who has just taken his seat. I believe the time has come to sell that property to the bank. It is an eyesore to every one passing there. I agree that it is worth \$100 a foot to the bank. Mr. Galloupe's land has buildings on it from which he receives rent. Nobody will buy this land except for speculation; and I think the bank ought to pay more, and was slow in coming to the conclusion I have. The difference in price is only \$1900. If we had another bidder we might sell it, but we have not. The taxes will soon make up the difference between \$20,000 and \$21,000.

Alderman Clark—I am surprised to learn that the land about there is not assessed for more, and that makes me the more ready to vote for this order. If the Alderman wishes to make any investment outside of the bonanza, Mr. Galloupe's property can be bought for \$40 a foot. I have that from William G. Russell, his attorney. No individual has made an offer for this land to improve it, though one did offer \$10,000, intending to let it lie in the hope of making the bank pay a high price for it.

Alderman Thompson—The committee were called for a specific object, to which I had given my assent in private, and I did not consider it

necessary to be there, as I was engaged in other business. The bank have got to buy this property, and the idea of the stronger party giving way is all nonsense. We all know that a small estate will bring much more in proportion than a large one. I object to this matter being smuggled in at the close of the year.

Alderman Clark read from the records of the committee in regard to the hearing of the directors.

Alderman Breck replied to Alderman Thompson's charge of smuggling, that the committee were closing up their business, and found this among unfinished business and acted upon it.

Alderman O'Brien said this appeared to be nothing less than an attempt of a wealthy corporation to obtain a piece of land at far less than its value. He instanced several cases in other parts of the city to show that such lots always sold high by public auction.

Alderman Wilder advocated the order, and did not believe the strip of land so valuable as had been represented.

Alderman Fitzgerald said it was a small matter to spend so much time about. The committee recommended the sale, and the amount of difference is small. He should favor the order.

Alderman O'Brien called attention to the fact that when the city deals with a wealthy corporation it must be done privately; but land must be sold by auction to every one else. The city ought not to depart from its usual custom.

Alderman Clark said the bank had desired the committee to put up the land by auction; but the committee did not believe so good a price could be obtained in that way as at private sale. The Committee on Public Lands often make sales of city land at private sale.

Alderman O'Brien said that committee would have rejected such an offer as this. Parties had offered to buy land at prices that would give people in its vicinity good ground for asking for a reduction of taxes; but all such applications had been resisted. The Committee on Streets had made a mistake in not putting this up at auction.

Alderman Robinson thought the price a pretty fair one, and the only object in putting it up at auction is to compel the bank to pay more than they should.

Alderman Thompson said that several banking institutions wanted to go to that location. There is nothing to bind the directors if the order passed.

Alderman Clark said he had a written assurance that the bank would take it at the price named.

Alderman O'Brien called attention to the fact that the Street Committee advocated selling the land for much less than they really believed it to be worth.

Alderman Thompson's motion to refer it to the next Board of Aldermen was lost—yeas 3, nays 8—Aldermen Dunbar, O'Brien, Thompson voting nay—[Alderman Gibson being absent.]

The order was passed—yeas 6, nays 3—the members voting relatively as before. Subsequently a motion to reconsider was lost.

Alderman Clark in the chair.

#### PROJECTING SIGNS.

Alderman Robinson submitted reports from the Committee on Police of leave to withdraw on petition of J. B. Marsh to project a sign at 82 Tremont street; and that leave be granted George W. Roemer to project a plain lantern at 200 Washington street. Severally accepted.

#### PAVING REPORTS AND ORDERS.

Alderman Robinson submitted the following from the Committee on Paving:

Report that no action is necessary on the petition of W. Raymond Lee *et al.*, against changing the name of Curtis street to Chestnut Hill avenue. Accepted.

Report that leave be granted William S. Cavanaugh to move a wooden building from Park street, Ward 24, to Melville avenue. Accepted.

Report and order of location for Highland Railroad to lay tracks to connect with its car-house recently erected on Northampton street. Order read twice and passed.

Report granting leave to J. D. Judge to insert an advertising slab in the sidewalk on Beach street. Accepted.

#### LAMPS.

Alderman Thompson submitted reports from the Committee on Lamps, that sundry petitions had been granted, and recommending that sundry other petitioners for lamps have leave to withdraw. Severally accepted.

## DOG SHOW.

Alderman Thompson presented a petition from the Kennel Club for leave to give an exhibition of dogs. On motion of Alderman Thompson the prayer of the petitioners was granted.

## HOUSES OF DETENTION.

Alderman O'Brien submitted the following (City Doc. 105):

The special committee of the Board of Aldermen, who were appointed to inspect the prisons and houses of detention within the county of Suffolk, and make the examinations and reports required by the statutes of the Commonwealth, beg leave to submit their second semi-annual report for the municipal year 1877.

Your committee visited the House of Correction and lunatic hospital, at South Boston, and the Suffolk County Jail, on Charles street, on the 19th of December, and the Houses of Industry and Reformation, at Deer Island, on the 27th of December. All the institutions were found in good order and condition, and the prisoners well cared for. At the House of Correction, six hundred and thirteen able-bodied inmates were fully employed, and there was no apprehension of any scarcity of work. The cells, workshops and all the buildings connected with the institution were in perfect order; the health of the inmates generally was excellent.

The lunatic hospital is old, and in some respects unfitted for the purposes of a hospital, particularly as regards the ventilation of the basement story, where most of the unmanageable patients are confined; but, under the able superintendence of Dr. Walker, many difficulties have been overcome, and the health of the patients well cared for. At some future day it may be considered not only a matter of duty, but also of necessity, and, in fact, of economy, to build a new building, large enough to accommodate our own insane, within convenient distance of their friends and relatives, instead of sending them to the expensive State institutions, which are already overcrowded with patients. Many patients are now awaiting the completion of the Danvers Asylum, which, when opened, it is believed will soon be fully occupied, without affording much, if any, relief to the hospital at South Boston.

There was some complaint made at the jail about the sameness of the food; no change whatever is made, the bill of fare being precisely the same every day in the year. This has been the case for a long series of years. Upon examination your committee found the food sweet and palatable. There was no fault found with the quality. As most of the inmates are confined here only temporarily, and as many of them are supplied with delicacies by their friends during the period of their detention, your committee do not deem it advisable to recommend any change.

The institutions at Deer Island were found in their usual good order. These and the House of Correction we consider model institutions. For cleanliness, order, and the care of the inmates, we doubt if any similar institutions in the country will compare with them. The prisoners at Deer Island were very generally employed, and when the facilities for making paving-blocks are completed, there will be no lack of employment for all who are able to work. The city expends large sums of money annually for paving blocks, and there is every reason to believe that the work can be done profitably at the island, and made to contribute to the support of the institutions.

This labor does not interfere with any branch of industry in which our citizens are interested, as paving blocks are supplied by contractors from without the State. The committee recommends this new enterprise to the favorable consideration of the next City Council.

A considerable amount of work is performed at Deer Island, which makes but very little show in the annual returns. Great improvements have been made within the past few years upon the island itself, such as grading, constructing new avenues, and filling up low places. In this way considerable land has been reclaimed from the sea and made productive. The farm is cultivated with excellent success, the crops this year having been unusually large.

Great attention is given to the preparation of the food for the inmates. The bill of fare is changed every day. A considerable quantity of the food consumed is raised upon the island. On the day of the visit the new piggery contained about four hundred hogs, in all stages of growth.

Copies of the reports, showing the condition of

the several institutions, and covering the facts required by the statutes, are appended hereto.

Respectfully submitted,

HUGH O'BRIEN.

CLINTON VILES.

GEORGE DUNBAR.

Committee of Inspectors.

The statistics given in the reports are as follows:  
*Suffolk Jail.* Prisoners held on Dec. 19, 1877, 134; committed from date of previous inspection, June 27, 1877, to Dec. 19, 1877, 1446. During the past six months there occurred three cases of contagious diseases among the prisoners, peculiar and unprecedented, viz., one of mumps, Aug. 27, 1877; one of scarlet fever, Sept. 30, 1877; and one of typhoid fever, Nov. 30, 1877.

*House of Industry.* Number remaining June 27, 1877, 714; number committed since June 27, 1877, 3618. Total, 4332. Number discharged since June 27, 1877, 3512. Number remaining Dec. 27, 1877, 820.

*House of Reformation.* Number remaining June 27, 1877—Boys, 203; girls, 30. Total, 233. Number committed since—Boys, 37; girls, 11. Total, 48—281. Number discharged since—Boys, 48; girls, 9. Total, 57. Number remaining—Boys, 192; girls, 32. Total, 224.

*Truant School.* Number remaining June 27, 1877, 100; number committed since, 47; total, 147. Number discharged since, 34; number remaining, 113.

*House of Correction.* Prisoners, June 26, 1877—Males, 542; females, 68; total, 610. Committed from June 26, 1877, to Dec. 19, 1877—Males, 393; females, 67; total, 460. Discharged from June 26, 1877, to Dec. 19, 1877—Males, 364; females, 92; total, 456. Remaining Dec. 19, 1877—Males, 571; females, 43; total, 614. Discharged at expiration of sentence, 427; pardoned by Governor, 6; paid fine and costs, 8; discharged by order of Municipal Court after serving three months, 13; died, 2.

*Lunatic Hospital.* Remaining at the inspection, June 26, 1877—Males, 96; females, 98; total, 194. Admitted since—Males, 7; females, 9; total, 16; total number during the term, 210. Discharged—Recovered, 7; much improved, 3; died, 4; total, 14. Total number remaining at last inspection, Dec. 19, 1877—Males, 96; females, 100; total, 196. Causes of Death—Exhaustion of chronic mania, 2; general paralysis ("paresis"), 1; congestion of lungs (in consumption), 1; total, 4.

The hospital fails every year to do its full quota of good to our citizens, who suffer bitterly therefore, because of that well intended but unfortunate order, restricting the action of the Judge of Probate. Why may it not be rescinded? Surely the Judge of Probate and the Board of Directors can be entrusted with a matter with which they are so familiar, and in which they are so deeply interested!

All the requirements of the law are believed to have been fully complied with, in the matters of clothing, bathing, cleanliness, ventilation, etc., as far as possible.

Accepted.

## ARMORIES.

Alderman O'Brien offered the following:

Ordered, That there be allowed and paid the sum of \$500 on account of fitting up and furnishing the armory occupied by Company D, Fifth Regiment Infantry, M. V. M., at the corner of Lexington and Bunker Hill streets, Charlestown; said sum to be charged to the appropriation for Armories.

Read twice and passed.

Ordered, That there be allowed and paid the sum of \$300 on account of rent of the armory heretofore occupied by Company D, Fifth Regiment Infantry, M. V. M., at the corner of Bow and Harvard streets, Charlestown, for the period from July 1, 1877, to Jan. 1, 1878; said sum to be charged to the appropriation for Armories. Read twice and passed.

## STABLES.

Alderman Viles submitted reports from the Committee on Health on the part of the Board that leave be granted to occupy stables as follows: Metropolitan Railroad Company, Border street, provided a blank brick wall shall be constructed on the southeast side, and a tar or pitch and gravelled roof to said stable; Charles Brooks, Florence street; Nelson N. Farrar, Quincy street; N. & G. D. Chamberlin, North Harvard street; and Samuel J. Clapp, on Princeton street; also report of leave to withdraw on petition of E. C. Varney to occupy stable on Western avenue. Severally accepted.



## LICENSES.

Alderman Fitzgerald submitted reports from the Committee on Licenses in favor of approval of the transfer of certain wagon and hack licenses; an order granting licenses to sundry auctioneers; report granting wagon licenses to P. J. Herlihy, 34 Court square, and Richard Merrill, 6 Fulton street.

Reports accepted and said order read twice and passed.

## MIDDLESEX RAILROAD.

Alderman Thompson offered an order—That the Middlesex Railroad Company is hereby authorized and empowered to run six additional cars or trips per hour over the railroad tracks south of Cornhill, where it is now authorized to run with its horses and cars.

On motion of Alderman Thompson, the order was read a second time and put upon its passage.

Alderman Robinson moved the indefinite postponement of the order.

Alderman Thompson advocated the order as giving a great convenience demanded by residents of Charlestown.

Alderman Robinson said Charlestown was as well accommodated as any other part of the city.

Alderman O'Brien said that in his section if they got a car every ten minutes they were satisfied.

Alderman Slade said he had favored some such action as this.

Alderman Fitzgerald thought it should go to the next Board with the other similar matters.

After some further discussion, motions to refer to the next Board and to indefinitely postpone were lost, the latter by yeas 3, nays 8—Aldermen Burnham, O'Brien and Robinson voting nay—and the order was passed. A motion to reconsider by Alderman Wilder was lost.

## OTHER HORSE RAILROAD MATTERS.

Alderman Wilder offered an order granting a location to the Metropolitan Railroad on Beacon street to the Brookline line, which, on his motion, was referred to the next Board.

On motion of Alderman Fitzgerald the report leave to withdraw on petition of Highland Railway to run to northern depots was taken from the table and indefinitely postponed.

At the request of Alderman Clark, Alderman Fitzgerald moved to reconsider the vote of leave to withdraw on petition of Cambridge Railroad to run cars to Milk street.

## UNFINISHED BUSINESS REFERRED.

Alderman Viles offered an order—That all matters of an unfinished nature in the hands of the several standing committees of this Board be referred to the next Board of Aldermen.

## MARKET.

Alderman Slade offered the following:

Ordered, That from the first day of January, 1878, the rent to be paid to the city by Charles E. Morrison for his occupation of a portion of cellar No. 14, Faneuil Hall Market, shall be at the rate of \$786 per annum, payable quarterly; and the rent to be paid to the city by Severance & Haley for the occupation of a portion of said cellar shall be at the rate of \$354 per annum, payable quarterly.

Ordered, That the order of this Board approved Dec. 25, 1877, by which a different apportionment of the rent for said cellar was made, be and the same is hereby rescinded.

Read twice and passed.

## INDEFINITELY POSTPONED.

On motion of Alderman Fitzgerald, the order for Inspector of Buildings to report on means of ingress and egress in public school buildings was taken from the table and indefinitely postponed.

## SUPERINTENDENT OF LAMPS.

On motion of Alderman Fitzgerald, the executive nomination of James K. Fagin to be Superintendent of Lamps was taken from the table.

Alderman Slade moved that the nomination be rejected.

The Board refused to confirm the nomination.

## The Closing Proceedings.

Alderman Burnham—It becomes my pleasant duty to offer the following resolution:

Resolved, That the thanks of this Board be presented to his Honor the Mayor for the admirable manner in which he has presided over its deliberations during the past year, and for the interest he has manifested in the despatch of the business of the Board, and its members tender to him on

his retirement from office their cordial and sincere wishes for his future health and happiness.

Alderman Burnham—I desire to add my personal testimony to the urbanity of manner and kindness of heart which, as a member of the Board, has ever been manifested toward me by his Honor, during all my official and social intercourse with him, and this sentiment I know all the members will indorse; because in their official and social relations with the Mayor they have all received like treatment which demands a like recognition.

Alderman Fitzgerald—I want to say a few words upon the resolution before it is adopted by this Board. As we all know, the present Mayor came into office under very peculiar circumstances, and, during the twelve months he has been in office, he has had to contend with perhaps more than any Mayor who preceded him. When he was inaugurated it was considered by a great number of people in this city that he had been elected as a party man and that he came into office under different auspices from those who had preceded him; certainly different from those elected within the last twelve or fourteen years. His position was a peculiarly trying one. The candidates for every office in and around City Hall were legion, and the greater number of them thought the Mayor, even if he had not the appointing power, at least had it within himself, and occupied a position from which he was able, to dictate to the several committees those who should be elected and rejected for public office. His office has been swarmed with applicants for office. Members of the Board know, of course, that the offices in the gift of the Mayor are very few; but for each of these there have been at least from fifty to one hundred candidates, and for positions on the police force the applicants were counted by thousands. The difficulty he had to contend with was this: When there was but one office to fill there were fifty or one hundred needy—and sometimes seedy and unfit—candidates, and, when one was appointed, the other forty-nine or ninety-nine went off disgruntled, each forming himself into a crusader to preach down the terrible corruption and partisanship that prevailed in and around City Hall, because he was not appointed to office. There have been thousands of applicants for the position of police officer, which has the pay of a first-class mechanic with not half his independence. Few were appointed; many were disappointed. Each disappointed one had his grievance, and went forth from City Hall to preach to his fellow-citizens what a terrible City Government this was. That was one of the elements he had to contend with. There was another. I have never spoken of it in my public speeches until now; and, I may say, that from the day of the Mayor's nomination, until now, I have never had a word with him about his defeat, or the causes of it. I very seldom speak about it, and I am sorry to be obliged to speak of it here. I took particular pains not to allude to it in my public speeches in the campaign, and to keep it out of sight, because I thought that when the time came I would have an opportunity to speak of it from a more official position than a public rostrum. There was one element which the present Mayor had to contend against, and which accounts, more than anything else, for the fact that he was not re-elected Mayor of the city of Boston; and it is no discredit to him at all. He had to contend against a feeling which was expressed in a more manly and honest manner some twenty years ago, but which the intelligence and shrewdness of these individuals would not allow them to speak of publicly today. He was opposed by a sentiment which was un-American, unworthy of the city of Boston, and unworthy of its intelligence and the position it holds among the cities of the United States of America. I felt it during the campaign, and I feel it today. I felt that many thought, sir, that this City Hall should be a place where a foreign-born citizen—or many of them—ought to have no part in the government of this city. That was the great underlying sentiment which prevailed at the last election. I am accustomed to speak plainly and boldly what I think. I did not refer to it during the whole campaign; but I choose to refer to it now when I am bidding good-by to the Mayor of the city of Boston, and I do it more in sorrow than anything else. When I am elected to office in Boston, I want people to feel that it is not because the race from which I sprung is to be conciliated, and I do not want to be put one step further in advance on that account. I also demand that, because my

name bears an unmistakably Celtic origin, it shall not debar me from any office. Now, sir, the underlying sentiment which prevailed during the whole of the last campaign, and which prevented the reelection of Mr. Prince—and he ought to have been reindorsed—was that this element was growing too large in its proportions in and around City Hall. I have no sympathy with clannishness, whether of race or religion. I have thrown it aside in every position I have occupied, but I have also demanded that those who were associated with me should have the same liberal spirit and idea; and the more intelligent people are the more I demand it, because the more criminal it is in them. Now, sir, I have felt—and I want to speak it here, when I am bidding the Mayor good-by—that the chief cause which contributed to the result of the last election was not the measures passed by the City Council, but this proscriptive feeling which prevailed, not only among a certain class of Republicans, but Democrats also. That was the chief cause. My proof is here, sir: Take this Board of Aldermen; not a measure has been passed here, that has not been honestly and conscientiously voted for by some of the gentlemen around me who have been reelected. It did not debar them from receiving the unanimous nomination of all parties and classes. And yet, sir, that same cause was urged prominently as being a reason why the head of the executive branch should not receive a reelection, when the fact is, he did not deem it expedient to set up his dictum against the wishes of the Common Council and the Board of Aldermen. Can that be the real cause? Can it be? It was the ostensible cause; the other I have mentioned was the real cause. I speak strongly of this matter, because I feel it, and it is better to speak plainly than to be silent about it. It is better it should be brought to the light of day. I speak the sentiment of a certain class in the community, and they feel it keenly. When another election takes place I hope that feeling will be banished. It is not safe to array one class of citizens against another. I have not done it in my speeches; but I speak of it here because I feel that it is my duty. The citizens of foreign birth demand that the accident of their coming from abroad shall not debar them from holding office; that because their surnames are Fitzgerald and O'Brien they shall not be debarred taking part in public affairs, or deemed unworthy of public recognition. That is what they ask and demand. I speak of it because it has a direct bearing upon the defeat of Mr. Prince. I want him to understand that he was defeated, not because he has not carried on the affairs of the City Government as honorably as any man who preceded him, but because of the Know-Nothingism of many Democrats and Republicans of this city. I want him to understand that 23,000 voters of the city of Boston have precisely the same sentiment about the matter that I have, and that he carries with him into private life the respect and confidence of these people, and the Board of Aldermen with whom he has been associated for the last twelve months. In saying that which I do, I well know the criticism to which I expose myself, but from letters which I have received and from private conversations which I have heard, as also from articles in the public press, cunningly and astutely written, whose meaning was apparent to the dullest comprehension, I know I am right. In justice to myself, I may state here that the Mayor has never consulted me about any of his public appointments, nor have I intruded my advice upon him; and I feel satisfied that in what he has done, he has always been actuated by worthy and honorable motives.

The resolution was passed by a unanimous rising vote.

The Chairman transmitted the resolution to the Executive Department by the City Messenger, and his honor soon after appeared, escorted by that officer. As he entered the chamber the members of the Board all rose from their seats.

#### ADDRESS OF HIS HONOR THE MAYOR.

His Honor took the chair and said—

Gentlemen of the Board of Aldermen—I am greatly obliged to you for the kind expressions of regard contained in the resolution, and beg you to accept thereof my most cordial thanks. As we are at the close of the municipal year and this is the last meeting of the Board, it seems to me proper that, before we separate, I should call your attention to the condition of municipal

affairs, and review, for the information of your constituents, some of the more important work of the year.

The city funded debt on the 1st of January, 1877, amounted to.....\$45,058,151.58  
This debt on the 31st December, 1877, was..... 43,354,444.06  
The amount of the sinking funds on the 31st of December, 1877, was..... 15,921,376.44

Showing the net debt to be.....\$27,433,067.62  
As the water income pays the interest on the water debt we may deduct the amount of this debt from the above balance..... 12,773,273.98

Making the city debt, exclusive of the water debt.....\$14,659,793.64

During the year we have authorized the following loans, which have not been negotiated:

For Latin and English High schools..... \$310,000  
Improved Sewerage..... 3,551,000  
Stony Brook Sewerage..... 133,000  
Widening Commercial street..... 500,000

\$4,494,000

The appropriation for the Latin and High schools is to be met by the sales of certain school-houses not needed, as hereafter stated, so that the amount of new debt will be about \$4,184,000.

#### Retrenchment of Municipal Expenses.

It was expected, when we came into office, that the expenses of the Government would be diminished, and you will remember that I called your early attention to the subject in my inaugural remarks. A joint special committee was appointed to investigate the various departments and report what retrenchment could be made therein without detriment to the public service. They gave to the work a great deal of time and labor. Their report resulted in a reduction of the salaries of city officers of nearly \$100,000. The Committee on Appropriations also reported a reduction in the appropriations for the several departments of over \$500,000. By these savings and the adoption of the principle of restoring to the treasury all unexpended appropriations, instead of sweeping them into the sinking funds as hitherto, we were enabled to reduce the tax levy of 1877 more than half a million of dollars. I think further retrenchment might be made in our municipal expenses without injury to the interests of the city. The costs of government are greater than they should be. We have too many three-headed commissioners to do our work. A great saving might be made by consolidating some of the departments. By direction of the Council, I endeavored to obtain from the Legislature authority to create and abolish commissions, and to consolidate them as the interests of the city might require, but without success. It would seem that the city should best understand its own wants and necessities, and be empowered to adopt such methods of conducting its business, not inconsistent with public policy, as it might deem best for its interests. I think the application to the Legislature will be renewed, and that it will yet see the justice of granting our request.

#### Betterment Claims.

There have been pending in the courts, for a long time, suits to recover betterment taxes due the city. During the year the Committee on Streets, on the part of this Board, undertook the settlement of these claims, and, after much negotiation, they succeeded in effecting adjustments by which they recovered \$279,947.76. This was done with the approbation of the City Solicitor, and reflects much credit on the skilful management of the committee.

#### Sewers.

During the past year the great measure of the intercepting sewer, which has been before the citizens and the Government for many years, has received the earnest attention of the City Council. Appreciating the necessity of providing a system of sewerage which shall secure the health and safety of our people, they determined that there should be no further delay in acting on this matter. As soon, therefore, as the engineers made their report on the plans submitted by the scientific commission appointed in 1875, the subject was at once considered, the recommendations of the commissioners adopted, and the work commenced. I trust it will be vigorously prosecuted, so that the salutary results expected from it may be attained as soon as possible. Although this great measure will require a large expenditure of money, the necessity of its adoption fully justifies

fies the undertaking. I think I may safely say that our action in this matter is fully indorsed by the citizens. I may add, before passing from this subject, that the debt to be incurred by the sewer will not press so severely upon our taxpayers as might be supposed. It is computed that the work will require about five years for its completion. The moneys appropriated for its cost will not, therefore, be all required at once, but only as the construction progresses. The debt of the city which matures during this period amounts to about \$800,000, and will be paid from the Sinking Fund, so that the indebtedness of the city at the completion of the sewer will not be greatly augmented, unless it be increased by large expenditures in the future, by the appropriations for this and the Stony Brook sewer and Commercial-street widening. This result will be gratifying to our citizens, and they will be also glad to know that, through the able management of the committee having charge of the work, the land damages have been settled, and the required lands purchased at much less than the estimates. The cost of such sections of the work as have already been contracted for is also much less than was expected, being seventeen per cent. less than the figures of the engineers. The committee have shown great skill in locating the sewer as much as possible in the public streets, thus lessening the land damages, and, by arranging so as to have several routes from which to make a selection, they have had great advantage in negotiating for rights of way through private grounds. More than 9000 feet of such way—nearly three-fourths of the whole—have been secured without cost. All this has required a vast deal of time, and reflects much credit upon the committee. If we should have the same success in the rest of the work, and it shall be found, in an age which has witnessed the construction of the Hoosac Tunnel and the Danvers Hospital, that an enterprise to cost millions has been completed for less than the original estimates, with no contractors besieging the city treasury with long bills of extras, this committee and their successors in office will require no monument to perpetuate their fame and memory.

#### *Commercial-street Widening.*

The widening of Commercial street is another important measure which has occupied your attention. I need not refer to the advantages of this improvement to our mercantile interests. They are generally known and recognized. The question was not whether the widening should be done, but whether it should be done now. The great expense of the measure created differences of opinion as to present action therein, but the wise arrangement by which all cost beyond the amount appropriated for the purpose should be borne by abutters and others benefitted by the improvement, will justify, I think, your action in the matter, and satisfy generally our citizens. The subject demanded, and has received your careful attention, and has occupied a great deal of your time.

#### *Parks.*

You have been called to consider the subject of parks. Our citizens have felt for some years that Boston should possess a park for the accommodation of its increasing population. It is generally conceded that there should be in vicinity of all large cities open spaces of territory, where those who are compelled to live in crowded streets and alleys can resort for pure air and recreation. Parks are not wanted merely because they adorn and make cities attractive. The chief argument in their favor is that they conduce to the health and comfort of the people. The sanitary outweighs the æsthetic argument. The desire of our citizens for a park first found public expression in 1869, when a large number of our heavy taxpayers petitioned the City Government to take initiatory action for its accomplishment. The subject soon commanded general attention, and much enthusiasm was excited in its behalf. It is worthy of note that the warmest friends of the park scheme were not those most benefitted by it—the citizens who were without the means and opportunity to visit the country in the hot summer months. The wealthy taxpayers—those who would be required to pay the cost of parks—were the most earnest advocates for the measure. The petitioners represented nearly \$10,000,000 of taxable property. They felt that parks were desirable not only for sanitary benefits, but because they would adorn the city, make it attractive to strangers, and advance its

commercial importance and prosperity. This park feeling led to the appointment of a Board of Park Commissioners, who devised a series of parks, located in different sections of the city, connected by park roads, thus giving park accommodations to all our citizens. This scheme has been generally approved, and it is apparent that its adoption, with some modifications, would have received the approbation of all classes, if the great depression in business, which occurred soon after the report of the commissioners, had not alarmed our citizens, and led them to believe that it would be best to defer action in the premises until our industries should revive. There were, however, those whose opinions were entitled to respect, who thought that the present time of depressed prices and unemployed labor was the best time for the commencement of the enterprise. I drew your attention to the subject in my inaugural remarks, and presented both sides of the argument. I also advised you of the necessity of immediate action for the improvement of the sanitary condition of the Back Bay territory. In so doing I felt that the plan of the commissioners, in respect to the Back Bay flats, or some portion of it, would be adopted. The subject has been carefully considered by the City Council in all its relations, and it is evident that, while most of them favored some portions of the park scheme, they did not deem it prudent or judicious to increase at this time the public debt by the expenditure which its adoption would require. It was evident from the debates on the report of the Committee on Parks, who recommended the immediate inception of the scheme, that its opponents did not object to parks *per se*, but because they thought it unwise to commence the work at this time. Your conclusions in the matter reflected, without doubt, the opinions of your constituents. The action of the Council in the purchase of the flats on the Back Bay for the improvement of the sanitary condition of that section of the city—indeed, I might say of the whole city, since every portion of it has felt the influence of the Back Bay sewer nuisance, was most wise, and I feel assured it receives the full approbation of our citizens. You have purchased 106 acres of land at half its real value, even in these times of depressed prices. This acquisition will enable us to abate a nuisance which was depressing the value of a vast amount of taxable property and fast making Boston a most unhealthy city. When the land shall be filled and improved, it will constitute a park, which, with the Common, the Public Garden and the squares of Commonwealth avenue, will contain a sufficient area for the use and enjoyment of such of our citizens who live in that part of the city known as the city proper, for a long time. I trust that your successors in office will recognize the wisdom of improving at once this territory. The sewers required to conduct the waters of Muddy River and Stony Brook should be built as soon as possible, in compliance with the recommendation of the Park Commissioners in their sixth report. The act of the Legislature passed in 1872 empowers the city to unite with the town of Brookline and divert the waters of Muddy River so as to carry them in a more direct line to Charles River. The plan, which accompanies the commissioners' report, proposes to make such diversion at the point where the river touches Brookline avenue, but I hope it will be found more judicious to tap these waters at or near Longwood station, on the Brookline Railroad, so that the lands between this road and Brookline avenue may be drained and made valuable for building sites. The work of filling the land purchased should also be commenced at once. We have annually about 150,000 loads of ashes and street sweepings, for which a dumping ground is needed. Here we have one. I am glad that, by your order of Monday, you have directed this dirt to be placed there. If a small annual appropriation were made for Back Bay improvements, we should not only get the flats soon covered, so as to be no longer offensive, but ready for laying out and planting, since it is probable that a large portion of this area will be formed into a lake, to be supplied from the waters of Charles River. It would be the truest economy to make the park as soon as possible, for it has been demonstrated, by the experience of other cities, that parks have so greatly raised the value of surrounding property as to repay their cost, in a short time, by the revenue derived from increased taxation. In the neighborhood of this park the houses of our wealthy citizens will be found. As soon as it is filled and made

attractive, all sanitary apprehensions will dissipate, building will commence at once, and costly structures, like those which make Beacon street and Commonwealth avenue the finest streets of any city in this country, will be erected, which will annually yield, like those in other portions of the Back Bay, hundreds of thousands of dollars of taxes to the treasury. I am aware that the plan of making work to relieve the wants of unemployed laborers is not generally approved, but there are so many of them at this time who, suffering for the necessaries of life, are willing to work at low wages, that I think our taxpayers would regard their employment, during the winter, in filling the park, as a measure not only of economy, but humanity.

#### *Ferries.*

You have been called to consider and act upon the subject of free ferries. This matter has been before the Government for many years. By the provisions of the act of 1869 the city was authorized to purchase the property of the East Boston Ferry Company, and, after its purchase, to free or levy tolls upon them as it saw fit. The purchase was made and rates of ferrage established. Soon, however, the residents of East Boston agitated the question of relieving the tolls and making the ferries free. In the newspapers at public meetings, and in various ways the matter was discussed, under the expectation of creating a public sentiment which should demand the accomplishment of the desired object. It was complained that the tolls were a serious charge upon the prosperity of East Boston; that its business suffered; that commerce was driven from its wharves, notwithstanding their ample accommodations and deep water, and that real estate was depressed. Application was finally made to the City Government for relief, and in 1871 the Board of Aldermen, then comprising some of our ablest business men, by unanimous vote passed an order establishing free ferries, but it failed to receive the confirmation of the Common Council by a single vote. This defeat of a measure of so much interest to the citizens of that section did not discourage them. The matter was kept constantly before the people, and every means adopted to create for it friends. Early in the present year it was brought again to the attention of the City Council by a petition signed by nearly 8000 citizens—embracing the leading men of the community—the prominent and representative members of every vocation and profession. His Excellency the Governor signed it, as did twenty bank presidents, and hundreds of merchants, importers, traders, jobbers, bankers, manufacturers, mechanics, express companies, lawyers and business men of every kind and class. The petitioners represented nearly \$100,000,000 of taxable property. The newspapers, for the most part, either favored the project or made no pronounced objection against it. The petition was referred to the Joint Standing Committee on East Boston Ferries, comprising five members of the City Council and three Aldermen, who gave the subject careful and exhaustive consideration. The facts in the case would be imperfectly stated if it was not observed that the committee gave public notice of their hearings on the petition by advertisement in the newspapers, and requested all those who objected to the prayer of the petitioners to appear and be heard. Notwithstanding adjournment after adjournment was had to enable remonstrants to appear, none appeared at any meeting, either in person or by proxy. It is a surprising fact, in view of subsequent occurrences, that not even a remonstrance in writing was made during all the time the matter was before the City Council. The committee, by a unanimous report, setting forth with great and convincing force the merits of the measure, recommended the abolition of the tolls. No opposition to the report was made in this Board. It received their full approval, and the order recommended therein was passed by unanimous vote. In the Common Council the measure received some opposition, which led to its discussion. It seems strange that, at this stage of the proceeding, none of the citizens who afterwards remonstrated against the order did not appear and encourage its opponents in the Council. It seems strange that the papers which claim to reflect public opinion did not sound the alarm and admonish the City Government of the wrong that was being perpetrated. But, as has been observed, no remonstrants were at this time heard; no warning came from the press. The order was passed by a large vote. It

needed only the approving signature of the Mayor—as was supposed by its friends—to become a law. Whilst considering the question of approval, for the first time since the matter came before the Government, remonstrants appeared. I suspended action in the premises until I could hear their reasons of objection, and examine the questions of law which had been raised touching the power of the city to pass the order. It is proper to state that petitions requesting me to interpose my veto were signed by large numbers of our best and well-known citizens, some of whom had previously favored the measure. Other petitions in favor of freeing the ferries were also filed, representing, with those previously made, more than 15,000 signers. In view of the action of the citizens upon the subject of the free ferries, since their purchase, as shown in their apparent approval of the doings of the City Council in 1871—in their refusal to interpose objection when the petition was first made to the present Council, when it came before the committee, when report thereon was made here, when the order was passed here, when the matter went to the other branch of the Council, and as shown by the large number of tax-paying citizens who indorsed the petition—I felt that objection on my part would be improper, as indicating that I felt more confidence in the correctness of my own opinion than in those of many thousands of our most respected and intelligent citizens. Not viewing the question as one of principle, but of policy and expediency merely, I thought that the will of the people so emphatically and unmistakably expressed should be obeyed. The point of law was raised whether the city had power, under the act of 1869, to pass the order. The City Solicitor was of opinion that no such power existed. My construction of the act led me to a different conclusion; but I thought if the order were approved by me, and the court should afterwards find that the City Council had exceeded their powers, the wrong could be easily corrected. Under the circumstances, I gave the measure my approval. As you are aware, the opponents of free ferries appealed to the judges; and they have held that the doings of the city in the premises were illegal and void. It must be presumed that this decision is correct, and it is a matter of congratulation that the judgment of the Supreme Court has put at rest this vexatious and disturbing question. Your successors are not again to have this subject of discord before them. Candor compels me to admit, that notwithstanding the efforts which have been made to make the City Government believe that our citizens desire the ferries to be free, the unmistakable expression of the opinion of the voters and taxpayers of Boston, shown in the recent municipal election, is conclusive evidence to the contrary. It may be further observed that the votes of the citizens of East Boston might justify the inference that their interest in this measure has been greatly exaggerated or largely modified, and that they are satisfied it is unreasonable to ask the taxpayers of other portions of the city to contribute to the cost of free ferries for the benefit of their own section. If I am right in my conclusions that the decision of the court will relieve henceforth the City Government from further consideration of this subject, my refusal to veto the measure will prove a blessing in disguise, although I am not entitled to claim any merit for my action.

#### *High Schools.*

You have made appropriation for the building of schoolhouses for the accommodation of the Latin and High schools on the lot of land on Warren avenue, purchased for the purpose in 1872. These schoolhouses have been greatly needed for a long time, but the large sum required to build them led to the postponement of the work. We found that the interests of these schools would not permit longer delay, and the construction of the building has been commenced. It is a cause of congratulation that their cost, which will be about \$450,000, will not increase the tax levy, nor permanently augment the city debt, for it is provided in the order for the erection of these schoolhouses, that the proceeds of the sales of the Bedford-street, South-street, Harrison-avenue and Chardon-street school lots, which will not be needed, are to be appropriated to the payment of the loans required for the work.

#### *License Commissioners.*

It is gratifying to know that the license laws

have been enforced to the entire satisfaction, as I believe, of most of our citizens. As is well known, the enforcement of the laws regulating the sale of intoxicating liquors has, for obvious reasons, been most difficult. The License Commissioners of previous years had only partial success in the discharge of their onerous duties, but the skilful management and vigorous action of the present board have been productive of the happiest results. They have succeeded in arresting almost completely the sale of intoxicating drink on the Sabbath, and prevented to a very large extent unlicensed sales on other days. Their report will show that by their wise management they have reduced the expenses of the commission more than one-third, and increased the revenue from licenses above that of last year more than \$60,000.

#### *Water.*

The work of bringing water from Sudbury River, although it has been vigorously prosecuted, will require another year for its completion. The conduit is practically completed, and can be used in case of need for filling Lake Cochituate, or for a direct supply to the city, should accident happen to the old conduit. The storage basins at Framingham are well advanced. A large part of the work of the Mystic Valley sewer has been completed. The net cost of the water works to Jan. 1, 1878, is \$16,356,282.04. The amount of the bonded water debt on the 31st of December, 1877, was \$12,773,273.98. The total receipts for water rents during 1877 was \$1,099,625.27. After paying current expenses and the interest on the debt, including interest on the difference between the bonded debt and the net cost of the water works, as required by law, there was about \$54,131 which were paid into the sinking fund for the extinguishment of the debt. It is a most gratifying fact that our water income more than pays the interest on our water debt.

#### *Chelsea Bridge.*

An attempt was made by the city of Chelsea to obtain from the Legislature of last year an act requiring the city of Boston to build and maintain more than its just proportion of Chelsea Bridge at the cost of more than \$70,000. At the same time the savings banks of the State combined to obtain a reduction of the taxes assessed upon their assets, and exemption also from all tax on the United States bonds held by them on deposit. This would have caused an annual loss to the city of \$260,000 for its share of the former and \$50,000 for its share of the latter. I protested against this injustice, and we succeeded, through the earnest and vigorous efforts of the Committee on Legislative Matters, in defeating all these measures. I trust that we have made our rights in the premises so apparent that no new attempts will hereafter be made to disturb them.

#### *Public Institutions.*

During the year the female poor have been removed from Deer Island to Austin Farm, and the neglected children to the Marcella-street Home, thus separating the unfortunate poor from the vicious. The propriety of this measure has long been recognized by the Directors of Public Institutions, and we may rejoice that it has been at last accomplished. Deer Island is now occupied by the houses of Industry and Reformation. During the year I have made many visits to these institutions, and have observed with great satisfaction and pleasure the excellent system of management under the able Board of Directors. In my judgment, no department of the Government is better conducted. The organizing capacity and administrative ability of the President of the board have inaugurated many important improvements which will be productive of most salutary results, and enable these reformatory institutions to accomplish to a gratifying extent the objects for which they were established. The proposal to teach the children of the Reform School trades, so that they may be able, when discharged from the island, to obtain honest means of support, is worthy of all commendation, and alike indicates the benevolence and wisdom of the directors. The formation of a military corps among the boys is further evidence of good management. Military exercises have had a wholesome influence upon the discipline and spirits of the boys, caused a marked improvement in their conduct, and enabled, without doubt, the officers of the institution to govern them with greater ease and facility. A considerable part of the printing and other work of the city might be done at the island, if prejudice does not impede the efforts

of the directors, so that in time the institution might become, to a large extent, self-supporting. I trust your successors will cooperate in the accomplishment of a result so desirable.

#### *Gas.*

There has been for a long time a growing opinion in the public mind that we pay more for the gas actually consumed by the city than we should. I have no doubt that there is reason for this belief. The annual expenses of the Lamp Department are nearly \$500,000. I think a great saving could be made here, and early in the year gave my attention to the subject. The average annual cost to the city of every gas lamp within its limits is over \$50, and that of each one within the city proper is over \$31. We have nearly 10,000 lamps. I find that responsible parties were willing to lay the pipes and furnish the same amount of gas, with equal illuminating power, at \$25 per lamp, and, probably, much less. The cost to the city of New York is only \$19.50 per lamp. A great saving might also be made by the adoption of the system of instantaneously lighting and extinguishing the gas which has been successfully introduced in Providence. The authorities of that city exhibited to me the operation of the system, and satisfied me of its practicability. It was my hope that we might have inaugurated reforms and changes during the year which would have largely diminished the costs of this department, but circumstances beyond my power to control have prevented a consummation so devoutly to be wished. I trust the needed reforms are only delayed, and that the agitation of the subject will result in their future accomplishment.

#### *Industrial Schools.*

I had hoped also that the City Council would have recognized the wisdom of establishing industrial or developing schools, where pupils could be thoroughly taught, in the shortest possible time, the trade or art which they purpose to pursue for a living. We teach in our common school everything else except this. The establishment of industrial schools would enable our youth to ascertain the natural taste and inclination of their minds as to mechanical pursuits, and thus prepare themselves to begin life with the practical knowledge which would enable them to follow the vocation best fitted for them, instead of following the old and slow method of the apprentice system. The report of the committee charged with the consideration of this subject, with the order recommending the establishment of one of these schools, did not meet the approbation of this Board; but I cannot but feel that the wisdom of the measure will soon be appreciated; that it has been postponed merely and not abandoned. Boston has always led the van in the cause of educational progress, and I trust she will not be found apathetic in this important matter.

#### *Stony Brook, Muddy River and Roxbury Canal.*

These nuisances have long been the subject of complaint. The attention of the City Government has been repeatedly called to them. The Board of Health has again and again demanded their abatement. The sewage which has passed through these conduits has greatly affected the comfort and health of our citizens, and various schemes have been proposed for relief. Hitherto nothing has been accomplished. The recent action of the Council, in the passage of the order recommended by the Joint Special Committee on the Improvement of Stony Brook, will effect what is necessary to remedy the mischief from this source. The filling up of the Back Bay flats purchased by the city, and the construction of the sewer, as suggested by the Park Commissioners, will remedy the Muddy River nuisance. I regret that this sanitary work was not completed by filling the Roxbury Canal. This project has received a great deal of attention from the Council during the year, and it is evident that they would have adopted the proper measures of remedy, if there had been time to examine the questions of law which have arisen, as to the rights of the city in the premises. The subject has been referred to the next City Government, and will, without doubt, receive its early attention and action. I congratulate the citizens that the offensive odors and exhalations from these polluted waters are soon to be relieved.

#### *Columbus-avenue Pavement.*

The city has been experimenting for years to find the kind of pavement for our streets which shall best answer all requirements. We have had wood, iron, cobble stones, the

Belgian and macadamized pavement. My attention was early drawn to the asphalt pavement as possessing, upon the whole, more of the desired advantages than any other. I visited New York and Washington with some of the Aldermen to examine the specimens to be found there of this kind of pavement. The freedom of the asphalt concrete from noise and dust, its imperviousness to water and frost, and its apparent durability, are great recommendations. I drew the attention of the Council to it, and advised its trial. You have laid it down in Columbus avenue. I am told that it gives much satisfaction to those who live in that vicinity, and, as the experienced and able Superintendent of Streets inclines to the belief (if I am not misinformed) that this pavement is likely to prove superior, in the respects I have mentioned, to all others, I feel confident that we have solved the problem which has hitherto occupied so much time and been the subject of so much experiment. The asphalt pavement, if properly laid, will be found the best for the level streets and avenues of the Back Bay territory, although the Belgiau blocks may perhaps be better for the commercial streets which are used by heavily loaded wagons and drays. I may say in this connection that, during the year, we have macadamized and put in order for travel Chester park to Beacon street, Commonwealth avenue to Chester park, and authorized the completion of Huntington avenue.

#### *Smallpox Hospital.*

During the year a site for the smallpox hospital has been purchased and the hospital built. This is a matter of congratulation. Great difficulty has hitherto been experienced in obtaining a lot of land for this purpose. For obvious reasons objection was everywhere made to the neighborhood of this institution. After much inquiry we found a location to which no opposition was made. The hospital is a model building of its kind, and will accommodate as many patients as will be likely to seek admission to it, even should the disease become epidemic.

#### *Horse Railroads.*

You have given a good deal of time to the horse-railroad companies. They have filed an exceptionally large number of petitions for locations, and the hearings thereon have been protracted. In some cases where there have been conflicting applications by different roads much time and thought have been required for their adjustment. In matters where the public have rights, individuals rights, and railroad corporations rights, the exercise of the powers delegated to the Board of Aldermen to locate street railways is oftentimes most embarrassing and difficult. All will not be satisfied, whatever is done; but I think you can justly feel that in most of the cases where you have been required to adjudicate these questions your conclusions have been, upon the whole, satisfactory and correct.

#### *Army and Navy Monument.*

The year has witnessed the completion of the monument erected in memory of the men of the army and navy who died in the war for the Union. The event was appropriately celebrated. It drew to the city large numbers of distinguished strangers from all parts of the country, who have expressed themselves much gratified by the hospitality received from our citizens. Occasions like those of the Seventeenth of June, 1875, and Sept. 17, 1877, are of infinite value in the restoration of that amity and good will between the different sections of the country, without which there can be no solid or lasting union. Viewed in these relations, I think our taxpayers will not regard the cost of the celebration as improper or excessive. It will appear from the sketch I have given that the duties of the City Council during the year have been arduous. I am told by those familiar with the city business, that we have been called to perform very much more work in amount and importance, than any previous Administration. I believe it has been well done, and that the City Government of 1877 can review its record with satisfaction and pride. In my inaugural address I took occasion to say "that it was our duty to exercise the powers delegated to us for the welfare and prosperity of all the citizens, without regard to party differences or party interests." I now place upon the record the assertion that none of the many important measures upon which you have been called to act have been considered otherwise than upon their true merits. There does not appear in any of your discussions and votes

the slightest evidence that you have been actuated by partisan or improper motives, and it would be impossible to ascertain from anything said or done here what were the politics of the Board. I believe, and I have no doubt your constituents believe, that all your official acts have been honestly performed, and with the sole design of promoting the best interests of the city. It is true that during the canvass preceding the late municipal election grave complaints were made against the Administration for shortcomings and malfeasance; but, if the press be a just exponent of public opinion, no dissatisfaction was felt by the citizens with you, for none of the measures to which I have alluded, and on which you have acted, are assailed or opposed. It may, therefore, be fairly inferred that your official conduct is approved. The complaints were against me alone. When the passions and animosities excited by the late contest shall have subsided, I trust my actions will be fairly examined, and without prejudice. If, then, the verdict be against me, I shall find such consolation as I can in the consciousness of good intentions. My successor may bring to the discharge of his official duties more ability than I possess, but he will not be actuated by a greater solicitude for the interests of the city nor a higher regard for its welfare and honor. I invoke for him a larger charity and a fairer trial at the bar of public opinion than have been accorded to me. I cannot conclude without expressing my great obligations to that able and accomplished officer, the City Clerk, for the valuable aid he has rendered me, and to the efficient City Messenger and his courteous assistants for their many kind attentions. My thanks are also due for the assistance I have received in the discharge of my duties from the heads of the several departments and other officers, and especially from the Chief of Police. And now the parting word must be said. It was the just observation of Dr. Johnson that we never do anything which we have been accustomed to do, with the consciousness that we are doing it for the last time, without a certain feeling of sadness. I confess to something of this sentiment. When we separate today, we shall never again meet in the same official relations. For the last time we occupy together these seats. I have noticed with pleasure the uniform courtesy and considerate regard for the rights of each other which you have observed at all your meetings. I know of nothing upon the record of a personal character which any of you could wish to obliterate. May the same kindly feelings long continue after we have gone hence, and prosperity and happiness attend you all.

THANKS TO THE CHAIRMAN.

Alderman Fitzgerald offered the following:

Resolved, That the thanks of this Board are due to John T. Clark, Esq., the Chairman, for his impartiality and courtesy while presiding at its meetings, and for the valuable aid and assistance which he has at all times rendered to his associates in the committee room and at the public meetings of the Board.

Alderman Fitzgerald—Perhaps it would be in place for me to say a few words on this resolve. I perhaps more than any other member of this Board have come in contact with the Alderman opposite in our public debates. He and I have differed more with each other in our arguments than perhaps any other members of this Board. The resolution which I have offered represents the feelings which I have towards him now that we are about to part and not to meet again perhaps in an official capacity such as we occupy today. I will say this, and all the members of the Board will bear me out in it, that no matter how warmly he may debate questions with members of this Board, no matter how warmly he and other members of this Board may apparently use words against each other, whatever has been said, so far as he is concerned, has been to the question and not to the individual who opposed him; and whatever he has said has been forgotten in the social relations that should exist between the members of this Board. That one peculiarity which I have noticed in him, is a rare virtue in public men. They sometimes cannot distinguish between your position to themselves personally, and your position to the measures they advocate. He is a different kind of a man from that. There is another quality that I want to bear testimony to here. He has differed from me on many questions; but I want to say that he has presented his views fearlessly. No

member of this Board has come forward to share his responsibility for his acts. I have known him before I came into this Board, for I was associated with him on an important committee while I was a member of the other branch; and in view of what has lately taken place, I want to bear cheerful tribute to his manliness of character. When people go elsewhere and see the members of the Boards of Aldermen of other cities, they will come back and find that Alderman John T. Clark is something more than the mere individual whom you see occupying such positions elsewhere; and the city of Boston will be fortunate if she can have men of his stamp and kind, who not only are not afraid to speak their minds upon public questions, but are not afraid of the consequences to themselves. I want to bear this tribute to him, now that I am leaving this Board of Aldermen, and he is leaving it; for I feel that the resolve that I have offered is but the reflection of the sentiments of every member of this Board.

The resolve was passed by a unanimous rising vote.

#### ADDRESS OF THE CHAIRMAN.

Alderman Clark took the chair and said—

Gentlemen of the Board of Aldermen—For the sentiments expressed in the resolution which you have been pleased to adopt, I tender my sincere and heartfelt thanks. I assure you that I fully appreciate the kindly sentiments which prompt the act. It has been my privilege to serve the city as an Alderman for six successive years, during which time I have participated in the consideration of some of the most important questions which have been brought before any City Council since Boston became a city. Questions which have affected the future growth and prosperity of the city, as well as the safety and comfort of the inhabitants, have been acted upon. Many of them were vehemently opposed in the outset, and were only carried by strenuous efforts; most of them have already vindicated themselves, while some, which have been delayed year after year, until the present, bid fair to shortly prove their utility. I came into the Board a believer in the future of Boston, and I have always been a consistent advocate of every work which would tend to augment the commercial importance of the city; and, when I review the transactions of the past six years, I can almost trace an improvement in our business relations coextensive with our schemes of public improvement. I therefore leave this Board more than ever convinced that every dollar judiciously expended in the improvement and ornamentation of the city is a wise investment in a business point of view, if nothing else is taken into consideration. The prosperity of Boston must depend upon its commerce and manufactures, and our facilities in these respects are unlimitable. With our magnificent harbor, free from ice the year round, with depth of water sufficient to float the largest vessels; with our present and anticipated connections with the great grain depots of the West, and cotton fields of the South, and our admirable facilities for handling all kinds of merchandise, there is no reason why Boston should not be the greatest commercial city of the Atlantic coast. And I therefore believe that, as the individual prosperity of every citizen depends upon the prosperity of the city, it is the duty of the City Council, as conservators of the public welfare, to improve our business facilities by every means in its power. One of the essentials of a commercial city are good thoroughfares. In this respect much has been done during the past six years. Having served as chairman of the Committee on Laying Out and Widening Streets during that period, I am familiar with the work which has been done. In 1872 the work of levelling Fort Hill had just been finished; since then streets have been laid out and built, and the territory covered with handsome business structures. The great fire of 1872 afforded an excellent opportunity for improving the streets in one of the principal business parts of the city. To you who were familiar with that part of the city before the fire it is needless to point out what has been done in this respect. I think that all will admit the improvement. There is now hardly a vacant lot remaining on what was the burnt district. The damages on account of laying out and widening streets since 1872 amounts to \$9,107,611.97, and are settled within a few thousand dollars. The betterments assessed on the same account amount to \$1,965,692.34, and five-sixths of the amount has been paid. Within six years great

improvements have been made on the Back Bay territory; West Chester park, Commonwealth avenue, and Huntington avenue to West Chester park have been completed and opened to public travel. The parks on Commonwealth avenue have been completed from Clarendon street to West Chester park. All who remember this part of the city as a valueless marsh, or, later, an unsightly gravel heap, cannot but feel grateful for the wise foresight which planned and directed the improvement. One of the most important functions of the City Council is the preservation of the public health, not only on account of the welfare of the permanent residents of the city, but that it may be made safe and inviting to those who visit us from abroad. Much has been done within six years to improve the sanitary condition of the city. The Board of Health was established in 1872, immediately after the smallpox excitement. The Board has been indefatigable in searching out and eradicating sources of disease, and no epidemic of disease has occurred since its establishment. In such matters, of course, absolute safety cannot be assured, but, as long as we have a Board as active and vigilant as the present one watching over our interests, we can feel tolerably secure. By providing for the construction of the improved system of sewerage the present Board of Aldermen have shown how fully they appreciate the importance of improving the sanitary condition of the city. Another indispensable necessity for a healthful city is an ample supply of pure water. This has been provided for by the additional supply from Sudbury River. The city had entirely outgrown the facilities which were ample when the Cochituate water was first introduced. There was scarcely enough to supply the necessary quantity for household purposes, and the wants of manufacturers could not be considered. The belief that Boston had reached its maximum of growth,—a belief that has obstructed many important public improvements,—and that, therefore, it would be unwise to incur the expense of an additional supply, prevented anything being done until the great fire of 1872 proved, with startling truth, the inadequacy of the existing works and the necessity of increasing the supply. The construction of the new works led the way to the establishment of the present Water Board, whose excellent management of the department is well known to all. The establishment of the Board of Fire Commissioners was also a result of the fire of 1872, and I believe that it is conceded that there is no better fire department in the world than ours. It has been peculiarly gratifying to me to witness the gradual expansion of the territorial limits of the city, as it indicated, in a degree, the expansion of our business interests; for, as district after district was given up to the demands of trade, the population was driven into the suburbs until they became entirely a part of Boston in all but name. It was perfectly natural that the residents of the adjoining towns should desire a voice in the government of the city with whose business interests they were identified; hence annexation was an assured fact. Since I have been an Alderman, Charlestown, containing 23,447,220 square feet of territory, West Roxbury, containing 6627½ acres of territory, and Brighton, containing 2370 acres of territory, have been annexed. At the time of annexation the valuation of the annexed territory was \$71,639,251. I have hastily touched upon some of the most important subjects which have been acted upon since my connection with the City Government. Most of them met with considerable opposition; all of them have, I believe, proved their necessity. It will be so with the legislation of this Board. Take, for instance, the widening of Commercial street, which is simply the continuation of the Atlantic avenue improvement. When completed it will be a matter of wonder that it was delayed so long. I remember how strenuously the extension of Washington street was opposed; who is there now who would wish to restore it to its original condition? Within a week I have learned that arrangements have been made by which Battery and Commercial wharves will be the deep-water terminus of the Hoosac Tunnel lines of railroad. The past year has been essentially one of action. You have been called upon to consider many questions of great importance to the municipality. Schemes of public improvement which have lain dormant for years, or the execution of which has been postponed year after year by preceding City Governments, have received your careful consideration. Projects which have hitherto appeared

to be impracticable have, in the light of your practical knowledge, become possibilities. Future years will prove the wisdom and far-sightedness of your legislation. All questions of public improvement have been considered by you in the broadest and most liberal spirit. The sanitary welfare of the city has received your special attention. To you will belong the credit of inaugurating the system of public parks, which will, undoubtedly, in the future be carried out to the full extent recommended by the Park Commissioners. Boston cannot afford to neglect the present opportunities for securing breathing places for its inhabitants. The construction of the improved system of sewerage has been commenced under your auspices, and, although the subject had been thoroughly discussed from all points of view, before your accession to office, it received your careful consideration before the system was finally adopted. The improvement of Stony Brook and Roxbury Canal was greatly demanded, not only as measures of relief to those immediately affected by the unsanitary condition of the streams, but also for the protection of the public health. Both measures received your approval. The educational interests of the community have not suffered in your hands. In addition to providing liberally for the maintenance of our public schools, you have made appropriations for erecting a new High and Latin schoolhouse, estimated to cost \$350,000; a grammar schoolhouse at Washington Village, estimated to cost between \$70,000 and \$80,000; and a primary schoolhouse on Western street, which will cost \$40,000. The new high-school building, when completed, will supply a much-needed want, and will be a great addition to the architectural appearance of the city. During the year two grammar schoolhouses have been completed, at a cost of \$90,000. Dover-street Bridge was completed and opened for public travel early in the year. The total cost of rebuilding this bridge was \$88,744.16. Chelsea Bridge and Neponset Bridge have been entirely rebuilt during the year, at a cost of about \$148,000. Your action upon the question of free ferries was an act of justice to the residents of Boston, as well as a proof of your desire to remove a burden from the commercial interests of the city. The tolls are a direct tax upon our foreign commerce, and restrict the full development of the unequalled commercial facilities of this city. I believe that at no distant day the people will awake to the importance of the subject, and that suitable legislation will remove this restrictive tax, for upon the development and encouragement of our foreign commerce depends, in a great measure, the future prosperity of the city. The importance of this subject will be understood when it is known that twenty-one of the largest ocean steamers arrived and sailed from this port in the month of December. Since I have had the honor of a seat at this Board, it has been supposed that this port could not supply sufficient business for a line of steamers to run once in two weeks to and from Europe. One of the most interesting events of the year was the dedication of the Army

and Navy Monument. The completion of this tribute to our citizen soldiers was made the occasion of a demonstration which will long be remembered in the annals of the city. The committee to whom we are indebted for the success of the occasion are entitled to great credit for the manner in which they performed their arduous duties. There have been material differences of opinion in regard to many of the questions which have come before this Board. The debates upon many subjects have been earnest and animated, and no question has escaped a careful scrutiny into its merits. I believe that, in passing upon the various matters which have come before us, the action of each member has been regulated by the purest motives and the most sincere desire to do what was best for the community of which we form a part; and I believe that, when judged by its results, the legislation of this Board will redound to its honor and credit. I believe that I speak the sentiments of every member of the Board when I testify to the faithfulness and efficiency of our excellent City Clerk, our attentive and courteous City Messenger, and the several heads of departments. For myself, after having been brought into almost daily contact with these gentlemen for six years, I cannot find words strong enough to express my esteem for them as men, and my appreciation of their valuable services, and I desire thus publicly to thank them all for the uniform courtesy which I have ever experienced from them. The city of Boston may congratulate itself upon having in its service gentlemen of such sterling worth and integrity. And in this connection I desire to say that since my connection with the City Government I have never seen any indications of an attempt either on the part of the members of City Council or the officers of the city, to use their offices for their personal advantages. I have seen no vestiges of the "rings" which have disgraced other cities, and, notwithstanding the imputations of those who, through ignorance, if not from worse motives, measure weakness by opportunity, I believe we have, and have had, a thoroughly honest and upright administration of our municipal affairs. And, gentlemen, I trust this state of things will always continue. The fair fame of Boston came to us as a priceless heritage from our predecessors. May it ever be preserved untarnished by our successors. Gentlemen, we meet for the last time as members of the Board of Aldermen for 1877. The experiences of the year have afforded us abundant opportunities for learning each other's worth. I trust that we part with sentiments of profound respect and esteem for one another, and that we shall carry with us into private life pleasant memories of our experience here.

Alderman O'Brien offered an order—That the address of his Honor the Mayor and of the Chairman of this Board, together with the final proceedings of this meeting, be printed for the use of the City Government. Read twice and passed.

Adjourned *sine die* on motion of Alderman Viles.









